HOUSE OF ASSEMBLY

Wednesday, August 16, 1972

The SPEAKER (Hon. R. E. Hurst) took the Chair at 2 p.m. and read prayers.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (GENERAL)

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

PETITION: SEX ADVERTISEMENTS

Mr. GUNN presented a petition signed by 78 persons, protesting against sex being used provocatively in advertising and on the covers of popular weekly magazines, and urging the Government to seek co-operation from advertisers and publishers in this matter.

Petition received and read.

PERSONAL EXPLANATION: *NATIONAL REVIEW*

Mr. GUNN (Eyre): I seek leave to make a personal explanation.

Leave granted.

Mr. GUNN: In the *National Review* of August 12-18, 1972, there appears a report written under the pen name of "The Media", headed "The Bolshevik Under the Bed". In this report, I was attacked and maligned because I had drawn attention in the House to a deliberate campaign to undermine our society and our way of life, and especially to pervert the minds of our young people and generally to support the flouting of authority. During the remarks I made at the time, I referred to certain actions of Ministers of this Government. This publication, which has a reputation for printing half truths, pornographic articles, and four-letter words, is noted for its constant retractions and attempts to denigrate people.

Members interjecting:

The SPEAKER: Order! The honourable member has sought leave to make a personal explanation, and I think he should continue to make his explanation without interruption. The honourable member for Eyre.

Mr. GUNN: Because I am concerned about what is taking place in this community, I totally reject the suggestions that my attitude is in any way similar to that of certain extreme elements well known in the southern States of America.

Members interjecting:

The SPEAKER: Order! Laughter in the Chamber is interrupting the honourable member and preventing him from making his personal explanation.

Mr. GUNN: I suggest that if this paper wishes to attack members of the House, or members of the public, the person responsible for such reports should have the courage of his convictions and put his name to those reports. In my opinion, the individual concerned has reduced journalism to its lowest ebb, and I hope that he will be condemned by all responsible journalists in our community.

QUESTIONS

TELECOMMUNICATIONS SYSTEM

Dr. EASTICK: In the temporary absence of the Premier, will the Minister of Works as Deputy Premier say whether the Government has made any effort to associate itself with a national telecommunications satellite system? I am aware that a preliminary survey has been conducted throughout Australia by the Hughes aircraft company to determine the needs and the type of detail required for advance discussions on future telecommunications. The organization has discussed the matter with the Commonwealth and State Governments, and with persons in the community who may be involved and who would have information to bring forward. One realizes that this is a long-term project, and that, basically, it will involve the Commonwealth Government. The States have the opportunity at present to indicate their requirements regarding any system that is to be set up that would permit an upgrading of the communications system within the various departments. It is understood that the present micro-wave system, in which stations are about 30 miles to 40 miles apart, requires a large number of stations in a 1,000-mile area, but the system to which I refer would place a satellite in a position to cover not only all of Australia and New Zealand and many of the southern Pacific islands but also parts as far north as Asia Minor and India. I ask the Minister whether the Government has considered the requirements, or the potential requirements, of this State in relation to any future system.

The Hon. I. D. CORCORAN: I have no knowledge of this matter, and I cannot recall its having been discussed in Cabinet. As the Leader has pointed out, basically it would be a Commonwealth Government matter, but no doubt the States would be given the chance

to study their requirements. I will ascertain whether any approach has been made to this State and what discussions have taken place, because it would seem to be in the interests of the State to co-operate in any possible way to advance the method or system of telecommunications.

SHARK SALES

The Hon. D. N. BROOKMAN: Can the Minister of Works, representing the Minister of Agriculture, say how it is that the South Australian Government has been taken by surprise by the Victorian Government's action in banning sales of school shark, over a certain measurement, because of the mercury content? Yesterday the Minister gave me a full explanation. This shows that the question has been studied in South Australian waters as well as in Victorian waters; obviously this matter has not arisen overnight. The Minister complained that the Victorian Government had given no warning of this proclamation, and said that that Government might have given him a little advance notice. I ask this question because I find it extraordinary that this Government has had no warning. If the Government had considered the data that was given to me yesterday, surely it would have seen that something was likely to happen. I have read today that suddenly Robe has become a town of gloom, and the fishermen are complaining that they are wasting large quantities of capital gear. That also applies to fishermen around our coast, yet it seems that this position came about overnight, although the chemical analyses must have been made some time ago. Therefore, I ask the Minister how it is that the Government has been taken completely by surprise and apparently has depended entirely for its information on the sudden proclamation made in Victoria.

The Hon. J. D. CORCORAN: I repeat my statement of yesterday, that the South Australian Government had no indication from the Victorian Government that that Government was likely to take the drastic action that it has taken. The fact that we had been monitoring the quantity of mercury in fish does not mean that we had any idea that a situation was likely to develop in Victoria that would lead to taking that decision, because our action was a normal precaution. I think the honourable member could have rightly criticized my Government if we had not been doing this. We were doing it not only in regard to fish but also in regard to water, for pollution purposes. The Engineering and Water Supply Department had taken tests of water off Port MacDonnell and in St. Vincent Gulf, as I explained yesterday, but there was no cause for alarm, because the amount of mercury revealed in those tests was negligible. I think I said yesterday that a large shark caught at Foul Bay contained a quantity of mercury above the standard normally accepted by the World Health Organization.

The Hon. D. N. Brookman: And there was the schnapper shark at Tumby Bay.

The Hon. J. D. CORCORAN: I think it contained .7 parts a million, whereas .5 parts a million is the accepted standard. This Government has not had any recommendations from its officers that it should ban the sale of shark in this State. If the officers of the various departments had read from those figures or the research that there was a need to act, surely they would have recommended such action to the Government. The South Australian Government was taken by surprise because the first we heard of the Victorian Government's action was from reading about it in the newspaper or hearing reports of it over the radio. The complaint I made yesterday was that, if the Victorian Government intended to take action that it knew would affect South Australia, surely it ought to have had the common courtesy to let us know that it was taking that action. The honourable member must agree on that. If the honourable member suggests that we should have got in touch with the Victorian Government, I say that we do not get in touch with people if we do not think there is a need to do so, and we did not know or think that there was such a need in this case. Does not the honourable member see that?

The Hon. D. N. Brookman: But you had not warned the fishermen.

The Hon. J. D. CORCORAN: Of course we had not, because we did not think that was necessary. I tell the honourable member again that to my knowledge no recommendation has been made by any officer of any Government department about any danger from mercury in this area. Is that clear to the honourable member? Obviously, the Government cannot act without recommendations from the officers who are paid to advise it. If the honourable member cannot see those things, I cannot help him any further on the matter.

TRAFFIC RULES

Mr. RYAN: In view of the action that the Victorian Government is to take about clarifying the rule regarding giving way to the right on main roads, can the Minister of Roads and Transport say whether similar action will be necessary in South Australia to clarify the legal position? This morning's press contains a report that Mr. Hamer, a Minister in the Victorian Government, is to introduce legislation to define a major road and to clarify the rule regarding giving way to the right as it is affected by intersection lighting. Apparently in Victoria a person may be going against the red light and, if he is on the right of another person going through on the green light, the person on the left must give way to him and is breaking the law if he does not do so. What is the situation in South Australia in this respect?

The Hon. G. T. VIRGO: I was aware that there was this problem in Victoria, but I am glad to say that the information I have received indicates that this problem does not apply in South Australia. Victoria is trying to rectify the position, which arose as a result of a court decision in which a motorist going through a crossing on a green traffic signal collided with another motorist going through on the red signal. The motorist going through on the green signal was prosecuted because he failed to give way to the right.

Dr. Tonkin: He must have been colour blind.

The Hon. G. T. VIRGO: It sounds like Victorian legislation, and I think that even the member for Alexandra should acknowledge that point.

Mr. Mathwin: He is the member for Alexandra, not the member for Victoria.

The Hon. G. T. VIRGO: I think even the member for Glenelg would understand the point. The problem does not apply in South Australia and there is no need for us to take any legislative action because, if a motorist in South Australia travels through a crossing on a green light, he is fully covered.

FOYS BUILDING

Mr. COUMBE: Can the Minister of Works say whether the Government intends to renovate and refurbish the Government offices in the premises formerly known as Foys building? If it does, has the Minister a report on the proposed work and its estimated cost?

The Hon. J. D. CORCORAN: The Government intends to upgrade this building, and the honourable member knows that there is a great need for this to be done. The estimated cost is about $2,000,000, but I will obtain a report for the honourable member.

KLEMZIG SCHOOL

Mr. SLATER: Has the Minister of Education a reply to my recent question concerning the Klemzig Primary School?

The Hon. HUGH HUDSON: The delay in completing the new open unit at the Klemzig Primary School is due to the insolvency of the contractor. Steps have been taken to have his contract determined so that other arrangements can be made for the completion of the unit. It is not possible at this stage to say when work will be resumed.

AGRICULTURAL SCHOOLS

Mr. RODDA: What is the view of the Minister of Education regarding the recommendation of the Ramsay report on agricultural education? The report recommends that four agricultural colleges shall be set up in this State: one at Naracoorte; another at Cleve; and the other two at other centres. The Minister has subsequently said that this recommendation is too costly to implement, but that this type of education should be incorporated in existing secondary high schools. This is a matter of great interest in my district and in all other rural areas of the State. Interest has also been shown in the advent of special technical education in these schools. I should be pleased if the Minister could indicate what is his policy with regard to implementing this form of education in existing secondary schools and when it is likely that this will take place.

The Hon. HUGH HUDSON: I have never said that the sort of education visualized by the Ramsay committee which would take place in farm colleges would be organized in secondary schools instead. At no stage have I said anything like that. What I did say was that, because of the costliness of the farm colleges (I think the capital cost in respect of each student was three to four times greater than that concerning a university student, depending on the number of students taken), and because of the conditions within the rural community, it would permit only those best off to take advantage of the situation. It was intended to develop courses through adult education centres and technical colleges, and this would be a means of giving a much wider coverage to rural people interested in such courses and, at the same time, it could be undertaken at a cost that the Department of Further Education

might be able to bear. That is the position we have taken. If the honourable member would like detailed information on the progress that has taken place in this area, I shall be pleased to get the details for him, and I will bring down a fully detailed reply as soon as possible.

STRAYING ANIMALS

Mr. EVANS: Has the Minister of Environment and Conservation a reply to the question I asked on August 1 about animals straying in Belair National Park?

The Hon. G. R. BROOMHILL: Since the release of the kangaroos from the enclosure at Belair Recreation Park, no problem has arisen in regard to the animals causing a hazard on the roads. However, to cover any situation which might arise in the future, a number of the standard kangaroo warning signs will shortly be erected at suitable points on all roads within the park. Similar signs have also recently been erected at Para Wirra Recreation Park, where there is a large population of black-faced grey kangaroos. Should there be any indication that the kangaroos released in Belair Recreation Park are attempting to stray on to the nearby public roads, the matter will be brought to the attention of the Highways Department for consideration whether similar signs are needed on these roads.

MR. KENEALLY'S QUESTION

Mr. KENEALLY: I had intended to ask a question of the member for Mitcham but, as I see that he is not in the Chamber, as is quite often the case these days, I will ask my question later.

HEALTH EDUCATION

Mr. MATHWIN: Has the Minister of Education a reply to my recent question about health education on contraceptive literature?

The Hon. HUGH HUDSON: There are three doctors on the Health Education Syllabus Committee. In addition, there are representatives from the teachers colleges, the Physical Education Branch of the Education Department, Research and Planning Branch, teachers from secondary schools, the consultant centre and the administration of the department. There are no parent organization representatives on the committee, as it has been considered as a normal curriculum committee with representatives comprising appropriate departmental officers and teachers and others who could contribute specialist knowledge. Parent representatives are not normally included on such working committees. However, it is intended to invite parent representatives, along with others, to form a reviewing panel of the working papers before the draft syllabus is presented to the main Health Education Committee for endorsement.

GOVERNMENT ADVERTISING

Mr. BECKER: Will the Premier say whether it is true that all Government advertising is handled by the oversea firm of Hansen Rubensohn-McCann Erickson Proprietary Limited? I understand all members have received a letter from the South Australian advertising firm of Monahan Neate and Associates Proprietary Limited, pointing out that Hansen Rubensohn-McCann Erickson Proprietary Limited is a wholly owned and controlled American firm. I also understand that the Australian Labor Party has been a customer of this firm for at least three decades and that, following the election of this Government, all Government department advertising is now handled by this firm. If that is true, will the Premier say what are the terms and conditions of the advertising contract?

The Hon. D. A. DUNSTAN: That is not true, although it is the case that most Government advertising is handled by that firm. However, the firm does not bear properly the description that the honourable member gives it. The firm originally was Monahan Huntley Advertising, and it was that firm that within the last three decades handled the Labor Party account. However, it was taken over by the Sydney firm of Hansen Rubensohn, and the South Australian directorate and South Australian employment was retained. Mr. Monahan left the firm at the time and went into other occupations before returning to the advertising field. At a later stage, the firm became associated with, but not wholly owned by, the American advertising firm of McCann and Erickson. It is not known in the United States as Hansen Rubensohn-McCann Erickson, because Hansen Rubensohn is not involved in the American company. There are signal advantages in having one advertising concern to do the majority of advertising for a specific client. Consequently, several economies can be obtained as a result of which we get a rather cheaper service. No special conditions are attached to the advertising contracts handled by Hansen Rubensohn-McCann Erickson Proprietary Limited: they are the standard contracts applying to advertising agencies of all kinds.

UNLEY DISTRICT STREETS

Mr. LANGLEY: Will the Minister of Roads and Transport ascertain whether traffic improvements along George Street, Parkside, and Duthy Street, Unley and Malvern, have resulted in a decline in the accident rate on these roadways in the last financial year? George Street and part of Duthy Street are in the Unley District, and Duthy Street divides the Districts of Bragg and Mitcham. Several "stop" signs, rumble strips at intersections, rumble strips along Duthy Street, plus warning lines at intersections have been installed, as a result of the actions of a progressive, safety-minded Minister, in an area that was once regarded as one of the most dangerous roadways in South Australia, and I look forward to receiving this report.

The Hon. G. T. VIRGO: I can understand the danger of Duthy Street, particularly in relation to the districts into which it leads but, even so, I shall be pleased to obtain a report from the Road Traffic Board.

SCHOOL TRANSPORT

Mr. McANANEY: Will the Minister of Education obtain details of the average cost a mile for school buses hired from private contractors and for buses operated by the department?

The Hon. HUGH HUDSON: I think that this information was given recently, in reply to a question by the member for Fisher, I believe, but certainly an Opposition member. I will check *Hansard* records and direct the honourable member's attention to the appropriate reference.

COMPANIES

Mr. SIMMONS: Has the Attorney-General a reply to my question of July 26 about details of proprietary companies that have gone into liquidation in the last year for which figures are available?

The Hon. L. J. KING: The attached schedule covers the financial year ended June 30, 1972, during which some 70 insolvent proprietary companies went into liquidation. Twelve of these companies are being compulsorily wound up by the court, while the remainder are in liquidation as the result of action by the companies themselves, upon ascertaining their inability to pay their debts.

It has not been possible to indicate the deficiency in respect of those companies where to date a statement of affairs has not been received. Experience has shown that statements of affairs are often prepared from poor or inadequate records, and at a time when persons having an intimate knowledge of the company's affairs are no longer available. As a consequence the figures listed in the schedule could be of dubious accuracy. In addition to the companies that have gone into liquidation, some proprietary companies have gone under receivership during 1971-72. This situation is the result of action being taken by a secured creditor to realize his security for the non-payment of a debt. As with liquidation, a receivership results from financial difficulty.

It is not uncommon to find that subsequent to the realization of assets by a receiver, a considerable amount is still due to the secured creditor. It is possible, therefore, that such companies could have *a* deficiency of assets, quite as substantial as any company listed in the schedule but, by virtue of the fact that they have no assets, steps have not been taken by unsecured creditors to force the companies into liquidation. I ask leave to incorporate the statistical material in *Hansard* without my reading it.

Leave granted.

COMPANY LIQUIDATION

Company	Liq.	Paid Up Capital $	Assets $	Liabilities $	Deficiency/ Surplus $
Harkness-Phillips-Woollard Advertising Pty. Ltd.	Cr.	21,000	46,143	78,063	— 31,920
Pathem Pty. Ltd.	Ct.	2	No Statement of Affairs		
Fibre Glass I Cure Products Pty. Ltd.	Cr.	6	5,639	5.842	— 203
Ole' Pty. Ltd.	Cr.	22	3,797	29,522	— 25,725
Hi-Diddle-Griddle Pty. Ltd.	Cr.	4	323	1,548	— 1,225
P. R. & J. H. Fitzgerald Pty. Ltd.	Cr.	2	6,226	19,462	— 13,236
Sildon Holdings Pty. Ltd.	Cr.	10,000	13,604	120,049	— 106,445
Mark James Products Pty. Ltd.	Cr.	2	16,495	25,965	— 9,470
Metropolitan Household Sales Pty. Ltd.	Cr.	2	6,720	18,188	— 11,468
Shaw Catering Pty. Ltd.	Cr.	2	No Statement of Affairs		
Wells Audio Productions Pty. Ltd.	Cr.	3	No Statement of Affairs		
L. V. Crowhurst & Sons Pty. Ltd.	Cr.	12	3,172	35,387	— 32,215

COMPANY LIQUIDATION—*continued*

Company	Liq.	Paid Up Capital $	Assets $	Liabilities $	Deficiency/ Surplus $
Crowhurst Investments Pty. Ltd.	Cr.	128	4,770	15,167	— 10,397
Onka Pty. Ltd.	Cr.	100	156	54,676	— 54,520
Colyn van Reenen Pty. Ltd.	Cr.	1,700	No Statement of Affairs		
Saba Apex Factory Direct Sales Pty. Ltd.	Cr.	3	2,569	7,011	— 4,442
Forest View Pty. Ltd.	Cr.	3	133	5,696	— 5,563
Anthony Enterprises Pty. Ltd.	Cr.	10,000	5,585	16,513	— 10,928
G. K. Stanford Pty. Ltd.	Cr.	100	5,218	33,473	— 28,255
Uni-Tech Books Pty. Ltd.	Cr.	7,004	15,055	48,161	— 31,106
Space Farm Equipment Co. Pty. Ltd.	Cr.	130,004	2,389	15,574	— 13,185
Sundeck Pools Pty. Ltd.	Cr.	100	2,601	46,968	— 44,367
M. & S. Construction Pty. Ltd.	Cr.	2	5,207	26,498	— 21,291
Thornton Motors Pty. Ltd.	Cr.	30,000	No Statement of Affairs		
Benaco Pty. Ltd.	Cr.	10,300	No Statement of Affairs		
Mainwood & Coventry Pty. Ltd.	Ct.	900	No Statement of Affairs		
Primary Fertilizers Pty. Ltd.	Ct.	1,000	No Statement of Affairs		
Cunis Minerals Pty. Ltd.	Cr.	1	No Statement of Affairs		
Alex McBryde & Associates Pty. Ltd.	Cr.	1,000	2,000	6,328	— 4,328
National Machinery Co. Pty. Ltd.	Cr.	2	12,363	88,874	— 76,511
Winter & Hulbert Retreaders Pty. Ltd.	Cr.	2,040	No Statement of Affairs		
Gordon A. Forbes & Co. Pty. Ltd.	Cr.	4,000	19,179	32,785	— 13,606
MFG Boat Co. Pty. Ltd.	Cr.	2,204	115,891	289,938	— 174,047
JBL Developments (S.A.) Pty. Ltd.	Cr.	100,000	No Statement of Affairs		
Renton Trading Pty. Ltd.	Cr.	2	20,190	92,712	— 72,522
Straun Transport Pty. Ltd.	Cr.	4	—	1,568	— 1,568
Dale Building Co. Pty. Ltd.	Cr.	2,010	8,567	13,207	— 4,640
Frank De Rose & Co. Pty. Ltd.	Ct.	19,806	No Statement of Affairs		
Watkins Motors Pty. Ltd.	Cr.	42,200	14,686	136,429	— 121,743
F. F. Welford & Son Pty. Ltd.	Cr.	20,000	43,929	90.302	— 46,373
Dee-Jays Pty. Ltd.	Cr.	16,008	9,216	73,831	— 64,615
Mining Industries Pty. Ltd.	Ct.	4	9,337	7,001	+ 2,336
J. P. Turner Pty. Ltd.	Cr.	4	3,162	9,729	— 6,567
South Western Finance Co. Pty. Ltd.	Cr.	18	10,297	16,288	— 5,991
Jupiter Transport Pty. Ltd.	Ct.	4	50	29,997	— 29,947
Motortrac Ptv. Ltd.	Cr.	14,000	29,846	42,252	— 12,406
Harry Dodd Motors Pty. Ltd.	Cr.	20,200	10,917	44,239	— 33,322
Senator Engineering Pty. Ltd.	Cr.	6,002	23,443	18,751	+ 4,692
Arakoola Transport Pty. Ltd.	Cr.	$11.50	14	2,899	— 2,885
V. Malins Pty. Ltd.	Cr.	11,056	No Statement of Affairs		
Howard Transport Pty. Ltd.	Ct.	4	No Statement of Affairs		
Drilling & Geophysical Supplies (S.A.) Pty. Ltd.	Ct.	10,000	No Statement of Affairs		
C. R. & P. J. Maynard Pty. Ltd.	Cr.	2	18,454	48,819	— 30,465
S. & D. Land Clearing Contractors Ply. Ltd.	Cr.	4	6,249	10,815	— 4,566
Hendon Timber Co. Pty. Ltd.	Cr.	101	No Statement of Affairs		
Renwick Construction Co. Pty. Ltd.	Cr.	5,265	No Statement of Affairs		
Maynard Homecare Pty. Ltd.	Cr.	200	1,632	1.733	— 101
Budden Investments Pty. Ltd.	Cr.	18,000	12,133	11,792	+ 341
Lynton D. Adams Pty. Ltd.	Cr.	201	2,061	17,470	— 15,409
R. & S. W. Arbon Pty. Ltd.	Cr.	2	No Statement of Affairs		
D. L. Cathro Constructions Pty. Ltd.	Cr.	500	No Statement of Affairs		
Solomons Anodisers Pty. Ltd.	Cr.	5,002	No Statement of Affairs		
G.H.C. Constructions Pty. Ltd.	Cr.	2	No Statement of Affairs		
N.S. Transport Pty. Ltd.	Ct.	2	No Statement of Affairs		
P. S. & J. M. Nicholas Pty. Ltd.	Ct.	500	No Statement of Affairs		
Legal Supply Co. Pty. Ltd.	Cr.	102	5,697	30,688	— 24,991
Newbridge Crash Repairs Pty. Ltd.	Cr.	2	—	7,900	— 7,900
Warwick Properties Pty. Ltd.	Ct.	2	105,588	124,841	— 19,253
Jasper Coote (S.A.) Pty. Ltd.	Ct.	4,002	28,939	84,166	— 55,227
F.S. Motors Pty. Ltd.	Cr.	6	3,731	56,868	— 53,137

Mr. NANKIVELL: For the benefit of people in commerce in this State, will the Attorney-General say when he considers it likely that the Companies Act, which was passed recently by this Parliament, will be proclaimed and will become effective? Secondly, when the Attorneys-General were considering this legislation, was the situation of company directors considered, in that they are responsible for stating in their reports the beneficial interests held by significant shareholders (that is, shareholders with more than 10 per cent of the shareholding), when these shareholders may be camouflaged by the fact that nominees are representing them? I ask the question particularly in view of the fact that I understand that nominee companies are not at this stage required to state who are the principals in the company concerned. This matter is complicated, because one person may be represented in five nominee companies and collectively this individual may hold more than 10 per cent of the shares and be a beneficial shareholder. Consequently, unless the persons represented by the nominees are named, it is difficult, almost impossible, for the directors of the principal company to detect a beneficial shareholder nominee. This is important because the present Act obliges the directors to report in the company's annual report who are beneficial shareholders in their company. In these circumstances, however, how can they? I should like the Attorney-General to say whether this matter was considered when the legislation was being prepared and, if it was not, whether something cannot be done in this State to require nominee companies to specify those for whom they are nominees.

