

LEGISLATIVE COUNCIL

Wednesday 16 August 1978

The PRESIDENT (Hon. A. M. Whyte) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS

BEEF CARCASSES

The Hon. R. C. DeGARIS: Could the Minister of Agriculture give the Council any report on the classification of beef carcasses not only in South Australia but throughout Australia?

The Hon. B. A. CHATTERTON: The question of carcass classification in general was raised in the Agricultural Council meeting held in Sydney the Monday before last, when a number of aspects of classification were discussed. The most important item on the agenda was the change in attitude we have now adopted in the States and the Commonwealth in regard to legislation for carcass classification. The previous proposal was that the legislation would bring in carcass classification compulsorily. I have opposed that view at Agricultural Council meetings on a number of occasions because I did not think that carcass classification was nearly well enough developed to introduce it compulsorily. So the attitude now adopted by the Agricultural Council is that we should look towards legislation setting proper standards for carcass classification but not try to impose it compulsorily.

I think the other major development in terms of classification was an increased emphasis on the classification of pigs. That is important because it is the area in which the benefits of classification are most obvious. The feed-back of information to farmers can be used and introduced into the pig-feeding programmes in a way that cannot happen with beef and sheep. The trade accepts carcass classification more readily in the pig industry in assessing animals for sale, and I think it may be useful as a model for other industries to use; I think it is a wise decision on the part of the Agricultural Council to give greater emphasis to that area. Trials of the classification of beef carcasses are still continuing, and the Australian Meat and Livestock Corporation is funding these trials at abattoirs throughout Australia. The problem as regards a fully automated system of carcass classification is still great, and work is being done on a manual or semi-automatic system that can be used as an interim measure to gain experience as to how carcass classification can work, and to give us an idea of the benefits both to the meat trade and to the farmers.

PRAWNS

The Hon F. T. BLEVINS: I seek leave to make a brief statement before asking the Minister of Fisheries a question about prawns.

Leave granted.

The Hon. F. T. BLEVINS: The Minister has said that the gross value of the South Australian prawn catch is about \$9 700 000, which is shared amongst 53 authority holders. The average amount involved is obviously greater than \$150 000 for each fisherman. Some fishermen have claimed that costs in the industry are high. Can the Minister give any estimate of the net income of prawn fishermen? Can the new fees to be charged be deducted from profits before taxation?

The Hon. B. A. CHATTERTON: The calculation of the net income of prawn fishermen is extremely difficult, but officers of my department have undertaken that exercise, and have come up with an average annual net income for prawn fishermen of about \$50 000 each. Of course, licence fees are a deductible expense before taxation, and the rate of taxation would be about 61c in the dollar, so that about 60 per cent of the increased licence fees would be saved as a result of the taxation that fishermen were paying.

PRIVATE HOSPITALS

The Hon. N. K. FOSTER: I desire to direct a question to the Minister of Health on a matter concerning private hospitals, and seek leave of the Council to make a brief explanation.

Leave granted.

The Hon. N. K. FOSTER: I refer to a report in today's newspaper, under the heading "Americans take over private hospitals", which states:

Private hospitals are being bought by a giant American corporation for millions of dollars.

The report goes on to explain the sort of operations in which the company is involved, bringing in an annual revenue in excess of \$600 000 000. Honourable members are aware of such huge organisations, almost corporations, in America that thrive on the unfortunate circumstances of aged people in nursing homes and private hospitals. Has the Minister any knowledge of this company, which has made its first purchase of a private hospital in a Sydney suburb? Has he any knowledge of this company operating in areas under his jurisdiction? If he has, will the company be subject to close scrutiny as to its *bona fides* and the employment of workers in its hospitals. Will the Minister also ascertain whether, as a result of such operations, there is to be any increase in hospital charges, especially in view of the infamous Budget presented last night?

The Hon. R. A. Geddes: I thought you didn't read the Murdoch press!

The Hon. N. K. Foster: If I may reply to that interjection—

The PRESIDENT: Order! No. The honourable member is out of order.

The Hon. D. H. L. BANFIELD: I am not aware of any takeover bid by an American firm operating private hospitals. As the specific matter raised by the honourable member does not come within my jurisdiction, and as he has expressed some concern about it, I will take it up with the Minister concerned in New South Wales, where it has been claimed that this American firm has purchased its first private hospital in Australia, and see what information I can obtain.

