# LEGISLATIVE COUNCIL

Wednesday, March 6, 1974

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

## QUESTIONS

### MOUNT GAMBIER HOSPITAL

The Hon. R. C. DeGARIS: Has the Minister of Health a reply to a question I directed to him last week about beds in Mount Gambier Hospital?

The Hon. D. H. L. BANFIELD: The eye specialist in Mount Gambier has been in practice there for many years. He has always had beds available to him at the hospital for eye surgery when required. On inquiry, the Medical Superintendent at Mount Gambier Hospital states that he is unaware of any eye patient having to be transferred to Naracoorte Hospital because of unavailability of beds at Mount Gambier.

### LEAF CUTTER BEE

The Hon. C. R. STORY: I seek leave to make a short statement with a view to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. C. R. STORY: About five years ago a type of solitary bee, the leaf cutter bee, was imported into this State from North America. The purpose of bringing that insect into Australia was to liberate it for fertilization of the lucerne seed. The last I heard of the bees that were imported was that they were in quarantine at the Waite institute. Much time has elapsed since Mr. Ron Badman, who was the driving force behind getting the bees imported, did so. Are the bees to be released soon or is there any up-to-date information about them?

The Hon. T. M. CASEY: The situation relating to the leaf cutter bee is, I am afraid, not very good. When the leaf cutter bee was first introduced into South Australia other States were very outspoken about its introduction from Canada because they were afraid that the bee would bring in a disease that was prevalent among the bees in that country. However, tests proved conclusively that the bees were free of disease prior to being introduced here. As the honourable member has said, the bees have been placed in quarantine at the Waite Research Institute. Just when the leaf cutter bee was in quarantine and due for release it was found to be infected by disease, as authorities in other States had prophesied. Unfortunately, that consignment of bees had to be destroyed, but we hope that we can assist in this operation and introduce a new strain from overseas so that we can get somewhere in the future. That is the present situation.

### MEMBERS' DRESS

The Hon. M. B. CAMERON: I seek leave to make a statement prior to asking a question of you, Mr. President.

Leave granted.

The Hon. M. B. CAMERON: I understand that yesterday at the direction of the Council and on your suggestion, Sir, a motion was passed which allowed honourable members to remove their coats. I appreciate this, although yesterday I saw my coat disappearing in a car as my wife drove off, and I had to resurrect an old suit. On entering the Chamber, it was somewhat disconcerting to me to find that a motion had been passed to allow us to remove our coats. I could have saved myself some trouble. Again today I see that honourable members are relaxing in the heat and have removed their coats. Do Standing Orders cover what is the standard of dress in the Council; how long will the motion remain in force; will it have to be rescinded by a motion of the Council or will it remain in force until such time as it is rescinded?

The PRESIDENT: I am pleased to hear the honourable member say that he recognized the tradition in the Council and sent for his coat. This is, to me, a matter of an emergency. The matter of dress is not dealt with in Standing Orders, except in reference to head dress. It has been the tradition of the Council, however, that members wear coats and tics. However, the Council yesterday granted leave, at my request, for honourable members to dispense with the wearing of coats during this period of extreme heat and malfunctioning of the air-conditioning. Honourable members are well aware that there is no access for air except through the air-conditioning system in the Chamber. So, under present conditions it is exhausting to debate measures before the Council and it is not conducive to members applying themselves to their business. Therefore, it is important that honourable members may continue to dispense with wearing their coats at least until the end of the present session or until the restoration of normal conditions in the Chamber.

The Hon. Sir ARTHUR RYMILL: For the convenience of the Hon. Mr. Cameron, may I ask whether, when we get into the depths of winter, he will be allowed to wear his wife's fur coat?

The Hon. M. B. CAMERON: I do not think I will take advantage of that.

### DENTAL HOSPITAL

The Hon. M. B. CAMERON: I seek leave to make a statement prior to asking a question of the Minister of Health.

Leave granted.

The Hon. M. B CAMERON: For some time now I have asked a series of questions about the dental branch of the Royal Adelaide Hospital, and the reply I received yesterday somewhat disconcerted me. It was as follows:

When a person is placed on the waiting list it does guarantee that treatment will be provided subject to the necessity to await his turn on the waiting list. Staff are instructed to inform eligible patients that there will be a delay before treatment can commence and that the length of the delay cannot be forecast.

That reply appears to me to be somewhat ambiguous, and it does not really answer the queries of constituents who have approached me on this matter. So that I and other honourable members may have further information on the matter and so that the community can be informed of the situation at the dental hospital, will the Minister allow an open inspection of the hospital by members of Parliament and the press and, during that inspection, will the Minister allow a free and frank discussion with the staff? I am sure that the Minister is doing whatever he can to solve the problems at the dental hospital, and I am sure that an inspection would reveal that he is doing the best he can to get improvements. It would be in the interests of the Government and the Minister to provide an open inspection.

The Hon. D. H. L. BANFIELD: We have nothing to hide in connection with the dental hospital, and I see no reason why members should not be shown through the hospital. However, I think I would object to staff members, from the bottom to the top, being interviewed. If the honourable member wants to make inquiries he should make them through the Administrator, not through all and sundry at the hospital.

The Hon. M. B. Cameron: You allowed it at Hillcrest Hospital.

The Hon. D. H. L. BANFIELD: I did not.

The PRESIDENT: Order! A reply to a question must not be debated.

## WATER USAGE

The Hon. C. R. STORY: I seek leave to make a short statement before asking a question of the Minister representing the Minister of Works.

Leave granted.

The Hon. C. R. STORY: I believe that the Minister of Works has set up a committee to consider the whole question of water usage in connection with the Murray River, including water licences. Will the Minister inform me who the members of the committee are and what their occupations are?

The Hon. T. M. CASEY: I will obtain that information from my colleague and bring down a report when it is available.

## RAILWAY PROJECTS

The Hon. C. M. HILL: Will the Minister of Health ascertain from the Minister of Transport what the current situation is regaiding finalizing plans for the two major railway projects in South Australia: the Alice Springs to Tarcoola line, and the standardization of the Adelaide to Crystal Brook line? What are the current reasons for the delay in finalizing these plans, and can the Minister give a new estimate of the approximate time when an agreement will be completed?

The Hon. D. H. L. BANE1ELD: I shall be happy to refer the honourable member's questions to my colleague.

## TRANSPLANTATION OF HUMAN TISSUE BILL

Second reading.