The Hon. L. J. KING: The problems associated with the nominee shareholders relating to the beneficial ownership provisions of the Bill were considered by the Company Law Advisory Committee presided over by Sir Richard Eggleston. I shall give the honourable member a detailed and considered reply on the point he has raised. Regarding the date of operation of the legislation, we have been aiming at September 1 but, because the regulations have not yet been completed, I think it will be necessary to determine within the next two or three days whether we can hope to implement the provisions by then. If it is decided that it is impossible to do so, a later date will have to be determined, probably October 1. I will tell the honourable member in a day or two what the date will be.

STUDENT ALLOWANCES

Mr. GOLDSWORTHY: Does the Minister of Education intend to review the allowances paid to student teachers? I believe that, as a result of a determination in Victoria, student teachers in that State receive between $500 and $700 more than the amount paid to student teachers in South Australia.

The Hon. HUGH HUDSON: I have already made clear that I do not intend to increase the basic allowances paid to students in training at present, although I have asked the Barnes committee to consider the amounts paid to the students with relation to hardship and boarding allowances. The honourable member referred to the situation in Victoria, but this is a peculiar situation involving the payment of allowances well in excess of those paid in other States, and I suspect that this is a consequence of these allowances being determined by an arbitration award. The allowances paid to student teachers are in the nature of a scholarship payment, and I am sure that the honourable member would appreciate the fact that these allowances are about $300 in excess of the maximum allowance paid to Commonwealth scholarship holders. It is considered that the allowance paid to students in teacher training should not get too far out of line with the allowances paid in respect of Commonwealth scholarships. At the beginning of this year we were willing to offer about 200 unbonded scholarships to students undertaking the internal course at a teachers college, and the allowance in respect of these scholarships was in line with the Commonwealth scholarship allowances. However, only 80 or 90 of the 200 scholarships offered were taken up.

Dr. Tonkin: Were they to study for a degree?

The Hon. HUGH HUDSON: No, for a diploma, but the honourable member would appreciate that in present circumstances not all university students can get a scholarship, so it would not be practicable for the Education Department to offer an unbonded scholarship to someone doing a university degree course without a reasonable guarantee that we were training a future graduate who did not intend to enter the teaching profession. This is a special problem. In addition, I point out that the total cost of allowances paid to student teachers in South Australia last year was about $5,500,000, and I think it will be just over $6,000,000 this year. Those figures give the honourable member some idea of the cost of this item in the South Australian Budget. The

honourable member will be aware that in a joint statement the Minister of Roads and Transport and I recently announced the introduction of a system of concession fares for students over the age of 19 years that will extend for the first time to all teacher college trainees. For those who have had to meet heavy transport expenses, this change in fare arrangement should prove to be a considerable benefit.

NURSES

Dr. TONKIN: Will the Attorney-General ask the Minister of Health what the policy is of the Hospitals Department concerning accommodation for nurses on night duty in Government hospitals? There has been a growing tendency to encourage trainee nurses to move out of nurses homes. Does this also apply to nurses on night duty and, if it does, is there sufficient accommodation for these nurses in nurses homes?

The Hon. L. J. KING: I will obtain a report for the honourable member.

SCHOOL PROJECTS

Mr. SIMMONS: Can the Minister of Education say why the tender call and availability dates given for school projects are sometimes inaccurate? Yesterday, the member for Eyre complained that the projected date for the replacement of a school at Streaky Bay had had to be put back. I am aware of other instances in which similar changes have occurred, and I am sure that parents and members of school committees would understand such decisions more readily if a more detailed explanation of the changes of date could be given.

The Hon. HUGH HUDSON: Normally, when a date is given it is usually accompanied by a notification that this is subject to the availability of funds. The availability of funds is always a limiting factor on the timing of the letting of any contract. In terms of our current programming, it is our normal practice to provide a somewhat extended period between the tender call date and the projected availability of the project. For example, in the case of the Streaky Bay Area School, as I said in a reply to the member for Eyre yesterday, the tender call day was June this year, with the availability date of February, 1974. I should have thought that the member for Eyre would appreciate the fact that for a school project a period of 20 months between the tender call and the availability is an unusually long time.

Mr. Gunn: I'm well aware of the difficulties.

The Hon. HUGH HUDSON: These days that extra time is normally incorporated in our planning in order to try to get a closer approximation to the actual availability date. In the case of the Streaky Bay Area School, even if the contract were let early next year in February or March, the difference in the availability date from the year of 1974 would not be very significant. I am sure that all intelligent members will appreciate that with regard to the planning of school projects, where these projects are planned two to four years in advance, it is not possible to predict precisely the availability of funds. It is necessary to plan projects so that if funds do become available we are able to spend them, and we have the projects ready to go. I point out that the projected school-building programme for 1969-70 was $13,800,000, and the actual expenditure in 1971-72 was $22,300,000. The projected expenditure this year is $23,300,000.

Mr. Goldsworthy: Thanks to Mr. McMahon!

The Hon. HUGH HUDSON: If they know anything, members opposite will know that the extra funds available in 1971-72 from the Commonwealth Government over those available in 1969-70 totalled only $900,000—that is all. Having regard to the recent announcement of the Commonwealth Minister (Mr. Fraser), extra funds from the Commonwealth will not be available until July, 1973. However, members opposite are so embarrassed on this issue that they would have their constituents believe that funds from the Commonwealth are the source of increased expenditure by the State on school buildings.

Mr. Goldsworthy: That's the truth.

The Hon. HUGH HUDSON: That is simply not true.

Members interjecting:

The SPEAKER: Order! The honourable Minister is replying, and I will not permit cross-fire debate in the Chamber.

The Hon. HUGH HUDSON: Our problem at present is that, because of the many projects started last financial year, we have a much heavier carry-over of expenditure into this financial year than was the case in previous financial years. I refer members to the Treasurer's explanation of the Loan Estimates where he points out that the carry-over this financial year is $14,138,000 as against $7,228,000 in the previous financial year. Replacement projects, inevitably, whether one likes it or not, get a somewhat lower priority than those schools that have to be built because of the need to have extra accommodation for

new students coming on. In relation to the many replacement projects we have, I point out to members that in the country areas of the State I have given first priority to certain projects, namely, those at Lameroo, Port Lincoln, and Tumby Bay. They have had priority ahead of Streaky Bay. However, Streaky Bay has a high priority and, in all probability, it will be started this financial year.

Mr. Gunn: I think that—

The SPEAKER: Order! I think that the honourable Minister has given a fairly good answer. We are not debating this issue and I think that what he has said is adequate.

The Hon. HUGH HUDSON: Mr. Speaker, are you the arbiter of answers?

The SPEAKER: Yes.

LAMEROO SCHOOL

Mr. NANKIVELL: I will give the Minister of Education an opportunity to elaborate on the point he made a moment ago regarding the priority of the Lameroo Area School. Has he details in reply to a question I asked yesterday about structural plans and changes that appear to be necessary at this school?

The Hon. HUGH HUDSON: As I indicated to the honourable member yesterday (unlike the member for Eyre, the member for Mallee has effectively looked after the interests of his district in relation to school replacements), the changes necessary in structural design were purely technical matters and did not involve subsequent alterations of the plans for the school in respect of its functional areas.

ABANDONED MOTOR CARS

Mr. EVANS: Can the Premier say whether the State Government has the constitutional power to add a disposal charge to the retail price of all motor cars sold in the State? If the Government has that power, will the Premier consider adding such a charge and, if this is not within the province of the State Government, will he negotiate with the Commonwealth Government to have such a charge imposed throughout Australia? In this country, we have already reached the stage, reached in the United States of America a few years ago, at which motor cars are being abandoned on the side of the road, eventually to be removed by local councils or other authorities. Because of the low value of scrap metal and because they would lose money in doing this work, people are not interested in dismantling these vehicles. Therefore, for this reason much of our natural iron resource is being buried in rubbish dumps, even though attempts are being made to encourage people in the community to help by recycling the metal. I believe that we should place the burden in this regard squarely on the shoulders of the people who create the demand and the problem. A simple way to do this would be to impose a charge of, say, $20 a motor car sold at the retail level and to put that money into a fund so that councils or the Government could subsidize the disposal of the motor vehicles and at the same time recover the metal and cycle it back for use in the community.

The Hon. D. A. DUNSTAN: I doubt that we have the power to do that, but I will have the matter examined.

EDUCATION SCHOLARSHIPS

Mr. GOLDSWORTHY: Will the Minister of Education say whether he has considered making a grant, equal in value to a Commonwealth scholarship, to persons who are undecided whether to undertake the student teacher course? Will he grant unbonded scholarships equal in value to a Commonwealth scholarship to those who have been awarded a Commonwealth scholarship? Some students who have been offered a Commonwealth scholarship are undecided whether to accept it or to decline it to take a teacher training course and receive the student teacher allowance. The Karmel committee has recommended that bonding be discontinued and that the allowances paid to student teachers be closer in value to the value of a Commonwealth scholarship. The Minister has said that unbonded scholarships are granted for courses which are of short duration and which are not as expensive.

The Hon. Hugh Hudson: You're making it up.

Mr. GOLDSWORTHY: The Minister may correct me, but I think he said that the State Government granted 200 unbonded scholarships to allow students to go to teachers college but not to do a degree course. I am asking whether the Minister has considered giving unbonded scholarships to persons who have been awarded Commonwealth scholarships, to enable those persons to undertake a teaching course.

The Hon. HUGH HUDSON: I think that the honourable member would have understood the position if he had listened carefully to me previously. The unbonded scholarships are available to students undertaking the three-year or four-year course (not a short course:

there are no courses of less than three years) available through our teachers colleges, and these courses lead to the award of either the Diploma of Teaching or the Advanced Diploma of Teaching but not to a university degree. It may well be that the Board of Advanced Education, some time in the future, will accredit the advanced diploma as being equivalent to a degree.

Mr. Goldsworthy: If they—

The SPEAKER: Order! The honourable member has asked the Minister of Education a question and sought leave of the House to explain his question. I will not permit a debate during Ministers' replies to questions. Time must be shared with other honourable members, and I ask all honourable members not to enter into debate.

The Hon. HUGH HUDSON: In reply to a previous question, I made clear that it was not possible to give unbonded scholarships to people doing university courses while only some of the students undertaking university courses were studying on a scholarship. If unbonded scholarships were available generally to students at the university, we would be plagued with situations where students took an unbonded scholarship, completed a degree course, and then did not teach. At this stage the unbonded scholarships have been confined to teachers colleges, where the only qualification is a teaching qualification. The university scholarships awarded by the Education Department can be unbonded when all university students are on some kind of scholarship. I may add that a student on a Commonwealth scholarship who decides to change to teacher training certainly would be admitted to a teachers college and most probably would be allowed to take up an unbonded scholarship if he decided to change to the teacher training course, but he would not be allowed to continue on an unbonded scholarship in his normal university degree course. I think that, if the honourable member thinks about that, he will realize that we could not guarantee an adequate supply of teachers if we did the kind of thing that he suggests. The allowance for the unbonded scholarship is paid without a means test, whereas the maximum allowance for a Commonwealth scholarship is subject to a means test and many students on Commonwealth scholarships would be receiving living allowances ranging from a small amount to about $750 a year.

PORT HASLAM JETTY

Mr. GUNN: Will the Minister of Marine take action to prevent the contractor, who has partly pulled down the Port Haslam jetty, from using explosives to blast out the jetty piles? I have been approached by some constituents who are concerned that, if this contractor uses explosives, marine life may be damaged and that many of the fish now present in the area could be killed.

The Hon. J. D. CORCORAN: I take it that the honourable member is referring to the gang known as "Corcoran's Raiders" or "Des's Destroyers"?

Mr. Gunn: I did not say that.

The Hon. J. D. CORCORAN: The complaint referred to by the honourable member has been considered and the Director of Marine and Harbors has told the contractor that he must comply with the Explosives Act, the Fisheries and Fauna Conservation Act and the Harbors Act regarding the detonation of any explosives he may use in demolishing the Port Haslam jetty. If the contractor complies with these Acts, there is nothing we can do to prevent him from using explosives. I have been told, although I am not personally aware of the circumstances, that large numbers of fish have never been caught off this jetty.

PUBLIC ACCOUNTS COMMITTEE BILL

Mr. NANKIVELL (Mallee) obtained leave and introduced a Bill for an Act to provide for a Parliamentary Committee of Public Accounts. Read a first time.

Mr. NANKIVELL: I move:

That this Bill be now read a second time.

It has had a chequered and colourful career, although I am not sure whether, in this instance, it will be a case of third time lucky (because this is the third time I have presented this Bill or a similar Bill to the House) or whether it is just that this Bill may come out of the wilderness because it is 39 years since the first Bill was introduced in Parliament by the late Hon. R. L. Butler (Premier). This matter has had a chequered history because five motions have been moved and three Bills have been introduced in this House proposing the establishment of such a committee. One Bill was introduced by the Hon. D. A. Dunstan during the term of the Walsh-Dunstan Government, and the next Bill was introduced by me in 1967. However, the latter Bill lapsed as a result of amendments carried by the Legislative Council. Most of

these Bills have been objected to for one reason or another by another place. The legislation introduced has usually provided for a committee comprising members of both Houses and been amended to provide for members of the House of Assembly only, the exceptions being the Bill I now introduce and that introduced originally by Sir Richard Butler.

The problem is that there is a difference of opinion between this House and another place as to whether a public accounts committee such as that to which I am referring should be set up and should comprise only members of this House. The only other State not to have such a committee is Queensland, and I will not raise the matter of why Queensland has not introduced legislation for the establishment of such a committee. However, Western Australia recently introduced provisions under its Standing Orders to set up a committee comprising five members. New South Wales introduced such legislation in 1902, under its Audit Act, and that committee also comprised five members. Tasmania set up a seven-member committee in 1914 and Victoria set up a seven-member committee in 1903, but members of all these committees comprised Assembly members only. In no instance was there an objection to the appointment of a House of Assembly committee to deal with public accounts, because it was accepted in those Parliaments that, although the Upper House may have some power to review monetary matters, it has no power of initiation and,' therefore, the fiscal matters of the State are to all intents and purposes the responsibility of the Lower House and any inquiry into fiscal matters should be the responsibility of that House.

I have not referred to the situation in the Commonwealth Parliament, where the only Joint Public Accounts Committee has been established. I can find no record of any other joint committee established throughout the British Empire as it was, or in the British Commonwealth as we now know it. In all emerging countries one of the committees inevitably set up is a public accounts committee, and it is ironical that South Australia, which was one of the first States to obtain responsible Government, has proceeded to this point in time without having established such a committee. It is understandable that the public accounts committee of the Commonwealth Parliament should be a joint committee because of the nature of the Senate, which was not established as a House of Review: it was established to protect States' interests. Therefore, I believe that the position concerning the Commonwealth Public Accounts Committee is quite different from that in the State. The history of this matter goes back to 1861, when the original Public Accounts Committee was set up in the House of Commons. The House of Commons Parliamentary Accounts Committee is, in fact, a House of Commons committee and does not involve any member of the House of Lords. Here, it was accepted (as I have said it should be accepted in our case) that the responsibility for introducing financial and budgetary measures, and other measures concerning Treasury matters, rests with the Lower House (the universally-elected House), not with the House of Review.

The Hon. D. N. Brookman: Have you changed your attitude on this?

Mr. NANKIVELL: Yes, I have changed my attitude to this matter. I have looked more closely at what has been going on in the other States and have analysed the fate of the Bills to which I have referred, Bills that have previously been introduced in this House having lapsed in the Legislative Council. I realize that this Bill may receive the same fate, but I accept the principle that the responsibility for a committee of this type, dealing with financial matters, rests with this House. In 1861, problems were arising in the House of Commons concerning the control of financial matters, and a Select Committee on Public Moneys was set up and eventually reached certain conclusions. It is on the basis of these conclusions that all subsequent public accounts committees have been established.

The first conclusion made by the 1861 committee was that to control spending effectively it was insufficient for the House of Commons merely to appropriate funds and to control their issue through the Exchequer. Secondly, it was stated that departments ought to present regular and detailed records of the final application of funds, so that the House might see that moneys were spent as ordered. This was the origin of the system of appropriation accounts now submitted to the House of Commons. Thirdly, the committee concluded that, if these accounts were to be useful as a means of control, they must be examined efficiently and that, in practice, this meant an examination on behalf of the House by an expert auditor, who must be a servant of the House. This explains the status and position of the Auditor-General. Fourthly, it was stated that, thus supplied with information sifted and made intelligible by an expert (the Auditor-General), a Select Committee could

then, and only then, exercise an effective scrutiny and check of the accounts. This committee completed what Gladstone called the circle of control.

As I said, in 1861 a Select Committee on Public Accounts was appointed for the first time, and in the following year its permanence was ensured by a Standing Order of the House of Commons. In 1866 the Exchequer and Audit Department Act provided for full appropriation accounts to be prepared under Treasury direction by all departments and to be presented to the House. The position of Comptroller and Auditor-General was created, and the situation remains substantially the same today, although a Select Committee on Estimates has also been operating for some time. The four points that were made have not changed: first, we appropriate funds; secondly, we have a detailed account of expenditure; thirdly, we have someone (the Auditor-General, an officer of this Parliament) who is responsible to ensure that the money appropriated is spent properly; and, fourthly, we have the need for a committee to follow up what the Auditor-General has recommended. This is one area in which we have not completed this circle of control that Gladstone referred to in 1861.

At present, we receive the Auditor-General's Report; we always hope that it will be laid on the table before the Budget Estimates are introduced, but I say advisedly that at present the Auditor-General's Report is everyone's business, and to a great extent the old adage applies, namely, that everyone's business is no-one's business. So far as we in this House are concerned, it has been no-one's business for too long, and that is why I introduced this Bill and wish to have it accepted. Whilst the British committee has a stereotyped procedure of investigating matters framed on the Auditor-General's Report, relating particularly to excess votes and appropriation accounts each year, the Chairman of that committee and the Auditor-General prepare a programme of accounts to be examined with witnesses. They do not try to examine the whole compass of Government operations: each year they select areas and examine them thoroughly, and the remaining accounts are passed automatically without any question. We do not have precisely the same situation here. Here, in the case of an excess vote, Supplementary Estimates are introduced, and we have the opportunity to debate various matters.

The New South Wales committee, when it was set up in 1902, was given special powers, enabling it to inquire into all expenditure made by a Minister of the Crown without Parliamentary sanction or appropriation. So we see that the intention of this committee, as set up originally by Gladstone and developed under the British House of Commons System, and subsequently introduced into all States of the Commonwealth of Australia except South Australia and Queensland, has been to provide a Parliamentary watchdog.

Mr. Jennings: Has the Chairman been a member of the Opposition, as in the House of Commons?

Mr. NANKIVELL: The Chairman in the House of Commons is traditionally from the Opposition Party. Parliamentary control is quite different from the control exercised by the Executive. I think we understand that the function of democracy involves the right to criticize, and Parliament, in fact, controls by criticism, not by directive. I think that the important factor to be considered is that, whilst we meet in this Parliament and consider budgetary statements submitted by the Executive, we have no power to initiate from this Parliament but have only the power to criticize. Our powers to criticize are limited, however, because of the problems that members have in obtaining information necessary to criticize adequately some of the measures introduced. Except for the Auditor-General's Report, no information is available to members except what they can elicit by questions or can obtain by censure motions or other actions of procedure that may or may not (and invariably do not) provide the member and the House with the detailed information that he is seeking and the information that members are entitled to have. John Stuart Mill (whom one of my colleagues did not seem to have heard of when interviewed on television some time ago), who is considered an enlightened and progressive liberal, said that the proper office of Parliament was to watch and control the Government, to throw the light of publicity on its Acts, to compel a full exposition and justification of all of them which anyone considers questionable, and to censure them if found to merit condemnation.

Mr. Goldsworthy: He favours having two Houses, too, doesn't he?

Mr. Jennings: That was 200 years ago.

Mr. NANKIVELL: I shall quote what Emeritus Professor Bland said at the first hearing of the re-constituted Parliamentary Accounts Committee in February, 1953. This concerns the Commonwealth committee set up in 1914, for financial reasons suspended in

1932, and re-formed in 1952 under the provisions of a completely new Act. Emeritus Professor Bland, who was the first Chairman on that committee, said:

There are three main instrumentalities concerned with the administration of public finance. First, there is the Treasury which has to safeguard the volume of expenditure to which the departments wish to commit the Government. Then there is the Auditor-General, who is concerned with the honest expenditure of public funds and, particularly in recent years, with ensuring that funds are used for the purpose for which they are voted and for no other purpose . . .

The third instrumentality is the Public Service Board, which is charged with the responsibility of ensuring that the various Government departments shall be so efficiently organized that the funds voted by the Parliament may be economically expended and full value obtained in return. These are the three existing agencies. The Public Accounts Committee comes in now as a fourth agency, and its establishment should be regarded as an indication by the Parliament that it is not altogether satisfied that, even with the three existing agencies, sufficient care is taken to ensure that Parliament shall have a real control of the purse.

I think that statement indicates the essence of a committee of this kind, that is, to give Parliament some final control over the expenditures voted by Parliament. At present, if we are not satisfied, in the absence of a committee of this kind we have two means only of criticizing. We may attack the Government over its policy when the Budget is introduced and we may attack it on the departmental expenditure when we are dealing with the lines of the Estimates, when we have the right to scrutinize more carefully the expenditure by the departments of the funds voted. However, that is as far as we go, and usually it is about as far as Parliament goes when considering these matters. We have a lengthy debate on the Budget, because the first line gives members the right to talk about almost anything: it is a general debate. Finally, we discuss the matters that are set out in the Government's policy, which is outlined in the statement of estimates and expenditure. After that, we forget about what was voted and how much was voted, and we never question whether the money was spent as this House voted it should be. In other words, we vote for the expenditure of money and hope that it will be spent according to our wishes.

Mr. Evans: It is an open cheque.

Mr. Coumbe: Until the next year.

Mr. NANKIVELL: Yes, that is correct. It is not until the next year that we receive the Auditor-General's Report, and we do not always receive it in time to ascertain whether the money has been spent as appropriated. Often the Auditor-General is about 12 months late in his assessment of some of these things. Although it is true that we have an officer of this Parliament, the Auditor-General, who reports to the House annually, how often does this Parliament consider matters raised by him, and follow them in detail in order to ensure that his criticism is fairly based and, more particularly, if they are fairly based, that some action is taken to inquire into the matter and, if necessary, correct it? During the 14 years that you, Mr. Deputy Speaker, and I have been members of this House, matters have been raised many times by members, because of the comments made by the Auditor-General, but, apart from general comment in this House, little action has been taken on any of the points raised by that officer.