LEAVE PAYMENTS

The Hon. D. H. LAIDLAW: I seek leave to make a brief statement prior to directing a question to the Minister of Health, representing the Premier, about the taxation of accrued annual leave and long service leave upon retirement.

Leave granted.

The Hon. D. H. LAIDLAW: I have said on a number of occasions in this Chamber that, if the South Australian Government insisted that its employees engaged under the Public Service Act, and those on weekly hire in Government departments, were forced to take their long service leave, and annual leave within a reasonable time after it became due, the Government would save millions

of dollars a year in leave payments, and that it would also provide more jobs. In September 1975 I estimated (and it was reported in *Hansard*) that the savings to the South Australian Government by taking such action would exceed \$10 000 000 a year.

The Government has conceded, I believe, that there is some truth in this argument. However, as far as I can ascertain, it has done very little about the matter. Such a decision undoubtedly would be very unpopular within the public sector, because employees hitherto have been subject to income tax at the current rates if they take annual leave and long service leave when due and pay tax on only 5 per cent of the total amount if they allow these rights to accrue until retirement. From today all this will change, and accrued annual leave, taken at retirement, will be taxed in full. Long service leave accruing from today and taken as a lump sum will be taxed at the current rate of 33.5 per cent, although lump sum payments for long service leave accrued prior to today will still attract tax on only 5 per cent of the amount.

My question is in two parts: first, now that the Federal Treasurer has closed a blatant tax loophole and now that it is no longer attractive to accrue annual leave and long service leave, will the South Australian Government try to ensure that its employees do take leave within a reasonable time of it falling due? Secondly, does the Government agree that by instigating such a course of action more vacancies will be created, and it should then be possible to provide at least temporary jobs for many unemployed?

The Hon. D. H. L. BANFIELD: At first I thought the honourable member was going to castigate the Federal Government for cashing in on people wanting to enjoy their long service leave and wanting to have sufficient money for that purpose. After all, that is what long service leave is for—so that a person can take a holiday and be able to afford it. I thought the honourable members was going to castigate the Federal Government for taking a further sum from workers. That is not the only area where the Federal Government has taken money from the workers in the Budget it delivered last night. The worker is the person at whom that Budget is aimed. However, I will refer the honourable member's question to my colleague and obtain a reply.

FUEL INCREASES

The Hon. N. K. FOSTER: I seek leave to make a statement prior to asking the Minister of Agriculture a question about fuel price increases.

Leave granted.

The Hon. N. K. FOSTER: Last night we witnessed an infamous Budget.

The Hon. J. A. CARNIE: You're expressing an opinion.

The PRESIDENT: Please continue with the question.

The Hon. N. K. FOSTER: I wish you would shut these people up, Mr. President.

The PRESIDENT: I will look after that side of it. The honourable member should ask his question.

The Hon. N. K. FOSTER: All the Budget does is make some feeble attempt at containing a deficit. Even the *News* admits this in its editorial. Under the Whitlam Government, which had a lower deficit, at least we got things like social welfare payments, increased pensions, and increased provisions in areas of social need, as well as Medibank.

The PRESIDENT: Order! The honourable member will relate his explanation to the question he wants to ask.

The Hon. N. K. FOSTER: Whitlam even removed the

superphosphate bounty but, having said that, I will now continue. When the last increase in oil prices took place, farmers were conned into thinking that they would be exempt because they did not have to pay excise. With this latest hike in royalties to bring Australian fuel prices up to import parity, it appears at first glance that they cannot escape a rather massive increase in their costs. Will the Minister of Agriculture tell the Council just what are the likely implications for primary industry as a result of last night's Budget news about potential fuel price increases?

The Hon. B. A. CHATTERTON: I should think that they would be serious indeed. I have not been able to obtain complete figures on the average cost of fuel for farmers, although it is a significant element of their costs. Obviously, farmers will have to pay considerably more in this area in future. A misunderstanding occurred previously, because most farmers hold exemption certificates in relation to the excise on fuel.

The Hon. R. A. Geddes: On diesel fuel.