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

*That this Bill be now read a second time.*

It is a Bill for a new Act designed to carry into effect the recommendations made by the Law Reform Committee in its thirteenth report. The last few years have witnessed a dramatic increase in the successful transplantation of human tissue. The corneal graft and kidney transplant are well-established forms of treatment, and it now seems likely that the successful transplantation of other human tissues and organs will also become a common and effective medical treatment. However, the success of human tissue transplantation has engendered a world-wide concern in relation to the legal and moral issues that attend the removal of human tissue. Many Legislatures have either enacted, or are currently considering, legislation dealing with the subject. Perhaps the most contentious of the issues is the question of defining the point at which death occurs.

Concern has been expressed that a medical practitioner, in undertaking the urgent treatment of a potentially healthy donee, may be tempted to pronounce the life of the donor extinct earlier than is proper and may fail to carry out all the resuscitative measures normally taken even in the most hopeless cases. However, the Government accepts the advice of the Law Reform Committee that this complex and delicate question is a question of fact to be decided according to the circumstances of each individual case. The Bill requires the medical practitioner undertaking the removal of human tissues to satisfy himself upon personal examination of the body that life is extinct before he commences the removal of tissues. It refrains from laying down rigid criteria for the determination of that question. The second major issue is the question of consent, both on the part of the donor himself and of his family, and it is this problem that gives rise to the present Bill. The historical legal background is set out by David W. Louisell in the *Northwestern University Law Review:*

Originally in England the ecclesiastical courts exercised jurisdiction over matters concerning dead bodies. Lord Coke, recognizing such jurisdiction, said that matters were not within the cognizance of common law courts. The common law began to take jurisdiction of religious offences during the latter part of the 17th century. At that time, the concept was accepted that there were no property rights in dead bodies—that a corpse was *res nullius.* But the common law did develop a right of possession of the body for purposes of burial. Whether this is a property right is a matter of definition; in modern terminology it certainly seems to be at least a qualified property right. The most important fact for our purposes is that the present common law in England and the United States, except as modified by Statute, holds that the right of possession for purposes of burial generally belongs to the surviving spouse, children, and next of kin in that order. Furthermore, this general right to possession includes the right to receive the body in the same condition as when death occurred. Damages can be recovered from anyone who performs an unauthorized autopsy on the body, mutilates or dissects it, or removes or retains any portion without consent.

In the absence of special legislation, it at least remains doubtful whether a person has authority to provide for disposition of his organs after death. Dicta in some cases does suggest that an individual has such an interest in his own body after death as to be able to make a valid testamentary disposition of it. This appears to be reasonable in light of the fact that a decedent may direct that his body be cremated. If he may direct that his body be immediately destroyed, why should he not be able to direct that it be put to beneficial use? Without special legislation authorizing testamentary disposition of the donor's body, however, the physician would be best advised to obtain the consent of those entitled to the body before he proceeds to remove an organ. Once such permission is obtained, the person granting it is estopped to bring an action and it appears no-one else has standing to do so. There is little authority in this area, but consent should insulate the physician from liability.

Because of the doubts that exist on this subject, amendments were made in this State to the Anatomy Act, first with regard to corneal grafts only, then later with regard to human tissue transplants generally. The Bill does not significantly deviate in substance from the provisions of the Anatomy Act but does add some refinements suggested by the Law Reform Committee. The Government feels that the matter should be the subject of a separate and distinct Act and should be regulated to the desired extent as soon as possible, in view of the steadily increasing number of voluntary donors.

Broadly speaking, the Bill provides for the making of direct donations and the establishment of a registry for that purpose, and further provides for authorized removal of tissue where the donor has not made a direct donation, but neither he, nor a surviving close relative, objected or objects to the removal of tissue. The Bill attempts to maintain the very delicate balance between the wishes of the donor, the feelings of the donor's relatives, and the public interest which requires the constant availability of human tissues for the purpose of transplantation and other therapeutic uses.

Clauses 1 and 2 are formal. Clause 3 repeals those sections of the Anatomy Act, 1884-1954, that deal with the removal of human tissue for therapeutic use. Clause 4 provides that a prescribed authority may authorize the removal of part of a body for therapeutic use where the deceased person during his lifetime expressed a desire that his body, or part of his body, be used for that purpose after his death. Such a wish may be made in writing or orally in the presence of two or more witnesses. The prescribed authority may make a similar authorization

where, after reasonable inquiry, he has no reason to believe that the deceased person ever raised any objection to his body being used in such a manner. The authority must in this case make reasonable inquiries whether the spouse of the deceased person objects to the removal of tissue or, if there is no surviving spouse or his or her views are not readily ascertainable, whether any of the surviving relatives of the deceased objects. The medical practitioner removing tissue must personally examine the body and satisfy himself that life is extinct.

If the prescribed authority has reason to believe that a body may be the subject of an inquest or that it may furnish evidence for criminal proceedings, the consent of the City Coroner must be obtained before the removal of any tissue from that body. The Coroner may attach any conditions he thinks proper to any consent given by him. A prescribed authority is the person having the control and management of the hospital where the body is lying (or the person or committee to whom the powers under this section are delegated) or, in any other case, the person lawfully in possession of the body (excluding funeral directors, and so on). Clause 5 enables the Governor to make regulations. In particular, the regulations may provide a form in which anatomical gifts may be made and provide for the establishment of a registry in which evidence of anatomical gifts may be accumulated.

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

## LAND VALUERS LICENSING ACT AMENDMENT BILL

Second reading.

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

*That this Bill be now read a second time.*

Its purpose is to cure two minor anomalies in the Land Valuers Licensing Act. First, the Act as it stands does not deal adequately with the case of a licensee who fails to renew his licence on time or for some reason lets it lapse for a couple of years. In both these cases the applicant must submit to examination before he may be granted a fresh licence. This seems unnecessary where the period for which the licence lapses is relatively short. The Bill therefore provides for the re-issue of a licence, without examination, where the licence has lapsed for no longer than five years. Secondly, some questions have been raised regarding the right of a licensed valuer to employ unqualified assistants. This right may, perhaps, seem clearly established as the Act prevents only an unlicensed person from carrying on business, or holding himself out, as a valuer. However, as the matter is of importance to students who must have four years practical experience as valuers' assistants before qualifying for licensing, the Bill places the matter beyond doubt.