I cannot and will not accept in these circumstances that Parliament should accept the incompetence that has been pointed out by the Auditor-General or that Parliament should fail to censure in any way it can the improper use of moneys, and more particularly that we should not comment on alterations in spending by the Government from that which is set out in the Budget, without having the right to satisfy ourselves completely that such actions are proper and necessary in the interests of the State. I repeat that we have no way at this stage of doing any of these things: we have no right to question individual officers or departments, except through the Ministers. We have no way in which we can inquire into the efficiency of departments; as members we have no way of inquiring into the manner in which money has been spent; neither can we satisfy ourselves that if there have been changes in expenditure they have been proper and in the interests of the State. I believe that it is improper that we, as responsible members of Parliament who are responsible to our constituents and responsible for voting sums that exceed hundreds of millions of dollars to be spent on public purposes, should have no power to question how the money that has been voted has been spent.

To this extent I think that as members we fall down on the job, apart from the fact that I believe that this Parliament falls down, too, because it does not provide for this type of inquiry to be made so that we, as members of Parliament (and in particular the public), can be satisfied that public moneys are being spent properly. They should be spent according to the way in which the sums have been voted.

Inevitably this is decided by the Government of the day because it is its right as a responsible Government to determine how moneys appropriated for use are spent. It is the job of all members to look at that expenditure critically. More particularly, it should be our duty to determine that it is spent in the way that we vote that it should be spent.

One can sum up to some extent by saying that one purpose of a public accounts committee is that it be the watchdog of Parliament, following up the leads given by the Auditor-General and, in principle, acting as an efficiency audit to establish that Government departments function efficiently and spend the money allocated to them properly. In the past, one of the arguments for opposing such a committee is that its members would be looked on as inquisitors who would embarrass senior public servants and Ministers, wasting the time of senior public servants by summoning them to explain under oath why they had carried out certain operations or made certain recommendations or, in other instances, why they had not carried out what we believed to be the instructions of the House. However, I do not believe that such a committee should be looked at as an inquisition. Its function should be to inquire whether departments spend the money voted to them as efficiently as they should, and to follow through cases of financial irregularity that may have been raised not only by the Auditor-General or by resolution of the House but also by Ministers who, under the Bill, have the right to do this. Moreover, such a committee should supplement, rather than duplicate, the work of the Auditor-General. I believe that the work of the Auditor-General should be supplemented, because I repeat that his report is tabled in Parliament and, to my knowledge, no direct action is taken by Parliament as a result of the recommendations of that officer of the House with regard to matters that he considers to be irregular.

The Hon. D. N. Brookman: Are you proposing that all the other committees remain as they are?

Mr. NANKIVELL: The honourable member has a thing about Parliamentary committees. I consider that this committee should be in addition to existing standing committees, because I do not believe that its operations would in any way interfere with the functioning of those committees or that it would interfere with the functioning of other committees appointed by the House. It would not interfere with the work of the Subordinate Legislation Committee or the Land Settlement Committee. It would certainly not interfere in any way with the workings of the Public Works Committee, the function of which is to inquire into projects estimated to cost more than $300,000 and to recommend whether they should be proceeded with.

The Hon. D. N. Brookman: How many additional committee positions will there be?

Mr. NANKIVELL: Under the Bill, the committee will have five members. This is in keeping with the size of the New South Wales committee and the committee being appointed in Western Australia. The reason why I say that this committee would not conflict with the work of the Public Works Committee and one reason why it is necessary as an adjunct to the Public Works Committee is that I know (and you, Mr. Deputy Speaker, as a member of the Public Works Committee, know) that members of that committee often question whether or not the sum proposed to be spent on projects has in fact been spent. In many instances we have tried to assess how much additional money has had to be spent.

This afternoon I questioned the Minister of Education about the Lameroo Area School, and I may use this as a classic example. When that project was submitted to the Public Works Committee it was estimated that it would cost about $700,000. When the drawings were finally completed and a detailed assessment made of the cost, the Minister and his department were almost put into a state of apoplexy when they found that it would cost closer to $1,000,000. The cost of the school then had to be pruned back to $750,000, which was about the sum originally approved by the Public Works Committee. Plans of the school had to be revised and redrawn, pruned and changed structurally in order to reduce the cost to the original estimate. Who was responsible for making these blunders in the first place? Why is Parliament unable to question these people about how such mistakes are made? How do we know when we vote $500,000 for a job that it will not finally cost $750,000? The Public Works Committee has no power to check these matters; the only power it has is to recommend, on the proposal submitted to it, that a project be proceeded with. It never actually has submitted to it a final approved cost of the project.

I believe that a public accounts committee would in certain ways supplement the work of the Auditor-General in carrying out an efficient audit of Public Service expenditure. This can be summed up by the following statement

of the Chairman of the sixth Commonwealth Public Accounts Committee (Mr. Cleaver) on March 17, 1964:

The Public Accounts Committee really operates in the field of an efficiency audit which means that it asks departmental officers appearing before it very much more difficult questions than it would if it confined itself solely to the accounts and votes of the departments. It means it cannot and does not expect a "Yes"-"No" answer and also expects as a committee to be informed if its deductions are incorrect.

By adopting the efficiency audit approach, the committee perennially faces difficult problems involving value judgments. Once the purely legal and mechanical audit approach is abandoned, one is necessarily involved in asking about the reasons for actions, in assessing the relative merits of alternatives and in making a judgment on them. As indicated by the Chairman of the sixth committee, however, the committee recognizes this problem and accepts it as a fact of life.

I think that sums up fairly succinctly what I believe to be the functions of this committee. The Commonwealth committee meets in public and I think that that would meet with the wishes of many people today who advocate that the public should have access to information and should be better informed on what is going on in the Public Service and how it is functioning. The committee has the power to call and summon people under oath and to interrogate them in public. It also has the benefit of advice from officers from the Auditor-General's Department, the Treasury, and the Public Service Board, because it is considered that people from these departments are involved in the efficient functioning of administration of the Public Service. Therefore, it is important that they be there and that their assistance be available to the committee when it is making its inquiries.

Apart from the question of looking at Votes and Proceedings admitted to the House, there are other areas of finance involving this House that we seldom, if ever, debate. What is the position with the Highways Department, which receives its money under special Act? Ultimately, during the year, a report from the Commissioner of Highways is laid on the table, but we have no means of debating matters concerning the Highways Department in any depth to see how efficient it is and whether it is spending properly the money that it collects under special Act.

We have the Housing Trust, the Electricity Trust, the South Australian Railways, and the Police Department. All these departments are under Commissioners and, therefore, are only indirectly answerable to this House. In many instances, they are not even answerable to the Minister in this House. They are semi-governmental, whilst we vote large amounts of money through Loan Account and other means to those instrumentalities for expenditure. Unless we have some sort of Parliamentary committee that has the right and power properly to call before it officers and other persons from these instrumentalities to report to Parliament and answer questions, what control have we over them and what powers have we, as responsible legislators and people representing the interests and welfare of the people of this State? What rights and powers have we to question and investigate these organizations? We do not have any.

I repeat that this is another valid reason why the appointment of a public accounts committee should be favourably considered by this House. The Bill is simple, and is basically a machinery measure. It sets out that the committee shall comprise five members, not fewer than two of whom shall be appointed from the group led by the Leader of the Opposition. This is not quite in conformity with what the member for Ross Smith said when he suggested that the Chairman should be the Leader of the Opposition.

Mr. Jennings: I didn't say he should be. I said he was in the House of Commons.

Mr. NANKIVELL: The honourable member said that that was the practice in the House of Commons. I am not saying that it should be the practice here, either, because I accept that the Government has the right to majority appointment. Clause 4 deals with the term of office of the committee. Clause 5 deals with filling casual vacancies on the committee. Clause 6 provides for the appointment of the Chairman or Temporary Chairman, and clause 7 provides that three members of the committee shall form a quorum, except when the committee meets to consider a proposed report to Parliament, when the quorum shall consist of not fewer than four members.

Clause 8 provides that the Governor may, on the recommendation of the Speaker of the House of Assembly, appoint from the staff of that House a Secretary to the committee and such other officers of the committee as are required for the performance of its functions. So far as the Commonwealth Parliamentary committee is concerned, the other officers seconded are officers of the Auditor-General's Department, the Treasury and the Public Service Board. The duties of the committee are set out in clause 9, which provides:

The duties of the committee shall be—

(*a*) to examine the accounts of the receipts and expenditure of the State and each statement and report transmitted to the Houses of Parliament by the Auditor-General, pursuant to the Audit Act, 1921-1966, as amended;

(*b*) to report to the House of Assembly with such comments as it thinks fit, any items or matters in those accounts, statements and reports, or any circumstances connected with them, to which the committee is of the opinion that the attention of the House should be directed;

(*c*) to report to the House of Assembly any alteration which the Committee thinks desirable in the form of the public accounts or in the method of keeping them, or in the mode of receipt, control, issue or payment of public moneys;

and

(*d*) to inquire into and report to the House of Assembly on any question in connection with the public accounts of the State—

(i) on its own initiative;

(ii) which is referred to it by a resolution of the House of Assembly;

or

(iii) which is referred to it by the Governor or by a Minister of the Crown.

Clause 10 is the normal clause that gives to the committee the same powers as other standing committees have, including power to summon witnesses and to take evidence on oath. Clause 11 provides that the committee may sit and transact business at any time while the House of Assembly is not sitting or, with leave of that House, at any time while the House is sitting. Clause 12 makes provision for the necessary regulations that would have to be made to enable the committee to function.

I have been receiving oblique questions' from the member for Kavel that I have not answered yet. He has made suggestions about how much members of this committee would be paid. I can only make suggestions, because any money clauses in a Bill can be introduced only by the Government, not by a private member. However, I recommend that members of this committee, because of its importance, be treated on the same level in relation to remuneration as members of the Public Works Committee. With those remarks, I commend the Bill to the House.

The Hon. D. A. DUNSTAN secured the adjournment of the debate.

CRIMINAL INJURIES COMPENSATION

Mr. COUMBE (Torrens): I move:

That in the opinion of this House the Government should this session amend the Criminal Injuries Compensation Act, 1969-1972, to increase the maximum compensation payable to at least $2,000.

The Act provides for the payment in certain circumstances of compensation to persons who suffer injuries as the result of the commission of certain offences. Until the Bill for that Act was introduced in 1969 by the then Attorney-General (Mr. Millhouse), there had been social injustice for which there was no effective legislative solution in this State. Unfortunately, the number of crimes of violence is not decreasing in this State. Although effective sanctions exist under the Criminal Law Consolidation Act and the Police Offences Act for the court to order compensation to be paid by a convicted person, those provisions are limited to damage to property and pecuniary loss. The Criminal Injuries Compensation Act, as honourable members know, extends the principle of compensation to physical injuries. Because criminals often have no assets, the Act provides for the payment of compensation from the general revenue of this State of sums up to $1,000.

The then Attorney-General, when introducing the Bill, said that the Government would like to increase this sum but, as this legislation was breaking new ground in this type of social reform, he preferred to leave it at $1,000, and to observe how the legislation operated. He then went further and stated that he would be prepared to increase this amount of compensation after the Act had been in operation for a short time. In other words, this was experimental legislation which was long overdue, but the cost could be ascertained only after the Statute had come into operation.

The object of my motion is to give effect to this desire and undertaking. The motion calls on the Government to at least double the maximum sum of compensation that can be awarded by the courts for crimes of violence in the circumstances to which I have just referred. In view of the time, I move:

That Standing Orders be so far suspended as to enable Orders of the Day, Other Business, to be disposed of.

Motion carried.

Mr. COUMBE: I am fortified regarding the action I am now taking because several speakers from the then Opposition (now in Government) spoke in favour of the Bill at that time and said that they would have

preferred a sum larger than the $1,000 proposed. Those speakers included the then members for Adelaide, Wallaroo, Millicent, Edwardstown, and Enfield. However, when this Act was opened up by the present Attorney-General in the last session to effect certain amendments to other sections of it, section 4, containing the compensatory amount, was, sadly, not affected. The Act was amended, and I recall speaking in the debate on that occasion with much feeling. Despite my pleas the Government did not increase the amount of compensation payable under that section. I subsequently asked the Attorney-General to provide me with a report of the cost to general revenue and the number of claims that had been made under this Act. He replied to me on March 15, 1972 (page 3894 of *Hansard),* and said that, since the Act came into force, nine claims had been paid out and, of these, maximum awards had been made in four cases, at a cost to the State of only $7,213.

As honourable members will appreciate, in assessing compensation the courts are guided by the maximum amounts set out in the Statute, and it is possible that the four cases in which the maximum amount was paid must have been serious cases and could in all justice have merited a larger sum being awarded. We can see that in the 21 years of operation of this Act to March this year, when I received this information, only a little more than $7,000 had been paid out by the State. Therefore, in the light of that experience, and because, when in Opposition, members of the present Government advocated a substantial increase in the amount of compensation payable, I confidently put forward this motion in the expectation that it will receive the unanimous support of this House.

This Act was originally introduced as an experiment and subsequent events have proved its necessity as a humane means of relieving hardship for persons who have suffered as a result of crimes of violence in certain circumstances, but in no way through a fault of their own. If it were not for this Act, real distress and hardship could be experienced by many innocent people in our community. As a private member I cannot move an amendment to the Act to achieve my purpose to increase the amount of compensation payable and, for this reason, I have moved this motion. I draw honourable members' attention to the fact that, while I have laid down as a guideline the sum of $2,000 (double the sum currently allowed), I have included the words "at least" so that the Government, if it accedes to my request in the motion I am now putting, will be free and unfettered to stipulate a sum payable as compensation in excess of $2,000, if it so desires. I submit the motion to the House in all sincerity and hope that it has a speedy and successful passage.

Mr. RODDA (Victoria): I second the motion and seek leave to continue my remarks.

Leave granted; debate adjourned.

SUCCESSION DUTIES

Adjourned debate on the motion of Mr. Hall:

For wording of motion, see page 610.

(Continued from August 9. Page 613.)

Mr. CARNIE (Flinders): As the member for Gouger said last week, the subject of succession duties has occupied many hours of debate in this House, and no doubt it will occupy many more in future. This subject has concerned primary producers for many years and, indeed, they are the people whom succession duties hit the hardest. The member for Gouger quoted figures from a paper written by a Mr. N. J. Thomson and published in the *Australian Quarterly* and, as I believe the passage quoted is important, I will quote it again, as follows:

> The farm sector consistently paid between 30 per cent and 40 per cent of all estate duty collected during the 1960's.

He went on to say in that report that the farm sector made up only 6 per cent of the population who paid income tax. Yet these people paid between 30 per cent and 40 per cent of the succession duty collected. I think it is necessary to examine the reasons for introducing this tax and to see whether the original intentions are being carried out. Then, as now, the prime target in respect of death duties was the owner of land. This tax was introduced first in Victoria in 1870, followed by New South Wales in 1890, and South Australia in 1893. It was one of the many measures introduced at the time that were intended to break the power of the established squatter class of the last century. Land was the symbol of wealth and, with the redistribution of population and closer settlement, a class struggle arose. I do not intend to argue this point, as it relates to century-old history, and many of the facts are lost in obscurity. However, if the reason I have outlined is still the reason for retaining this tax, the system has failed badly. Mr. Thompson, who has undertaken one of the closest studies ever made into the effect of death duties, states:

Though generally considered to be an equity tax designed to fall heaviest on those with the greatest wealth, death duties were, in fact, regressive in their incidence. In general, the wealthy families were able to avoid payment of death duties more effectively than the less wealthy.

In supporting this motion, I agree that the State should have this amount of revenue, which totalled about $10,000,000 last year, and I agree that if the tax were abolished the public would have to accept fewer services or accept the fact that this sum would have to be raised by some other form of taxation. However, I disagree with the inequities of this tax and with the fact that it adversely affects people in that section of the community who are willing to invest their savings, or who are in business or conduct a farming property, but who are not in business in a sufficiently big way or who are not sufficiently wise to obtain professional estate-planning advice. It is these people who pay the bulk of the tax. A person named Wheatcroft, who wrote a book entitled *Estate and Gift Taxation,* describing the situation in England, which is not greatly different from our situation, refers to a "voluntary system of taxation which only taxes highly those who are uninterested in their heirs or too conscientious to use the loopholes".

The business man engaged in a small or medium-size enterprise (and I include farmers here) is fighting for survival against big corporations (in the case of the business man) and against ever-increasing costs (in the case of the farmer). There are many examples of this in the case of business undertakings, the most commonly quoted being that of the corner store fighting against the cut-price operations of the supermarket. The farmer faces the problem of being forced to restructure the capital investment on his farm, because of the need to mechanize and acquire bigger and more expensive equipment. Farms and business organizations in this category have a constant struggle for survival and that, in itself, is bad; but, in addition, they must budget in anticipation of the imposition, levied once every generation, of a lump-sum tax assessed on the overall valuation of the estate or property in question.

The member for Gouger gave examples to show that, to earn only a moderate income on a farm today, the person concerned would need an investment exceeding $100,000, and Commonwealth and State death duties on this sum would represent about 27 per cent, involving a lump-sum payment of $27,000. The income from a farm of this size would only be between $5,000 and $6,000, so $27,000 is a large sum, indeed, to find in cash. The common method of preparing for this imposition, so that it can be met by one's heirs, is life assurance. However, members will realize what it costs to take out life assurance to this extent, and I point out that, as life assurance is usually taken out by the person concerned in progressive stages, the premiums become higher each time to the extent that they become almost prohibitive. Because of either inability or lack of forethought, adequate provision is rarely made, and this is borne out in Mr. Thomson's paper, to which I referred earlier, where he states:

> Any provision to meet death duties (such as a life insurance policy) out of the income of the farm and based upon historic values proved to be grossly inadequate.

This statement by Mr. Thomson is based on actual case studies undertaken during an investigation that lasted for a period of one or two years. It is not commonly realized that, to a person who inherits a farm or business concern, the face value of the estate is of little importance, for to them it is their means of obtaining an income and not something they wish to sell. However, people in this position are forced to make a lump-sum payment in order to continue to make a living and, through having to make that payment, they are too often forced to sell the property in question. Further, as a time limit applies to the payment of death duties, the payment cannot be made out of income earned during the period allowed for this payment to be made. Therefore, payment must be made either out of pre-death provision of non-farm assets or the farm assets must be sold. One often hears the comment that, because many people are avoiding death duties and the tax is failing in its object, it should be abolished. Mr. Thomson deals with this point in his paper, and states that three factors can be considered, as follows:

> (1) In order to satisfy the need of equity, the decision to abolish death duties may have to apply to all owners of capital.
>
> (2) Governments (particularly State Governments) would have to be guaranteed an alternate source of revenue.
>
> (3) If such a decision is to involve the redistribution of the tax burden then it should be approved only by a majority of voters.

Accepting that this tax is proving a serious burden on a small section of the community, but also accepting that this amount of revenue is necessary to the State, what can be done to ensure that the tax is more equitably distributed or is not such a burden on heirs after death? At present, two alternatives are

available to a holder of property: first, he can ignore thoughts of death duties and let his descendants worry about it after his death (but I am sure that no responsible person with any feeling for his family would consider this method). The second choice is to make provision out of current income to provide for death duties after his death. Either alternative has largely the same effect: both take away the development capital from the farm or business that is necessary to allow it to remain (or, in many cases, to become) an economic unit.

The only difference between them is the time of drawing off this capital. The second method provides for the tax out of current income in an annual or regular amount during the owner's lifetime, and the first method takes it in a lump sum after his death. By either method, the farm or business loses. The value of the farm or business is of no real interest to the inheritor: it is a means of making a living. The proposition has been submitted that part of an estate, which is kept as an income-earning unit, should be exempt from death duties; that is, when a farmer dies any investment (other than his farm), cash in bank, etc., should attract death duties, whilst the land is exempt, provided that the inheritor continues to farm it. If the assets were sold, some tax (call it death duties for the purpose of this argument) could be levied.

This proposition has been put forward by responsible people who have investigated this matter, and no doubt it has some merit. However, if it were introduced as it stands, it could lead to anomalies. Another alternative is an annual tax on real assets. My inquiries among farmers indicate that this method would be more readily acceptable, because in this way it would at least be possible to budget annually for this amount. The farmer would have some idea of what amount would be required, but under the present arrangements it is impossible to judge what the property would be worth after death: the death could be in 40 years or next week. Mr. Thomson stated:

> Any provision to meet death duties (such as a life insurance policy) out of the income of the farm and based on historic values proved to be grossly inadequate.

An annual tax on real assets could be devised to raise the same revenue that is now raised by death duties. The suggestion for a substitution of a substantial annual land tax or something similar may, as the member for Gouger said, sound strange coming from a Party pledged to abolish land tax, but I have no doubt, as a result of my inquiries, that most farmers would prefer this method to the present system of death duties. This motion is not asking the Government to reduce the overall amount obtained from death duties, but is asking that this amount be more equitably distributed, so that no longer is this burden placed on a small or medium businessman, and I include farmers in these categories. No doubt wealthier families avail themselves of techniques of death duty avoidance to a greater extent than do less wealthy families, but avoidance is legal whereas evasion is not. In its Budget presented last evening the Commonwealth Government gave the lead in reducing this tax by doubling the concession rate for death duties. The State Government can show its sincerity in this matter by supporting the motion, as I do.

Mr. HOPGOOD secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (ABORTION)

Adjourned debate on second reading.

(Continued from August 9. Page 632.)

Mr. CRIMES (Spence): In continuing to speak in this debate, I repeat my opposition to the Bill. Although I oppose it, I respect the views of those members who have spoken (and who intend to speak) and who hold the view opposite to mine. I congratulate the member for Davenport on her compassionate and understanding speech in this debate. I had been referring to the fact that we should consider the historical treatment of women in men's societies throughout history. We know that with the development of the Industrial Revolution, with horrible slum dwellings existing, with people flocking into the city to take part in the new developing industries, and with the grinding poverty associated with those times, women sold their bodies to avoid starvation and to obtain food and nutrition for their children. Who could blame them for this? This had the inevitable result of bringing about many unwanted pregnancies.

Following this period of history, we came to a period which lasted for years and which still exists of a literal brainwashing of the people by means of the developing media in the theatre, films, the later development of radio, the so-called popular publications, and advertising. As we know, the same thing has developed in television. Even the daily newspapers cannot be omitted from the list of those organizations that have carried out this brainwashing of the populace. In this process,

the treatment of women has developed to a stage that is obvious today in which a woman generally is regarded not as a person but as a sexual object. I suggest that we have only to look through the daily newspapers to substantiate this.

As we all know, sexuality is inevitably charged with a great deal of emotion. The trouble is that, during the time to which I have referred, the media has given sex what I might call a vigorous hot-house treatment. It has been made to loom large in people's minds by a materialistic kind of society that I feel has basically neither morals nor ethics. We have seen sex made box office—a sure-fire seller of books, films, etc. We see the use of the female form in the advertising of all kinds of hardware with which sex and the female form have nothing whatever to do. Over the years, in the American scene, which has been so relevant to our own brainwashing in this direction, we have seen "success" depicted as a rich business executive who has a beautiful wife and lovely children but who also has a mistress in a penthouse, and call girls to help him clinch business deals.