The Hon. B. A. CHATTERTON: That is so. Farmers are under the impression that the change in the price of crude oil will have no effect on them, but that is not so. The price of crude affects the oil refinery and, therefore, all consumers. So, farmers' exemption certificates relating to fuel oil used in their tractors will not help them in this instance, and farmers will have to bear the same proportional increase in their fuel prices as will everyone else.

ASBESTOS

The Hon. ANNE LEVY: I seek leave to make a short statement before asking the Minister of Health a question about asbestos.

Leave granted.

The Hon. ANNE LEVY: The dangers of asbestos have been much in the news recently. The National Health and Medical Research Council has set out information and handling standards for asbestos use in industrial situations, and action is being taken regarding asbestos in buildings to be used by the public. However, asbestos is not used in industry only: many materials in common use by home handymen are manufactured from asbestos or asbestos-based substances, and are consequently just as hazardous as those used in industry. It seems that there is a need for standards to be set for asbestos-based handyman products. Will the Minister therefore consider making it mandatory for adequate warning labels to be put on all asbestos items that are sold for home and handyman use, and even consider, as a public health measure, phasing out, in the long term, the use of asbestos products that are dangerous?

The Hon. D. H. L. BANFIELD: My department has been concerned for some time about the use of asbestos, and the suggestion regarding warning labels being placed on asbestos items is still being considered. I assure the honourable member that the department will examine various ways of solving the problems involved.

PAYNEHAM ROAD

The Hon. J. A. CARNIE: I seek leave to make a statement before asking the Minister of Health, representing the Minister of Works, a question regarding Payneham Road.

Leave granted.

The Hon. J. A. CARNIE: A short time ago, the Engineering and Water Supply Department excavated

Payneham Road, St. Peters, to install new sewerage pipes. Naturally, this meant that traffic was restricted and traders in the area were inconvenienced. The traders were told that the work would take about three weeks, although I believe that the actual time taken was nearer seven weeks. That, in itself, was bad enough. However, the worst aspect was that the work was so badly done that, only a short time after the work was completed, the roadway started to subside. As a result, it has been necessary to re-excavate the trench and compact the fill more thoroughly than was done initially. This has meant that once again the traffic flow has been restricted and traders have been inconvenienced, this time unnecessarily. I understand that, shortly before lunch-time yesterday, an accident which occurred at the intersection of Payneham Road and Stephen Terrace was directly attributable to the trafficway restrictions and that late yesterday workmen ruptured a water main, so that businesses in the immediate vicinity were without water. I ask the Minister, first, whether the person responsible for the initial poor workmanship is to be censured in any way and, if so, in what way; secondly, what is the cost involved in making good the poor workmanship; and, thirdly, whether it is intended to compensate business people for loss of business and inconvenience suffered by them because of departmental inefficiency.

The Hon. D. H. L. BANFIELD: It is the honourable member's own opinion that the workmanship is poor. He makes no allowance for other factors. I do not accept the two charges that he has levelled against the department.

The Hon. J. A. Carnie: You should have seen the work.

The Hon. D. H. L. BANFIELD: The honourable member has expressed an opinion without producing evidence. Nevertheless, I will refer his question to my colleague.

TELECOM CHARGES

The Hon. R. A. GEDDES: I seek leave to make a short statement before asking the Minister representing the Premier a question about Telecom charges.

Leave granted.

The Hon. R. A. GEDDES: Honourable members would be aware that a continuing struggle has taken place between Telecom Australia and a small number of residents in certain outlying areas, particularly Upper Eyre Peninsula, for the last 18 months or so, brought about by the change from manual exchanges to automatic. This process entails the laying of cable to replace the present overhead party line system. Members would also be aware that subscribers living within a 16-kilometre radius of an exchange will be reconnected for nothing. Those outside this radius, however, must pay \$320 a kilometre for the cable to reconnect them to the exchange. When one considers that in most cases these people built their present line at their own expense, it seems most unjust that they must now pay again in some cases several thousand dollars for reconnection. In the last few days pressure has been applied by Telecom on residents in the Upper Eyre Peninsula area to sign their contracts and pay up. This is a typical example: the present quote available to 28 August 1978 is \$1 760; if the offer is not accepted by that date, the future quote is \$4 480. The Premier, on request from the Stockowners Association, has made representations to Telecom on behalf of these settlers, but a reply has not been received. Will the Minister ascertain what reply was given to the Premier by Telecom?

