LEGISLATIVE COUNCIL

Wednesday, September 10, 1975

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

QUESTIONS

PARLIAMENT HOUSE TELEPHONES

The PRESIDENT: Before calling upon honourable members for questions, I refer to the question raised by the Hon. Mr. DeGaris a few days ago in connection with a mysterious set of circumstances he had encountered in the use of his telephone. I have caused an investigation to be made by Telecom Australia, and I have received a letter from the Chief State Engineer, as a result of which I am satisfied that there are no irregularities within the telephone system in Parliament House. I shall make a copy of the Chief Engineer's letter available to the honourable member.

MEMBERS' INSURANCE

The Hon. R. A. GEDDES: I wish to direct a question to the Chief Secretary, representing the Attorney-General, and seek leave to make a short explanation.

Leave granted.

The Hon. R. A. GEDDES: The Government has been kind enough to look at the matter of the personal accident insurance cover of members of Parliament, and all members have been given a copy of a schedule prepared by the State Government Insurance Commission. Clause 4 provides that the commission shall not be liable in respect of death or bodily injury of the insured person caused by persons of malicious intent acting on behalf of or in connection with any political organisation. Will the Chief Secretary take up this matter with the Attorney-General, bearing in mind that we are all members of political Parties and that involvement in political Parties could cause accidents, although we hope they will not occur?

The Hon. D. H. L. BANFIELD: I shall take up the matter with my colleague and bring down a reply.

INTENSIVE CARE

The Hon. C. M. HILL: Can the Minister of Health say, first, whether the accommodation in intensive care wards at the Royal Adelaide Hospital is sufficient for present needs of patients; secondly, is it a fact that admission to these wards is refused to persons over a certain age limit?

The Hon. D. H. L. BANFIELD: I understand that the accommodation at the Royal Adelaide Hospital for intensive care patients is sufficient, and I know of no cases that have been refused admission. However, if the honourable member has a specific case in mind I shall be happy to take it up and get a report for him.

SOUTH AUSTRALIAN COMPANIES

The Hon. D. H. LAIDLAW: Has the Minister of Lands a reply to a question I asked recently regarding problems of South Australian companies?

The Hon. T. M. CASEY: As pointed out in the question, the directors of Simpson Pope Limited blamed the poor result of the company on competition from oversea products. This problem can be solved satisfactorily only by ensuring that correct levels of protection are given by the Australian Government to locally manufactured goods. To this end the Development Division of the Premier's Department has continually represented the South Australian Government's views at the Industries Assistance Commission's hearings on the industry and will continue to present an effective voice through this avenue. The Premier has also made personal representations through his colleagues in Canberra so that viability of the industry can be maintained. It is not accepted that the solution to this particular problem lies in company decisions to relocate near the large markets in Melbourne or Sydney or even, as the questioner suggests, in South-East Asia. There is a constant reappraisal of the effect of protection on local industry, and it is in this area that the South Australian Government must, and will, be active.

ABATTOIRS

The Hon. J. R. CORNWALL: I seek leave to make a short statement prior to directing a question to the Minister of Agriculture.

Leave granted.

The Hon. J. R. CORNWALL: This morning's country press indicated that the Minister had been asked to widen the present scheme being provided for drought-affected sheep on the West Coast. Under the scheme I believe the Port Lincoln abattoir takes in drought-affected and surplus sheep and pays farmers a nominal sum of 75¢ a head. This scheme not only has done much to ease the stocking pressure on Eyre Peninsula but is also an excellent example of what the Minister was talking about yesterday when he referred to the responsibility of Government-run service abattoirs. Is the Minister considering the widening of the present scheme to include sheep from Kangaroo Island and the Murray Mallee?

The Hon. B. A. CHATTERTON: The scheme on Eyre Peninsula has been well received by farmers as a bid to help them in a very difficult situation. Unfortunately, the scheme was not started perhaps as early as it should have been; I do not think many of us realised how desperate the situation was. I also agree with the honourable member that it demonstrates clearly the many responsibilities of a service abattoir. I have been approached to extend or institute a similar sort of scheme to the South Australian Meat Corporation to help the farmers, who are also in a desperate situation on Kangaroo Island and parts of the Murray Mallee. I hope to have a report from the management of Samcor later this week to indicate to me whether it will be possible for them to carry out such a scheme.

The Hon. C. M. HILL: Can the Minister of Agriculture say whether the Eyre Peninsula scheme is operating now or is the position the same as it was two weeks ago?

The Hon. B. A. CHATTERTON: The Eyre Peninsula scheme is operating. I think there may have been some misunderstanding. What I said was that the Eyre Peninsula scheme was not in a position to take extra bookings; it is still working on a backlog of people who have booked in their stock, and this stock is being killed under the scheme. It was thought that, since the number of bookings constituted, many weeks supply for the capacity of the works, it was not fair to producers to book in large numbers of stock when it was not possible to process them in a reasonable time. That is still the situation. Once the backlog is cleared, fresh bookings will be taken.

FISHING

The Hon. R. C. DeGARIS: Will the Minister of Agriculture say when the Government intends to implement its policy announced during the election campaign to relieve the pressure on certain fishing vessels?

The Hon. B. A. CHATTERTON: It was made clear during the election campaign that the State Government was not able to purchase fishing vessels in the buy-back

scheme to relieve pressure on the fishing industry. However, it will examine the situation and employ Professor Copes, a prominent Canadian resource economist, to study the feasibility of such a scheme. The Government will seek the assistance of the Australian Government very much on the lines of the rural reconstruction scheme, which helps farmers to build up larger properties. The Government considered that this type of scheme could be extended into the fishing industry. Regarding the contract that we have with Professor Copes, we hope to have him in Adelaide next month and again in the early part of next year. The Government has also set up a team of its own people to work with Professor Copes in this study and a more general study of fishing management policies.

The Hon. R. C. DeGARIS: I thank the Minister for his reply, and direct a further question to him. Is it a fact that Professor Copes is undertaking a study of the resources of the Gulf of Carpentaria? Also, does the Minister know how long it is since that study was undertaken, and has a report been made regarding Professor Cope's work in the Gulf of Carpentaria?

The Hon. B. A. CHATTERTON: I was aware that Professor Copes was working for the Australian Government in the Gulf of Carpentaria. This is one of the reasons why it has been possible for us in South Australia to get Professor Copes to come and work for us at a reduced cost. The South Australian Government has been able to share the cost of his air fares to and from Canada.

The Hon. R. C. DeGaris: But he'll still be expensive.

The Hon. B. A. CHATTERTON: That is so, but, since he is a world authority in this area, the Government considers that the expense is well justified. I have not got before me any reports regarding the time that Professor Copes is spending in the Gulf of Carpentaria or, indeed, whether he has reported on fisheries in that area.

MILK

The Hon. ANNE LEVY: There was a report in yesterday's press regarding iodine levels in milk throughout Australia, as well as a report in last evening's *News* indicating that there was no cause for concern in South Australia. No figures were given, so will the Minister of Agriculture obtain a report regarding the actual iodine levels in South Australian milk and how they compare with maximum levels recommended by the World Health Organisation?

The Hon. B. A. CHATTERTON: I will obtain a report for the honourable member.

TRANSLATIONS

The Hon. C. J. SUMNER: I seek leave to make a statement before asking a question of the Minister of Agriculture, representing the Minister of Education.

Leave granted.