In all this we have seen the continuing debasement of women. Now fortunately (and I am pleased about this) we see a reaction (perhaps an extreme reaction) in the development of Women's Lib. At times I am a little upset when I may be referred to as a male chauvinist pig. Although that sounds extreme, we should think of the extreme situation of women throughout history and the part played in this by men against women. These things have brought this attitude of Women's Lib into being. Male society has been continually hypocritical towards the other sex. Men have sentimentalized disgustingly; they have drooled over women. They have pursued them, and there are men who have talked of their victories, not thinking that the result of their victories over individual women has meant that while they could boast about their pleasure often the women have had to suffer for a long time the results of that pleasure.

Throughout history the whole attitude of man towards woman has been indicative of an overweening ego of the male sex and an unwillingness to see the other sex as a partner in development. Women have been treated as second-class citizens, bereft of many legal rights. For a long time they were even bereft of the vote. Women have a long way to go before they receive real equality and genuine respect from men.

Mrs. Steele: We don't all want it.

Mr. CRIMES: Although I dislike saying this, abortion has a place in the scheme of things in the world as it is now. In this respect, I quote Professor W. P. Rogers of the Waite Agricultural Research Institute as follows:

> There were more than 40,000,000 abortions in the world each year, amounting to 8 per cent of potential mothers. It has its place in the underdeveloped countries.

The following remark of the professor I particularly desire to quote:

> If you are going to apply morality to the use of abortion in Australia, then it must be applied in these countries, and this would mean an extra 40,000,000 people a year.

I think we should recognize the significance of that remark. Realists know that, whatever restrictive law is placed on abortion, rich men's wives and rich women will use their wealth to circumvent that law. In his book, *Legal Abortion,* Anthony Hordern, an English psychiatrist, states (and I believe these remarks applied to the position before the present law was enacted):

> In Australia abortion remains a factor determining social class. Below the arbitrary level it is the proverbial "backyard scrape" at best or a perpetuation of the poverty class. Above, and its friends, psychiatric consultation or private clinic. The ethical moral and legal basis of a law that demarcates the poor from the rich can readily be debated.

I am sure that no-one would deny that the foetus has a capacity for development towards human personality in the ordinary sense. However, a relevant question is whether the foetus is conscious of its own development, and whether in the early stages it has an actual awareness of life. Perhaps I have not searched sufficiently, but I have never seen a satisfactory reply to this question. I hasten to add that, if I had seen such a reply, it would not change my opinion towards this Bill.

Mr. Gunn: You have a very fixed point of view.

Mr. CRIMES: After due consideration, I have, but I ask the honourable member to note that I have given the matter due consideration. I shall quote a statement by Gloria Steinem, Editor of a new women's magazine in the United States of America. She states:

> Ironically, the ban on abortion did not come from a concern about protecting foetal life. In fact, the early laws in this country—

that is, in the United States of America—

> were based on the common law of England; abortion in late pregnancy was only a misdemeanor, and abortion in early pregnancy was not a punishable offence at all. It wasn't until the mid-nineteenth century that the law was changed to make abortion a felony—a change

seemingly designed to save the life of the mother, not to protect that mass of dependent protoplasm now referred to as "the unborn". In those days before antiseptic procedures, an abortion was fifteen times more dangerous than a full-term pregnancy, and paternalistic legislators wanted to warn women away. Now, the risk has reversed. Professionally performed abortions are about eight times safer than full-term pregnancies. Yet the archaic laws of most states remain, forcing millions of women to choose between the dangers of a compulsory pregnancy and illegal abortion.

I think we are all aware that abortion is a horrifying business. My daughter does not share my views. She works in the cytology department at the Queen Elizabeth Hospital, and she is horrified, because she sees the results of abortion. In other words, she sees the foetus after it has been removed from the womb. I should like to quote now a statement by Professor T. O. Browning, Waite Professor in Entomology. He states:

As you know, at present in South Australia only about half the women seeking legal abortions do in fact obtain them. The suggestions that have been made in some places that psychiatrists are being "lenient" reflects gravely on their integrity—an alternative explanation of the high rate of abortions granted on psychiatric grounds is that women who find themselves pregnant against their wish suffer grave mental disturbance; these were foreseen and are allowed for in the present law. The number of abortions that have been performed since the act was amended, far from being a cause for alarm, are best seen as a reflection of the great need that is present in the community. This need was there before and will certainly not be alleviated by a restriction in the law. If the law were to be changed, the most humanitarian and realistic move would be to strike all reference to abortion from the Act.

Basically, I agree entirely with the last remarks by the professor. The answer to the situation with which we are faced, in my opinion and in the opinions of people who understand the situation far better than I do, is not to erect more legal barriers against women who wish to obtain abortions. The answer, at least in part (because., I suppose, there is no absolutely complete answer), is a greater understanding of the methods of prevention.

The first thing that is required (and I am only repeating what many others have said, but it should be repeated) is the education of the young and the easy availability of methods of contraception. I was sorry that the Commonwealth Budget gave no indication that sales tax would be removed from contraceptives. The second point is a requirement of responsibility from the private owners of the media in all its forms, requiring them not to exploit promiscuous sexual behaviour and depiction for profit-making purposes. I emphasize that I am not necessarily calling for censorship. I dislike censorship, but the community should emphasize that the media is responsible for the publications that we read, the films that we see, and the other depictions placed before our eyes, and must exercise responsibility in a serious and helpful way for the benefit of society.

The third point is the encouragement of personal discipline and sterner moral values indicative of desire for a new kind of society based on values other than those that have debased the act of procreation to the level of the market place. Here I quote John Peel, the Queen's gynaecologist, when he was indicating what he felt about this question. This statement arises from the deliberations of a panel of Britain's top doctors, and Sir John Peel, the Queen's gynaecologist and Chairman of the group, said the panel felt that, if abortion on demand was not allowed, then a court of appeal should be set up for women whose doctors would not consent to the operation.

I suggest that there we have a statement by a man whose opinions would encourage the deepest respect. Next, I shall quote from the *Advertiser.* That is rather unusual for me, but I shall give here a quotation with which I agree. A report in that newspaper on March 24 states:

But while the law can be improved by tightening some of its aspects—

this is the one point on which I disagree with what the *Advertiser* said on that date—it could be also emasculated by too much tightening. The continuing increase in S.A.'s abortion figures has stirred some pressure in this direction. It ought to be withstood. The law's interference with the private actions of an individual should be kept to a minimum and a woman's decision to have her child or not is perhaps the most personal action of all.

I repeat what I have said about the kinds of society that people have lived in during the recorded past and the kind of society that we still live in. It is a society built upon the ideas of the market place. It has degraded women because it has been built on the ideas of the market place. The trend today indicates an assertion by women of their rights. All I can say of this is that there are understanding men who are willing to support those women who want those rights, who deserve those rights, and who must be given those rights. In order to assist this trend we must oppose this Bill, and this is what I will do.

Mr. KENEALLY (Stuart): After listening to the member for Spence, I feel compelled to apologize not only to him but also to the member for Davenport and the member for Tea Tree Gully for my being male, but I believe that my wife likes it that way. I have given this Bill the deepest consideration, even though I have a predetermined attitude towards abortion. I have listened carefully to all the contributions made in this debate to see whether any argument was put forth that could influence a change in my position although, having the view that I hold, I knew well that that was impossible. I know also that it is equally impossible for those members who hold the view in opposition to mine to change their opinion on abortion. This debate involves people who have taken a predetermined stand on this issue.

I intended to speak briefly and state only my position on this matter but, because of the comments that have been made by some members, I feel compelled to extend my remarks. I do not wish, or expect, to convince any member to change his or her basic position on abortion, because I know that the member's decision has been reached only after genuine and deep consideration and probably influenced by the background of each member. However, as a result of the numerous letters and petitions that members have received from their constituents, I believe I should refer to the comments made by the famous English Parliamentarian, Edmund Burke, at a declaration of a poll. He referred to what he saw as his responsibility, not only to himself but also to his constituents, as follows:

It ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence, and the most unreserved communication with his constituents. Their wishes ought to have great weight with him; their opinion high respect; their business unremitted attention. It is his duty to sacrifice his repose, his pleasures, his satisfactions, to theirs; and above all, ever, and in all cases, to prefer their interest to his own. But his unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you; to any man, or to any set of men living. These he does not derive from your pleasure; no, nor from the law and the Constitution. They are a trust from Providence, for the abuse of which he is deeply answerable. Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you, if he sacrifices it to your opinion.

I have referred to that speech because the Bill we are now debating is the type of issue that Edmund Burke referred to when he said those words. On this occasion, each member will be required to make his decision on this Bill in accordance with his conscience, after having considered the interests and feelings of his constituents.

There are three schools of thought on abortion. Of the two logical and basic positions, the first is the view taken by those people who are opposed to abortion in any circumstances and who believe that the unborn child has paramount rights. These people are opposed to all abortion and I believe they make up about 15 per cent of the electorate. True, that is a minority view. At the other extreme we have those people who give the unborn child no rights at all and who believe that abortion should be available on request or demand. This, too, is a minority view, which represents about 15 per cent of the electorate. I do not suggest that these figures are completely accurate, but they are relative percentages with which it is easy to work.

However, there is a third group holding views between these two extreme positions. This group believes that the unborn child has rights, that these rights must be protected, but that they should be protected in balance with the rights of the parents, especially the mother. I believe that this group represents about 70 per cent of the electorate. Members of the groups holding these beliefs must also accept the responsibilities that go along with those views. If a group believes that the unborn child has a paramount right, it is the duty of that group to protect those rights because, if that is not done, those concerned abdicate their rights there and then. If a group does not believe that the unborn child has any rights at all, it has no responsibility towards it and can regard it as no different from any other organ of the body). The compassion of this group is directed wholly towards the mother, and I do not argue with that, because the people who take the first position are also tremendously sympathetic towards the mother. Indeed, they have this added burden: not only have they compassion towards the mother but they also have compassion towards the unborn child. Members should consider the position in which these people are placed. They share the ordinary human compassion for the mother as well as the added responsibility of compassion for the unborn child, and their position is much more difficult.

The third group is in the most difficult position, because it believes not only that the unborn child should have rights but that the mother also should not be placed in a situation

of severe risk of mental or physical injury. Members of the third group must then determine at what stage they will grant the mother's rights as opposed to the rights of the unborn child. It is this problem that the Act tried to solve in 1969 and it is still the problem that this amending Bill is trying to solve now. This is the most difficult area and, despite any decision brought down on this matter, we will still have this problem. It will exist whether this Bill introduced by the member for Playford is successful or not.

If there is respect for the unborn child's right to life, there must also be an attempt to ensure that this right is taken away from the unborn child only in the most serious circumstances. This Bill does not cater for either of the two extreme positions to which I have referred and, if it did, this debate would be much simpler, because it would then be a debate on abortion on demand or no abortion at all, and the decisions that all members must make would be more easily determined. However, this is not the position, and this is the area in which we have difficulty. It is in this grey area, between black and white, that we find ourselves placed. It is also in this area that discrimination occurs and, as long as we remain within that area, we will have discrimination.

It has been suggested by the member for Adelaide that (and this is a matter about which I feel strongly), if we tighten this legislation, we are going to go back to the situation of backyard abortionists. This appals me. I believe that what the honourable member for Adelaide says is probably correct: if the availability of abortion to women is restricted, especially in respect of those women who are determined to obtain an abortion, that is where these women would finish up. I appreciate that problem and I have compassion for those people, because I understand that situation in which they are placed. But the situation prevails now, although probably not to the same extent. If the 50 per cent of the women who are being refused an abortion are determined to obtain one, they must go somewhere to obtain it, possibly to the backyard abortionist. That situation is not removed under the current legislation. Certainly, in any restrictive legislation, there is the possibility of discriminating in favour of the rich as against the poor; I believe that this happens now and that it would probably happen under the Bill.

The current legislation certainly discriminates against the country proletariat in favour of the urban middle class, and this will probably continue under the Bill. However, the basic principle to consider is whether or not an unborn child has rights and whether these rights should be protected. If we believe that they must be protected, we must ensure that the rights and the life in question are not taken away except in the most extreme circumstances. I will now speak to the Bill and, from what I have heard so far, I think this will be somewhat unusual. Many of the speeches in this debate have been emotional. From the more articulate, we have heard worthwhile arguments, but many of the speakers have not really referred to this Bill at all.

I ask the House what is terribly wrong with the amendments proposed in this measure? The member for Playford attempts to relieve the conscientious objector of the onus of proof in this regard, and I believe that everyone in this House agrees that that is desirable. Another amendment proposed by the Bill reduces from 28 weeks to 20 weeks the maximum period within which a legal abortion can be performed, and I believe that most members will support this. A little girl was bom in Victoria about a fortnight ago, the mother's pregnancy having lasted only 26 weeks. That child is alive, but under the current legislation we allow a mother with an unborn child at this stage of development to be aborted if her physical or mental health is seriously in danger. I believe that, whether the maximum period be 24 weeks, 26 weeks or 28 weeks, it is equally valid to protect the life of the unborn child as it is to protect that of the mother, and I believe that medical practitioners can do this.

If we abort a mother whose pregnancy has lasted, say, 24 weeks or 26 weeks, we have to kill the child. It is not just a matter of aborting the woman: we have to kill the baby. Therefore, I think that the reduction from 28 weeks to 20 weeks as the period within which a mother can be aborted is a worthwhile amendment, which we can all support. Indeed, I should be interested to hear arguments to the contrary. The Bill also seeks to ensure that even in cases of emergency the opinion of two medical practitioners is required, although I am not sure whether or not this amendment is desirable. I should not like to interfere here with the practice of a medical practitioner who in good faith believed that it was extremely urgent to perform a legal abortion on a woman whose life might be in danger. I shall be interested to receive more information on this provision and, when we reach Committee, I intend to ask questions of

those who are best able to advise me on this matter.

The other two main provisions apply to both the medical and mental health of the mother. I think the provision concerning the performing of an abortion on medical grounds is probably reasonable. I suspect that already doctors, in the case of an application for an abortion, observe the requirements that the member for Playford seeks to introduce. However, I accept that the granting of abortions on psychiatric grounds is a most difficult area in which to legislate in order to give a direction to medical practitioners. As 50 per cent of the women who are currently applying for an abortion are being refused, the refusal must be coming from medical practitioners, and this includes the refusals of applications made on psychiatric grounds. The current legislation provides that an abortion may be granted if "the continuance of the pregnancy would involve greater risk to the life of the pregnant woman or greater risk of injury to the physical or mental health of the pregnant woman than if the pregnancy were terminated".

The member for Spence has just said that the continuation of the pregnancy may be eight times more dangerous than the termination of the pregnancy, and this would certainly apply after the 12-week period. Therefore, we have on the Statute Book at present a provision virtually for abortion on demand up until the 12-week stage of the pregnancy. Although this matter probably does not concern those people who favour abortion on demand, the member for Playford tried to point out that this was not Parliament's original intention. I do not think that it does this Parliament any credit if we say that we should not change the law simply because 50 per cent of the women who apply for an abortion are refused by the doctors concerned. A doctor's interpretation of the law may be entirely different from what Parliament intended to convey.

Parliament provided, in effect, that for a period of up to 12 weeks of the pregnancy a woman could obtain an abortion on demand, because it might be shown that a continuation of the pregnancy was more dangerous than having the abortion performed. Under the existing legislation, we are abdicating our responsibility; we are legislating loosely in this area and providing no minimum requirement whatsoever for doctors to observe. We tend to take solace from the fact that, even though we have not been willing to lay down minimum requirements, the doctors will do so, and we are assuming that that means that the legislation is good. Of course, we have not legislated for this situation at all.

The member for Playford is trying to write into the Statute Book a requirement that the medical profession probably already observes. I am not referring here to those members of the medical profession who support and perform abortion on demand. It is not for me to say that these people who honestly hold this view are wrong in what they are doing. If I were an individual in the community it would be easy for me to say, "I oppose abortion: it may not be the answer to my problem, but it could be the answer to someone else's problem." However, as a member of Parliament I cannot say that: I am required to decide what my position will be, when this sort of legislation is introduced. The legislation has been introduced, and I will now decide. I support the second reading, because I believe that it is essential that the Bill reach the Committee stage. I suggest that honourable members who will not support the second reading are voting against not only the psychiatric clause to which they object genuinely but also against what has been called by the member for Mitcham the peripheral clauses, or by the member for Davenport the amendments that are not substantial.

These are important amendments and should be discussed and decided on by members of this House. It is within the rights of members to reject those clauses with which they do not agree, but if there are clauses in a Bill of this kind (which is so important not only to the House but also to the community) that require their support, they should support them. It is not a viable argument for members to say that they support reducing from 28 weeks to 20 weeks the maximum time in which a legal abortion can be carried out but then to vote against the second reading and say that, if abortion on request is available forever and a day, that is just bad luck; because that is what the law allows. I suggest that the Bill should be allowed to reach the Committee stage so that we can deal with any unsatisfactory clauses. Also, if the Bill does not reach the Committee stage, the onus of proof will remain with conscientious objectors. I believe that it is reasonable to legislate in the terms of the Bill as it applies to the medical requirements for abortion.

Any member voting against the second reading is condemning all the clauses of the Bill. The argument put by the member for Mitcham, in which he said that he believes the central clauses are so bad that he cannot

support the Bill, is not a viable argument because, by rejecting one or two clauses, he rejects all of them. I believe that the unborn child has rights that must be protected, and I also believe that prevention is better than cure. That there should be a need for abortion appals me, and I am sure it appals everyone, because no-one delights in an abortion operation. This must be the last resort for the women concerned: I am sure that no-one would like to participate in an abortion. As prevention is better than cure, it is a responsibility of the community, and of all Governments, to increase the availability of family planning centres and widen their scope.

Mr. Evans: And not spend money on eating houses.

Mr. KENEALLY: I said earlier this session that advice on contraception should be freely available, and I agree with what the member for Spence has said. I do not believe that the 27½ per cent sales tax (or entertainment tax, or whatever tax it is called) should be placed on contraceptives. They should be freely available at a family planning centre to which people could go to receive advice, interview the medical practitioner, and be provided with contraceptives. I am not a pacifist, because I do not have the moral courage, but I oppose the taking of life in most circumstances. This belief also applies to abortion.

I turn now to one or two comments made by previous speakers, for I believe that any self-respecting "male Chauvinist pig" would have to comment on the attitudes that have been taken. We have heard a purely feminist argument in this debate that the only one concerned with abortion is the mother, that the father of the child has no rights (or so it would seem) and that the unborn child has no rights (or so it would seem). I cannot accept this proposition, and I cannot accept the proposition of the member for Davenport, because it is a gratuitous insult to the male population when she states:

> It seems to me that what those here in South Australia who are opposed to the 1969 Act (and who now wish to introduce amendments to restrict it) completely overlook is the welfare of the woman and the effect on her and on her family when it is threatened by an unwanted pregnancy. I cannot help wondering what would happen if this House was composed of 45 women and two men, instead of the other way round. Would this Bill have never seen the light of day? Certainly it would receive very short shrift.

This is not an argument about whether the woman has the complete right to decide what she wishes to do with her body. Another argument is involved, and that is the right of the unborn child. No-one denies a woman the right to have her tonsils or appendix removed: she can do what she likes with her body, as long as she does not interfere with the rights of anyone else. If honourable members put a foetus in the same category as an appendix or tonsils, they are entitled to their beliefs and they cannot make an alternative decision. They must say that the woman has the right to rid herself of whatever they like to call it. I do not take that view: I believe that a woman, like other members of the community, has rights so long as they do not interfere with the rights of someone else. However, the member for Davenport goes further: she, together with the members for Adelaide and Spence, has put an argument for abortion on demand, but that is not what this Bill deals with. She believes that this is a conspiracy by the male population to force this legislation on the female population, and that, if this House were full of women members, we would have abortion freely available. I do not believe this: if there were 47 women members and two males in this House, the breakdown of opinion would probably be the same. It is not a feminist argument but an argument about whether we should consider the rights of the unborn child. This has nothing to do with whether a person is male or female. We should be concerned with whether or not the unborn child should be protected. The member for Davenport is putting the feminist argument when she says:

> Until men just try (even though they might do it reluctantly) to see abortion from the woman's angle . . .

She continues with the feminist argument as follows:

> Some men are beginning to see the light, thank God, and I am at least grateful for those who show themselves to be on the woman's side—in this place—and for the growing number of those in the community who see the need for liberalization of the laws relating to abortion. Strangely, the Australian and New Zealand College of Psychiatrists, predominantly a male organization, passed the following resolution:
>
> > . . . that legally qualified medical practitioners are free to exercise clinical judgment in this as in other matters.

The honourable member says that it is strange for this resolution to have been passed, but I do not think it is strange at all. I believe that if a consensus were taken, it could easily be shown that abortion on demand receives predominantly male support. An aggressive, articulate minority of women argues that women should be able to do what they want

with their body. I am all in favour of women's liberation, even though, from the tenor of my remarks, it may be thought that I am not. I favour this, because I believe that when we have women's liberation we will also have male liberation.

I speak as an individual on this matter. Having sisters, daughters and a wife, I speak as passionately as any other member about the needs of women. The argument about young women being forced into unhappy marriages is valid, and I sympathise with such young women. However, they do not marry women: they marry men. Therefore, men are involved, and I have compassion for those young men. The argument about the retribution factor whereby women must have the baby because they have committed a sin is ridiculous, as the members for Adelaide and Davenport have said. That is not an argument of those who oppose this Bill. Nor do I believe that the argument is valid that there is an element of retribution in a young man's having to get married to a girl he has made pregnant and that therefore he should do this. These are emotional arguments that really have no place in a consideration of this matter.

Having criticized the member for Davenport, I want to say that, considering her stand on abortion, I believe that what she said she said genuinely and articulately. However, she did not put the view of women; she put a woman's view (her private view) on abortion. I repeat that I believe that if a general consensus were held it would probably be found that an equal proportion of men and women supported abortion; in fact, I think that there would probably be less support amongst women. If a young woman becomes pregnant, she is often taken to the doctor by her boyfriend, who can see some advantage in her seeking an abortion. I am not now arguing for or against this: I am merely answering some of the points put by previous speakers. I strongly object to the suggestion that the whole idea of legislating against easy abortion is a male idea, because that is not so. This has nothing to do with "male chauvinist pigs". It is merely an attempt to protect the rights of the unborn child. If a person believes that these rights should be protected, he must do what he can to have them protected. I do not think it is worthy of members to suggest other motives.

In cases where an additional child in the family puts added strain on the wife and other children, I point out that it also puts added strain on the father. If the family faces a financial problem in coping adequately with the education needs, and so on, of the children, the father as well as the mother is worried by this. Here again I point this out merely as a reply to those who say that this is merely a feminist argument. I certainly believe that the welfare of the mother in such cases is of the greatest importance, and that the welfare and interest of the father is of less importance, probably considerably less important. Nevertheless, his interests are important. I also believe that the welfare and rights of the unborn child are of great importance.

As I have said, the most important thing is that members support the second reading of this Bill so that it can be dealt with in Committee. Any member who opposes the second reading opposes not only the clauses to which he objects but also all the other clauses. I do not think any member, if he supports other clauses, should oppose the second reading merely because he objects to one clause. The Bill should be dealt with in Committee. The clauses that are generally supported by members will then be able to be passed, while those which do not have general support will be defeated. I do not believe it would be an honourable action for any member to vote against the second reading of this Bill. I ask members to support the Bill at least to that stage.