The Hon. D. H. L. BANFIELD: Telecom, being a Federal Government authority, is as ruthless as is the

Federal Government with its charges. I thought that the honourable member might have prefaced his remarks by referring to this aspect.

The Hon. R. A. Geddes: I am concerned about the residents. We are all aware of the charges. The State Government imposes charges, too.

The Hon. D. H. L. BANFIELD: The honourable member should bear in mind the increases that have taken place overnight.

The Hon. R. A. Geddes: We hope the Premier will take it up.

The Hon. D. H. L. BANFIELD: The Premier is more concerned than are honourable members opposite about this matter. As the honourable member has said, the Premier has already taken action in this regard. We were wondering why there was a lack of support from the Opposition. I will ascertain whether the Premier has received a reply to the request that he made to Telecom on behalf of these people, who will suffer as a result of the imposts made by Telecom.

WINE GRAPE SURPLUSES

The Hon. J. R. CORNWALL: I seek leave to make a short statement before asking the Minister of Agriculture a question about wine grape surpluses.

Leave granted.

The Hon. J. R. CORNWALL: All this year we have been reading reports of Liberal members of Parliament, in the State Opposition and in the Federal Parliament, calling for a reduction in the excise on Australian brandy, so that the increasing wine grape surpluses can be avoided. Our own Premier and the Minister of Agriculture have also made repeated submissions to the Federal Government for some action to be taken to alleviate the hardship faced by wine grape growers in this State and grower shareholders in the State's large co-operative wineries. It was because of the stagnant and falling sales of brandy that much of the current problem arose. After the last vintage, the growers in the Riverland were talking about going to Canberra *en masse*; that was the state of the industry at that time. I thought that the Federal Government would have done something to protect Australian winemakers from the havoc that imports of brandy, whisky and wines have wrought on what was a stable and prosperous wine grape industry in this State.

Of course, the Riverland is easily the biggest producer of Australian brandy. Instead, the Federal Government has increased the excise on Australian brandy and, it seems, left the Australian taxpayer with little to spend on wine to compensate. Can the Minister of Agriculture explain to the Council the implications of a rise of 10c a nip on all spirits?

The Hon. B. A. CHATTERTON: The effect will be very severe on the South Australian industry. To try to estimate what the exact effect will be is fairly difficult, but I have done some calculations.

The Hon. M. B. Cameron: Based on what happened last time?

The Hon. B. A. CHATTERTON: Yes; we saw an increase in excise of about 70 per cent, which reduced the consumption of brandy in Australia by about 35 per cent. On this occasion, the increase in excise has been even greater, and we estimate that there will be at least a 40 per cent fall in the consumption of Australian brandy. Translate that 40 per cent fall into actual grapes and it means that we can expect that the surplus in South Australia will increase by about 13 000 tonnes of grapes, which will have a significant effect.

The Hon. M. B. Cameron: Does the excise apply to wine?

The Hon. B. A. CHATTERTON: The excise is on brandy. The previous increase in excise happened when there was a Federal Labor Government, and the South Australian Government protested strongly against that excise increase, just as it is protesting strongly against this one. Also, there was a different situation in the wine industry when the excise increase happened previously: there was a buoyant market for wine grapes, and the previous excise increase did not result in any surpluses of grapes. The situation within the industry at that time was such that people were able to adjust and cope with that change from brandy to wine grapes. However, that is not the situation today, where we have about 40 000 tonnes of surplus grapes in the whole of Australia from last season, plus about 60 000 to 70 000 tonnes equivalent to excess red wine stocks. So no-one can say that the industry now can cope with a savage increase in excise of that order. Some people claim that the wine industry as a whole will benefit because of the increased excise, and that people will shift from purchases of beer and spirit to purchases of wine. The reasoning behind that is rather incredible because, with the assault being made on consumers in Australia with increases in the price of not only beer but also spirits, tobacco and petrol, I cannot see how they will have sufficient income to be able to purchase much more wine and benefit the industry in that way. I think the wine industry will be lucky if it can maintain the low rate of growth it has experienced over the last few years; I doubt very much whether this increased excise will increase the sales of wine significantly. On the other hand, the industry as a whole, and particularly the growers in the Riverland, will undoubtedly suffer an increased surplus of grapes next year.