Clause 1 is formal. Clause 2 enables the board to grant a licence to a person who has previously held a licence under the principal Act within the preceding five years (the board must still of course satisfy itself as to the good character and the competence of the applicant). Clause 3 ensures that a person may work as an assistant to a licensed valuer without thereby infringing any provision of the Act.

The Hon. C. M. HILL secured the adjournment of the debate.

## WAREHOUSEMEN'S LIENS ACT AMENDMENT BILL

Second reading.

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

*That this Bill be now read a second time.*

Section 7 of the principal Act, the Warehousemen's Liens Act, 1941, sets out the circumstances in which a warehouseman—that is, a person lawfully engaged in the business of storing goods as a bailee for hire or reward—may sell those goods to satisfy unpaid charges due on them. At present, the rights set out under this section are only available to the warehouseman if the charges or any part of them have been outstanding for more than 12 months. It has been put to the Government by the South Australian Road Transport Association that this period is somewhat unrealistic commercially and that a period of six months would be reasonable and appropriate. With this contention the Government agrees and, accordingly, this short Bill reduces the period from 12 months to six months. I would point out to honourable members that the steps that must be followed by the warehouseman before he sells goods pursuant to section 7 of the principal Act and the protection afforded to persons having an interest in the goods remain unchanged by this amendment. In addition, certain formal amendments have been made to amounts expressed in "old" currency to change these expressions to amounts in decimal currency.

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

## CLASSIFICATION OF PUBLICATIONS BILL

In Committee.

(Continued from March 5. Page 2261.)

Clause 13—"Classification of publications", in which the Hon. J. C. Burdett had moved to insert the following new subclause:

(3a) When the board decides that a publication outrages standards of morality, propriety and decency that are generally accepted by reasonable adult persons, the board shall prohibit the sale, delivery, exhibition or display of the publication.

The CHAIRMAN: Doubt has been expressed about this amendment. It was alleged that it introduced a form of censorship. I have examined the amendment to the Bill and consulted Standing Orders and May's *Parliamentary Practice,* and am of the opinion that the amendment moved by the Hon. Mr. Burdett is in order.

The Hon. J. C. BURDETT: I thank you, Mr. Chairman, for your ruling. On that point, I mention that there is already a prohibition in the Bill. It was said that my amendment provided a prohibition, but I point out that clause 14 provides:

The Board may impose all or any of the following conditions in respect of a restricted publication—

*(a)* a condition prohibiting the sale, delivery, exhibition or display of the publication to a minor...

So, there is already a prohibition there. My amendment seeks only to impose another one. I have said previously that the main purpose of this amendment is to prevent filth and other undesirable material from getting into the hands of young people. That is the general purpose of most of the amendments I have moved or intend to move. I will quote some figures from the American *Abelson National Survey of Youth and Adults,* which was presented to the American Presidential Commission on Obscenity and Pornography. This national survey found that, among females, the age group that most used pornography was the age group of girls between 15 and 20 years of age, and among males the age group that most used pornography was the age group from 15 to 29 years of age. The survey also found that more girls used pornography than women did, and that more boys used pornography than men did. I suggest that, whilst these are American and not Australian or South Australian figures, there is no

reason to suppose that the proportions here would be very much different. I therefore commend to honourable members my amendment, particularly on these grounds.

The Hon. R. C. DeGARIS: I congratulate the Hon. Mr. Burdett on the amount of work he has done on this Bill. I appreciate the extreme difficulty there is in examining the Bill and arriving at what one may term reasonable amendments. However, on this clause, whilst I am not happy with the Bill as it is, I prefer to support the amendment of the Hon. Mr. Potter. His approach covers largely the approach I should like to see made to the Bill. Therefore, I intend to vote against the Hon. Mr. Burdett's amendment, but I shall not do so in absolute opposition to what the Hon. Mr. Burdett is trying to do. When yesterday the admissibility of this amendment was being discussed, I decided I would support both amendments. and that the Bill should go back to another place, which could then decide which way it wanted to go. However, with both amendments in, the Bill becomes not a rational Bill. Whilst my motives may be misconstrued as trying perhaps to destroy the Bill, that is not so.

The Committee divided on the amendment:

Ayes (6)—The Hons. J. C. Burdett (teller), M. B. Dawkins, R. A. Geddes, C. M. Hill, Sir Arthur Rymill, and A. M. Whyte.

Noes (10)—The Hons. D. H. L. Banfield, M. B. Cameron, T. M. Casey, B. A. Chatterton, R. C. DeGaris, G. J. Gilfillan, A. F. Kneebone (teller), F. J. Potter, A. J. Shard, and C. R. Story.

Pair—Aye—The Hon. Jessie Cooper. No—The Hon. C. W. Creedon.

Majority of 4 for the Noes.

Amendment thus negatived; clause passed.

Clauses 14 and 15 passed.

Clause 16—"Notice."

The Hon. J. C. BURDETT: My amendment is consequential on the amendment which I moved to clause 13 but which was defeated. Therefore, I seek leave to withdraw it.

The CHAIRMAN: As the amendment has not been moved, there is no need to withdraw it.

The Hon. J. C. BURDETT: As the Hon. Mr. Potter wishes to move to amend my amendment, I move:

To strike out "any classification or conditions assigned or imposed by the board to or in respect of a publication" and insert:

*(a)* any prohibition imposed by the board in respect of the sale, delivery, exhibition or display of a publication;

*(b)* any classification or conditions assigned or imposed by the board to or in respect of a publication; or

*(c)* any decision by the board to refrain from assigning a classification to a publication.

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

That the amendment be amended by striking out paragraph *(a)*.

If my amendment is carried, it will be necessary to letter paragraphs *(b)* and *(c)* as paragraphs *(a)* and *(b)* respectively.

The Hon. A. F. KNEEBONE: I think that the Hon. Mr. Potter could have achieved much the same thing without moving his amendment.

The Hon. F. J. POTTER: Broadly, I suppose that what the Chief Secretary has said is correct. In view of my foreshadowed amendment, the actual refusal of the board to classify might be a proper thing to make public.

The Hon. A. F. KNEEBONE: I oppose the amendment to the amendment.

The Hon. R. C. DeGARIS: The amendment to clause 13 having been defeated, paragraph *(a)* of the Hon. Mr. Burdett's amendment is no longer applicable. Any honourable member who wishes to vote for the Hon. Mr. Potter's subsequent amendment will need to vole for the amendment to the amendment.