The Hon. C. J. SUMNER: I have been approached by a representative of the Italian Education Movement, who is also a member of the SACOSS Interpreter Service Committee, in connection with the translation of material that has been distributed by the Education Department to migrant communities. I refer particularly to a survey on attitudes to kindergartens and child care centres, which was translated from English into foreign languages, particularly into the Italian language. The person who approached me was most unhappy with the translation that had been used in this case and, following this, a letter was written to a Mr. Johnston, an Education Department research officer, making certain comments on this matter. My questions are as follows: first, has the Minister seen this letter dated August 20 and considered the points raised therein; secondly, does he agree that the criticisms of the translation are fair; thirdly, how and from whom does the department obtain translations of material for distribution among the migrant community; and, finally, will the Minister consider having any translations issued from the department checked by the appropriate cultural organisation or university department?

The Hon. B. A. CHATTERTON: I will refer the honourable member's question to the Minister of Education and bring down a reply as soon as possible.

PUBLIC WORKS COMMITTEE REPORTS

The PRESIDENT laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Glenside Hospital (Redevelopment, Stage II),

Marine and Harbors Department Building, Port Adelaide,

Port Pirie Sewerage Scheme Extension.

LEAVE OF ABSENCE: HON. M. B. DAWKINS

The Hon. R. C. DeGARIS (Leader of the Opposition) moved:

That three months' leave of absence be granted to the Hon. M. B. Dawkins on account of absence overseas on Commonwealth Parliamentary Association business.

Motion carried.

LAND AND BUSINESS AGENTS ACT AMENDMENT BILL

The Hon. J. C. BURDETT obtained leave and introduced a Bill for an Act to amend the Land and Business Agents Act, 1973-1975. Read a first time.

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

That this Bill be now read a second time.

It is designed for the sole purpose of overcoming an anomaly in the principal Act. At present under section 38, if a licensed land agent opens a branch office he shall nominate and have at all times in his service at such branch office a registered manager. Pursuant to section 6(3) "Where two or more persons carry on business in partnership and the business of the partnership, or part of that business, consists in the business of an agent, each of those persons shall be deemed to be carrying on business as an agent." Section 37 requires a person who carries on business as an agent to have a registered office, so that pursuant section 6(3) agents carrying on business in partnership would be required to state the same registered office. Any other office would be a branch office. The net result is that, where, say, two agents are in partnership and wish to establish a branch office, neither of them may be nominated in respect of the branch office but a third person, who is a registered manager, must be appointed. If A and B, both registered land agents carrying on a business in partnership, have their registered office in town X and wish to establish a branch office in town Y staffed by one of them, they may not at the present time do so, unless they appoint some other registered manager. This is, of course, unduly oppressive, serves no good purpose, and is undoubtedly an accidental result of this extremely complex piece of legislation. This difficulty has arisen in practice. Agents have, in fact, sought to register branch

offices under section 38 in circumstances similar to those I have related, and have been advised by the Land Agent's Board that they could not do so unless they appointed a registered manager in respect of such office. The board has acknowledged that this is a anomaly which requires legislative attention. It is true, of course, that the agents could overcome the situation by forming a corporation, for example, a limited company to hold the licence. However, they may not wish to do so and the Land and Business Agents Act should not compel them to do so. The purpose of this Bill is simply to make the necessary legislative change and allow land agents, who register a branch office, to nominate either a registered manager or a land agent, who in the case of a partnership, could of course be one of themselves, to manage the branch office.

Clause 1 is formal. Clause 2 changes the definition of the word "nominated" so that it is capable of applying to a nominated agent as well as a nominated manager. Clause 3 is the operative part of the Bill. Subsection (2) of section 38 is struck out and replaced with a new subsection (2). This repeats the requirements of the existing subsection (2) but allows a branch office to be managed by a nominated land agent instead of requiring the appointment of another person as registered manager as at present.

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

LISTENING DEVICES ACT AMENDMENT BILL

The Hon. JESSIE COOPER obtained leave and introduced a Bill for an Act to amend the Listening Devices Act, 1972-1975. Read a first time.

The Hon. JESSIE COOPER: I move:

That this Bill be now read a second time.

When the Listening Devices Act Amendment Bill was before this Council in November, 1974, many honourable members had misgivings about certain matters in the original legislation passed in 1972. After two years experience, it seemed to many people that an amendment concerning section 7 was necessary. The legislation had been properly conceived to protect people's liberty and privacy, as stated clearly in sections 4 and 5, which provide:

4. Except as is provided in this Act a person shall not intentionally use any listening device to overhear, record, monitor or listen to any private conversation, whether or not he is a party thereto, without the consent, express or implied, of the parties to that conservation.

5. A person shall not knowingly communicate or publish any information or material derived from the use of a listening device in contravention of section 4 of this Act.

When taken into consideration with section 7, sections 4 and 5 become meaningless. In practice, section 7 really makes a mockery of the whole thing. During the debate on the Privacy Bill, many honourable members showed their awareness and concern in connection with the recording and dissemination of information. Likewise, section 7 of the Listening Devices Act spells danger to the freedom of the individual. In fact, I believe that, if the Privacy Bill had been passed in its original form, the courts would have had difficulty, with section 7 on the Statute Book, in assessing the rights and wrongs of any case dealing with the abuse of privacy. Think for a moment what section 7 really means. It makes it legal for a conversation to be recorded, without the person concerned being aware that it is being done, in any Government department, for example, in any Minister's office, or in any taxation authority's office. Again, it permits recordings of business or professional conversations to be made without the knowledge of the party being recorded, the only proviso being that the recording party considers that the recording protects his interests. Section 7 states:

(1) Section 4 of this Act does not apply to or in relation to the use of a listening device by a person (including a member of the Police Force) where that listening device is used—

(a) to overhear, record, monitor or listen to any private conversation to which that person is a party;

and

(b) in the course of duty of that person, in the public interest or for the protection of the lawful interests of that person.

(2) A person referred to in subsection (1) of this section shall not otherwise than in the course of his duty, in the public interest or for the protection of his lawful interests, communicate or publish any information or material derived from the use of a listening device under that subsection.

These recordings can be used in the alleged public interest or to protect the lawful interests of the individual—that is, of the person doing the secret, underhand recording. What of the poor victim? The situation then arises that no-one can, with any safety or any degree of confidence, hold exploratory conversations on business matters, make explanation of procedures, or even hold private conversations with Ministers or members of Parliament.

Honourable members all know how easy it is in this modern technological day to conceal a minute recording device in a pocket, a handbag, or even in a packet of cigarettes. Again, honourable members must know of the ease with which rooms are "bugged". I hold no brief for inquiry agents or private detectives, but I quite realise that the South Australian Police Force and the Commonwealth Police must have power in this matter; this power is given in section 6. It is merely section 7 that is objectionable to me. I see no reason why a person making a recording should not give others who are party to its contents a simple legal right of knowing that it exists.

No-one then could object to being taped any more than to being recorded by a stenographer, but section 7 as it stands gives rise to the possibility of another Watergate. Even the Commonwealth forbids the use of listening devices used in association with telephonic conversations unless a special signal indicates that a recording is being used. The only objection raised by the Government during the 1974 debate to the deletion of section 7 seemed to be in the matter of blackmail. Surely, the incidence of blackmail is not great enough to be the reason for taking away the right of the individual to freedom of speech and privacy in this way. The provisions of the Bill are very simple. Clause 1 is formal, and clause 2 provides merely that section 7 of the principal Act shall be repealed. I ask honourable members to give the Bill earnest consideration, and I commend its provisions to them.

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

MANNUM REGULATIONS: DEVELOPMENT CONTROL

Order of the Day, Private Business, No. 3: Hon. J. C. Burdett to move:

That the regulations made on July 17, 1975, under the Planning and Development Act, 1966-1975, in respect of Interim Development Control—District Council of Mannum, and laid on the table of this Council on August 5, 1975, be disallowed.

The Hon. J. C. BURDETT moved:

That this Order of the Day be discharged.

Order of the Day discharged.