The Hon. J. R. CORNWALL: Is the Minister aware that the member for Chaffey in another place (Mr. Arnold) will today move in the House of Assembly to condemn the increased excise? Does he consider this a classic example of the instinct for self-preservation being greater than Party loyalty? Is it not hypocrisy and humbug?

The Hon. B. A. CHATTERTON: I am surprised that the honourable member for the district most concerned has left it so late to make his move, although I am glad that at last he has taken some action. He and his colleagues should have taken more action before to ensure that this did not happen. I believe the Federal Government had the opportunity, with this increased excise, to give the Australian product some preferential treatment and put it into a situation where it could compete more strongly with imports of whisky and brandy. It is a disappointment to everybody in the Riverland that it has not used this opportunity of increased excise to give the Australian product a more competitive advantage.

OUI

The Hon. J. C. BURDETT: Has the Minister of Health a reply to a recent question I asked about the publication *Oui*?

The Hon. D. H. L. BANFIELD: Two questions were asked about it on that day, one by the Hon. Mr. DeGaris and the other by the Hon. Mr. Burdett. I have replies to both of them. The reply to the Hon. Mr. DeGaris is the greater part of the reply to the Hon. Mr. Burdett, so I will read the reply to the Hon. Mr. DeGaris first; it deals with exactly the same matter as contained in the question asked by the Hon. Mr. Burdett.

The magazine *Oui* published by Playboy Publications

Inc. U.S.A. has been considered on several occasions by the Classification of Publications Board. On the first occasion, the May 1975 and subsequent issues were promulgated as being not available to minors (A). The March 1976 Vol. 5 No. 3 issue was classified as A,B (not available to minors and not to be displayed) and on 9 March 1978 two other issues (Vo. 6, Nos. 6 and 8) were classified A. The first classification of "subsequent issues" still applies, of course, as it has not been revoked. The later classifications refer only to particular issues reviewed by the board. If, therefore, a statement can be supplied regarding the alleged purchase as an unrestricted publication, the matter will be referred to the police for prosecution if the evidence is sufficient. In the meantime, the board will look at the issue complained about. However, the statement that the magazine portrays police in the wrong atmosphere and that the purchaser objects to it on that basis is scarcely a reason for a publication to be classified or classification refused. It is not the function of the Classification of Publications Board to protect the image of Los Angeles policemen. In any case, the series of photographs complained about show two persons dressed as police officers and a girl in various pornographic poses. It is unlikely that any reader would assume that the series of photographs had anything to do with an arrest.

In reply to the Hon. Mr. Burdett, I refer to the answer given to the Hon. Mr. DeGaris regarding the same issue of the magazine *Oui* (April 1978). The honourable member is quite incorrect in saying that *Oui* (April 1978) appears in the list as being unclassified. In fact, it does not appear in the list at all as such but is covered by the classification on 22 September 1975 which classified *Oui* (May 1975 and subsequent issues), Playboy Publications Inc. U.S.A. as "A" (not to be available to minors). The sticker on the copy now received at the office of the Classification of Publications Board reads "S.A." and "R" enclosed in a diamond and "not to be available to minors". The sticker is incorrect only in that it does not contain "(A)" before "not to be available to minors". That is such a minor variation that the board will take no cognisance of it. It is not considered that this minor variation may mislead people with a mind to purchase the publication. Curiously, the Hon. Mr. DeGaris said in his question he understood that the magazine was purchased in Adelaide as an unclassified publication, which would be an offence, whereas, the Hon. Mr. Burdett said that the copy bore a correct sticker except for the omission of "(A)".

BRANDY PRICES

The Hon. R. A. GEDDES: I seek leave to make a short statement before asking a question of the Minister of Agriculture concerning the sale of brandy and brandy prices.

Leave granted.

The Hon. R. A. GEDDES: The Council has heard the questions asked by the Hon. Mr. Cornwall and the replies given by the Minister concerning the alleged harshness of the Budget in relation to brandy prices. I remind the Minister that the Federal Treasurer said in his speech that the brandy excise would not be reviewed until the Industries Assistance Commission report had been considered by the Government. Does the Minister consider it fair and reasonable for the Government to wait until the I.A.C. report is presented and considered by the Government? Is it reasonable to await this report covering the total problems of the industry?