The Hon. Mr. Potter's amendment carried; the Hon. Mr. Burdett's amendment as amended carried; clause as amended passed.

New clause 16a—'Appeal to Minister.'

The Hon. J. C. BURDETT: I move to insert the following new clause:

16a. (1) A person who is dissatisfied with any decision of the board to impose any prohibition or condition or to assign or refrain from assigning a classification may appeal to the Minister against the decision.

(2) An appeal must be instituted within three months after the day on which notice of the decision was published in the *Gazette* by notice in writing, addressed to the Minister, setting forth in detail the grounds of the appeal.

(3) The Minister shall consider any appeal under this section and may affirm, reverse or vary the decision of the board as he thinks fit.

(4) Notice of any decision of the Minister upon an appeal under this section shall be published in the *Gazette.*

(5) An appeal under this section does not suspend the operation of the decision against which the appeal is instituted.

This amendment operates on a different principle from the way the previous amendment operates. Its purpose is simply to make the Minister responsible; it provides that the board will not have the final say, because it allows an appeal from a decision of the board to the Minister. While the amendment to clause 13 was controversial, this new clause should not be controversial. In fact, a leading Grenfell Street bookseller said on television last night that he agreed with this provision. In dealing with the Film Classification Act Amendment Bill, the Hon. Mr. Hill and the Hon. Mr. Potter referred to Ministerial responsibility. In the past the courts have, of necessity, largely been the censors of films and publications. It has been pointed out that this is not desirable: censorship or classification is a Ministerial matter, and the Minister should be responsible. If he does the job well he gets the praise for it electorally, and vice versa. This new clause follows the pattern of interstate legislation. In Victoria the board does not classify: it makes a recommendation, and it is the Minister who classifies. I have read in the press of instances where the Victorian Minister has not followed the board's recommendation. So, in Victoria the Minister is ultimately responsible.

The Hon. M. B. CAMERON: I oppose the amendment. My reason for doing so probably stems from a debate on another Bill dealing with film classification; I heard criticism of the fact that the Minister had varied a classification of the Commonwealth Censorship Board. Surely the same could apply here. I do not see what we would gain by the amendment, except to bring the whole question back into the realm of politics. Surely these matters should be controlled by people who are properly selected for the task.

The Hon. A. F. KNEEBONE: I support what the Hon. Mr. Cameron has said. Some honourable members spoke about the need for the board members to be properly selected. The board members will be selected because they arc qualified to make the right decisions, we are told. Now, the Hon. Mr. Burdett wants a right of appeal to the Minister following the making of the right decisions! After getting all the experts together to make the right decisions, it is proposed that there should still be an appeal to the Minister. I am concerned about the purpose of the

amendment. In another area authority is taken away from the Minister, but here an appeal is being made available, and the motive is solely for the sake of politics. I strongly oppose the amendment.

The Hon. R. C. DeGARIS: All that this amendment does is allow a person a right of appeal to the Minister on the classification given by the board or on the refusal of the board to classify. The amendment does not bring politics into the matter. Let us say that the board refuses to classify. A person may then say that he wants a classification provided and that he wants access to the Minister. The amendment simply provides that he may appeal to the Minister.

The Hon. A. F. Kneebone: You have an expert board.

The Hon. R. C. DeGARIS: The logical place for the person to go is to the Minister. The Minister can then accept the responsibility that should be his. I cannot sec that this amendment in any way cuts across what the Hon. Mr. Potter proposes in an amendment he has foreshadowed. The two amendments deal with entirely different things.

The Hon. A. F. KNEEBONE: On the one hand responsibility is being taken away from the Minister in connection with deciding whether action should be taken against the person, but on the other hand the amendment provides that there should be a right of appeal to the Minister. Honourable members do not trust the Minister's judgment in one area but they are giving him responsibility in another area and then they will use the situation for political purposes.

The Hon. F. J. POTTER: We are getting a little sensitive about this. After all, what Act do we have setting up boards that does not also allow appeal to the Minister? Every board or licensing authority I can think of incorporates an appeal against the board's decision to the Minister, and this is really only a licensing authority, giving a licence to sell under a classification. However, it is a very sensitive political matter. It is quite easy to allow an appeal to the Minister as to whether a man gets a land salesman's licence, but when we come to the question of giving a licence to sell a classified book we must not have an appeal to the Minister because it will involve some politics.

There are politics involved in one or two other matters of appeals to Ministers: perhaps appeals under the town planning legislation involve a little politics. I see no reason why this should not be incorporated in the Act, and it is likely to interest distributors of books rather than anyone else. They are the people likely to complain if they do not get a classification and are consequently perhaps subject to prosecution, or if they get a wrong classification. They must have somewhere to go, and I support the amendment.

The Hon. M. B. CAMERON: I repeat my objection to the amendment. Certainly, as a member of this Council I will accept the democratic process, and if the composition of the board is finally as amended by the Hon. Mr. Burdett that is how it will be. Having set up an expert board, we should not be prepared to allow this most sensitive area to be handed back to one man for decision. We have gone through the process of setting up an expert board, and it should be left that way, not brought back again into the realm of politics.

The Committee divided on the new clause:

Ayes (10)—The Hons. J. C. Burdett (teller), M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, C. M. Hill, F. J. Potter, Sir Arthur Rymill, C. R. Story, and A. M. Whyte.

Noes (6)—The Hons. D. H. L. Banfield, M. B. Cameron, T. M. Casey, B. A. Chatterton, A. F. Kneebone (teller), and A. .1. Shard.

Pair—Aye—The Hon. Jessie Cooper. No—The Hon. C. W. Creedon.

Majority of 4 for the Ayes.

New clause thus inserted.

Clause 17—"Offences."

The Hon. J. C. BURDETT: I move:

In subclause (1) to strike out "by the Board" and insert "under this Act".

This amendment is consequential upon the previous amendment which gives the right of appeal so there may be acts authorized by the Minister rather than by the board under the appeal procedure.

Amendment carried.

The Hon. J. C. BURDETT moved:

In subclause (2) to strike out 'by the Board' and insert "under this Act".

Amendment carried.

The Hon. F. J. POTTER: I move to insert the following new subclause:

(4) No person shall sell or distribute any copies of a restricted publication that are not wrapped in accordance with the regulations.
Penally: Five hundred dollars.