CONSTITUTION ACT AMENDMENT BILL (MINISTERS)

Second reading.

The Hon. M. B. CAMERON: I move:

That this Bill be now read a second time.

This is the second time this Bill has been introduced in this Chamber and, as on the previous occasion, it has been passed unanimously by the other place. Only the Premier spoke on the Bill in that place, and merely indicated his support in four short words: "I support the Bill." The Liberal Party members did not speak on the Bill, nor did they question it. It has been implied previously that Government support for this measure is forthcoming only because it weakens this House and is part of the plan for its eventual abolition. This is shown to be nonsense by the unanimous support of the Liberal members in the other place. If there was any thought or possibility of that being the effect of this Bill, there would have been plenty of argument from members of that Party against the Bill, and there was none.

At the moment the situation is that, of the Ministry of 11, if the Government had the numbers available in this Council all Ministers could be appointed from the Legislative Council. There is no restriction on what percentage of the Ministry may come from this Council, whereas of the 11 the Constitution lays down that only eight may come from the House of Assembly. This is a ridiculous and contradictory situation which should be corrected. While the practice of appointing Ministers from both Houses remains, the criteria for the appointment of Ministers of the Crown should be ability and, while I do not wish to reflect on the ability of former Ministers from this Council, many honourable members will recall the situation when the Australian Labor Party had four members in this place, three of whom, under this provision, had to be Ministers if the Government wanted a complete Ministry, so the ALP Government of the day had a back bench of one member.

The Hon. D. H. L. Banfield: Quite a good one, though.

The Hon. M. B. CAMERON: Quite a good one, although they did seem to play musical chairs. Being on the back bench was only one step from the top. That situation was patently absurd and was brought about by this provision. It is the policy of our Party to remove Ministers from this House of Review. However, there would be conflict in that proposal. A far more active role of this Council in the area of committees, on a basis similar to that in the Senate, was one of the requirements. I believe that, if ambition to succeed to a Ministerial position was removed, we would see less Party line following occurring and more independence of thought and action in this place. We would, in that situation, insist that all Ministers be available at Question Time so that we could obtain prompt replies to questions instead of the two-week to three-month wait occurring at the moment. Secondly, Ministers would be required to present their Bills in this Chamber and to be available for questions.

However, that is not the effect of this present Bill. All this Bill does is to correct an obvious anomaly between the two Houses. In future, Governments may select whatever number of members they wish from either House. One further point I should like to raise briefly is to urge the Council to give serious consideration to the proposition I spoke of earlier in this session, of departmental advisers being allowed to sit in access to the present three Ministers while they are presenting legislation in this Chamber, especially while they are acting for other Ministers. We cannot expect Ministers to have complete answers to all our queries when presenting Bills not connected with their own portfolios, and we often get less than satisfactory answers because of this. We now allow the advisers to sit in the President's gallery, with messengers running backwards and forwards, and even Ministers acting as messengers. It would be far more satisfactory to have the advisers sitting in close proximity to the Minister in charge of the Bill, as is done in the Senate. This Bill simply amends section 65 (1) of the Constitution, which provides:

> The number of Ministers of the Crown shall not exceed 11.

The Bill does not affect that subsection. Subsection (2) provides:

> The Ministers of the Crown shall respectively bear such titles and Ministerial offices as the Governor from time to time appoints.

The Bill does not alter that. However, the next part is the anomaly and will be deleted by this Bill. It states:

> . . . and not more than eight of the Ministers shall at one time be members of the House of Assembly.

In other words, the House of Assembly has a restriction applied; this House does not.

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

CRIMINAL LAW (SEXUAL OFFENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 9. Page 579.)

The Hon. J. C. BURDETT: I rise to speak to the second reading of this Bill, which falls into two parts. One part is to abolish the crime of sodomy (to adopt the marginal note in the Bill), and the other is to delete all reference to sex in the Criminal Law Consolidation Act as far as that is possible—and it is interesting to note that it has not been entirely possible.

I will speak first on the aspect of the Bill that abolishes the crime of sodomy. It is my firm belief that sodomy is an unnatural act, and it is interesting to note that most people who support the Bill hasten to say that they do not approve of sodomy and would like to see a lessening of the incidence of the practice. It is an unnatural practice because it constitutes a gross abuse or misuse of portions of the human body and functions of the human body. The practice of sodomy involves using parts of the human body and body functions for purposes for which they were not designed (or to which they are not suited) by the Creator or by nature. The male penis was not designed or meant to be inserted into the anus. This conduct and that of having intercourse with animals has been appropriately comprehended by the English language and the criminal law by one word—buggery. This seems to me to show the usual wisdom of the English language and the criminal law regarding both functions as unnatural. Both offences constitute using the reproductive organs unnaturally, for purposes grossly different from those for which they were designed. It is the unnatural character of these offences which to me justifies some measure of control over them by the criminal law.

It is interesting to note that the mover of this Bill has seen fit to introduce a new section 69 to replace the existing section bearing that number, which new section specifically retains the unnatural offence of buggery with an animal (I use the words of the Bill) as a misdemeanour carrying a penalty of a prison term not exceeding 10 years. It has been rightly pointed out that the criminal law does not and should not make an act a crime merely because

the act is immoral: thus, fornication and adultery are not offences against the criminal law, and I doubt whether anyone seriously thinks they should be; but, when acts that are against nature come into the picture, it may be considered that the law should exercise some control, particularly when the act in question (in this case, sodomy) appears often to be coupled with a proselytising zeal to induce others to join in the practice.

It is relevant to consider the history of legislation on this matter. The Criminal Law Consolidation Act until 1972 provided, by section 69, that a person who committed buggery either with mankind or with any animal should be liable to be imprisoned for a term not exceeding 10 years. In 1972, the Hon. Mr. Hill introduced a Bill to abolish the crime of sodomy. This was amended in the Council to retain the offence but to provide that, where a male person is charged with an offence that consists of the commission of a homosexual act, it should be a defence for that person to prove that the homosexual act was committed wih another male person in private and that both he and the other male person consented to the act and had attained the age of 21 years.

This amendment has been bitterly criticised by the supporters of the present Bill, but in my opinion the amendment was a very wise one. It ensured, in practice, that adult males carrying out homosexual acts in private were not interfered with by the law, while it retained this unnatural practice as a crime on the Statue Book. In 1973, a Bill substantially similar to the present Bill was introduced but failed to pass in the Council. As has been said, the merits in this debate are substantially the same as they were then, and some reference to the previous debate is useful. I point out that at the time the Bill was before the Council in 1973, I said this:

To be practical about this I ask: how many prosecutions are likely to occur now? Indeed, how many prosecutions were likely to occur before, in the case of homosexual acts between consenting males in private? At present is it conceivable that the Crown will prosecute, when it is a defence to show that the act was committed between consenting males in private? I would challenge those honourable members who have supported this Bill to bring forward one case of a male who has been prosecuted since the passing of the 1972 amending legislation in respect of a homosexual act committed in private between consenting adults.

The Hon. R. C. DeGaris: Prosecutions have increased in Great Britain since the adoption of the Wolfenden report.

The Hon. I. C. BURDETT: That bears out what I am saying. How can it be said that since 1972 consenting males who committed homosexual acs in private have been persecuted by the criminal law? It cannot be: in fact, I have made inquiries and have ascertained there is not one case where the defence created in 1972 has been used, because obviously it was not necessary. Since 1972, the police were not going to bring prosecutions in the case of consenting adult males in private. At page 1280 of *Hansard,* I continued:

It is the function of Parliament to prevent people from being unjustly victimised by the criminal law, and I suggest that that function was performed last year. However, it is not the function of Parliament to change the attitudes of society; that is the function of society itself.