The Hon. B. A. CHATTERTON: How the Federal Government always has an excuse for not acting to assist

the wine industry continues to surprise me. Earlier this year at an Agricultural Council meeting I was told by the Federal Minister that the industry could not be assisted this year, because the Bureau of Agricultural Economics was undertaking a supply and demand study of the wine industry and the Federal Government was awaiting the result of that report. However, at the Agricultural Council meeting held recently in Sydney, I was told that the I.A.C. would inquire into the industry. The major difference between these two inquiries is that the first report was to be available towards the end of this year and so there may have been some assistance for the industry for the next vintage, whereas I now understand that the I.A.C. report will not be available until July 1979. It seems that it merely provides the perfect excuse for the Federal Government to avoid the issue prior to the next vintage.

OUI

The Hon. F. T. BLEVINS: In view of the statement just made by the Minister of Health, in reply to the Hon. Mr. DeGaris, that the photographs in the magazine *Oui* have nothing to do with persons being arrested, will the Minister inquire whether these photographs were taken in Queensland, as the responsible Minister in the Liberal and Country Party Government in Queensland has stated that in Queensland police do go out of their way to assault women sexually when they are arresting them?

The Hon. D. H. L. BANFIELD: I doubt that the photographs were taken in Queensland. However, I will have inquiries made in this regard. As anything can and does happen in Queensland, I shall be happy to examine the matter.

UNTIED GRANTS

The Hon. C. M. HILL: I ask three questions of the Minister of Health, representing the Treasurer. First, is it a fact that untied grants from the Commonwealth Government to South Australia will be about \$560 000 000 in this financial year, an increase of about \$53 000 000 over the grants last year? Secondly, has the Government been able to allocate in its own planning arrangements any of these untied grant funds to education and health in this State? If it has been, what are the approximate amounts so allocated?

The Hon. D. H. L. BANFIELD: It is nice to see the honourable member rushing to the aid of the Federal Government, which has made drastic cuts in both these areas. The Hon. Mr. Hill should know all about that. Again, I am surprised that he is not protesting about Federal Government cuts over many years. I assure him that the allocation of funds that have come from the Federal Government will be made known to the Council when the Budget is introduced.

MATERNITY ALLOWANCES

The Hon. ANNE LEVY: I seek leave to make a short statement before directing a question to the Minister of Health concerning maternity allowances.

Leave granted.

The Hon. ANNE LEVY: In the savage and callous Budget brought down in Federal Parliament last evening, included among many brutal cuts was the abolition of maternity allowances. This social benefit, which has existed for more than 30 years, will be abolished as from 1 November, only 2½ months away. As the human gestation

period is about nine months, and as abortions are not safe or easy procedures after three months of pregnancy, it is obvious that many women now pregnant will not receive the maternity benefit that they could have legitimately expected at the time of conception.

The Hon. R. C. DeGaris: You're not suggesting that the allowance is one of the reasons, are you?

The Hon. ANNE LEVY: It may be part of the reason in some cases. Will the Minister take up this matter with the Federal Government and, in addition to reminding it that normal gestation takes nine months, appeal to it to give nine months notice of the removal of this benefit, so that the removal will apply only to conceptions that occur since the Budget was introduced last evening, not to births that occur after 1 November?

The Hon. D. H. L. BANFIELD: It is obvious that the Prime Minister has forgotten many other things, as is indicated in this Budget. He forgot numerous promises that he made previously, and the matter of nine months pregnancy has probably slipped his mind as well. I doubt that we will have much hope of getting him to change the situation, although I shall be happy to draw his attention to the position. If we can get the support of members opposite as well as the Liberal Party in Canberra, we just may get somewhere regarding the savage cuts, which will be of great concern to every member in this Council.

AFRICAN DAISY

The Hon. K. T. GRIFFIN: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture on the subject of African daisy.

Leave granted.