I commend this amendment to the Committee, because a practice has become apparent in newsagencies and on bookstalls of wrapping objectionable books in a polythene plastic sealed cover which means that they arc not available for inspection by any odd browser, particularly those under the age of 18 years, because the wrapping cannot be removed. This is good from the point of view of the shopkeeper and excellent from the point of view of lhe protection we want to extend, especially for young people.

I have not indicated exactly what publications it would be possible to wrap; this is a matter to be left to the board and to be covered in the regulations made by the board under the Act. L think this power should be given. The board has power to direct how a person shall sell, distribute, or deliver; it also should have power, if it deems fit, to order certain publications to be wrapped.

Amendment carried; clause as amended passed.

Clause 18 passed.

Clause 19—"Certain actions not to constitute offences."

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

After paragraph *(b)* to strike out "or"; after paragraph *(c)* to insert:

*(d)* to have sold, distributed, delivered, exhibited or displayed a publication during a period specified in a certificate subsequently given under subsection (2) of this section in respect of the publication.

and to insert the following new subclause:

(2) Where an application has been made to the Board for the classification of a publication, the Board may certify that it is satisfied that during a specified period commencing on the day on which the application was made and ending on or before the date of the certificate appropriate restrictions upon the sale, distribution, delivery, exhibition and display of the publication have been generally observed.

I have applied my mind to the problem of the period that will elapse from the date a person makes application for the classification of publications until the date the board classifies the publication, as I believe this is a matter that will arise. I understand that practice in other States has shown that a considerable time lag occurs. Naturally, the board will at times have much work to do and could easily fall behind. Of course, such publications could be placed on bookstalls and offered to the public during the time lapse. Indeed, some distributors and booksellers who are not

prepared to play Lhe game might publicize that an. application has been made for the classification of a publication. One could then infer that prospective purchasers might not be able to purchase the publication after the classification is granted if they do not get in quickly. Human nature being what it is, this could well mean that some publications might even be sold publicly and improperly when based on the standards—

The Hon. M. B. Cameron: In other words, the majority of people might want the publications?

The Hon. C. M. HILL: I am not talking about the majority, I am talking particularly about young people: the group that I have had in mind throughout the debate on this measure. I am sure that honourable members in this Chamber would not wish that practice to occur but, by the same token, I believe that honourable members would also agree that it could occur. I believe we all agree that it is a particularly difficult problem to overcome by legislation. My amendments go part of the way to overcoming such a problem.

I am explaining my amendments in total rather than by making separate references to them. My amendments will allow reputable booksellers and distributors to obtain quickly from the classification board a certificate that the publication is being offered in the prescribed way (such as being wrapped as suggested by Mr. Potter when moving his amendment). If this amendment is carried I believe that all reputable booksellers and distributors will endeavour to see that their material does not get into the hands of those people who we all believe should not read such material.

If such people were to make application they might be given a certificate and their publications could then be put on the market before the final classification was granted. Such distributors ought to be protected by this amendment, as they would not be subject to prosecution under the Police Offences Act.

The Hon. A. F. KNEEBONE: I concede the purposes of the honourable member's amendments and do not strongly oppose them.

Amendments carried; clause as amended passed.

Remaining clauses (20 and 21) and title passed.

Bill reported with amendments. Committee's report adopted.

## STATUTES AMENDMENT (JUDGES' SALARIES) BILL

Adjourned debate on second reading.

(Continued from March 5. Page 2257.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill which is, of course, a money Bill which provides for increases in the salaries paid to judges of the Supreme Court, Local and District Criminal Courts, Industrial Court and Licensing Court. It is interesting that lhe Minister in his second reading explanation indicated that the salaries provided by this Bill were arrived at after having regard to movements and projected movements of salaries in other States. In New South Wales the present salaries being paid to the Judiciary are not as high as the salaries proposed by this Bill. However, that matter is under review in New South Wales and it is expected that increases will be granted in the near future. This Bill, therefore, is at least a little ahead of one of the Eastern States.

One finds it difficult to say anything meaningful at all on a Bill of this nature. True, the standard of our judiciary in South Australia in all courts is considered to be as high as it is anywhere else in the Commonwealth. We require the same talents and knowledge in our courts as are required in other States, although it is probably fair to say that the volume of business in the South Australian courts, particularly in fairly difficult commercial litigation, is much less than is encountered in New South Wales or Victoria. However. I daresay that is something beyond our control. It is true that the real centres of commerce are in Melbourne and Sydney.

As I said earlier, as this is a money Bill, there is little this Council can do except pass it. However, one cannot help but feel that the amounts of money provided in the Bill are fairly high. Personally, I doubt whether any member of the profession in this State, even at the top of the tree, would in private practice make anything like the figures now provided for our judicial salaries. That is in marked contrast to the situation in Victoria and New South Wales, where incomes at the bar are much higher than the judicial salaries. So the situation is different when we look at that kind of comparison. However, I have every confidence in the holders of judicial office in this State, and I support the second reading.

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

## WATERWORKS ACT AMENDMENT BILL

In Committee.

(Continued from March 5. Page 2263.)

Clauses 2 to 14 passed.

Clause 15—'Tower to cut off water supply."

The Hon. R. C. DeGARIS (Leader of the Opposition): Can the Minister of Agriculture explain why the words "or premises" are struck out of section 32 of the principal Act?

The Hon. T. M. CASEY (Minister of Agriculture): The only explanation I can give is that it is a drafting amendment. Apparently, it lies in with other amendments being made by this Bill.

The Hon. R. C. DeGARIS: I thank the Minister for his explanation! Questions have been asked on this matter in another place and, so far, I have not received a satisfactory reply. I shall vole for the clause provided we get a satisfactory answer to this question. I am at a loss to understand exactly what this amendment means. I am told it is a drafting amendment, but there must be some simple explanation of why these words have been struck out. Can the Minister get me a further explanation?

The Hon. T. M. CASEY: Yes; I shall do that.

Clause passed.

Clause 16—"Power to supply water by measure."

The Hon. C. R. STORY: Has the Minister a reply to the question I asked on this clause during the second reading debate?

The Hon. T. M. CASEY: The situation as regards Bolivar water has always been that agreements for using it are made independently; and the same applies here. A person wanting to use Bolivar water must make a separate agreement with the Minister.

Clause passed.

Clauses 17 to 25 passed.

Clause 26—"Interpretation."

The Hon. R. A. GEDDES: I should like the Minister to explain something that I find rather ludicrous to have in a Bill. In this clause we see the wording:

"consumption year" means a period of approximately 12 months in respect of which the amount of water supplied to . . .