I was referring there, of course, to 1972. I repeat the challenge that I then issued. Can anyone tell me of a case of a person being charged with a homosexual offence, claimed to have been committed between consenting adult males in private, since 1972? That is the practical and sensible operation of the defence mechanism, that there is no real likelihood of the prosecution of an offence, and the Crown in fact does not prosecute.

It has been argued that, because Lesbianism and anal intercourse with females are not offences, intercourse between males living together should not be an offence. However, the mere fact that Lesbianism is not an offence is no argument that sodomy should not be. Whether Lesbianism should be made a crime also is another issue, but I cannot accept the argument that, because it is not at the present time, neither should sodomy be a crime.

As in 1973, so now the press (the *Advertiser in* particular) has been quick to come out in support of this legislation in its editorial statements. I do not in the least mind the *Advertiser* disagreeing with my point of view. There are times when I think such disagreement is a sign that I am probably right, but I do object to the patronising attitude that there is only one civilised point of view. A perusal of its own correspondence column, of *Hansard,* and of a mass of medical, psychological, and other literature would show that is not so.

When similar legislation was before Parliament in 1973, the only publicity given in the *Advertiser* to statements made by the opponents of the Bill was when such statements were of a spectacular nature. For instance, I received some publicity when I made the prediction that, if the Bill was passed, it would only be a matter of time before the offence of intercourse with animals was abolished, and the Hon. Mr. Whyte received some publicity when he said, at page 1506 of *Hansard*:

Although I like to be sympathetic and helpful to people who suffer this maladjustment, T make clear that I have no intention of assisting a group of gay boys, spivs, blackmailers and poofters (whatever they might called colloquially), and this is where my fear lies.

The media has inaccurately reported the debate on this legislation when it has referred to it as a Bill to legalise homosexuality, because it does nothing of the sort. This part of the Bill is intended, as its marginal note says, to abolish the offence of sodomy, and it makes various ancillary provisions. I have heard and seen much evidence that many homosexuals are militant and assertive in their attitudes and have a great proselytising zeal. I have heard and seen evidence that in universities and other places where they have access to young people homosexuals use very persuasive methods to seduce young males to their way of life.

The Hon. C. I. Sumner: How do they do it?

The Hon. I. C. BURDETT: By talking to them and by forming societies (and they do exist; I have seen something of their existence) and by getting even members of the clergy to come and talk to them and say that there is nothing very wrong with their way of life. After they have been established in that way of life, it is almost impossible for them to escape from it. After such persons are so seduced, an almost Mafia-like procedure is used for preventing them from escaping.

It is in this situation that the Council's 1972 amendment (and I hasten to add that I was not a member of the Council at that time) was most wise. While sodomy is a criminal offence, incitement to sodomy (and this is one of the most important aspects) and similar acts are offences. When the crime is removed from the Statute Book, any attempt to seduce persons over 18 years of age to sodomy will be beyond the reach of the law.

The small measure of control by the criminal law to retain the crime with the defence mechanism means that no consenting adults are prosecuted, but there is a possibility of preventing incitement to commit this unnatural act. It

has been said by those supporting the Bill that they oppose the homosexual way of life being taught in schools. To me, this is most important. If sodomy is no longer a crime, there will be no way of preventing such practices from being included as permissible forms of expression in sex education, and I have no doubt that this will happen.

Despite the pious protestations of the proponents of this Bill to the contrary, they know perfectly well that this will occur. It was this proselytising tendency among many homosexual groups which no doubt prompted the Hon. Tom Casey to say in his closely reasoned speech in 1973 (page 1847 of *Hansard)*:

No doubt, all honourable members in this Chamber are concerned about safeguarding our youth and maintaining public decency. The real and growing attitude, as was mentioned by the previous speaker, of the Gay Activists (perhaps it would be more correct to call them groups of gay activists) concerns me greatly. They claim that it is not right for us to condemn them and that we should stop criticising homosexuality and start practising it. This is their attitude and, to me, it is basically wrong. This attitude is prevalent among gay activist groups and, in my opinion, they are forcing their sexual way of life on to other members of the community—an attitude that is completely wrong. Nothing, theologically or psychologically, says that what the gay activists practise is good; in fact, all the evidence points strongly to their being absolutely wrong.

The honourable member concluded that he could not support the Bill. Neither can I support the present Bill. Many of the supporters of this Bill, including the press, have accused the opponents of the Bill of emotionalism. I have found more emotionalism for the Bill than against it. At the very least, it must be said that the emotionalism is not all on one side. Many people have contacted me seeking support for the Bill and have raised strong emotional voices in favour of the freedom of the individual and freedom from persecution by the law that does not exist. These are the people who have ignored the plain, hard, cold reality that consenting adults who commit sodomy are not prosecuted. All that this part of the Bill does is to take away the theoretical possibility of their being prosecuted.

An example of this emotional approach to the Bill on the part of its supporters, without adverting to the facts, is a speech in reply by the Hon. Brian Chatterton in 1973, when he said (page 1848 of *Hansard):*

I return to the speech made by the Hon. Mr. Burdett, because it surprised me, as we in this Chamber have come to expect a logical and well-argued case from him. In his second reading speech he raised an extraordinary contention that the present status of criminality is, in fact, a protection of homosexuals. I cannot conceive of anyone being so stupid as to take an action for defamation.

I did not say that the present status of criminality was a protection to homosexuals. One will find that nowhere in *Hansard.* I said nothing like it. I said, at page 1282 of *Hansard,* that the only relevant thing that could make an allegation of sodomy civilly actionable in slander in the absence of pecuniary damages was the fact that it was an offence carrying a penalty of imprisonment. For the sake of accuracy and completeness, I said:

So, this Bill is the taking away of a protection from a person either falsely or correctly accused of homosexuality. Any person hearing or reading this who was not carried away by emotion would realise that I was concerned about protection not for sodomists but for those who were falsely accused of it. If this Bill is passed and if anyone says that I am guilty of sodomy (and I am not), unless I can prove pecuniary damage I will have no cause of action. Whatever the law says after this Bill has been dealt with, many (I suppose most) people would regard sodomy as disgraceful, and it is wrong that this Bill will deprive persons, who have been slandered, of a remedy.

The Hon. Miss Levy claims that the passage of this Bill will Jessen the incidence of blackmail of homosexuals. She says that homosexuals may not report blackmail to the police for fear of prosecution. Those who have indulged in consenting homosexual acts in private have had no fear of prosecution since 1972. The Hon. Miss Levy seems to have forgotten that. Inquiries have been made of the Police Department, and the officer in question was unable to find a case in which the defence created in 1972 was raised. This is proof that the defence procedure is working as it was intended to work.

The Hon. R. C. DeGaris: There would be no prosecutions.

The Hon. J. C. BURDETT: That is so. The police do not prosecute where the act is committed between consenting adults in private, because those involved know a prosecution will not be launched.

The Hon. C. J. Sumner: Why not decriminalise it? That's the point.

The Hon. J. C. BURDETT: One of the examples was the question of defamation, and the other example which I have already given was that, if it was not a criminal offence, there would be no way at all of preventing people from proselytising or trying to seduce anyone into the act, because it would be a lawful act, the same as any other act. Many electors have petitioned Parliament that sodomy be not abolished as a crime until a referendum on the issue approves such abolition. Although I am not sure how accurate my research is, I understand that 43 petitions were presented to another place bearing 5 224 signatures, and 15 petitions were presented to this Council bearing 6 056 signatures. The supporters of this Bill have said that they find sodomy abhorrent and that they consider that the passage of the Bill will not increase the practice.

However, I suggest that they know that that is nonsense, and that the passing of this Bill will (especially in the long term when children in school may with impunity be taught that there is nothing wrong with that practice) greatly increase the practice.