The Hon. K. T. GRIFFIN: I have been told that towards the end of 1977 one of the district councils in the Hills area had requested from the Minister a policy statement on the control and eradication of African daisy throughout the Hills area. Subsequently, the Pest Plants Commission sought the views of several councils, and this council, in particular, gave its views. There is no doubt that there is a problem in the Adelaide Hills area with African daisy, not only on privately owned land but also on substantial tracts of land owned by the Government as national parks and for other purposes. Will the Minister be making a statement on the Government's policy on the control and eradication of African daisy and, if so, when? If it will be making such a statement, will it deal with action to be taken throughout the whole of the affected area? If no statement is to be made, can the Minister tell the Council of the Government's attitude to control of the weed and what steps it will take to control and eventually eradicate it from the land under Government control and other land throughout the Hills area?

The Hon. B. A. CHATTERTON: I will take the matter up. I recall the letter from the council and in my discussions with the Pest Plants Commission I emphasised the need to consult with various councils in the area affected by African daisy. I know that these consultations are taking place. Before making any policy statement, we will see what the views are, and whether there is a consensus about the method of control, and the action that should be taken. I will bring back a reply for the honourable member.

KITE FLYING

The Hon. R. C. DeGARIS: I seek leave to make a brief statement before addressing a question to the Leader of the Government in this place on kite flying.

Leave granted.

The Hon. R. C. DeGARIS: A report in today's *Advertiser* states that the Festival Centre Plaza yesterday became the site of a kite-making factory. One gentleman said—

The Hon. N. K. Foster: He must have the Liberal faith; they are the best kite-flyers I know.

The Hon. R. C. DeGARIS: One gentleman is reported to have said:

Kites could be made out of anything you want to, even a barn door if you have enough wind.

I ask the Minister whether the Government approves of the plaza becoming the major Kite-flying centre in South Australia.

The Hon. D. H. L. BANFIELD: I doubt that the plaza will ever become the main kite-flying centre in Australia. Over the past few weeks kites have been flying all around the place. Nevertheless, I will make inquiries and bring back a reply.

The Hon. C. M. Hill: What about over the weekend?

The Hon. D. H. L. BANFIELD: I appreciate the Hon. Mr. Hill's raising this matter, because there is no doubt that at the weekend—

The PRESIDENT: To which member is the honourable Minister replying?

The Hon. D. H. L. BANFIELD: The Hon. Mr. Hill just flew a kite and I was going to hang on to the end of it and go with Mr. Hill to the plaza on Saturday. He will be as anxious as every other citizen in South Australia to be at the plaza on Saturday, in strong protest against the vicious cuts which were made last evening. I shall be pleased to join Mr. Hill in kite-flying at the plaza before it becomes the main kite-flying area in South Australia.

The PRESIDENT: I hope both members are satisfied now.

TOURISM

The Hon. F. T. BLEVINS: I seek leave to make a brief explanation prior to asking a question of the Minister of Tourism, Recreation and Sport.

Leave granted.

The Hon. F. T. BLEVINS: On reading *Hansard* last week I came across a speech by the Minister's shadow in the House of Assembly, Mr. Evans. This speech made some very good comments on the Adelaide Convention Bureau and on the facilities available in the Adelaide Festival Theatre. On reading that far, I was in complete agreement with Mr. Evans. However, about half-way through the speech went bad. I would like to read one brief passage from it.

The PRESIDENT: That would be entirely out of order. The honourable member can explain his question without reference to *Hansard*.

The Hon. F. T. BLEVINS: I seek special leave to read that portion of the speech made by Mr. Evans, the Shadow Minister, made on 8 August 1978.

The PRESIDENT: Leave will not be granted. I ruled it out of order in the first place. The honourable member can make his explanation without reading that.

The Hon. F. T. BLEVINS: Without quoting directly from the speech by Mr. Evans, I point out that the general tenor of it was that the Minister was falling down on the job by promoting Victoria rather than South Australia. Mr. Evans gave several instances of where the Minister attended certain functions designed, according to Mr. Evans, to promote Victoria, not South Australia. The logic in the speech, if there is any, is very tortuous. I recommend that honourable members read the speech if

they want some further explanation. It certainly was derogatory. I wonder whether the Minister has seen the speech. If he has, will he reply to the comments made by the Shadow Minister and tell the Council what benefits have accrued to South Australia from the various functions he attended?

The Hon. T. M. CASEY: I read the speech made by Mr. Evans in another place, and was rather surprised at his lack of knowledge about what the tourist industry means to South Australia and how it functions. I was criticised by Mr. Evans for attending functions that are organised by regions in Victoria. He failed to understand that two towns in the South-East, Naracoorte and Mount Gambier, belonged to two separate regions in Victoria. They are in these regions because it suits their tourism business. They liaise with people over the border. I believe that tourism has no boundaries for anybody. That is where Mr. Evans fell down.