Elsewhere, the Bill provides that the rate shall be paid within a prescribed period, not an approximate period. So, I am at a loss to understand why "approximately 12 months" appears in the Bill. Is it because of an accountancy problem or because of a difficulty in reading meters?

The Hon. T. M. CASEY: As it takes some time to read the meters, that is why "approximately 12 months" has

been used. We could not be specific and prescribe a period between one date and another date. Nevertheless, I will obtain more information for the honourable member before the third reading of the Bill takes place.

Clause passed.

Clause 27—"Fixation of rates."

The Hon. C. R. STORY: This provision empowers the Minister to levy rates, which will be calculated on the basis of the quantity of water supplied. Can the Minister give me additional information about country water districts and the land that will come under them? My understanding is that there will be differential ratings in the different areas of the State at the Minister's discretion. During the second reading debate I asked the Minister to ascertain the situation with regard to irrigators or water diverters of the Murray River who do not come under any of the Government schemes. In other words, the Renmark Irrigation Trust will be covered under its own Act. Berri, Loxton, Barmera and Waikerie would be covered, but certain individuals also divert. As I understand that this water will be metered and sold, can the Minister say whether this scheme will be introduced during the second phase commencing in the 1975 period? Can the Minister also say whether provision is made for the Minister, at his discretion, to levy on the basis of the whole of the river being diverted or whether there will be differential rates in the various areas?

The Hon. T. M. CASEY: As I cannot give a specific answer, I will obtain the information for the honourable member.

The Hon. R. A. GEDDES: Regarding new section 66 (4), in my second reading speech I raised the question of water in country districts being supplied to land of poor value, for which water the owner would have to pay more in water rates. As I understand the Bill, the Minister may apply the provisions of new paragraphs *(a)*, *(b)* or *(c)*.

The Hon. T. M. Casey: Yes.

The Hon. R. A. GEDDES: It seems to me that there has been a drafting error. Can the Minister say whether there would be an injustice to those on land of low unimproved value with regard to the amount of water they used on it?

The Hon. T. M. CASEY: Regarding the Kimba area (where there is a main), the area referred to by the Hon. Mr. Geddes yesterday down to Keith, and on the West Coast through to Ceduna, I draw the honourable member's attention to the fact that the cost of these mains is taken into consideration when rating is applied. I think that that will be the basis on which we will proceed in the future. Although the main perhaps goes through good land as well as through poor land, water is still being supplied to all landowners. Because water is available to all, the rating will depend on the overall cost of the project. Those who want to use the water will be rated accordingly. I do not think I can give an undertaking to the honourable member that simply because the land is of low productivity the owner would get a low differential on the rating of it. Water is being supplied to that area, whereas that might not have been the case hitherto. Nevertheless, I will obtain additional information for the honourable member.

The Hon. R. A. GEDDES: I do not think that the Minister has grasped the point. As I understand the position, the Engineering and Water Supply Department has always had to consider the cost of the main in the percentage of costs. Regarding the main which went to Peterborough and which had an off-shoot to Wirrabara, the landowners had to pay a charge relative to the capital cost. New subsection (4) *(a), (b)* and *(c)* set out three different methods of calculating the rate a person shall pay. Which of the three rates will the Minister strike for good country, and which will he strike for poor country?

The Hon. C. R. STORY: No doubt when lhe Minister of Works received approval for this Bill to be introduced, his department provided figures as to the effect that the Bill would have on its revenue. What effect will the Bill have on landholders in the metropolitan area and in the country? It appears to me that there could be a considerable increase in the cost of water, particularly for suburban householders and for people in country districts. Premises in the square mile of the city of Adelaide use relatively little water but they contribute a large amount of revenue to the department. It appears to me that from now on the burden will be spread to a greater extent over a wider section of ratepayers. I am sure that the matter must have been fully investigated, and I would like to know whether the Bill will increase the sum that will have to be paid for water in the metropolitan area and in the country.

The Hon. T. M. CASEY: Present indications are that the Bill will not increase the cost, but it will depend on the rate struck by the Minister of Works. The following circular has been sent out with accounts for water rates:

> This may be the first occasion on which you have received an excess water account or it may be that the account is larger than previously. This may be due to one of the following reasons: *(a)* Reduced water rates in some water districts.

The districts are then enumerated, and the circular then refers to an increase in the price of rebate and excess water. This is what the Bill is all about: to get people to pay for water used. Whether there is an increase in cost will depend on the rate that the Minister strikes.

The Hon. C. R. STORY: That sounds all right, but it does not answer the question. The Minister should be able to give a categorical assurance. The kind of answer that the Minister gives will affect the way people vote. Honourable members must ensure that they get the best value they can for the people who put them here. I therefore ask the Minister for a more satisfactory explanation of the effect of the Bill. The Minister must surely have some policy, and the Committee is entitled to know what that policy is. We will then know whether water rates will be increased in the metropolitan area and in the country. This Bill confers wide powers on the Minister. I do not mind signing a blank cheque, provided it has "not negotiable" stamped on it.

The Hon. T. M. CASEY: As I said before, this Bill is not designed to produce any increase in cost at this stage; whether there is an increase in cost will depend on the rates struck by the Minister of Works. Prior to the third reading I will attempt to get from my colleague some indication of what the honourable member requires,

Clause passed.

Clauses 28 to 30 passed.

Clause 31—"Right of Minister to treat separate holdings as a single parcel of ratable land and vice versa."

The Hon. C. R. STORY: If this clause works as I hope it will, I am very much in favour of it. There have been cases of the one owner with two meters having to pay excess water charges on one of his blocks and not being able to use the amount of water allocated to him on lhe other block, and an unfair situation arises. In the country, a road may separate two parcels of land, thereby creating the kind of situation I have referred to. If the intention behind the clause is to provide that a person will get one account for his parcel of land, it is a step in the right direction.

The Hon. T. M. CASEY: That is so, and I am pleased that the honourable member supports the clause.

Clause passed.

Clauses 32 to 39 passed.

Clause 40—"Proceedings."