The Hon. F. T. Blevins: Do they teach girls to be Lesbians now?

The Hon. J. C. BURDETT: I expect they could.

The Hon. F. T. Blevins: But do they do it now?

The Hon. J. C. BURDETT: The honourable member knows well that the comment was made during the last Parliament by the then Minister of Education that he would not prevent gay activist groups from going into schools.

The Hon. Anne Levy: That is the headmasters' responsibility.

The Hon. J. C. BURDETT: This matter used to be regarded as the responsibility of the Minister of the Crown in charge of the matter. The supporters of the Bill have also said that they do not support the prospect of homosexual marriage or homosexual couples being allowed to adopt children, which is already being suggested by the Commonwealth Government in the Commonwealth Capital Territories. If this Bill is passed, despite the pious protestations of its supporters, these things will follow as surely as day follows night, and the Bill's supporters know this.

When I spoke in the debate in 1973, I pointed out that this intended legislation created as many anomalies as it

purported to remove, and this is still the case. At page 1281 of 1973 *Hansard* I made the following statement:

. . . it is an offence for an adult male (and it will still be, even if the Bill is passed) to have intercourse in private with his adult sister. He would be committing a felony and be liable to be imprisoned for a term not exceeding seven years. If an adult male has intercourse with his adult brother in private, he will, if the Bill is passed, not be committing an offence. Is that removing anomalies and rationalising the law?

I will now conclude my remarks on this part of the Bill by referring to the remarks of Sir Reginald Scholl, a former Victorian Supreme Court judge, in the course of a speech made in June, 1974, as follows:

So far as I know, however, no-one has pointed out any one of the following things: (1) That the biblical prohibition, found in Leviticus and elsewhere was an important Jewish health law, included in that code of laws which for so many centuries have kept the Jewish race vigorous, intelligent and cohesive. Why was it an important health law? Because (2) as any practising urologist, or general practitioner, would have told any of the bodies which have purported to consider the matter, the practice of sodomy usually involves the risk of the introduction of faecal infection from the passive partner into the genito-urinary system of the active partner; in the words of an Australian urological surgeon of international standing, "The organic evidence of urinary infection, prostatic abscess, prostatis, and urethritis, due to the bacillus coli, occurs in many homosexuals." Incidentally, I have never heard of an orthodox Jew who was a practising homosexual, or favoured legislation. And (3) with the introduction of venereal disease to the Western world, sodomy became one of the worst and surest ways of spreading it in unpleasant forms; so much so, that in a number of cities of the world, modern research has shown notified venereal disease, hitherto assumed to be of heterosexual origin, to be in fact up to 80 per cent of homosexual origin.

At the Australian and New Zealand conference on venerealogy held in New Zealand in October, 1971, the Epidemiologist of the New South Wales Department of Public Health reported in a scientific paper that in Sydney it was found that 70 per cent of a set of cases examined were of homosexual origin. In other overseas reports figures of 72 per cent and 79 per cent have been recorded. Whether legalisation would tend to increase or reduce these rates is argued, but, in London, in 1971, despite legalisation, it was 80 per cent. These are startling figures, and I bring them to your attention because I think male homosexuals have been accorded a good deal of sympathetic publicity without a full examination of the relevant facts.

I now refer to the part of the Bill which seeks to remove most references to sex from the Criminal Law Consolidation Act. I have already noted that it does not do so in regard to incest. Moreover, the new definition of rape is also rather pathetic, and is as follows:

"rape" includes *penetratio per anum* of a male person without his consent.

It just has to refer to that awful male organ the penis, and it just has to refer to a male person. I am a strong supporter of the rights of women, but to pretend that women are the same as men is to be totally unrealistic and to fly in the face of reason. Most sexual offences are intimately related to the sexuality of the offender, be such offender male or female. The instincts and desires of both sexes are strong, but they are both different and, to seek to remove all reference to sex from the sexual code is ridiculous. At the beginning of her speech the Hon. Anne Levy made the following statement about the Bill:

It provides for a code of sexual behaviour for all adults in our community, be they heterosexual or homosexual, male or female.

This sounds delightfully simple and attractive, but unfortunately life is often not simple and attractive, and the hard facts of life refuse to be dragooned into simple legislative patterns. I oppose the second reading of the Bill.

The Hon. F. T. BLEVINS: I support the Bill, as I hope the majority of other honourable members will also do. I will try to be brief, as much has already been said on this matter in this Council, and in another place two weeks ago when the Bill was passed by a substantial majority. The Bill was fully debated when the Hon. Mr. Hill attempted to liberalise the law relating to homosexuality in 1972.

I have made a point of reading much of the material referred to in the debates of both previous attempts to liberalise this law, as well as the *Hansard* report of the debates themselves. The most impressive items I found were an *Advertiser* editorial of October 13, 1972, and a letter to the editor, published in the *Advertiser* on September 2, 1975. I refer first to the editorial, which makes clear what the present position is, and what, hopefully, the position will be after this Council votes on the Bill. Regarding the present law, the *Advertiser* editorial stated:

However, as the Bill stands with Mr. DeGaris's amendment, homosexual acts will still be illegal whether committed in private or not.

The Hon. R. C. DeGaris: Not homosexual acts—sodomy.

The Hon. F. T. BLEVINS: The Leader should take it up with the *Advertiser.* I am merely quoting what was stated in the *Advertiser* editorial.

The Hon. R. C. DeGaris: You will appreciate that what the *Advertiser* said is not correct.

The Hon. F. T. BLEVINS: I know the *Advertiser* from way back. If the Leader has any argument with it, he should take it up with the *Advertiser.*

The Hon. J. E. Dunford: Ren has probably got shares in it.

The Hon. F. T. BLEVINS: He probably owns it. An editorial in the *Advertiser* of October 13, 1972, states:

As the Bill stands with Mr. DeGaris's amendment, homosexual acts will still be illegal whether committed in private or not. The only real change from the present situation is that it will be a defence if the person prosecuted can show that the act was committed in private, and that both people involved were adults. This amendment runs counter to the spirit of the original Bill. It retains the discriminatory nature of the existing law, and provides no protection for homosexuals against prosecution. It places an unfair demand on those prosecuted to reveal details of their sexual behaviour in court.

The Hon. R. C. DeGaris: How many homosexuals have been prosecuted since then?

The Hon. F. T. BLEVINS: Ask Mr. Millhouse. He answered that question beautifully.

The Hon. R. C. DeGaris: The answer is "None".

The Hon. F. T. BLEVINS: Mr. Millhouse will tell you why. Even the police will not be in it. The present position is unjust, unfair and a gross violation of people's privacy and civil liberty. Probably the only thing that almost everyone knows about the law and justice is that no-one has to prove his innocence of anything. It is always up to the prosecution to prove that the accused person has broken the law. There is no obligation at all on anyone to prove his innocence. To turn this traditional concept of justice upside down, as this Council has done in relation to homosexual relationships, is to do a grievous wrong. I notice that a lawyer did not say anything about that. He is strong on British justice when it suits him, but is this traditional justice and British justice?

The Hon. J. C. Burdett: It is when no-one has been prosecuted for many years.

The Hon. F. T. BLEVINS: The point I am trying to make is that everyone is innocent until he is proven guilty, except for adult males engaging in homosexuality.

The Hon. J. C. Burdett: There are other exceptions.

The Hon. F. T. BLEVINS: If there are, it is wrong. British justice should be followed completely.

The Hon. J. C. Burdett: Exceptions have always been recognised.

The Hon. F. T. BLEVINS: That is how lawyers make their money. The editorial in the *Advertiser* continues:

Homosexual acts in private between consenting males can offend no-one, and the law should not intervene in such a situation.