Mr. GUNN (Eyre): I support the Bill with pleasure. I strongly support the remarks of the member for Stuart, for I believe it is absolutely essential that the Bill reach the Committee stage so that members can have the opportunity to support clauses that may provide for some protection to the unborn child. After considering this legislation, I have concluded that any legislation that does not afford protection to the unborn child does not deserve my support. I believe that legislation that fails to protect the sanctity of human life should not have a place on the Statute Book of the State.

Mr. Crimes: What about Vietnam?

Mr. GUNN: I will confine my remarks to the Bill. We know the attitude of the member for Spence from having listened to him, and we know the line of political thought to which he subscribes. I do not want to be associated with that in any way. I understand that when this matter was first discussed in the House it was said to be progressive legislation. If it is progressive legislation, I do not want any part of it. If progressive legislation destroys

the unborn child and affords it no protection, I believe that by passing it we take a backward step. This is only the beginning; the wedge has been placed in the door, because the present situation is one of abortion on demand. The next course of action of those who were strongly advocating legal abortion in this State would be to seek to allow euthanasia, and this also would be a shocking state of affairs.

In the period in which this Act has been operating, the abortion figures have increased alarmingly. Between January, 1971, and December, 1971, the first year of legalized abortion in South Australia, 2,409 abortions were performed. In comparison, in the United Kingdom 35,000 were performed in the first year, and the number increased to 54,000 and then to 92,000. If this situation continues, some people will use abortion as a method of contraception, which will be completely wrong. I commend the Right to Life Association for its case in support of the unborn child, because we are dealing with a human problem. In this debate, many honourable members have not appreciated that. In a recent report to the South Australian Government, Dr. Purler discussed the reason for abortion, and he states:

> Motivation toward abortion can be assessed adequately only if paramedical help and counselling is available. Attitudes and reasons vary geographically, ethnically, culturally and are influenced by religion, age, and hosts of other factors impinging on and determining human personality.

I consider that human personality should be paramount in our thinking, because this is a human issue. When a woman decides to request an abortion, she should always have in her mind that she is denying a right to live. I do not know of any argument against that. The member for Davenport has strong convictions in this matter, and she spoke very well. However, she has not understood what is happening in South Australia at present. An abortion destroys a potential life, and the amendments to section 82, the psychiatric clause, that the member for Playford has introduced will clarify the situation, which at present is almost tantamount to abortion on demand.

I hope that all members will allow the Bill to reach the Committee stage, where it can be considered in greater depth. We would be far better served by considering methods of prevention. We should be considering how to promote and financially assist family clinics and organizations that are making people more aware of contraception. In that way we would be serving the State and promoting a better understanding of family life. I strongly support the member for Playford and commend him for having the courage to introduce the legislation, which I hope becomes part of the Statutes of this State.

Mr. CARNIE (Flinders): I rise to speak only because I believe that no member should cast a silent vote on this issue. The member for Mawson said that it was entirely fortuitous that we were in the House at this time. Our preselectors or electors did not select us because of our opinions on this subject, and I agree with what the member for Mawson said in that context. This being so, it is essential that we let our voters know why we are voting as we will, and this is why I am speaking.

I wish to mention two speeches in particular. I do not mean to imply that those who made them were the only two speakers who merited listening to, because that is not so. In fact, I should like to mention the spirit in which this debate has proceeded. Everyone who has spoken has been sincere in his or her beliefs. I wish to mention the member for Playford, who introduced the Bill, and the member for Davenport. I do not think anyone can doubt the sincerity of the member for Playford, and he stated clearly that his own beliefs were completely against abortion at all, but he did not set out in the Bill to make abortion completely illegal.

The member for Davenport put forward the woman's point of view, and I think all members will agree that she spoke very well. All who either heard her speech or read it in *Hansard* would compliment her. Everyone would have an opinion on the question of abortion. It is a highly emotional subject, and our opinions are coloured largely by our religious and moral code. My feelings on the matter are somewhat mixed, because the thought of abortion disgusts me as an individual and I would be very loath to allow my wife or my daughter to have an abortion.

Nevertheless, there are circumstances where a case for abortion can be argued, such as cases of rape, incest, mental instability of the mother, and the possibility of mental or physical injury to the child. All these cases have been brought forward and are covered broadly in section 82 (a) of the Act. I wish to refer to something that the member for Stuart and the member for Eyre have said. There seems to be an impression that because we have this law, it is somehow compulsory for a woman to have an abortion. No-one will

force anyone to have an abortion against her will. No-one is arguing that a doctor can be forced to perforin an abortion against a woman's will. In fact, the Act provides specifically that this shall not be so.

I have considered for some time that the psychiatric clause in the parent Act is being abused. I think that all honourable members are not pleased about the number of abortions that fall into this category. I think about 90 per cent of them do, and this is more than members of this Parliament expected the figure to be. Several members who were in the House when the original Act was passed have said this. When I heard that the member for Playford intended to introduce a Bill to amend the Act to tighten up the psychiatric clause, my immediate reaction was that I probably would support it. For this reason I listened with great interest to the member for Playford, and I read his speech with even greater interest. He said in his second reading explanation that several bodies were in favour of the present law and other bodies were in favour of a relaxation of the law. In other words, he was saying that there were people who favoured abortion on demand and others who favoured a total restriction on abortion. In his second reading explanation he said:

> I wish to state immediately, as will become even more clear when I examine the aims of the present Bill, that I represent neither of these groups, nor, indeed, any other.

Although I stress that I have no doubt whatsoever of the sincerity of the member for Playford, I believe that the effect of this measure would bring back a situation similar to that which existed before 1969. For that reason, I cannot support the Bill, as it will make it almost impossible for any doctor legally to authorize or carry out an abortion. The clause regarding the time limit is extremely restrictive and its passing would lead to the return of pre-1969 conditions. Although this is what some people want (and I strongly respect their views), I cannot believe that this would be a good thing. Indeed, the member for Playford said that the Bill was not designed to do that, but I believe that that would be its effect because of the unworkable nature of the provisions.

I believe that the returning to the day of backyard abortionists and the deaths which resulted from the actions of those abortionists would not be a good thing. I will not deal further with the various examples that have been brought forward, because that has been done adequately. Indeed, I rise only because I believe that I should not cast a silent vote on an issue as important as this. I cannot accept the proposition put by the member for Stuart and by other honourable members that all the clauses in this Bill are equally important and that, if we oppose the second reading, we are opposing not only the psychiatric clause but also the two other clauses which are of equal importance. True, those other clauses could have an important effect, but I cannot accept that they are the central clauses of the Bill and, for this reason, I cannot accept that the Bill should pass the second reading stage. I respect what the member for Playford is trying to do, and I believe that the psychiatric clause in the principal Act is being abused, yet this Bill is not the solution to correct any inequities that may be contained within the Act. This Bill would make it almost impossible for a doctor to provide abortion. For that reason, with great regret I oppose the second reading.

Mr. McANANEY (Heysen): I support the second reading of this Bill so that the various clauses can be debated. However, I join with other speakers in saying that this is not the only cure to the problem. We should provide more assistance and information through marriage guidance counsellors and other consultative services, and educate the young people. I am amazed that some people claim that through their innocence they became pregnant and that it is therefore necessary to have abortions. This casts a poor reflection on our education system, on parents and on all others concerned.

I believe that we must spend more time on this matter. I voted for the abortion provisions last time, but I think it was against my better judgment. I cannot see how any doctor who carries out an abortion in a hospital, despite the technicalities involved and whatever reason he may have for doing so, could be convicted in a court of law, and I believe that that legislation creates a situation of open abortion. Gallup polls conducted on this matter indicate that most people are against this situation. It amazes me that so many women have abortions on psychiatric grounds.

A girl may be highly strung and possibly not have understanding parents; she may be going through a time of trouble but, if she puts up a good case, she may obtain an abortion. However, a more level-headed type of person with understanding parents may not be able to obtain an abortion. This seems to me to be a rank injustice. Although I am opposed to open abortion, I think it would be

preferable to continuing the present unjust situation. It is a pity that this measure, as well as others, is not in plain English, rather than in lawyers' terms that are difficult to understand. I believe that the measure could be so loosely interpreted that it would be impossible to obtain a conviction for an alleged breach.

The SPEAKER: Order! There is too much audible conversation.

Mr. McANANEY: Regarding the period in which the person concerned must reside within the State, I think it would be difficult for anyone to determine how long a person will stay here. Reiterating what I said just now, why should a person undergoing a temporary psychiatric disturbance, which she will eventually overcome, be able to obtain an abortion, when someone else who accepts the situation cannot obtain one? I would wholeheartedly support a provision involving a simple decision and capable of simple legal enforcement, but at this stage I will not commit myself.

Mr. EVANS (Fisher): In speaking to this Bill, I realize that I supported the original legislation passed in 1969. Although at that time members on both sides said that it was important that we spend more money on family planning clinics, I point out that the increased sum spent in this area has been minute. Even though the Liberal and Country League Government was in office for only a short time after the original legislation was passed, it could have made a greater effort in this regard. However, the present Government also has not shown much concern about this matter. If we were to ask, say, 1,000 people whether we should spend $300,000 on a restaurant in the hills face zone or on family planning clinics, the majority would undoubtedly say, "Spend it on family planning clinics."

The present situation is an example of determining the wrong priorities. I suppose that some would be callous enough to say that if we did not provide wining and dining facilities, etc., we would not create a situation in which people perform an act that gives rise to the need for this type of legislation. We have the difficult task of deciding whether at all stages of the pregnancy the foetus is a human being. Indeed, I believe that any person who believes that a foetus is a human being right from the time of conception should never support abortion under any conditions. If I were of that opinion, I certainly would not support abortion under any conditions. However, I do not accept that the foetus is a human being right from the time of conception, nor do I believe that the majority of people in our society accept that viewpoint.

Doctors themselves prescribe certain forms of contraceptive that do, in fact, result in abortion, yet some of these doctors say that they are against abortion. We may not be far from the situation in our society when we may be able to take a foetus from a woman, who does not wish to continue her pregnancy, and to continue its development until it is a complete human being. Indeed, with the advance of modern science, that may well be possible in the future, and the whole argument against the present abortion law would then fail. In the situation that I visualize, if a woman were not prepared to continue her pregnancy society would have to accept this responsibility.

One part of this legislation that concerns me deals with an abortion occurring at the later stage of foetus development. I support only that part of the Bill which reduces the time from 28 weeks to 20 weeks development. However, I support the second reading, in order to allow the Bill to reach Committee. The member for Stuart said that about 15 per cent of our community would support abortion on request, but I am sure that, if a survey were taken, there would be more than 15 per cent of the community supporting that view.

Dr. Tonkin: Do you know?

Mr. EVANS: No, but that is my impression. When I first became a member I held that view, but after hearing evidence before the Select Committee I took the more conservative view of the situation and supported the legislation and the Select Committee's recommendations. In practice, it is not an abortion on request, because statistics show that about 50 per cent of the number of women who apply are refused an abortion. There can never be abortion on demand, because one cannot demand a doctor to take any action. It may be suggested that our medical profession is irresponsible, but past history shows that in most cases members of the medical profession have been a responsible group. Doctors have always tried to develop an attitude toward good family planning and encouraging families to stay together. They have given help and advice, often when they should not be participating, in a situation in which Governments, both past and present, should have accepted the responsibility of giving that advice to people in what might be called an undesirable situation.

There may be one or two medical practitioners who carry out more abortions than others do, but the records will show who are the wrongdoers, and perhaps we could take action to reduce the activities of this group of doctors. Perhaps an attitude of religion that applies in this matter may cause some people with a certain religious belief not to accept abortion at all. I hope that, whatever decision Parliament makes on such a controversial issue, it will not change the attitude of these people towards their religious beliefs. Religion is something about which the individual has to decide, and it is not for this Parliament to force its ideas on morals on to society. I believe that the individual must decide his approach to this issue. Some people believe that alcohol should be banned but, if we tried to ban it, we would have a large-scale protest on our hands.

The Hon. L. J. King: What about gambling?

Mr. EVANS: To some degree this Parliament has allowed gambling, because we allow a Government authority to spend money to encourage gambling. However, the present issue is more difficult than the issues of gambling and liquor, because in the opinion of many people the object we are taking away from the woman, the foetus, is a human being. For those who have that belief, I hope that they never change their attitude, and that they are strong enough to accept it at all times and practise it in all its aspects, so that they will never accept abortion in any circumstances. I consider that if people accept that situation, they cannot agree to abort a woman even if it means saving the woman's life, because they would then be deciding for one life against another. I do not believe that people can justify that attitude by allowing an abortion in an extreme case to save the woman's life, because they are acting as adjudicator on who shall die. I understand that the belief of one church requires that, after a spontaneous abortion in the early stages, the last rites shall be performed, but only after a baptism or similar ceremony.

I believe that it is only that group which can claim that it accepts the foetus as a human being from the time of conception. Under some aspects of the present law, we do not accept that the foetus is a human being. I will support the Bill as far as Committee if, in future, we spend a reasonable sum on family planning clinics. If the incidence of requests for abortion remained constant, I would support a tightening of the legislation to enable this incidence to be reduced. If we cannot educate the people to act responsibly in society, we have no alternative but to make them abide by some restrictive law. I support the second reading.

[Sitting suspended from 6 to 7.30 *p.m.]*

Mrs. BYRNE (Tea Tree Gully): I oppose the Bill, as I do not think the present law should be restricted. As the law stands, it is not a licence to terminate every pregnancy. I am aware all members agree that abortion is indeed unfortunate. However, no-one can stop abortions taking place, whether or not they are lawful. They will continue to take place, just as they took place before the present legislation was passed. If the present legislation is weakened it will force women who desire to terminate a pregnancy by abortion (and I point out that this is usually after other methods to procure a miscarriage have failed) into the hands of backyard abortionists, who usually operate purely for financial gain. This will triple the danger to the woman concerned and perhaps cause loss of life, as has happened in the past. We have all read reports of this in newspapers in the past.

A weakening of the present legislation would also discriminate against people on low incomes because, as I have said, backyard abortionists operate purely for financial gain. People on low incomes would thus not be able to afford such an operation. The liberalization of the abortion law in South Australia has eliminated backyard abortionists, and I am sure no member wants to see them reappear on the scene. I have listened to most of the speeches made in this debate. Many letters have been quoted and statistics given. As I do not want to reiterate what has already been said, I will speak purely in general terms from my own personal observations in the community. In my experience, immature, young or ignorant girls (sometimes these girls are below the age of consent) are usually unable to cope with and be responsible for a child that is the result of an early pregnancy. They cannot give it the love and care it needs. It is the right of an individual child to be wanted. Without love and nurture it may suffer and be retarded in some or all aspects of its being, whether physically, intellectually, emotionally, or socially.

It is illogical to expect a girl who is too young to look after herself to take the responsibility for another life, and it is inhuman to expect a mother to part with her child. Young women who are affected in this way often cannot afford to keep the child. This often

depends on the financial position of the parents of the girl concerned. This means that these girls undergo a burden of guilt and distress not only for the period of pregnancy but also for the rest of their lives. The child, too, is often affected when the truth of its birth is known in later life. The instinct of these girls, that early termination is sometimes the lesser evil, should be respected.

The other alternative (if the court permits this if the girl is under age) is an early marriage, although not necessarily a forced marriage. Sometimes it is almost a forced marriage and often ends in the divorce court. All parties are naturally affected by this. The child is certainly affected, and by this time there may be other children as well. Another type of woman who may need an abortion is the older woman who is worn out with child bearing and who suffers from mental anguish when faced with the prospect of another pregnancy.

Again, there are relatively old women whose children have grown up and married; such women may be grandmothers. When faced with the prospect of another pregnancy they may become mentally disturbed. Often, the father-to-be is similarly affected, because he worries about the state of health of his wife at her relatively old age and the danger involved in a confinement. In these circumstances, surely a mature woman is entitled to have her pregnancy terminated if medical opinion sanctions it.

Again, in our community there are women who, though slightly retarded, are not sufficiently retarded to be placed in an institution. Unfortunately, some men in our community take advantage of such women. Because of the medication these women are required to take, they become overweight; this may slow them down. Because of their mental condition they are not capable of taking contraceptive pills regularly, and they therefore fall pregnant easily. This type of person can usually manage one child, but she requires constant attention from social workers if she has two or more children. Unfortunately, some of the children produced by slightly retarded mothers have an intelligence quotient similar to that of their mothers. If the children are not retarded at birth they fall behind later because of environmental conditions and because the mother cannot look after them. These children later become social problems through no fault of their own. If this type of woman has a husband he often has the same intelligence level as that of his wife. So, he is of no assistance to her or the family.

Some women may need an abortion for medical reasons. I have in mind the woman who has a heart complaint or a kidney complaint. In such circumstances the continuation of a pregnancy may endanger her fife. I could give our examples, but I believe that examples I have given should be sufficient to convince the House of the wisdom of leaving the legislation as it is. I have not dealt at length with the fathers, but I could refer to unmarried fathers, because they often desire the termination of a woman's pregnancy. Further, many fathers-to-be suffer much mental anxiety, as do the women involved.

I believe that it is a matter for the individual's conscience as to whether a woman should have an abortion or not. Under the existing legislation no woman is forced to have an abortion and no medical practitioner is forced to perform one. It is my considered opinion that the law should remain as it is for those who need it, while every effort should be made, by family planning, teenage guidance centres, and financial security for all mothers and their children, to render it redundant.

The Hon. D. N. BROOKMAN (Alexandra): I oppose the Bill. The whole subject is, of course, distasteful to every member. It should really be dealt with by educating people to use proper methods of contraception. There should be no need in ordinary circumstances for any person to ask for an abortion. That information about better contraceptive methods has not been better promulgated in the community is a pity, although I believe that such information will be promulgated better in the future because of advances in medical knowledge and social circumstances. New contraceptive methods that will be adopted will be an improvement on the present methods and, in the case of people who are normal and well balanced, there will be no need to ask for an abortion.

The resistance to proper contraceptive methods is the result of the adherence to conservative attitudes that have not helped the world in its present dilemma. Indeed, there is no doubt that the world's population, if left uncontrolled, will increase and this increase will cause misery through starvation, disease or warfare. We must seriously consider now the adoption of proper methods of contraception and the promulgation of those methods in every country in the world, because, without them, we will inevitably have trouble. The problem of abortion and unwanted pregnancy

already exists in the community and we are here to discuss in this House tonight whether we should change the present law. I favour leaving the law as it is, because it has not been in force sufficiently long for us to determine fairly whether it is a failure or not, even though I do not like some aspects of the law.

There is a perennial argument about whether the fertilized egg cell is a human being. I do not believe that it is. On the other hand, the foetus at the end of a seven-month pregnancy is developing to the earliest stage where it can survive in separate existence. Somewhere between that time and birth the human being is created, and no person is competent to define exactly when that stage is reached. The later a pregnancy is terminated the worse is the position. I would prefer to see abortions carried out, if they must be carried out, at the earliest possible stage of pregnancy. At the same time, many people in the community should drop their prejudices against unmarried mothers, who, on many occasions, are faced with the choice whether or not to apply for an abortion on one of the grounds that exist in the present Act, when they should really be doing their best to bear the child that is within them. In many cases, those children would be brought up as happy, well adjusted children. In such cases there would be no need for an abortion to be performed. Indeed, this would be justified only in the cases specified in the Act.

This is indeed a difficult problem, about which no-one can really be sure he is correct. However, the present legislation has not operated long enough to enable us to make really well-based decisions. Perhaps before long we will be able to have another inquiry into the effects the legislation has had on all parties involved. We could in the future perhaps be able to justify such an inquiry, which could be carried out by a Select Committee or a Royal Commission.

The Bill now before members contains definite modifications to the principal Act. I hope I have been able to say in these few words that, although I am worried about and not entirely satisfied with the present situation, I know of no improvements that this Bill would effect. I therefore hope that in a year or two an inquiry, which may improve the situation, can be carried out.

Dr. TONKIN (Bragg): I cannot support the Bill, which was introduced by the member for Playford, who gave several reasons for its introduction. He said among other things that it was introduced to give members an opportunity to reconsider the legislation. He has introduced what he believes to be desirable amendments and he gives as his main reason for doing so the fact that (to quote him) there is considerable disquiet both in Parliament and in the general community over section 82a. I am not convinced of this.

The honourable member has made much play of the fact that, when the original legislation was passed, members did not know what they were doing. I doubt this very much. The Bill was debated thoroughly at that time. Having read *Hansard,* I am surprised, pleased and, indeed reassured once more by the amount of detail that members had acquired at that time and the understanding that they had grasped and brought to bear in the debate. The member for Playford (and I must be forgiven perhaps for referring to him constantly but, after all, it is his Bill) said that this debate would give us an opportunity of reviewing and renewing "some of its provisions which are regarded by certain responsible sections of the community as objectionable". In his second reading explanation, the honourable member has recognized that two groups of people are involved in this matter and also two points of view, one point of view representing almost total abolition of abortion, the other representing a complete relaxation of control—virtually abortion on demand. The honourable member said he wished to state that he represented neither of these groups, and added:

> I will attempt to produce a case in support of the present Bill which is reasoned, which takes account of the developments in 1969 and in the subsequent years, and which does not in any way rely upon emotional or dogmatic utterances and stances.

This is fine if, in fact, he has done what he said he would do but it is, of course, completely impossible for the member for Playford (as I believe it is for most other members) to debate this issue in a completely unbiased and objective way. It is just not an issue of that sort. The member for Playford has honestly stated his own position and makes no secret of this. He said:

> For my part, I see the deliberate destruction of the foetus or unborn child (call it what you will) as utterly wrong.

I submit that there is much difference between the foetus and an unborn child, but that is a matter of opinion; there is no dogmatic hard-and-fast rule about it. But the member for Playford has completely defined his own situation and knows exactly where he stands

(so do we), and I commend him for his honesty in this matter. However, it is inevitable that emotion will be involved and will consciously or unconsciously colour the arguments put forward. That applies to all members, as well as to me.

I think the member for Playford perhaps honestly believes that the effect of this Bill is not what it will be, but that it is an objective Bill and does not mirror his attitude. However, I am equally sure that members will have made up their own minds about this by now and, although the member for Playford has said that he is not going to rely on any emotional argument, he has done so, and I believe it is obvious that he is committed firmly to one point of view. He has, in fact, aligned himself with one of the two main groups which he says exist. The effect of this Bill is important: it will change a way of life for some people. Once again, the honourable member said:

> The Bill I have introduced does not mirror exactly my opinions on what the law on abortion should be.

Yet I submit that, in fact, the Bill does mirror his opinions to the extent that he wants to tighten up the laws. The honourable member said:

> Although it does not go nearly as far as I would personally desire, it has my wholehearted support in narrowing to some extent the circumstances in which abortion today is legally permissible.

"To some extent" is a phrase capable of wide interpretation. The effect of the changes brought about by these amendments to the law must be examined carefully. I believe that the personal views of the member for Playford are reflected very strongly in this legislation. He has honestly stated a point of view, and I think the Bill confirms his point of view. To what extent is "some extent"? I think that is the crux of the whole debate.

Many points raised by members need no comment, and I do not intend to cover old ground. The member for Adelaide covered the ground extremely well and I congratulate him on his grasp of difficult technicalities. Later, I will comment briefly on one or two other points, but it is vitally important to know just how much is meant by "narrowing to some extent".