The Hon. G. J. GILFILLAN: Later today, the Council will be considering a Bill to amend the Sewerage Act, which contains a provision similar to that in this clause, with the explanation that the amendment to the Sewerage Act is to bring it into line with the Waterworks Act. The Sewerage Act Amendment Bill provides for a change from six months to two years in lhe time in which proceedings can be instituted for an alleged offence. If the department wishes to prosecute a person for a breach of the Act, two years is a long time. By the end of that period, a person may have no recollection of the offence having occurred; however, I can understand that six months is perhaps a short period, because an offence may not come to the notice of the department in that rime. Some consideration must be given to the people who will be affected by this. Can the Minister give the reason for such a long period of time?

The Hon. T. M. CASEY: I think the honourable member is sympathetic to the application of this Act by the department. It must be realized that, when one considers the full extent of the reticulation of waler under the administration of the department, a considerable time could elapse before anomalies or breaches of the Act could be detected. It would not be impossible for two years to elapse before such detection. If a person were deliberately or persistently flouting lhe Act, I think he would remember doing so. However, in the case of a minor breach the department may not go ahead with prosecution. I think this provision is designed specifically to cover the prosecution of people who have persistently defied the Act. I think it is most important, because South Australia is such a dry State that we cannot afford to waste water. Everyone must be made aware of this, and that is one reason why this extension of time has been requested. While I agree that it is a long time, the complexity of the operations of the department is such that it is justified. I do not think it would be used unreasonably; its implementation would depend on the seriousness of the offence.

The Hon G. J. GILFILLAN: The Act imposes many obligations on the user, so the offences could range from a minor plumbing job done by someone who was not a registered plumber to construction work being placed over pipes where the owner was not the original occupier of the premises and was not aware of their existence. I thank the Minister for his explanation and hope the legislation will be administered with discretion.

Clause passed.

Clauses 41 to 43 passed.

Progress reported; Committee to sit again.

## SEWERAGE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 5. Page 2261.)

The Hon. G. J. GILFILLAN (Northern): I support the Bill, which is somewhat in line with the Waterworks Act Amendment Bill, in that it clarifies issues relating to the acquisition of land and the responsibilities of the Minister. From a perusal of the Sewerage Act and the Waterworks Acl, it is obvious that the Minister has far more power in fixing rates and charges than is conferred on most other departments, where such matters are often done by regulation. However, I must admit that these Acts have worked very well. The provisions of the Sewerage Act do not extend to such a large area of the State as do those of the Waterworks Act, because only certain areas are sewered. I realize the great problems arising in any community in the handling of waste material from heavily populated areas, and I commend the Engineering and Water Supply Department on its work. It is sufficient praise to say that the average person accepts this public amenity and takes it for granted. I cannot recall having heard any complaint of inefficiency in the sewerage branch of this department. Requests have been made for the use of treated water, which does not come under the control of the sewerage section of the department. As the community expands, so the responsibility grows, involving not only larger treatment works but a heavier load on the existing pipes, requiring their continual replacement with those of larger diameters.

The average person probably does not realize the complexity of such operations. For instance, this can involve the digging of deep trenches in some areas where the expense is greatest, in some of the older sections of our city where the rating is comparatively low. One operation involving extremely high, costs occurs where trenches must be dug to a depth of 16ft. or 17ft. (4.9 m or 5.2 m) in areas close to the sea. First, the land must be dewatered to reduce the waler table, with the ever-present risk of the drying out affecting nearby houses, causing cracking of walls, and so on. At such depths in this type of soil timbering must be used on the sides of the trenches. All this must be done according to plan while the existing system is in operation, al the same time considering all the other services and amenities below street level. So much is taken for granted in this field. For instance, pumping stations exist throughout the metropolitan area under roads, but the average person is not aware of their existence, because all that is visible above the surface is a large manhole cover and on the footpath is an enclosed metal box that houses switching gear to operate these pumps automatically. These pumps arc housed in a well. They were designed and developed with the assistance of the Engineering and Water Supply Department. An old pump can be replaced in a few minutes by raising it along a guide, removing it, lowering a new one immediately to take its place and sealing it by means of a taper in the flange.

Not enough credit is given to some departments that work so efficiently in South Australia and they often go unrecognized. Through my association with engineers attached to the Engineering and Water Supply Department in the sewerage branch, I believe we in South Australia are indeed fortunate to have not only a plentiful water supply but also the means for distributing waste without worry or undue risk to lhe health of the population. Most of the issues concerning this Bill have already been raised in an earlier debate. However, clause 6 (3) provides that a proclamation made under this provision shall lake effect from a date (either before or after the date of the proclamation) specified in the proclamation. I admit that this clause refers to the declaration of an area as a drainage area, but I am rather wary about retrospectivity. However, some cases exist in which it will be necessary to apply the retrospectivity provision of this Bill. I point this out, because this is not a principle that I readily accept, particularly as there is no limitation on the retrospectivity. Perhaps a limitation could be imposed. However, the declaration of a drainage area is different from questions of acquisition and other issues that could arise. The Minister has said that clause 23 brings this provision into line with the Waterworks Acl, which we considered only about 15 minutes ago.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

**ROAD TRAFFIC ACT AMENDMENT BILL (SPEED)**

Adjourned debate on second reading.

(Continued from March 5. Page 2257.)

The Hon. C. M. HILL (Central No. 2): I support this Bill, which introduces a maximum speed limit that will apply in South Australia from July 1, this year. The existing maximum speed limit in South Australia is 60 miles an hour, in accordance with section 48 of the Act, but it is currently a defence to a charge under that section if the defendant can satisfy the court that the speed at which his vehicle was being driven was not dangerous having regard to all the relevant circumstances.

South Australia, under this Bill, will have an absolute speed limit of 110 kilometres an hour (68.3 m.p.h.). This change is in accordance with the recommendations of the Australian Transport Advisory Council made, I understand, in February this year, when all States agreed that a uniform speed limit should apply throughout Australia.

I have checked on the speed limits applying in other States at present and, although legislation may be before the respective State Parliaments. I understand that until a few weeks ago none of the other States had changed to the recommended speed limits. The maximum speed in Queensland is 60 m.p.h. (96 km/h) on an absolute basis, in Tasmania and Western Australia it is 65 m.p h. (104 km/h) on an absolute basis, and in New South Wales it is based on a prima facie method of 50 m.p.h. (80 km/h).

Some time ago the Victorian Government increased the maximum speed to 70 m.p.h. (112 km/h), but I believe that a few months ago, as a special measure to check the road toll, this limit was reduced experimentally to 60 m.p.h. (96 km/h).