The Hon. J. C. Burdett: It does not.

The Hon. F. T. BLEVINS: It has not, but it can. That states exactly my position, and also I believe it is the opinion of any reasonable person. It is not often that I agree with an *Advertiser* editorial, but I believe in giving credit where credit is due. I commend the *Advertiser* for publishing the editorial, fudging by the mail we have all received, it appears there is opposition to this Bill on various grounds, but particularly religious grounds. I cannot see how religion comes into the making or repealing of laws. I understand South Australia to be a secular State; that means a clear division between the State and religion, and that is the way it should be. One cannot legislate a moral code to any degree, and it would be wrong to attempt to do so. A letter to the Editor of the *Advertiser* on September 2, 1975, is the most rational thing I have read from anyone with a religious viewpoint. It is a rather lengthy letter from the Ven. F. C. Bastian, Archdeacon of Eyre Peninsula, hardly a very radical area, and I am sure he is not a very radical archdeacon. An extract from the letter is as follows:

Murder and theft are both sins and offences. Adultery, fornication and Lesbianism are not. Therefore it was quite legally just and proper to remove homosexuality from the criminal offences where it was mistakenly placed . . . And it cannot be emphasised too strongly that gross greed; covetousness, business dishonesty, cruelty, "unbrotherliness" are also sins while, scripturally, spiritual pride and harsh judgmentalism are more serious sins still.

Much harsh judgmentalism goes on in this Council, and much of it was displayed by the Hon. Mr. Burdett a few moments ago.

The Hon. J. C. Burdett: Tell me where.

The Hon. R. C. DeGaris: You have made judgments on private enterprise.

The Hon. F. T. BLEVINS: Private enterprise was found wanting a long time before I came on the scene. The letter continues:

Homosexuality is by no means the only sin and it might be much more helpful to see it in proportion at least for those either for it or against it, not to speak about it naively as though it were. The blunt facts are that basically we are all sinners—priests, politicians, TV commentators, homosexuals, heterosexuals alike.

The letter is logical and humanitarian, and it concedes nothing regarding the writer's religious beliefs. The letter does him credit. It disposes very firmly of any opposition to the Bill on religious grounds. It seems obligatory for honourable members to use very emotive words when discussing and debating homosexuality; this applies equally to those honourable members for decriminalisation and to those against it. Some of the words used are "repugnant", "sick", "unhappy", "unnatural" and, in one case, "quite warped". This is by no means an exhaustive list, but it is sufficient to illustrate my next point, which is that, to me, homosexuality raises no emotion whatsoever, and I suggest it should not raise any emotion in anyone else.

I have no idea whether people preferring homosexual relationships are sick, unhappy, quite warped, or any of the other dreadful things that they are supposed to be; nor, I suggest, does anyone else know. However, I suspect that people preferring homosexual relationships are as sick, unhappy, warped, etc., in about the same proportion and as often as are all members of the human race from time to time. It is a pity that the emotive words and hostility directed against homosexual behaviour could not be directed against some of the really sick, repugnant and warped things that go on in our society. I cite the example of poverty; honourable members should look at the Henderson report, showing that 100 000 people are living below the poverty line in South Australia alone. People all over the world are starving to death while we kill stock for fertiliser. These things are far more worthy of people's interest and actions than what adults do in their bedrooms.

I think just about the sickest thing I have ever seen was a television report of Christian ministers blessing giant bombers prior to the planes taking off to attempt to kill as many human beings as possible; that, to me, is warped and obscene; alongside it, homosexual behaviour rightly pales into insignificance. I hope one side effect of the passing of this Bill will be an improvement in the mental health of South Australian Parliamentarians. It has to be unhealthy to have this interest in the private sexual activities of any person other than oneself. Perhaps the odd pang of jealousy can be permitted, but surely in a healthy adult mind there should be no interest at all in what other people do privately.

My attitude to the whole question can be summed up in the phrase "Mind your own business"; that is what we should all do in regard to adult sexual preferences. I demand the right to live my sexual life privately without any interference whatsoever from Parliament and the law. I cannot be sure of that right while some section of the community is persecuted for its sexual preferences. A legal oppression imposed on the private sexual behaviour of one section of the community could be extended to another section of the community, and that other section of the community could include me. I congratulate the member for Elizabeth on introducing this Bill, and I also congratulate the Hon. Murray Hill on his efforts in 1972. It is only right and proper that this Bill should pass without amendment to bring justice to a section of our community that has so far been denied it.

The Hon. JESSIE COOPER: One of the major objectives of the laws on homosexuality throughout most of the countries of the world today is to prevent the spreading of doctrines in favour of homosexuality and the consequent proselytising of the young and generally to prevent action designed to reduce a worthwhile and well-organised human society to something a little lower than a farmyard. We are being asked to pass a law which will permit the unethical and undisciplined members of our society to preach and to destroy the high standards of moral behaviour which our complicated human society has, for some thousands of years and in almost all areas, found to be essential.

To pass this law is not, as we have been informed, simply a means of helping the suffering of some few ill-adjusted people. The passing of this law is intended by many people to make it possible for homosexuals to use our newspapers for advertising purposes, to commend the prostitution of the human body, to preach their filthy practices to our schoolchildren, even those at primary level, and to attempt to make their depravity something

to be accepted as normal. Since the dawn of history, various sections of the human race, from the early Egyptians, the Australian Aborigines, and the peoples of Europe, have been struggling to perfect their civilisations and their ways of living, and to lift man towards somewhere nearer the angels than the creatures that crawl through the earth. In every museum and art gallery of the world one can see how men have done just this—have struggled for perfection.

For the last year, the world at large and Australia in particular have been inundated with propaganda aimed at making harlots, Lesbians and prostitutes accepted as respectable women, and at making homosexual males and sodomists accepted as normal men. What is the origin of this diabolical campaign to destroy our home life and our self respect as a people? One can be as sympathetic as one likes to the genuinely sick persons, but to make laws which will give complete freedom to the devil's disciples in our community to destroy all the decency of our lives is quite another thing. We have been informed that we need not fear the corruption of the young. Many parents do not believe such glib, lying statements, particularly those parents who have read the submission from the Gay Activists Alliance to the *Review of Primary School Curriculum,* 1974, of the Education Department of South Australia. The preamble states:

A selection of submissions and extracts from submissions received in response to an open invitation issued to any interested individual or group. Proposals which were received for course outlines and design of courses were forwarded to the Primary Schools Advisory Curriculum Board for distribution to appropriate revision committees. A complete list of individuals and groups who presented submissions is included in the general report.

Now I shall read the extract of the subject submission from the Gay Activists Alliance. The first paragraph states:

Health Education: Recently, suggestions have come from all quarters of the community that homosexuality should be included in the health education curriculum. The suggestions have come from SAIT, Festival of Light (SA Committee), journalists and commentators, politicians and ministers of religion as well as concerned members of the community. These suggestions coincide with the opinions of homosexual groups around Australia.

That paragraph is an indication not of poor information, not of inaccurate statements, but of downright lying. When approached, the SAIT denied having made suggestions along those lines, and the Festival of Light also disclaimed any knowledge of it. I have said elsewhere that proselytising is the aim of these people. They are not seeking simply the more gentle treatment of their sick associates; far from it. The fourth paragraph of the submission states:

. . . we ask teachers to reassess their attitudes to homosexuality and homosexual men and women. We recommend firstly that teachers inform themselves by reading the available literature and actively comparing truth with myths and assumptions. And, secondly, that teachers urge children who think of "lesbian" and "homosexual" only as derogatory epithets to read the literature available and discuss it in class using real and not imagined concepts.