The main points at issue in this regard are involved in clause 2, which amends section 82a of the principal Act. I think it is obvious to honourable members that the wording as it stands is impossible. Other members have dealt with specific points, such as the problem of the decision whether the risk of continued pregnancy would be greater than if the pregnancy were terminated. This is another problem: what is the definition of "substantial" in relation to injury, both physical and mental? How do we define "substantial"? I am sure the Attorney-General has a definition which would hold up in a court of law, but we are not dealing in courts of law: we are dealing with human beings and doctor-patient relationships. We are dealing with a rather absurd situation where a doctor is required to predict whether an injury or its effects, if it occurred (and once again, even in the wording, we cannot be sure that it will, and the wording recognizes that), would persist for a period through the balance of the pregnancy, through the labour, the puerperium, the first six weeks following childbirth (and I do not think we need go into the technicalities of the arbitrary six weeks time, the time basically before things return to normal). It does not matter; it is not important.

We have the problem in relation to mental injury. This is the basis of my main objection. I know this has been read before, but I will read it again, because, for all the times I have read it, I cannot see that it is a workable provision. It is as follows:

> Continuance of the pregnancy would involve a substantial risk that it would contribute to the mental illness of the woman to the extent that she would be dangerous to herself or to others or to the extent that she would be in need of restraint or regular psychiatric supervision or treatment for a period exceeding the period comprising the anticipated balance of the duration of the pregnancy, the consequent child-birth and the forty-two days thereafter;

This just cannot happen. It does not happen this way any more. As I said by way of interjection earlier in this debate, it would have to be a very odd-shaped straitjacket to adequately perform its duties. People do not get to this stage in mental illness any more, of if they do it is an uncommon occurrence. Modern treatment can control this aspect of mental disease. The patient can be seriously mentally ill without requiring any restraint or constant psychiatric supervision: I presume that the latter means by a psychiatrist. Many other people in the community (general practitioners and social workers particularly) can give the necessary supportive therapy to young mothers or young women who need this help.

Recently, the Minister of Health, in his reply to a question I had asked about clinics to help people to stop smoking cigarettes, said that a

multiplicity of clinics and sources of treatment were available in the community, and this would be so. This applies to people in need of help and support. I am not sure whether it is necessary to deal with the objections raised by the member for Playford to the psychiatric provisions. I cannot agree with the point of view expressed by the member for Playford when he said that any girl who went to a psychiatrist and said she was going to jump out of the window could get an abortion on psychiatric grounds. The honourable member must have a poor opinion of psychiatrists. Psychiatrists are a sadly misunderstood branch of the profession and are sometimes regarded with some fear.

Mr. Mathwin: They are called head-shrinkers in some cases, too.

Dr. TONKIN: Often they are called peculiar names, but basically they do tremendous good. I am sure that the Attorney-General (when in practice) and the member for Playford (who is such an eloquent industrial advocate) would have been pleased to rely on the evidence of psychiatrists in industrial cases dealing with workmen's compensation. I am sure that the honourable member has regarded them with much respect and has accepted their opinion with grateful thanks.

The Hon. L. J. King: If you are on the other side you do not regard it with the same degree of respect.

Dr. TONKIN: That may be true. Often we hear legal gentlemen arguing about the relative merits of psychiatrists, and one would think that the psychiatrist on one side was the only man worth listening to.

The Hon. J. D. Corcoran: What about the medical profession?

Dr. TONKIN: It is slightly different.

The Hon. J. D. Corcoran: They get together.

Dr. TONKIN: I seem to have upset the Minister of Works. It is important to recognize that a thin line divides normal from abnormal behaviour, and every person in this Chamber and in the community at some time in his life will require some sort of help, possibly psychiatric help but certainly counselling. Whether it is from the local parish priest, the local general practitioner or a psychiatrist does not matter: everyone in his life comes to at least one crisis point, as honourable members will probably know from their personal experience. If they have not yet been subjected to this, they have an experience coming to them. I have received many letters about this matter and I suppose all honourable members have received letters, but I seem to have received far more than most, because I have received carbon copies of letters sent to other members. I have received a significant number from psychiatrists who are most concerned at the proposed changes. These letters have confirmed my opinion, which is supported by letters that I have received from general practitioners and gynaecologists. Of all of those letters, only two have stated that the Bill is worth while. All the others have categorically stated that the amendments in the Bill will make the legislation completely unworkable for the medical profession.

The Hon. J. D. Corcoran: It would make it much easier for doctors if there were no qualifications at all, and that's all they are after.

Dr. TONKIN: I cannot agree with the Minister.

The Hon. J. D. Corcoran: They just want open slather.

Mr. Coumbe: Who has the final say?

The SPEAKER: Order! The Speaker has the final say in this Chamber, and I am calling for order.

Dr. TONKIN: I understood that the Minister of Works would speak later in this debate, not at present. The people who administer this law and who are affected by it more than anyone else in the community are the doctors.

The Hon. J. D. Corcoran: Not the foetuses that are thrown down the drain.

Dr. TONKIN: No doctor, unless he is gifted with second sight or the ability accurately to predict the future, can hope conscientiously to apply the conditions proposed in the Bill. In short, if the Bill is passed the situation will revert to the position that applied before the original legislation was introduced by the former Attorney-General (Mr. Millhouse). I believe that the member for Playford knows this well. If he intended totally to reverse the situation, his Bill will have that desired effect. Let us make no mistake about that. Perhaps I do him an injustice. Perhaps I should accept his explanation that he simply wants to tighten the legislation and make doctors think more deeply before they attempt to undertake abortions. He will certainly have that effect, because doctors will be unable to come to any conclusion whatever.

The Hon. J. D. Corcoran: But—

Dr. TONKIN: The Minister of Works is obviously strongly involved emotionally in this matter. If the Bill is passed, it will have the effect of completely tying the hands of

doctors, and this will have the ultimate effect of causing the situation to revert to what applied before the changes were introduced during the term of office of the previous Government.

The Hon. J. D. Corcoran: How many abortions were performed legally before the change came in? Come on, tell me!

Dr. TONKIN: The Minister is very naive if he thinks that the figures of legal abortions reported before and after the changed law are a true reflection of the number of abortions performed in this State. I think that I would know much more about this than would the Minister. I stand to be corrected: he may know a great deal about abortions. However, I think I know a little more than he does in this regard. Not for a minute do I deny him his right to hold his opinion, and I will listen to him in silence when he speaks. The implication has been made that doctors do not think very deeply about each abortion. This does little justice to the profession. No doctor likes to perform an abortion. It is not a pleasant business: I agree with all members who have said this. No-one likes to perform an abortion, and no doctor makes that decision lightly.

Doctors have been criticized directly or indirectly because of the increasing number of reported abortions. Following a change in legislation, some increase was inevitable. It takes time for women to realize that abortion is available under certain conditions. What is more important, it takes time for doctors to add possible abortion to the various courses of action available to them in caring for each individual patient. I stress the words "each individual patient", because the decision is made every time on the facts of each case, and it is idle for anyone to say otherwise.

Doctors have been criticized by implication for referring patients more readily for abortion than they did when the legislation was first enacted, but it is not a disadvantage that referrals may be taking place more readily and more rapidly. Any new form of treatment requires time for evaluation before it becomes generally accepted. I should imagine that much thought was given before the first renal transplant was undertaken, but such transplants are now happening so relatively frequently that the surgeon knows from past experience what the outcome is likely to be in a particular case, and he is able to make up his mind very rapidly. I suppose there was great trepidation before the first use of anaesthetics, but nowadays anaesthetics are taken as a way of life.

Of course, it takes time to accept a new technique or a new form of treatment. I emphasize that the greater frequency of referrals for abortion is the result of the experience gained by referring people for abortion, and doctors are now more ready to refer people because they know that in some circumstances it will be the best thing for their patients. It does not mean that doctors do not consider each case separately: they do. I must mention the argument that the member for Playford has circulated to all members. He attempts to prove, I imagine in an adept, legal way, that we have abortion on demand in this State at present. On reading his argument one might be forgiven for saying, "Yes, we have abortion on demand," but I take issue with the honourable member's last statement, as follows:

Therefore, the practitioner can and should, upon request, carry out the abortion without any other evidence.

Mr. Coumbe: What rubbish!

Dr. TONKIN: I have never heard a more gross slander of the medical profession. No doctor is bound to do anything contrary to the dictates of his conscience or anything that he believes is not in the best interests of his patient, and he will not do it. We, as members of Parliament, may perhaps tell the doctor what he may not do, but we will certainly not tell him what he will do. This slick argument, which no doubt is appreciated by the legal members of the House, says "The practitioner can and should . . ." No doctor will perform an abortion unless he is convinced that it is in the best interests of his patient, and nothing that members can say will change that.

Mr. Coumbe: We should bear in mind the Hippocratic oath.

Dr. TONKIN: That oath is laughed at sometimes, but it still applies, and it governs the lives of many doctors. Of course, there are exceptions to every rule, and this applies in all professions—even to members of Parliament. I presume that lawyers are professionals! The willingness of doctors to refer patients earlier has come about as a result of experience; this will remove one of the objections voiced by certain members. It will result in earlier referral and in earlier and safer abortion. However, I repeat that if this Bill is passed it will result inevitably in a return to the position that existed before 1969. I believe that this is exactly what the member for Playford and

his supporters want; that this is exactly how they want the situation to be. This would be (I was going to say criminal) a tragic thing.

Abortions have always occurred: they have been carried on for many years. I saw many abortions as a student, and those doctors who remember the temporary building which was erected at the Royal Adelaide Hospital during the First World War and which was still there during the days of my medical student life, starting in 1945 (it was a temporary building that lasted well), will remember that behind it was the Da Costa ward and that it was where we saw what were euphemistically described as septic miscarriages. Young women who had had abortions in unsterile conditions and who later became infected were admitted to the Da Costa ward. Many young women died, and many more were made sterile. The backyard abortionist reigned supreme and, if for nothing more than this experience, I would support the Act as it stands and would not support this Bill. It was an experience to spend time in that ward, to see the results of the work of the backyard abortionists and to see the effects on those young women. Those abortionists were responsible for many more abortions and deaths than were brought to the attention of the courts or the hospitals, and there were certainly many more abortions carried out as well. As a result of the change in legislation the backyard abortionist has virtually disappeared.

The Hon. J. D. Corcoran: How do you know?

Dr. TONKIN: Because we are not getting the cases of septic miscarriage which used to be reported with monotonous regularity in large numbers but which are not turning up any more. If the present legislation has done nothing more, it has done that. But I believe it has done more. As a result of this present legislation, many young women have been given the social support that they need to go on and complete their pregnancy and have their babies. When they have applied for an abortion and have talked over the matter with a sympathetic general practitioner or been referred to a gynaecologist or a psychiatrist, they have been helped to face the situation and have been given the social support that they have needed to go on with their pregnancy. That is another thing that this current legislation (this enlightened outlook, if you like) has done for the young women of South Australia, and, again, I would support the present state of affairs for that reason too. It is easy to tear down and criticize the current situation when that is one's mood, but credit must be given for the good that has resulted from this legislation. Indeed, these are things which I have seen and in which I believe. We have learned much about the social pressures affecting the family in relation to unexpected pregnancy and we have learned, if we needed to, the importance of family planning and the effect of increasing pressures of population and the associated tensions in family life on the key members of the family. These are growing steadily year by year, just as the population is growing.

I do not believe that abortion should be used as a means of population control. Reference was made this evening to family planning, and I endorse the remarks made on this matter. If we give more thought to family planning we will have fewer problems and fewer abortions. There is a need to remove the sales tax from contraceptives: I agree with the member for Stuart on that matter.

I congratulate Dr. Ian Furler on his detailed report, which all honourable members have no doubt seen by now, on an investigation of abortion laws and practices in America and Europe. I commend it from a medical point of view as a factual and objective report. I also commend to honourable members his recommendations. They should be regarded most seriously. Like Dr. Furler, I do not believe we can return to the old state of affairs. I do not think we dare. On page 53 of his report Dr. Furler says:

> I have intentionally refrained from entering the controversy concerning the rights of the foetus. This is an insoluble problem and one could quote authoritarian, sincere and humane conclusions from both points of view.

This is quite right; this is exactly where our dilemma exists, because we as members of Parliament are in somewhat of a dilemma.

The Hon. J. D. Corcoran: We shouldn't be dealing with the thing at all.

Dr. TONKIN: I totally agree with the Minister, because it is obviously impossible to resolve the differences of opinion which exist and which, indeed, the member for Playford agrees exist. The member for Stuart has referred to the categories of people holding widely divergent views—those who are undecided, seeing the right to life of the foetus and having, as he puts it, compassion on the mother, the in-between people, and the people on either side. Obviously, a significant proportion of the community wants abortion to be made available. Some want it on demand, and some want it under the terms of the present legislation. There is another significant group that

cannot in any conscience support abortion. Some members of each group believe that theirs is the only point of view and they are not willing to listen to any other.

I guess all honourable members will have received communications from people on both sides who think this way. Others, as has been stated by the member for Playford, can see and respect (or at least they say they can) the other group's point of view. I repeat the remarks of the member for Playford:

> I hope that members will respect my sincerely held views and my right to speak and vote in accordance with them as I shall theirs.

I believe this Parliament should also respect the sincerely held views and the right to act in accordance with them of all members of the community. Those women who do not think abortion is right will not seek an abortion. Those doctors who sincerely believe abortion is not right will not recommend or perform an abortion. Those women who hold the opposite view must be allowed to apply for an abortion; whether or not it is performed will depend on the doctor's assessment of each patient's history and circumstances. Whether or not a doctor will consider performing an abortion will depend entirely on his own conscience and belief, and the views of both groups must be respected.

The passage of this legislation will have the effect of respecting one point of view only and will ignore completely the other point of view. Is this what the member for Playford really wants? In spite of his words, I suspect that it is exactly what he does want. I think he is well aware of the effects of this legislation. I repeat his words:

> I hope that members will respect my sincerely held views and my right to speak and vote in accordance with them as I shall theirs.

I wish he would extend that feeling to members of the community generally and, particularly, to the women in the community. I respect his views, and I think he respects mine, so let us be rational about it and extend this tolerance to all members of the community. Why must we so tighten things up that we allow for a consideration of only one of the groups? Let us allow for both of them. I believe that each decision for an abortion must be an individual one and that those people who believe that an abortion is justified and necessary in any specific case must have their views respected, just as those who oppose abortion must also have their views respected. If we are to maintain a balance and respect the views and sincerely held beliefs of every member of the community, we must not pass this Bill.

Mr. PAYNE (Mitchell): Some of the members who have spoken to this Bill have stated at the beginning of their remarks the basis on which they were speaking. I intend to do likewise, but perhaps in a somewhat different way, for example, from that of the member who has just spoken. As well as speaking as a member of Parliament, I speak also as a father of two daughters, one of whom is married, the other just entering the teenage stage. This, of course, gives me no special qualifications in this matter, but it may be of some help to other members in assessing what value they may wish to place on my remarks. First, my own view is that abortion should be available to any woman who desires it, with no restrictions such as are at present contained in our current law. However, I do not believe that I should force this view on other people, so the tenor of what I have to say will be that the present law should be allowed to continue to function as it has been functioning since 1969, without any interference by me at this time. For this reason, therefore, I must oppose the Bill, and I will not support the second reading. Having said that, I believe that the member for Playford has been quite sincere in the views he has expressed in support of the Bill. I respect his views on the matter, but they do not coincide with mine. Before I go further into some of my own arguments, I want to comment on some of the remarks made by earlier speakers and then later try to discuss some of the reasons why I hold the belief that I outline to members this evening. One of the reasons given by the member for Playford for this Bill was that it would allow us to examine "loopholes which could lead to undesirable practices by unscrupulous members of the medical profession". I noticed that subsequently he produced no evidence of this unscrupulousness, so, as far as I am concerned, that loophole never opened. In fact, the member for Playford, referring to whether or not an abortion would occur, said:

> The authorization is dependent on two medical practitioners' judgment made in good faith after personal examination.

I noticed, too, that he did not appear to be unhappy about the situation. He certainly made no remark other than that which I have just quoted. I am not unhappy about the situation, either. Personally, I am prepared to believe that most medical practitioners would give their honest judgment in such matters.

The rest of his speech and what I could deduce from most of his arguments seemed to centre on what he told us was the intention of members of this House in 1969. He said that somehow this had gone astray, but he did not clear up just where it had gone astray. I do not know whether he meant in the printing, in the execution, or just where, but he said that somehow the intention of that time had not been produced.

He may be right that members were mistaken in their understanding of the 1969 Bill, but in this area I am sure that my qualifications would be equal to his, and my ability to read minds from hindsight is nil, so I imagine his ability is the same. I feel that such arguments do not carry much weight. It is like hearing a batsman say that a ball would have gone for six if it had not hit the wicket. It is that sort of argument, and it has just about the same validity.

During this debate members who have spoken have agreed that this is a very important matter, and there has been no politicking whatsoever except, predictably, by the member for Fisher. Unfortunately, he is not in the Chamber, but no doubt in his scanning of *Hansard* tomorrow he will read what I have said. He could not help throwing in a comment about spending money on eating houses at Windy Point, or some such thing. Thank heaven the rest of the members here have displayed a different spirit in the matter we are sent here to try to assess.

Mr. Gunn: What are you doing now?

The SPEAKER: Order!

Mr. PAYNE: After his efforts this afternoon, one would have thought the member for Eyre would not have opened his mouth for several days.

Mr. Mathwin: Then why bring in Windy Point on this Bill?

Mr. Clark: He didn't.

Mr. PAYNE: I was saying, before I was interrupted, out of order, by interjections from members opposite, that the member for Playford had tried to tell members of this House (and not very well) that his reading of the mind of members who were here in 1969 (some of them are still here, and I presume he allowed for that) was such that what was intended in the 1969 legislation had somehow not got past the printer or into execution. I was not here then, but my reading of *Hansard* indicates members who were here at that time worked hard to get out a Bill to take women out of the hands of incompetent amateurs, people armed with knitting needles, bent spoons, and other implements, and with dirty hands that have brought death to many women. I think this has been borne out by evidence mentioned tonight by the speaker who preceded me and other members who have been able to show that, according to statistics, the legislation passed in this House in 1969 has been of considerable benefit in this area.

There is nothing offensive or attacking in my uses of the term when I say "the member for Playford". I want to stress that. I want to make clear to members that I am referring to a certain member or to a specific remark. There is nothing else in it. The member for Playford made the clearest statement in his speech when he said, "I suggest that it would be far more logical to have abortion on request without this present rigmarole."

Mr. McRae: Hear, hear!

Mr. PAYNE: I am pleased to hear that friendly interjection, because these words echo my thoughts on this matter. I now consider one or two comments made by the member for Kavel, who said:

> The view to which one can give the greatest credence is not necessarily the one that is enunicated the most articulately, but the one held by the average man in the street.

I agree with that comment, and I offer the view of that man. I do not intend to introduce authorities in support of my stand on this matter, other than to refer to some statistics. In my opinion the average man or woman in the street is not a murderer nor is he callous or unthinking; on the contrary, his feelings on this matter are clear. A woman has the right to decide whether she will or will not have a child and, similarly, a women must not be compelled to undergo an abortion against her will. The present law allows for a good measure of the first proposition of the man in the street and all of the second proposition.

However, the man in the street has a third proposition: people have a right to their own view on this matter and are entitled to support that view reasonably. Those members who have spoken before me in this debate would certainly not quarrel with that proposition. The present law in no way conflicts with that proposition. The member for Kavel said that he did not equate contraception with abortion. Neither do I, but neither do I equate intercourse with automatic childbirth, and it is on this point that I should like to enlarge my argument. There would be more

weight to the inviolability of the foetus argument if it were argued that way, but every man at least knows that this is not the case.

There would not be a man here who had not engaged in intercourse at some time without caring a fig about the consequence to the woman. I am certain that this aspect is part of this matter, and that is why I have introduced it. The same man has not cared for the conception that could follow. To expect the woman concerned to take the rap (as it were) is more than I can accept. I am explaining this sort of thing to show members the reasons for my viewpoint on this matter. In the circumstances I have outlined, women are called on to take the rap. I believe that this truth of human nature is ignored when, according to some people, a conception in these circumstances must be followed by birth.

The member for Kavel also said that he did not believe that more liberal abortion laws would help solve any of our social problems. I refer him to the case referred to earlier by the member for Tea Tree Gully, for example, of marriages that are forced by an unwanted child. This often leads to broken marriages with untold suffering to all concerned. Another argument adduced by those who favour unwanted pregnancies being continued is that society must do more to help such children. Society can take the child, rear it, and so on. What sort of view do these people have of women in such cases? Is such a woman an incubator that can be made use of in this way? I can only reject what I regard as this terrible view of a human being.

Some members have spoken about pregnancy and birth as if they are like eating an apple or having a tooth filled. As far as I can ascertain, this is a time of mental strain and physical effort for a woman. Is it any wonder then that the half-yearly figures for 1972 show that 94 abortions were performed for medical reasons and 1,135 were performed for psychiatric reasons. Bearing in mind the need for two medical judgments in good faith that the member for Playford has included in the Bill, I believe that these figures show that the situation I have described would be brought about. The numbers of abortions to which I have referred do not perturb me at all. I believe the latter figure tends to support what every husband of any experience has learned; that early in pregnancy a woman can go through severe mental strain. Like the member for Adelaide, I am pleased that these 1,135 women could be helped in their time of need.

I shall now deal with the plight of other cases that these statistics (incorporated on page 513 of *Hansard)* reveal. The figures show that in the period between January 1, 1972, and June 30, 1972, in the 13 years to 15 years age group 40 abortions were carried out, and in the 16 years to 19 years age group 307 were carried out. Those figures indicate to me a state of affairs that could only be much worse if the present Bill were passed.

Mrs. Byrne: I know of a 14-year-old girl who had a child.

Mr. PAYNE: Perhaps I have not made myself clear. Do members supporting this Bill want girls aged between 13 years and 15 years to become mothers? I certainly do not want them to become mothers. As I said earlier, I have a girl aged 13 years, and this brings the matter home to me vividly. I am not suggesting that what now happens to some girls is desirable, but I believe that the alternative is far worse. In these circumstances I could never vote to prevent people from obtaining the medical assistance that would best help them.

Finally, I wish to refer to the methods used by people to let members know their opinions on this matter. I have received many letters from my constituents, but I hasten to add that I have not assessed the opinions by putting 10 letters on one side of a pair of scales and 12 letters on the other side.

Mr. Mathwin: Didn't you take any notice of the letters?

Mr. PAYNE: I think that the honourable member is the one who earlier tried a little bit of stirring, but this is not a matter for cheap point-scoring.

The SPEAKER: Order!

Mr. PAYNE: In fact, I could easily contribute my share of that, and I think I have a slight reputation for that kind of thing, but I have purposely refrained from using those tactics because this matter is so serious.

Mr. Clark: Just forget the member for Glenelg, as everyone else does.

Mr. PAYNE: I shall do that. I have received some letters supporting what the member for Stuart described as two of the main points in regard to this matter. Some letters are threatening, some are cajoling, and some are reasonable. I do not object to any person making known to me his views on this or any other subject, but I simply point out that some of the letters were threatening. I

suppose that, if people contribute toward paying our salaries, it is fair enough that they should be able to make the occasional threat.