So. it appears that the other Slates have not yet conformed to the recommendation of the A.T.A.C. However, I am sure that in due course they all will do so, and that is another reason why I support the Bill, because I think that the decision on the speed limit made by the Ministers of Transport throughout Australia was proper and wise. Indeed. I favour uniformity throughout Australia for the road traffic code generally. It has always seemed silly to me that motorists when crossing State borders have, in many instances, to face a road code different from that applying in the Slate from which they have just come. I hope that more uniformity will be introduced in this area soon.

I agree with the Minister that excessive speed is a major cause of road accidents. Many fatalities occur on country roads. That does not mean that country people arc at fault, because in many cases people from areas other than rural areas are involved in those accidents, but in such parts of the State many people do drive at a high speed. This has happened in the past, and many road accidents have happened in country areas. I believe this new speed limit will act as a check on the road toll. Any major step that can be taken to reduce the road fatality rate must be seriously considered. Accordingly, I support the change to the new speed limit of 110 km/h.

The balance of the Bill deals with many changes to the metric system, with all of which I agree. I hope the Government involves itself deeply in publicity and education between now and July I so that motorists will understand fully all their responsibilities in respect of these changes to the metric system as they affect motoring generally. For instance, the new calibrations needed for all speedometers are a serious matter. Also, the marking of speedometers to indicate the new maximum absolute speed limit is essential.

The Government, acting possibly through the Road Safety Council, should take a special interest in publicity and education so that misunderstandings that may well result in either prosecutions or accidents can be kept to a minimum when this major change takes place in the middle of the year. I ask the Minister to give an assurance that the Government will take all reasonable steps to see that the motoring public of this State is made fully aware of the changes that will be necessary from July 1 of this year. I support the Bill

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

**OMBUDSMAN ACT AMENDMENT BILL**

In Committee.

(Continued from February 28. Page 2234.)

New clause 2a—"Branches, sections, etc. of departments may be excluded from Act."

The Hon. A. F. KNEEBONE (Chief Secretary): I move to insert the following new clause:

2a. The following section is enacted and inserted in the principal Act immediately after section 4 thereof:

> 4a. (1) The Governor may by proclamation declare any branch, section or part of a department not to be a part of that department for the purposes of this Act and upon the making of that proclamation that branch, section or part of that department shall, for those purposes, be deemed not to be part of that department.
>
> (2) The Governor may by proclamation vary or revoke any proclamation referred to in subsection (1) of this section and that proclamation shall have effect according to its tenor.

During the second reading debate the Leader said that it would be reasonable to expect that a part of a department should come under the Ombudsman's jurisdiction, whereas the remainder of the department should not. I have discussed this matter with my colleague, who said that it was a good suggestion.

The Hon. R. C. DeGARIS: I am pleased that the Chief Secretary has changed his mind in this matter. I did not know that my powers of persuasion were sufficiently strong to convince him that I might be right on occasion. I am sorry I missed the call on clause 2, but I think I can deal with that matter in relation to new clause 2a. New clause 2a contains a wise provision, because possibly in, say, the Police Department, the administrative section or the licensing branch should come under the Ombudsman's jurisdiction. However, I note that the Chief Secretary has not accepted my suggestion concerning regulations. When the original Bill was introduced, "proclamation" was used, but the Bill contained no power to remove or revoke the Ombudsman's jurisdiction over a department. The only power of proclamation in the principal Act relates to a commission or tribunal, which the Government could, by proclamation, ensure did not come under the Ombudsman's jurisdiction.

New clause 2a provides that the Government may at any time by proclamation change the Ombudsman's jurisdiction, without reference to Parliament. No doubt the Chief Secretary will see the different situation. When I studied the Bill I realized that a minor amendment would alter section 3. When I studied the principal Act I found that "proclamation" would need to be changed in several areas because of the change in this matter. Therefore, I decided not to press the matter of "regulation". However, I draw honourable members' attention to the danger, in my opinion, of giving any Government the right to remove any department from the Ombudsman's jurisdiction by proclamation. Because of the difficulties, namely, taking the whole of the principal Act. going right through it and changing "proclamation" to

"regulation", I have decided to drop this matter on the ground that if the Ombudsman's jurisdiction is removed at any time by proclamation (where perhaps he suspected that this or any other Government wanted to hide something), he could report it to Parliament; that is a safeguard. Nevertheless, I believe that my earlier point is valid.

The Hon. A. J. Shard: The Ombudsman having reported to Parliament, hasn't any honourable member the right to introduce a private member's Bill to correct the situation?

The Hon. R. C. DeGARIS: Yes. I could introduce a private member's Bill to alter completely the Ombudsman Act in this regard, but that is probably not an action one should take in regard to Government policy.

The Hon. A. J. Shard: I meant after the Ombudsman's adverse report to Parliament about some Government department.

The Hon. R. C. DeGARIS: That is so—

The Hon. Sir Arthur Rymill: You could introduce a Bill but it would not have much chance of getting through.

The Hon. R. C. DeGARIS: Even though one introduced a private member's Bill, if the Government turned against the Bill, not much could be achieved.

The Hon. A. J. Shard: It would not look too good in the eye of the public.

The Hon. R. C. DeGARIS: Several things do not look loo good in the public eye, in my view. J am pleased that the Government has accepted my suggestion about part of a department or branch coming under the jurisdiction of the Ombudsman. However, I am sorry that, because of lhe change in the approach to the Act, the Government has not moved for regulation, but I will not press this matter. If any honourable member proceeded to change the whole of the principal Act from "proclamation" to "regulation", I would support him. J support new clause 2a.

The Hon. A. F. KNEEBONE: I appreciate the Leader's position in this matter. Any Government that capriciously removed, by proclamation, a department that was in trouble or tried to cover up something from the Ombudsman's jurisdiction would be a foolish Government. I am happy with the way in which the Leader has approached this matter.

The Hon. Sir ARTHUR RYMILL: The Ombudsman office is something new, and we must get used to it. Two years ago we. did not have an Ombudsman at all. The Hon. Mr. Shard interjected that the Leader could introduce a private member's Bill at any time, and that is true. There would also be other Parliamentary remedies; for example, investigations by Parliamentary committees could be called for. I think a fairly broad-minded approach, such as that adopted by the Leader, is proper.

New clause inserted.

Remaining clauses (3 to 5) and title passed.

Bill reported with an amendment. Committee's report adopted.

## ADJOURNMENT

At 4.42 p.m. the Council adjourned until Thursday, March 7, at 2.15 p.m.