This is a statement for a primary school curriculum; in other words, children under 12 years of age are to be taught what these words mean and to discuss how these acts are carried out. Yet we are told that these Gay Activists are considering the welfare of our community. The fifth paragraph states:

Most important, in terms of reassuring young homosexual girls and boys, is the normality of homosexual behaviour. . . . . homosexuals are so numerous they cannot all be serious misfits or outstandingly peculiar. Statistically, all surveys of homosexual behaviour contradict the assertion that homosexual behaviour is abnormal. The word "abnormal" has such connotations of evil and wrong, particularly to a young child, that teachers should be cautious in their use of the word. Above all, emotional relationships between people of the same sex should be given the same status as emotional relationships between people of the opposite sex. This will do much to dispel the myth that homosexuality is confined to sexual activity.

This again is designed by the Gay Activists Alliance for our primary school children. Do not tell me that such people are thinking of our race. The final paragraph states:

Homosexual teachers should be encouraged to "come out" in schools so that students can be aware of the real possibility of living a homosexual life-style.

Can it be surprising that so many parents of young children have awakened to their danger and have approached many honourable members to help them by refusing to pass this Bill?

The Hon. J. R. CORNWALL: I have been pre-empted in many of my remarks by an excellent document recently circulated among all members of this Chamber by a distinguished body known as the Social Concern Committee. Among the members of that committee are Dr. Peter Eisen, one of the most distinguished child psychiatrists in Australasia; Rev. K. B. Leaver, Principal of Parkin-Wesley Theological College; Rev. G. W. Pope, of the Congregational Church; Rev. Canon S. M. Smith, of the Anglican Church, and Father P. R. Wilkinson, Editor of the *Southern Cross.* They say in their initial statement:

We believe that this is a very important area of legal and social reform, and urge your support for these changes when they come before the Legislative Council.

They go sentence by sentence through the submissions made to us by the Festival of Light and the Community Standards Organisation, and also by the Hon. Mr. Burdett, and demolish them. Among the members of the committee, apart from those I have mentioned, are distinguished Australian psychiatrists, psychologists, and social workers. I have been pre-empted also to some extent by a statement made recently by the Anglican Archbishop of Adelaide, in which he said, *inter alia:*

The State Parliament is now considering a Bill which will make homosexual acts between consenting males no longer a criminal offence . . . personally, I favour the Bill, not because I condone homosexual acts, but because I believe that the sanctions of criminal law are not the best way of dealing with the deep and complex problems associated with homosexuality.

It is obvious from the flood of submissions and telephone calls I have received that this Bill has generated more heat than light. Most of the callers have been very reasonable people, and it is obvious from conversations with them that a great deal of unnecessary concern has been created by the extraordinary distortions put forward by opponents of the Bill, including two speakers today from the opposite side of the Chamber. For the sake of those constituents, especially the concerned parents who have contacted me, I should like to state briefly my position.

This Bill simply removes the burden of criminality at present attached to homosexual acts committed in private between consenting adult males. It strengthens the existing protection against those who seek to solicit minors. It safeguards those who need protection by reason of youth, age, or inability to withstand the force of others. Contrary to some of the extravagant claims that have been made, it does not allow homosexual couples to adopt children. It does not allow homosexuals into schools to discuss their attitudes, so let us put that to rest for ever. Consequently, it in no way increases the moral dangers to

which these groups may be exposed. Quite clearly, if it did so, I would not support it.

This is not a debate on moral theology. In many matters relating to sex there is a clear distinction between morality and legality. Those who oppose homosexuality on moral grounds may continue to do so, just as they oppose (and are certainly entitled to oppose) fornication, adultery, and Lesbianism. Many Christians regard all these activities as serious sins, but that has nothing to do with the Bill before this Chamber. Available evidence shows that the great majority of homosexuals are useful members of our society and do not show neurotic symptoms or maladjustment more frequently than do heterosexuals. So, the central point at issue, as I see it, is: is it reasonable to stigmatise such people? The submission by the Hon. Mr. Burdett would suggest that the answer to that is "Yes". My answer to that is a very firm "No", and I think my position is aptly summarised in a statement circulated to us by the South Australian Branch of the Australian and New Zealand College of Psychiatrists. I quote:

Whatever the cause (or causes) for the emergence of the homosexual orientation, the individual is not personally responsible for his particular orientation, being the subject (or victim) of strong psychological forces beyond his control . . . even in the best conducted treatment programmes with willing and motivated patients many homosexuals do not lose their orientation. That is, they are beyond the limits of present-day methods. This situation is unlikely to change in the foreseeable future.

In these circumstances, it is wrong, and certainly against my understanding of Christian charity, to place any adult homosexual who does not lead a monastic-type existence under the sanctions of the criminal law. Accordingly, I support the Bill.

The Hon. D. H. LAIDLAW: I personally disapprove of male homosexuals or sodomites and I have no high regard for Lesbians either. Furthermore, from experience as an employer, I am wary about giving male homosexuals much responsibility, because they do not seem to stand up to pressure. They shy away from making hard decisions, which are so often necessary in business.

The Hon. J. E. Dunford: How many do you know?

The Hon. D. H. LAIDLAW: However, I do not think my personal prejudice is sufficient cause to oppose this Bill, and I support it for these reasons.

In the first place, the Federal platform of the Liberal Party, which has been rewritten and adopted as recently as October, 1974, would seem to condone male homosexuality between adults in private.

The Hon. N. K. Foster: Is that binding on the other members of the Liberal Party?

The Hon. D. H. LAIDLAW: It is not binding. I quote:

The Liberal Party vigorously advocates individual liberty. . . . Controls over the free actions of the individuals are to be avoided unless there is clear evidence that the similar rights of others and the protection of the community require the imposition of controls.

The State platform of the Liberal Party, which was also adopted late in 1974, takes a similar stand; I quote:

The Liberal society is a free association of individuals, existing to effect, by mutual effort and subject to the rights of others, those conditions in which all individuals may develop their own personalities, by choosing their own way of living and of life. For such a society to function there must be . . . freedom of association.

As the Hon. Anne Levy pointed out, the Liberal State platforms in Victoria and New South Wales have recently adopted a reforming view in this matter. Although the Federal and State platforms are not binding upon Liberal Parliamentarians, it is certainly intended that the principles enunciated should be given due consideration.

I am also acutely aware that, under the new method of block voting used to elect members of this Council, I am here because of a vote of the State council of the Liberal Party and not because of personal support from the electors at large. Therefore, I believe that I should conform closely to the Liberal Party platform.

My second reason for supporting the Bill is that, as an Anglican, I wish to endorse the views expressed by Archbishop Rayner in his pastoral address, entitled "Christianity in a pluralist society", which he delivered in Adelaide some days ago. In it he said (and I quote extracts from it which have been referred to by the Hon. Mr. Cornwall):

The sanctions of criminal law are not the best way of dealing with the deep and complex problems associated with homosexuality.

Archbishop Rayner disapproved of some of the more extreme propaganda which tends to glorify the homosexual life in a way designed to make it attractive to some, especially the young, who might otherwise have no inclination to homosexual activity. With this I certainly agree.

The Hon. J. R. Cornwall: I believe we all do.

The Hon. D. H. LAIDLAW: I also endorse the warnings issued by Mr. Peter Duncan when introducing this Bill in another place. He strongly opposed homosexuals living together being allowed to adopt children, and he also opposed the right of homosexuals to go into schools and discuss their attitudes.

My third reason for supporting this Bill is that of equality. Recently honourable members voted unanimously to abolish wage discrimination against females under the South Australian Industrial Conciliation and Arbitration Act. So, if equality is to apply on the factory floor, it should surely apply also in private life. Lesbians have been allowed to cavort to their hearts' content throughout the twentieth century, thanks apparently to the mistaken faith of Queen Victoria in the purity of woman. Male homosexuals meanwhile have been subjected to quite severe penalties under the criminal law.