The Hon. L. J. King: Did the threats come from people on both sides of the fence?

Mr. PAYNE: Yes. One letter absolutely appalled me. I suppose people outside say that I am interested in peddling hot air, but I have some interest in words. I chose the word "appalled" with all the care I could muster, and I hope that it indicates how I feel about this letter. I am not going to take advantage of my Parliamentary position and name the person who sent it to me, but I will say that the letter came from a medical clinic, and I will say no more. I can say only that the viewpoint expressed in that letter is appalling. The letter states:

Please be advised that we, the members of X Clinic—

and I use X as the name—

—are in favour of proposed restrictions for the Abortion Bill. We are sick of little "bits" coming up looking for abortions (repeat ones, at that, sometimes) on the sole ground that they have been "sleeping around" and have gotten pregnant. Yours faithfully, Joe Blow.

I have no reason to doubt the authenticity of this letter, to which I did reply, but I believe it reflects an appalling outlook and one which I should have thought the medical persons concerned should not take, because they are in the best position to help some of these little "bits" and to give them some kind of counselling, advice and assistance. However, judging by what it says here, that some of them are repeaters, I should hate to be a parachutist and have to visit that clinic because I had broken my leg a second time, for they would probably tell me to get out because I had broken my leg previously. I take it that that was the line of reasoning used in this instance.

I hope I have indicated my view on this matter. I have indicated that I will not support the second reading, and I hope that I have given reasons for my opinion. I trust that other members will accept my assurance that I believe every member has a right to his view on this matter and that members will accept my statement that I have given my honest and sincere opinion on this matter.

The Hon. L. J. KING (Attorney-General): I support the Bill. I should like to begin my remarks by saying that I believe that the Bill we are debating here this evening is the most important measure that has come before this House in the two years in which I have been a member. This topic concerns the extent to which the law can extend its protection to human life, and human life in its most defenseless and helpless form.

There is no subject matter on which a Parliament should concern itself more seriously or more properly than the extent to which the law should protect the weak and helpless in society. For this reason, this debate has reached a standard which, in its sense of responsibility, at all events, is as high as that of any of the debates that have taken place during the course of this Parliament. I reiterate what was said by the member for Mitchell regarding the sense of responsibility with which members on both sides of the subject have approached it. Probably most members have taken the trouble to acquaint themselves with at least some of the arguments and literature that have appeared on the subject.

I want to make one or two comments regarding the reports referred to during the debate. It has been suggested that, because a committee presided over by Sir Leonard Mallen has not made recommendations to this Parliament for basic changes in the law, we should draw the inference that the members of that committee agreed with the principles underlying the present law, and we are then, apparently, to take the further step and say that this Parliament should therefore not interfere with the law. I should like to say, first, that the Mallen committee had only a limited function entrusted to it, and I should not have expected, whatever might be the views of its members, to find that committee reporting on the policy and principles underlying the law. But, apart from that, the decision as to what principles and policies should find expression in the criminal law relating to abortion is essentially a matter that must be judged by members of this Parliament. We cannot pass that responsibility to any committee or body of outsiders.

We have also had references to the more recent report of Dr. Ian Furler. I draw the attention of members to the Chief Secretary's announcement that accompanied the release of that report, as follows:

Dr. I. K. Furler, visiting medical specialist to the Gynaecology Department of the Queen Victoria Hospital, has made a report to the Government on abortion laws and practices in Europe and America. Dr. Furler has recently returned from an overseas tour to study health centres on behalf of the Australian Medical Association. Acting on the advice of the Government committee appointed to examine and report on abortions notified in South Australia, the Government, prior to

Dr. Furler's departure, made a study grant of $1,100 to Dr. Furler "to study abortion practices and centres, particularly in regard to their structural organization and the complication rates." Dr. Furler's report contains a number of conclusions and expressions of personal opinion regarding the policy of abortion law. These go beyond the purpose for which the study grant was made and, in releasing the report for public information, the Government takes no responsibility for such conclusions and expressions of opinion. The Government expresses neither agreement nor disagreement with the opinions expressed by Dr. Furler on the question of abortion law.

I refer to that particularly because the member for Bragg has placed some importance on the conclusions reached by Dr. Furler. The fact is that Dr. Furler left Australia, and part of his task was provided for in a study grant made available by the Government for a limited purpose, which had nothing whatever to do with questions of policy underlying abortion law. Of course, Dr. Furler made his observations from the point of view that he already held as to what the abortion law ought to be. I suppose the member for Bragg is right when he says that few people can approach this subject without preconceived notions—at any rate, preconceived notions in the sense of the convictions that they have already formed on the subject. Certainly, Dr. Furler's report shows clear evidence that he approached his task with preconceived judgments as to what the abortion law ought to be. I think the key to his report is to be found at the top of page 53 in the passage already quoted by the member for Bragg, as follows:

> I have intentionally refrained from entering the controversy concerning the rights of the foetus. This is an insoluble problem and one could quote authoritarian, sincere and humane conclusions from both points of view.

Of course, if one refrains from entering the controversy concerning the rights of the foetus (in other words, if one lays aside the question of the rights of the foetus), one wonders what the argument is all about. I suppose there would be no argument at all if it were agreed that the foetus was without rights. Therefore, when one considers the conclusions by Dr. Furler, one must bear in mind that he reaches those conclusions on the basis of ignoring the rights of the foetus. Yet I suggest that it is on the rights of the foetus that the controversy turns. Therefore, I think it is important for us to bear in mind just what we are talking about when we speak about the abortion which is legalized by the existing law.

Just let us look at the situation (the stage at which abortion is performed) and at what is this object which the law permits to be removed from the body of the mother and thereby destroyed. First, it is obvious in normal circumstances that a woman will not have a certain indication that she is pregnant until the pregnancy has continued for perhaps five or six weeks. Therefore, I think it is worth pointing out that, by the time the mother is three weeks pregnant, the embryo's heart is already beating; by the time the pregnancy is confirmed (or about the six-week period) all of the organ systems of the child are present and functioning. We really start to get the significant rate of abortion, of course, between the eighth and twelfth week. At eight weeks we are told that the child already has a functioning nervous system, so that if one actually strokes the upper lip of the child at this stage one will get a flex in the child's neck.

In other words reflex activity is present and there is a functioning nervous system at eight weeks, and an electro-encephalograph will show that brain waves are present in the child which are more or less identical with the brain waves of a child after birth and which are not significantly different from the brain waves of a mature adult. When we get to the end of the eight-week to 12-week period, the foetus will squint, and it swallows and sucks it thumb. It is worth bearing in mind that the abortions of which we are speaking in the vast majority of cases occur during and after this period, and what we are considering is the circumstance in which the law should permit the destruction of a thumb-sucking infant in the mother's womb. Let us not conceal in our minds with reference to embryos and foetuses the truth that what we are dealing with is a real human infant not yet born, but an infant which, from the moment of implantation, some eight days after conception, has the recognizable characterists of a human being and is recognizably distinguishable from any non-human species. From that time onwards, and right from the beginning, the pregnancy can have only one of two results: it can result either in a live human baby or a dead human foetus, but nothing non-human can proceed from it.

When you get beyond the 12-week stage, a period during which a great many abortions are performed, the situation really becomes too horrible for detailed description. When we get up to the 20-week mark we are dealing with the removal of a live infant by caesarian section or the destruction of the baby by the

injection of a saline solution. It is worth bearing in mind, too, that, at about the 12-week period to which I have been referring, the normal method of abortion is by way of dilation and curettage; in other words, the mouth of the womb is dilated and the foetus is removed bit by bit with a sharp curette, and at a time when the unborn child can indisputably feel the sensations of pain inflicted on it by this procedure.

I think it is important for us to remind ourselves that during this debate we are talking about the circumstance in which the law will permit the destruction of this unborn infant. We are not talking about some sub-human or non-human creature, not an embryo or a foetus. We are talking about a human child, not yet capable, indeed, of viable existence outside the mother's body, but nonetheless a human foetus which can issue only as a live baby or as a dead human foetus.

I have expressed the view in this House on previous occasions, and I repeat it now, that in many ways the progress of civilization can be measured by the degree to which society is prepared to extend its protection to the right to life generally; in other words, the degree to which society recognizes the unique and special value of a human life, not because of the quality of that life, not because the human being concerned is strong and not helpless, not because the human being concerned is clever and not stupid, is well formed and not deformed, but simply because it is a human being, and to the extent that human society has recognized and clung to that concept it has been civilized; to the extent that it has fallen away from it it has fallen away from the standards of civilization.

If there is any single contribution which Christianity can be said to have made to the progress of Western civilization it is the fostering of that concept of the unique and special value of the human personality, quite apart from any quality attaching to that personality, but simply because it is a human person. It is for that reason that I believe this Parliament, in the 1969 law, made a grievous mistake which we ought, so far as we are able to at this stage, to endeavour to rectify, because in 1969 this Parliament enacted the law which is at present under discussion and which, in effect, deprives the unborn child of any really effective rights in this situation at all. The law as it stood was the common law, which provided that abortion was a crime unless it was necessary to avert a serious risk of death or grave injury to the health of the mother. In 1969 this Parliament altered the law to provide that, where the continuous risk to the mental or physical health of the pregnancy was greater than the risk of its termination, it would be lawful to destroy the foetus and terminate the pregnancy.

The statistics quoted by the member for Spence established that there was an eight times greater risk to continue the pregnancy than in its termination. Certainly, the risk is greater in almost every pregnancy. What Parliament did in 1969 was to say that in South Australia we ceased to attach importance to the right of the foetus to live out its human life already begun, and that the only significant right was the right of the mother to terminate or have terminated a pregnancy that she did not want. I believe that what we did in 1969 was to say that the law should withdraw its protection from a particular group of human beings, that group being the most helpless and defenceless group in the community.

I repeat what I have said previously, in that I believe that what was done in 1969 was a retreat from the standards of civilization in the direction of the standards of barbarism. We should now seize the opportunity that presents itself to retrace our steps (at least in part), because for those of us who look to a future society that attaches greater importance than does our present society to humane and moral values as opposed to materialistic values, this specific attachment to the right of all our citizens (no matter how helpless) to their lives and the right to live out their lives is completely fundamental. If we allow to remain on our Statute Book a law that represents a serious retreat from those standards, we destroy the base from which we can hope to work towards a new, more humane, and less materialistic and cruel society.

Let us consider the consequences of all of this. The result has been that legal abortions are now performed in this State at the rate of about 2,500 a year: they rose steeply, but seem to have levelled out on a plateau, and some think that the numbers will increase again (and the United Kingdom experience seems to support that view). I do not know, and I cannot gaze into a crystal ball, but, whether or not they increase, the present number is about 2,500 a year. I do not pretend to know to what extent that represents a real increase in the number of abortions performed. I have studied the changes in the birth rate in other States compared to the rate in South Australia, the changes in the

rate of illegitimate births in other States compared to the number in South Australia, and the number of children available for adoption in other States compared to the number available in this State.

One of the really sad aspects of this situation is that, although many children are being destroyed before birth, we have a longer and longer waiting list of good adopting parents waiting to give these children a chance of a full life in our society. However, after I have studied all those figures, the only conclusion I can come to is that certainly the number of abortions performed in South Australia is higher than it was before the 1969 legislation. Certainly not the whole of the 2,500 abortions a year would be accounted for by abortions that would not have been performed had it not been for the change in the law. Clearly, before 1969 there were many abortions performed legally at common law, and the common law test was applied fairly liberally by some doctors. Those cases would be included in the 2,500 abortions a year. In addition, backyard abortions were performed previously that are not performed now. They would also have to be taken into account. Therefore, I do not think it is possible to arrive at an exact figure. What we do know to be the effect of the 1969 law is that South Australia has accepted that the criminal law need not extend its protection to this group of human beings, namely, the children that exist in the mother's womb before birth. I think that is the really serious aspect of what was done in 1969.

The other thing that has happened as a result of the 1969 law is that we now have 2,500 abortions a year performed under that law. We have a situation in which an increasing number of abortions is performed on psychiatric grounds. The first figures showed 84 per cent; this rose to 88 per cent, then to 89 per cent, and now virtually 90 per cent of all lawful abortions performed are performed on the ground of specified psychiatric disorders. I believe that this indicates without any doubt at all that many abortions performed under the law are performed on grounds that really can amount to no more than a transient mental upset by way of reaction to an unplanned pregnancy. Examples of this have crossed my desk. One that comes to mind very vividly was the case of a young woman who flew to Adelaide with a man who might or might not have been the father of the child. She consulted a general practitioner in Adelaide and was referred to a gynaecologist, who in turn referred her to a psychiatrist. Although he had a full book of appointments he managed to see her in between appointments on one afternoon. As he charged her $15 for the consultation, knowing a little about the rates charged by psychiatrists I think that represents no more than half an hour of his time. He then certified that she was suffering from psychiatric disorder and that an abortion was therefore justifiable. Indeed, she was aborted.

Similar instances can be multiplied. I recall an occasion when I was telephoned one evening by a gynaecologist who said, "An ex-patient of mine has just communicated with me from Hobart. She is pregnant and unmarried, and she wants to come to Adelaide to have an abortion. Is it legal?" Having heard that, I first made up my mind that no word of mine would contribute towards the death of that child. However, I informed him, as I normally inform people in such circumstances, that it is not the function of the Attorney-General to give legal advice, and I suggested that, if he wanted to know the position, he might well consult a solicitor. He then said, "Should I advise the woman to consult a solicitor?" I said, "Yes, I think that would be a good idea." The thought crossed my mind then (and it has often crossed my mind since) that the one person for whom I could not secure legal advice was the child whose life was in jeopardy. Normally, that child would look to its mother for protection and would expect the mother to make the decisions in its interests and on its behalf until it was able to make such decisions for itself. But here we are faced with a situation in which a doctor concerned in the matter would ascertain his legal rights and the mother would ascertain her legal rights, but she was intent not upon the interests of the child but upon the destruction of the child, and there was no way in which I or anyone else could secure advice or representation for the protection of that child. I think that this illustrates vividly the situation in which we have got ourselves with this law.

A very great deal has been said (and properly and sensibly said) during this debate about the plight of a woman who finds herself pregnant in circumstances where the pregnancy is unplanned and unwanted. Let me say at once that no-one feels greater sympathy for such a woman than I do, and I believe we have a responsibility in the community to do everything possible to alleviate the plight of women in that predicament. Many suggestions have been put forward in this debate,

and I entirely agree with most of them. However, the one course that we should never take is to alleviate this situation by declining to extend the protection of the law to the child, who certainly has a claim on society's protection. In this situation we must consider the interests of more than one person.

Of course, the mother's interests are of tremendous importance, but we must never overlook that we have another life in existence whose interests can be overlooked only at the peril of society's forgetting that it has a duty as much to the helpless and the inarticulate as it has to those who are able to speak up in defence of their interests. It is for that reason that I think that the member for Playford, in framing this Bill, has endeavoured to hold a balance between the interests of the mother and right of the foetus to life. Where that line ought to be drawn in the criminal law is a matter for much debate, but I suggest that certainly the place at which the line is drawn under the existing legislation is wrong, because the existing legislation requires only that a comparison be made between the degree of risk involved in continuing the pregnancy and the degree of risk involved in its termination. As has been said over and over again, in an abortion properly performed by a professional, the risk is very small, and the risk to health in continuing the pregnancy is in almost every case greater. So, the law at present is in a highly unsatisfactory state. This Bill has been subjected to some very unconvincing criticism by some members, including the member for Bragg, who surprised me with his criticisms.

This Bill requires that, where the ground upon which the pregnancy is sought to be terminated involves a risk to the life of the mother, the risk be a significant risk. In other words, the risk must be significantly greater than the risk if the pregnancy were terminated. The member for Bragg said that if something extraordinary happens a doctor is asked to judge whether a risk is significant, but this is the sort of judgment that a doctor or any other person has to make frequently in everyday life. Under common law he had to judge whether the risk was grave or serious, and this merely substitutes a different test for the old one. It is necessary to have a risk which a reasonable person would recognize as significant in the context of a proposed termination of pregnancy.

In a case where the physical health of the mother is concerned, it is required that the continuation of a pregnancy should involve a risk of substantial injury to the physical health of the mother and the provision exists in the present law where there is a requirement that the prognosticated injury to health should continue for the duration of the pregnancy and 42 days afterwards. In the case of the mental health of the mother the same sorts of considerations apply. This substitutes a test, having some reality, for the artificial and meaningless test that has been written into the existing provisions where the doctor had to ask himself whether the risk to the woman concerned was substantial. This is a straightforward test, at least as easy to apply as the common law test which has been preserved in the existing Act in the case of an emergency where a single doctor has to form a judgment; but there is nothing unusual in asking a doctor to form a judgment of this kind. He has to say that he has formed an opinion, and this merely means that the medical practitioner had to form an opinion that the injury to mental or physical health would outlast the pregnancy by six weeks.

If the life of an unborn child is going to be taken away, it should be at least possible to say that the rational justification for so doing is to avoid an injury to the mother that is not a mere transient reaction to a temporary situation, but which is something that could affect her health for a significant period (at least the duration of the pregnancy and a relatively short period thereafter). I should have thought, bearing in mind the decision that has been made involves the deprivation of an already-in-existence foetus of its right to live out its normal human life, that this was not asking a great deal. It is not asking a great deal that the law extend at least that limited (and very limited) measure of protection to this child who is otherwise left without any protection.

There is one last point to which I should like to refer. Several members have made the point that, whatever their personal view is, it should be a matter for freedom of choice for individuals in the community to follow their own judgment in this matter, and that the law should not enter into it. I do not believe that the law can opt out of this situation. I do not believe that we can treat this as a situation involving only considerations of personal or private morality, thereby leaving individuals to make their own judgments and decisions, because the element which exists here and which requires the intervention of the law is precisely the same consideration that requires the intervention of the law to

prevent infanticide, the destruction of the child after birth.

It is not sufficient to say, "Some people, when they see a child bom with a deformity, consider it best and proper to destroy that child so that it does not have to live out its life with that deformity" and that, therefore, we should do the same in all cases. Once the life comes into existence, it has a right to claim from society the protection of society's laws. We cannot simply say that we will leave it to the judgment of each individual person, parent, mother or doctor, on whomever the choice falls, to decide a question of life or death, because every individual, once in existence, is entitled to the protection of the law. Consequently, this is not one of those cases in which we can simply shrug off the whole question by saying, "People have different views. Let them make up their own minds about it", because the life that is at issue in every one of these decisions has no choice in the matter at all, and it is because the unborn child has no choice in the matter that the intervention of the criminal law is required to protect that life.

The measure introduced by the member for Playford is a moderate one. He says it does not accord with his own personal views about the morality of the situation, and I think I would say the same thing regarding my own views. Under the Bill there are many cases in which pregnancies would be terminated when I would say it was wrong to do that, but we are dealing here with the circumstances in which the criminal law should intervene to protect life. I believe that the member for Playford has asked this House to adopt only a moderate degree of protection for the unborn child.

Every legitimate argument that has been advanced in this debate on behalf of the mothers who might wish to terminate their pregnancies, where there exist conditions of hardship, or where there is any significant risk to life or substantial risk to health, is provided for in this Bill. I believe that all the humane objectives which so many honourable members have expressed during the debate can be attained with, nevertheless, a worthwhile increase in the protection that the law affords to the defenceless foetus, and for those reasons I ask honourable members to support the Bill.

Mr. RODDA (Victoria): Like the Attorney-General, I, too, support the Bill. The House is being asked, by the introduction of this Bill, to consider what is probably the most important matter not only in the State but in the whole country—our future people. That there is enormous interest in the matter can be underlined by the many petitions that have been presented to Parliament and by the immense interest taken in the Act since it was proclaimed in 1969. Mine is a country district, and the people in it have decided views on this matter and, in fairness to them, I believe they take a balanced view on it. Arguments are advanced on the matter by both sides.

The member for Mitchell added some political complexion to the debate, which had previously been conducted on a non-political basis. It is a pity that this type of discussion is used as the basis for debate on this matter. This measure deals with human life, and it is right that Parliament should be considering it. Most of us as mere males would perhaps like to shrink from this duty but, as elected members of Parliament, we have an obligation to consider this Bill, as well as any other measure introduced. It was interesting to hear our two lady members say that they did not want the present Act altered. That perhaps put some of us, who hold the view that I hold, somewhat at a disadvantage; indeed, it is not likely that I or the member for Alexandra, for example, will ever become pregnant!

There were 1,440 abortions in this State in 1970, 2,546 in 1971, and 1,244 have been recorded so far this year. The total is approaching 5,000, and the rate is increasing. However, if the present legislation did not exist, abortions would be taking place under the backyard method. Members may realize that I am not against abortion, and I think that, if we are to be fair in assessing the position, we must agree that the matter should be treated on its merits. I agree with the Attorney-General, who said that the member for Playford was trying to preserve a balance. The honourable member said that the Bill did not represent his personal view but that he was seeking to preserve a balance: that is how I view the Bill and why I believe I should support the honourable member in this respect.

The member for Bragg, as a practising doctor, put the professional viewpoint and said that medical people would be in all sorts of trouble if this Bill became law, as they would have much difficulty in interpreting it. However, as doctors to whom I have spoken on the matter do not share that view, we have

the experts disagreeing on this matter. This leaves those of us who are laymen regarding this issue, including me, in some doubt about the views that have been expressed. However, I believe that our moral standards have been lowered, and I was interested to hear what the member for Mitchell had to say about this. Unfortunately, our moral standards have been lowered, and perhaps as parents of the younger generation we must take some blame for this. It has become common to parade sex as a plaything; sex has been brought out into the open, as is evidenced by the stacks of pornographic literature, etc., that we see circulating in the community, and permissiveness has been encouraged. As I say, as parents of the rising generation, we have to take our share of the blame for this, and realize that, as a result of this permissiveness and the increased number of acts of intercourse, especially among young people, there will be many more pregnancies. When this takes place a third life becomes involved, and this was ably discussed by the Attorney-General. I agree that we should not stigmatize these unfortunate young people, but I am not sure that I agree that there should be an abortion in every case.

Mrs. Steele: Only about 50 per cent get it.

Mr. RODDA: As my colleague reminds me, only about 50 per cent get it. I further question the advisability of this when I know that many young people in my district are seeking to adopt children but the children are not available. It seems a great waste of human life if the child those people would like to adopt is among the 5,000 souls which, because of this Act, do not have the privilege of coming into this world. I should not like to think that I was responsible for denying life to a person who had every right to become a citizen of this State.

Much has been said about the Bill. It has been reiterated and rehashed, but it sets out to do three things, each of them important. It should be allowed to go into Committee, because it is important that we should have Committee discussion on it. There has been much speculation since the Bill was introduced on whether it would reach the Committee stage. The member for Playford deals with the psychiatric clause, the onus of proof, and the time in which a pregnancy should be terminated. He has brought forward this Bill in a fair manner, and I ask other members to consider giving him the opportunity of taking it to the Committee stage.

Mr. JENNINGS (Ross Smith): I do not support the second reading of this Bill. There is no need for me to speak at any great length, because I was here at the beginning of the legislation, whereas most members who have taken a leading role in this debate are entering into it for the first time. My views have not changed from those I held when the legislation was introduced and, according to my mail, neither have the views of the rabid supporters of it or the opponents of it. I believe that our abortion law represented a great social change in South Australia, and it is yet too early to alter it significantly. We are now finding, in fact, from official statistics that the situation is levelling out and that the dire prophecies made to begin with will not be realized.

I do not know any normal person who favours abortion, yet I believe that a great majority of normal people have a tolerance of abortion as a last resort. This is a resort to which an unfortunate minority turns. On the other hand, fanatics (or perhaps we could be more charitable and call them enthusiasts) are emotional on the issue. I know some people who give the impression that they would support abortion being compulsory irrespective of pregnancy. I know others who would rather sacrifice the mother and render other children motherless just to avoid an abortion—and these are the people who usually oppose contraception. Surely, justice lies somewhere in between. I believe that it is in between that we had to find a solution, and we found it in this State in the 1969 legislation.

I believe that the number of backyard abortions in South Australia has markedly decreased since the legislation was passed, as has the number of highly expensive North Terrace abortions, which were illegal but comparatively safe. This prompts me to refer to one of the most frequent claims of the anti-abortionists: that this legislation has greatly increased the number of abortions. I do not know how anyone can justifiably claim to know the number of illegal abortions committed in this State before the present Act was passed, or how they can claim to know now the number of illegal abortions being performed in other States. Perhaps it would be of interest to members to read from Dr. Furler's report. Admittedly, the Attorney-General said that Dr. Furler had preconceived ideas on this subject. This may or may not be so, but I think most people have preconceived ideas on this subject. However, that does not prevent a highly qualified man from

giving his views in a responsible way. About the position in London, he states:

There is no doubt that abortion is available on request in the United Kingdom if the applicant can pay, hence the old situation of "one law for the rich, one for the poor" exists and prospers. In South Australia we have been most fortunate in largely avoiding this state of affairs. The interpretation of the Act is much more uniform amongst general practitioners, gynaecologists and hospitals. Our smaller size perhaps is responsible for this, but one factor is the uniformity engendered from a strong community-minded Department of Obstetrics and Gynaecology within our university. This results in our public hospitals adopting reasonable, responsible, and fair attitudes, hence the relative lack of abuse in the private sector. There is no doubt that if they were to be restricted in their practices, the same situation would arise as in England.

Some members might say (some members have said, and some have said it this evening), "Why not let this legislation pass the second reading and try to amend it, if necessary, in Committee?" From my point of view, the answer to that question is that I am quite satisfied with the present law. Therefore, I am not in favour of its being amended at all, so I want it voted out at the second reading stage. If the Bill went into Committee, it could be dangerous, too, for its mover, because amendments could be inserted that would do just the opposite to what the honourable member wants.

In this day of easy, cheap and scientific contraception, I cannot understand why there is such a demand for abortion. I oppose the Bill and hope that, with more education and general understanding, the demand for abortion will decline to the very minimum. Finally, to those people who write to members of Parliament in rather intimidatory tones, I want to say that there is nothing compulsory about our present abortion laws. No-one is compelled to have an abortion; no-one is compelled to perform an abortion; and no-one is compelled to take any part in an abortion. I oppose the Bill.

Dr. EASTICK (Leader of the Opposition): I believe that, on an issue such as this, a member should make a contribution; mine will be short. It is unusual for me to find myself agreeing with the member for Ross Smith, but on this occasion I do. I believe that the Bill, which the member for Playford has introduced in good conscience and with the best of motives, has been brought forward too early. As yet, we know too little about the overall effect of the 1969 legislation. From the information provided to this House as a result of questions asked, we do not have sufficient facts, and we have not been told when we will have enough details to make a considered judgment on the subject.

I do not intend to deal with the scientific aspects, or the question of the right to life of the unborn child, or other matters brought forward by members. It is not possible to say how many illegal abortions would take place if the present law were denied to the people of this State. However, if further restrictions were now introduced, we would return to the situation outlined by the member for Bragg in which cases of septic metritis and similar cases would be seen in the wards of our hospitals. Moreover, I believe that the trend towards the use of drugs, particularly the availability of hormonal drugs in the community, could have serious consequences for many women. Even though access to these drugs is illegal, people can obtain them. The side effects of these drugs, which may be used to terminate a pregnancy, cause me real concern, greater concern in fact than do some of the matters that have been raised by members in this debate. In his second reading explanation, the member for Playford said:

It is introduced in order that members of this House in particular, and members of the community in general, may have an opportunity to consider whether or not there are desirable amendments to be made to the present laws relating to abortion.

I do not believe that the present Bill is desirable, and I do not believe that some of the suggestions made by people in the community would constitute desirable amendments to the existing legislation. I hope that, by using the statistical details that I hope will be available within 12 to 18 months, we will be able to reconsider this matter. I was moved to accept the plea of the member for Stuart that this Bill be taken to the Committee stage, but I agree with the member for Ross Smith that, if this Bill were taken into Committee so that it might be amended to make it acceptable to one or two more members, the ultimate result might be legislation that would be more difficult to manage than could be foreseen. I therefore oppose the Bill.

Mr. LANGLEY (Unley): Like most members, I would not like to record a silent vote on this matter. I believe that we have had more speakers on this matter than we have had on most other matters that have come before this House. I oppose the Bill. Like other members, I have received many letters and calls, and I respect the views expressed in those letters and calls. In arriving at my

decision to oppose the Bill I have taken into account what the people of the Unley District have had to say. During this debate many members have referred to abortion on demand. Two women called at my home who had been refused an abortion because they were physically well enough to bear children. Surely at some stage a woman should have a say regarding her own life. Contraceptives have been used for a considerable time, and surely, after bearing a reasonable number of children, a woman should have the right to look at the future and to consider her existing family. Surely she is entitled to a certain amount of relaxation and to the opportunity to care adequately for the children she already has. Most married couples are happy to have a family; relatively few couples are childless, and in many cases it is not their own fault. I believe that the present legislation is sufficient and should remain until it is found wanting.

Mr. HALL (Gouger): The member for Playford has made an eloquent plea for the passage of this Bill and has privately canvassed members in support of it, but the quality of his advocacy does not in any way alter the merits or demerits of the Bill. I oppose the second reading of this Bill. My attitude is the same now as it was when legislation on this matter was first introduced. I shall therefore vote against any measure which, even if watered down by amendments, significantly alters the present law. I do not wish to add anything to the many unnecessary words that I believe have occupied the time of this House, and I therefore simply vote against the Bill.

Mr. McRAE (Playford): First, I thank all members who, during the course of this debate have, almost without exception, exercised much restraint and shown much courtesy. It has been admirable, and it is a pity that the same sort of restraint and courtesy is not exercised when debating public measures, too. Secondly, regarding comments made by speakers during the course of what I consider to have been an excellent debate, I immediately challenge all those honourable members who have said that we do not at this time have abortion on request. I challenge that completely. I believe that the public has been misled most gravely. I intend to quote from the existing Act to demonstrate, beyond any reasonable doubt, that we do have abortion on request. However, for reasons best known to each of the two Governments that have administered this Bill, this has not been made known to the public or, alternatively, even though we do have abortion on request, the interpretation of the law has been left in the hands of doctors rather than of those who should administer the law, namely, the Government and the courts.

Section 82a of the Criminal Law Consolidation Act as it was amended in 1969, following a Bill introduced by the then Attorney-General (now the Deputy Leader of the Opposition), provides (and I will summarize that section without removing any essential part so that the unnecessary words are removed that would otherwise confuse the issue) that the medical practitioner must be satisfied that the continuance of the pregnancy would involve greater risk to the life of the pregnant woman or to the physical or mental health of the pregnant woman than if the pregnancy were terminated. What does that mean? That is an illogical provision but, if sense can be made of it, it means this: if the pregnancy is terminated there is no risk involved in the continuance of the pregnancy because there is no continuance of the pregnancy. Thus, the medical practitioner is required by the legislation to be satisfied that the risk involved in the continuance of the pregnancy is greater than no risk at all. On this he must inevitably be satisfied in every case. Therefore, logically, the medical practitioner can and should on request carry out the operation without any other evidence.

I circulated this document in this House earlier today and I realize that I, like the former Attorney-General, maintained in my Bill an illogicality (but I was brave enough to face up to that once I admitted that it was illogical). No speaker has challenged that since I circulated that document. The fact is that we have abortion on request.

Members interjecting:

Mr. McRAE: I have listened to all speeches without interjecting and I hope that other members will do the same for me. That is the situation: in this State we have abortion on request and, if that is so, why do we have this rigmarole in the Act? Why do we not come straight out and say that no termination of pregnancy shall constitute a criminal offence? The reason is that the members did not intend to pass the legislation that they did pass in 1969. It is significant that the then Attorney-General (now the Deputy Leader of the Opposition), although I invited him in my second reading explanation to do so, did not attempt to refute my allegations that he misled the House (and I do not say he did so intentionally) in significant matters during the

passage of his Bill and that, as a result of what he said, there were grave misunderstandings.

The member for Bragg, referring to the comment I have just made regarding section 82a, said that this was lawyers' law—that it was some sort of a technicality. That is an absurd comment. The law is the law. That is the foundation of our whole society, and the law must be upheld. Is there to be one law for the rich and one law for the poor? I say "No", particularly coming from a Party such as that to which I belong. Should anyone have found my first dissertation on the meaning of that section too complicated, I now try again. What has happened is this: the draftsman has misplaced his words. Honourable members are obviously at a disadvantage unless they have the Act before them. The intended sense was to balance the two risks—the risk of the continuation of the pregnancy and the risk involved in its termination. However, this is not clear in the provision's present form.

All that is being examined now is the risk involved in the continuation of the pregnancy and, because of the wording of the section, once the continuation (that is, in this sense, a continuing thing—something that cannot be limited at one point in time) is brought to an end, the risk must also logically come to an end. No-one has said that my construction of section 82a is wrong, and these papers have been circulating around the House throughout the day. Every honourable member has been supplied with a copy and no-one has attacked that construction which, I believe, has been accepted as correct by the Attorney-General.

The Hon. Hugh Hudson: Come, come!

Mr. McRAE: The Minister of Education can say, "Come, come", but he was not present in the Chamber when the Attorney-General spoke, and it is my impression that the Attorney accepted that construction. Lest it be said that there is some doubt about the matter, I remind honourable members that this is a penal Statute and, should there be some doubt, there is some authority that the benefit of the doubt be given to the citizen. Let there be no mistake about this. Honourable members in 1969 voted in abortion on request without intending to do so. Do they now say that, although they did not intend to do this, they will leave the public in a state of doubt? If any honourable members here believe in abortion on request (and I know some do), let them say so. But let us not have this smoke screen, where the law says one thing but our public relations experts from various Government departments say another thing.

If, in the opinion of the Attorney-General and other eminent lawyers, that is the position, why is the public not told this? It is all very well for those honourable members who believe in abortion on request, but what about those who fall into the middle category? Will they, having heard the analysis that I have made and having had a chance to read up the matter during the adjournment and form an opinion, stand idly by and see this Bill defeated, leaving a law on the Statute Book that they never intended? I do not believe that is democracy, and I am truly ashamed if that is the case. I think it has always been the tradition of this House that, if a Bill contains some measures which members think are good, and other measures which members think are bad, the majority of members will vote that Bill into Committee so that an opportunity can be given to dispose of the bad parts and to uphold the good parts. I am reminded by my search in *Hansard* that even a gentleman such as a former Speaker, Mr. Stott, who was not highly regarded among my colleagues, adopted a principle similar to that.

I am also reminded that it has often been a practice that I have seen adopted in my admittedly short term in this place. Is the public of South Australia now to be told that, notwithstanding the challenge I have put forward, there will be no opportunity in Committee to review the provisions? Is the public to be told that there will be no opportunity, in line with the recommendations of the Mallen committee, to reduce the 28-week period to 20 weeks? Is it the case that this Bill will be killed so that there cannot be adequate discussion about these matters? I take it that there will be no opportunity for members who, if they wished, would tear my analysis to pieces. Why should I not be exposed to that risk? Why, indeed, should not the Attorney-General be questioned about it? The unsavoury idea of a gag has always made me sick when listening to the Commonwealth Parliament. I believe that an attempt is being made to gag this discussion now in a most unpleasant way.

I put that challenge to members in a most unemotional way. Throughout my whole discussion on this topic I have refrained, as I promised at the beginning, from interjecting at any time, and I believe I have acted with due courtesy and propriety in regard to all members and with great respect for their views.

Indeed, I have castigated publicly some alleged supporters of mine who wrote blackmail letters of the kind referred to by the member for Ross Smith. I did so in a statement in the *Southern Cross* newspaper, once I heard that some members had received letters of a blackmail nature. I certainly had nothing to do with that. I believe that members should respect my conscience, and I certainly respect their consciences. I had nothing to do with that matter and completely dissociate myself from it. In the interests of democracy, in the interests of the people of South Australia, and in accordance with the traditions of this House, demonstrated by the practice of the House of Commons outlined by Erskine May, I urge that this Bill be voted into Committee. Are the people of South Australia to be denied this? It is a shameful thing if they are.

There is a third part of my Bill, and it horrifies me to think that members will not have a further opportunity to discuss it: I refer to the provision dealing with the reversal of the onus of proof on a conscientious objector. Many members here have advocated time and time again that the National Service Act, which contains a similar provision, is disgraceful and wrong. Are they now denying the House the opportunity to reverse that situation? I am stunned that that reversal of the onus of proof was ever suggested by the then Attorney-General and passed by the House. I think it justifies my belief that there was considerable confusion in the House at the time. I do not intend to retrace my steps on this matter, and I have made the main points that I wish to make in reply.

I do not believe that there are members who support this Bill (and certainly I am not one) because they consider a girl or a woman is getting her deserts by having to go through an unwanted pregnancy. Nor do I believe that any member regards an unwanted pregnancy as the appropriate punishment for sexual enjoyment. Approval or disapproval of any sexual liaison is entirely beyond the point and quite unworthy of consideration. What members must consider in respect of the pregnant woman and the foetus are the claims which are so worthwhile and which were so earnestly put by the Attorney-General this evening. Those who support the Bill do so basically for only one reason, that the law presently takes inadequate account of the foetus, that it will inevitably, in due course, lead to a situation where the life of the foetus is entirely subject to the judgment and decision of the woman who bears that life within her.

I go further, and say that is the position in South Australia now, but the public has not been told that. Worse than that, a situation can arise that there be no significant threat to the life or the health of the mother and that any passing whim or fancy will suffice for legal destruction of the now utterly unprotected and unwelcome foetus. Of the danger of this developing many of the opponents of the present Bill must be very well aware. Some opponents said abortion should be treated as a medical and not a legal matter. There is some truth in this, although it is not just a medical matter, but one that involves the profoundest of concepts, the value of human life, and it involves the law and the upholding of the law, and that should be placed in the Government, the duly elected representatives of the people, and with the courts.

Other analogies have been pushed even further by some opponents. There have been attempts to align the attitude of the supporters of this Bill as though we were concerned with moral and sexual guilt. Other speakers have said that this is an attempt to have abortion regarded as a mere medical procedure akin to the repair of a hernia or the removal of inflamed tonsils, instead of the destruction of a human life with the potentiality for independent existence. For centuries we have treated the foetus as an object with rights and as an object of respect. We must not now abandon that tradition in the manner suggested. I have not been challenged on this by one speaker, except that the member for Mitcham, the Deputy Leader, said that it was a very long debate, but he did not deal with specific challenges I had made. I have already demonstrated that Parliament had no intention in 1969 of doing this.

The second proposition put by opponents of the Bill is that its supporters are in some way in an inconsistent position, taking a half-way house position. It has been alleged that there is no half-way house between total opposition to abortion and acceptance of the present law. The member for Adelaide managed to assert the proposition without noting its inconsistency with another of his own propositions, that there is a third possibility, further liberalization of the present law. This is a possibility I accept if this Bill is to go into Committee. It is not an inconsistent position. It is one I attempted at some length and with, I hope, some clarity to demonstrate in my second reading explanation.

The law has for centuries been able to assert, and assert rightly, that although deliberate killing is generally murder, some deliberate killing is not. For example, a man who kills in self defence is not guilty of an offence. By analogy, it is possible to disapprove of abortion generally while conceding that in certain limited circumstances the competing claims of the mother are such that the law ought not to impose criminal penalties.

This Bill seeks to indicate those circumstances with sufficient particularity to ensure that in no circumstances will merely frivolous or relatively unimportant claims by the mother be treated as legal justification for the destruction of the foetus. That is all the central amendments seek to do. It is not the case, despite the allegations of the member for Adelaide, that all supporters of this Bill are utterly opposed to abortion. There are members of this House, and numerous members of the public, who do not share the views attributed to me by the honourable member. They do not disapprove of abortion in every case, but they most certainly disapprove of it when done for no sufficient reason, and abortion on demand is anathema to them, as it is to me and to others who, like me, would prefer to go rather further in their opposition to abortion than does the present Bill.

The third proposition is that in bringing forward this Bill, I and my colleagues are doing so in the face of clear acceptance, in the general Australia-wide community, of the present law, and of freely available abortion. I take the speech of the member for Mawson, which was most eloquent, as an example. The honourable member refered to the Gallup poll which was taken in March and April 1972, and claimed that these figures indicated that 69 per cent of persons favoured the current law of this State. But the sad fact is that those figures do not support that conclusion. The five categories were as follows:

		Per cent
(1)	Total opposition to abortion . .	11
(2)	Opposition except where the woman's life is in danger . .	15
(3)	Opposition except where there is exceptional hardship, either physical, mental or social . .	23
(4)	Opposition except where woman's health, physical or mental is endangered.....	27
(5)	Approval of abortion on demand	19

The honourable member committed several errors (I do not say intentionally). Breaking the figures down, it is impossible to arrive clearly at any overall conclusion. Category (4) is crystal clear because 27 per cent of the people are involved, but it is ambiguous. What is meant by endangering a woman's health? I should have thought it could mean either relatively minor short-lived illnesses, or (and I think this far more likely) only the grave ones, temporary and permanent. The present law treats the former as an acceptable basis for abortion, but those whose answers approved category (4) could have meant only the latter, only serious or significant threats to a woman's life, not somewhat frivolous ones as well. Similar comments could be made about each of the other categories. In other words, the questions used in the poll are framed in such an ambiguous way that it is possible to criticize each of them and play around with figures to produce an overall result that will favour either side.

I analysed the same figures, and taking my standards as against the honourable member's standards, produced a figure showing considerably less than 46 per cent and possibly as low as 19 per cent in favour of the present law, by weighting the value attributed to each question. In category 3, what does that question mean? It could mean different things to different people. However, even if that is the case I believe that as representatives we must make up our minds, for we are in possession of more facts and figures and are more dispassionately able to balance interests than those sampled by opinion polls. However, we should take account of public opinion in our deliberations, while guarding against the misunderstandings which arise from the sampling process and the danger that even so-called expert commentators outside this House will draw utterly unbased conclusions from the difficult and sometimes misleading information which they collect.

Another proposition put forward by those who oppose the present Bill is that there is no need legislatively to guard against a gradual decline towards abortion on demand, partly because the law has no effect on morals, and partly because if such a change takes place the law must follow it. Each of these arguments must be repudiated, the first because it is false, the second because it leads to absurdity. The law most certainly does affect the morals of society. One of its greatest functions, probably its most important, is its educative one. True, it is that an attempt to impose prohibitions upon society when it sees nothing wrong in this behaviour has sometimes proved fruitless.

There are many reasons why that may be so: lack of adequate enforcement agencies, often lack of rational argument justifying the prohibitions. However, it is very different to assert that the law has no effect on social morals when what it does is the reverse of prohibition, where it permits that to which people generally are opposed.

People learn their morals in many ways, but we should be foolish if we were to underestimate the vital role of the law in moulding the society for which it exists. Its educative value is enormous, and freedom from legal restraint must, to very many, indicate that there is little to be said for moral restraint either. To this it is emphatically no answer to say that, if social morals shift, the law should not lag behind. If a majority of people approve wife beating does that mean we should change the law by making that conduct legally permissible, despite our better informed judgment on what is necessary for protecting society and upholding human dignity? If a majority approves of the use of heroin, must we legislatively sanction it? The argument leads one to absurdities which none of us, surely, would be willing to accept.

The final proposition put forward is the insufficient time to appraise the situation since the original legislation was passed. This has been put forward by many members. Surely there is an opportunity to look at the true statutory construction of that legislation. I sincerely believe that the existing law, contrary to the wishes of members in 1969, provides for abortion on demand. Putting it at its very lowest, on the figures put forward by the member for Spence and using my own rather limited argument based on the statistical question, surely it could be said that up to three months there is abortion on request. Yet that was not intended. It was not referred to in any of the speeches made at the time.

On my second proposition I believe I have every strength behind me in saying there is complete abortion on request. Does that mean that Dr. Smith can come from London and set up an abortion clinic in North Adelaide and, knowing the state of the law, proceed to destroy the so-called peace and harmony we have had among the medical profession? If there is abortion on request, why should he not do so if in his conscience he believes there is nothing wrong with abortion on request? Why not set up his clinic in North Adelaide contrary maybe to what the medical profession in South Australia wants? I challenge members on both sides who are responsible to the community to deny that under the existing law that case cannot arise, because it can arise whether or not we like it. If a mistake was made in 1969, surely it forms no logical argument to say that 1972 is only three years later, and that therefore we will not repair now something we did wrong then. That is utterly illogical.

Furthermore, even if the argument I have advanced on the central point is not accepted by members, the Mallen committee, which influenced members of all shades of opinion, recommended the second part of the Bill which is the reduction from 28 weeks to 20 weeks. The Attorney-General showed eloquently that the features of the foetus have developed by then and it is so different from, the foetus at an early stage; it is a viable human being at that point. Surely the supporters of the Bill are entitled to that much justice. I do not know much about the proceedings of the House. Members say we could get into difficulties if the Bill goes into Committee. Surely we can adjourn from time to time if we are in difficulty. Surely we have enough common sense to get some consensus. I can see from what members have said that, generally speaking, the central provision of my Bill will be opposed. However, surely at least we can reach a consensus, perhaps along the lines suggested by the Attorney-General, that would put into this legislation what was intended in 1969. Surely our procedure is not so archaic that we cannot do that. Surely things are not so bad that I and others like me will be denied the opportunity to see this Bill pass the second reading stage; short adjournments can be arranged if members need them during the Committee stage. Surely some consensus can be arranged, not to give me what I want but at least to get away from abortion on request, which I do not want and which I believe very few people in this House want. I believe that, in all honesty, in all dignity, and in the name of democracy, members should support this Bill; however, if I am wrong, at least those who have worked hard in advocating it should be heard during the Committee stage.

The House divided on the second reading:

Ayes (19)—Messrs. Allen, Becker, Burdon, Clark, Corcoran, Evans, Ferguson, Goldsworthy, Gunn, Keneally, King, Math-

win, McAnaney, McRae (teller), Nankivell, Rodda, Slater, Venning, and Wardle.

Noes (27)—Messrs. Brookman, Broomhill, and Brown, Mrs. Byrne, Messrs. Carnie, Coumbe, Crimes, Curren, Dunstan, Eastick, Groth, Hall, Harrison, Hopgood, Hudson, Jennings, Langley, McKee, Millhouse (teller), Payne, Ryan, and Simmons, Mrs. Steele, Messrs. Tonkin, Virgo, Wells, and Wright.

Majority of 8 for the Noes.

Second reading thus negatived.

STOCK FOODS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT

At 10.37 p.m. the House adjourned until Thursday, August 17, at 2 p.m.