Males and females should be treated equally in this matter. Either we impose restrictions upon Lesbians, which seems impracticable after the freedom they have enjoyed for so long, or we free male homosexuals from the existing penalties. Personally, I favour the latter course, and it is pleasing in the midst of International Women's Year, when males are so clearly under siege, to offer them equality in an area where there is sex discrimination.

Finally, I think it is proper to include in this Bill penalties of up to life imprisonment for sexual offences against children under the age of 12, regardless of the sex of the child or of the offender; also penalties for homosexual rape and imprisonment for sexual offenders who are schoolteachers, guardians, or persons of special responsibility who commit sexual offences against their wards. I am pleased to support the second reading.

The Hon. A. M. WHYTE secured the adjournment of the debate.

PUBLIC PURPOSES LOAN BILL

Adjourned debate on second reading.

(Continued from September 9. Page 576.)

The Hon. R. C. DeGARIS (Leader of the Opposition): When I sought leave yesterday to conclude my remarks, I had got to the point of dealing with one of my particular hobby horses in relation to afforestation. I have dealt with this matter on many occasions in this Council but I have not achieved any Government action on it. That hobby horse is the adoption of policies designed to assist in

expanding the State's resources in the production of timber. I spoke yesterday of two existing problems preventing the expansion of wood lot farming or trees as a private crop. One was taxation. Whether it is income tax, death duties, or other taxes levied by both State and Commonwealth, there is absolutely no incentive for anyone in a private capacity to engage in wood lot farming. First, if a valuation is made of a property on which there are 40-year-old trees, a tremendous amount of death duties is payable. Secondly, as the growth rotation is of 40 years duration, a tremendously large income becomes taxable in one year. Therefore, there are governmental taxes that militate against the development of this State's timber resources.

Both these problems could be overcome if some action was taken by the Government. This should be done by using Loan funds, $6 200 000 of which is available this year for forestry purposes. These funds should be paid, on an annual basis, to people willing to go into this field. At the end of the establishment of a forest the Government's books in relation to wood lot operators should show a final credit payable to the operator. This would overcome the taxation problem by reducing the income from wood lot farming to an annual one. At the same time, it would overcome the problem of an extremely long wait for any income to be derived from such a programme.

Wood lot farmers exist in practically every other Western democracy. It is a long time since I have examined my figures, but I believe that in the United States about 15 800 000 hectares are planted under the wood lot farming encouragement scheme. In New Zealand, they have a similar scheme to encourage farmers to engage in wood lot production. In Australia, we have only limited timber resources. Only 1 per cent of the total area of Australia is devoted to timber production. I will now compare that with the situation obtaining in other major countries (and again the figures are from memory). In Japan, 64 per cent of the land is devoted to economic forests; 39 per cent of the United Kingdom is planted; in Russia, 35 per cent is planted; and in America 39 per cent is planted to forests. By comparison, only about 1 per cent of Australia is planted to economic forests.

I believe it is vital that we demonstrate the same kind of farsightedness in the 1970's as we did in the 1870's, in relation to the establishment of this State's forestry pursuits. The Government is still acquiring highly productive rural land with Loan funds instead of taking the more realistic step of encouraging private development of wood lots in this State. I will now refer to one other figure, although it may be out of date.

About 10 or 12 years ago, when debating this matter, we came to the conclusion that about 16 ha of class 1 type soil in, say, the South-East, was capable of providing an income for one family engaged in wood lot farming. There are few other forms of production where a 16 ha lot can provide a livelihood for a family. However, this can be done with wood lot farming. As I pointed out earlier, we cannot expect one family to engage in a 16 ha wood lot if it must wait between 20 and 40 years to obtain any income from it. Therefore, a Government scheme is required in this field to utilise the large areas that are available in this State for wood lot development. Many of them are in small areas that do not attract the Government's attention. I urge on the Government that it may well be time for this matter to be more closely examined. I have even thought that, as the Parliament is to rise for eight months, which must be a record for this State—

The Hon. D. H. L. Banfield: No, it wouldn't be.

The Hon. C. J. Sumner: Playford didn't sit in autumn.

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: Can Government members tell me when there was previously such a long adjournment of Parliament?

The Hon. D. H. L. Banfield: You look in the records. You'll find it.

The Hon. R. C. DeGARIS: In any case, in the modern context it must be a record.

The Hon. D. H. L. Banfield: But we modernised it. That's the trouble.

The Hon. R. C. DeGARIS: With the Parliament adjourning for eight months, a series of Council Select Committees could be examining many of the questions like the one I have raised. I believe much information could be sorted out for the Government by such inquiries. In a State like South Australia and in a nation like Australia, in which there is a paucity of timber resources, such an inquiry could well bring forward a programme that could be introduced to widen the base of this State's economic resources.

It is fair to say (and figures show this) that the Government has gone along the road of promoting all sorts of legislation that produce very little in relation to our economic base. It has introduced much legislation that has cost the taxpayer much money, and it is time we looked more closely at this matter to see what we can do to produce overall benefits for all this State's citizens in programmes such as those I have outlined. In 1965, I made a close examination of this matter and, if any honourable member is interested in what I have said in this debate, I refer him to the reports of the 1965 debate.

I turn now to the line relating to fishing havens. Over the years, the Council has drawn the Government's attention to the declining allocation, in both real and actual terms, being devoted to the development of this State's fishing havens. Once again, this bears out my previous statement that the Government has channelled its resources more into the non-productive areas than it has into the productive areas. Luckily, this year there is an up-turn, mainly because of the construction of a breakwater at Port MacDonnell and a fishermen's wharf at Port Adelaide. The sum allocated to those two projects this year is just over $900 000, the total cost of the projects being close to $3 000 000. So, it will be a long time before even those two projects have been completed.

I turn now to the matter of Loan funds being used for hospital buildings. This year's total allocation in this respect is $33 000 000. I ask the Government to say what is happening in relation to community hospitals which were previously subsidised and which are now recognised hospitals under the Medibank scheme. This matter is covered to an extent on page 14 of Parliamentary Paper 11, where a list of those hospitals receiving a capital subsidy is shown. Many of the hospitals in that list were previously subsidised hospitals. Perhaps the Minister will be able to tell me whether the hospitals themselves will be required to provide capital, or whether the Government is to provide capital for them.

What is the impact of the building programme of Medibank? I believe that under the Medibank agreement some of the maintenance costs are being paid on a 50/50 basis

by the Commonwealth Government, but in the original document given to us by the Minister there appears to be a number of disparities at this stage, and it is difficult to understand exactly what is the position in relation to Medibank.

I would like a statement made to the Council on the impact of Medibank, especially on the building programme of the previously subsidised community and charitable hospitals in South Australia. I come back to the original point that I made yesterday: the Loan Estimates coming before us are in the category of being on a wing and prayer, involving mainly guesswork about the statements made; we are told that the Commonwealth Government's Budget will contain the necessary moneys to cater for specific areas. No information is coming before the Council in relation to housing and many other matters; the relevant notation always refers to a dependence on Commonwealth Government money becoming available.

I make the point, as I have already done previously, that financial documents coming before the Council are not giving sufficient information to Parliament: and no-one in South Australia can understand from these documents exactly what the Government's financial programme is for the ensuing year. I draw this matter to the attention of the Council, as I believe the same situation applied to the Budget last year as now applies to the Loan Estimates. With these remarks, I support the Bill.

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

ADJOURNMENT

At 4.2 p.m. the Council adjourned until Tuesday, September 16, at 2.15 p.m.