I can assure the Hon. Mr. Blevins that the co-operation I received from the regions in Victoria of which Naracoorte and Mount Gambier are part shows that people there are happy with the situation, and anything we do to promote the region in general rubs off on Naracoorte and Mount Gambier. If the honourable member catches up with Mr. Evans, he might explain these facts to him.

LIFE. BE IN IT

The Hon. C. M. HILL: I ask the Minister of Tourism, Recreation and Sport what expenditure is involved in the promotion of the "Life. Be in it" campaign in South Australia.

The Hon. C. J. Sumner: You helped promote it.

The Hon. C. M. HILL: I am not objecting to it. I also ask what is the source of such funds.

The Hon. T. M. CASEY: I cannot give the exact figure offhand, but I will get that for the honourable member. The Commonwealth is right behind this. If the honourable member reads the Commonwealth Budget he will see that more funds have been allocated this year for "Life. Be in it" than were allocated previously.

The Hon. C. M. Hill: In keeping with its generosity.

The Hon. T. M. CASEY: If I remember correctly, when the Prime Minister came back from Montreal he said that because we did not win any gold medals at the Olympics he would do something about propping up sport in Australia. Since then he has done absolutely nothing.

RUST

The Hon. N. K. FOSTER: I seek leave to make a short statement before directing a question to the Minister of Agriculture regarding rust.

Leave granted.

The Hon. N. K. FOSTER: The information I have on this matter is somewhat sketchy. I understand there is considerable curtailment of the harvesting or sweeping of certain seeds, particularly on Eyre Peninsula. The reason given is that early this year a horse was imported into this country from New Zealand and, while it was quarantined, the fodder that accompanied it was not. It is rumoured that restrictions have been placed upon harvesting certain seeds. Will the Minister ascertain the truth of this report and whether any restrictions have been imposed as a result of a New Zealand type of rust?

The Hon. B. A. CHATTERTON: It certainly has not been reported to me, but I will inquire and bring back an answer for the honourable member.

PARLIAMENTARY BUSINESS

The Hon. N. K. FOSTER: Has the Minister of Health, as Leader of the Government in the Council, a reply to the question I asked on 13 July regarding Parliamentary business?

The Hon. D. H. L. BANFIELD: The system whereby the business of both Houses of the Commonwealth Parliament is reported in the *Canberra Times* operates as follows. On the first day of each period of sittings, the *Canberra Times* publishes information gleaned from the Notice Papers which are issued at least one day before the sittings. A reporter from the paper usually consults the Table Office of each House to check whether any changes have been made to the order of business listed.

On subsequent days, the reporter comes to the Table Offices towards the end of each sitting day. Using the Notice Papers, and the unofficial guides to business of the Houses (the Senate "Red" and the House of Representatives "Blue"), he first ascertains the progress of business during the day.

The reporter requests information concerning the proposed order of business for the following day. It is practice to foreshadow only the order of formal business, such as prayers, petitions, notices of motion (of which details are not given), questions without notice, and so on, together with details of items that will appear for the first time on the Notice Papers the following day.

The proposed order of Government Business to be listed on the Notice Paper is provided if possible, but any items such as Bills to be introduced, matters of public importance, or reports from committees, details of which might be known to the Table Offices, are not divulged. In summary, the only information that is made available to the *Canberra Times* relates to business that is formally before each House.

JUNIORS' WAGES

The Hon. N. K. FOSTER: Has the Minister of Health, representing the Minister of Labour and Industry, a reply to the question I asked on 1 August regarding juniors' wages?

The Hon. D. H. L. BANFIELD: The Minister of Labour and Industry has informed me that this information is not obtainable.

MCDONALD'S

The Hon. N. K. FOSTER: Has the Minister of Health a reply to my recent question regarding hamburgers?

The Hon. D. H. L. BANFIELD: The honourable member asked several questions concerning a company to which he referred as "McDonald's Hamburgers". I have discussed the matter with my colleague, the Minister of Labour and Industry, who has provided me with the following information.

The company is called McDonalds Systems of Australia. Its employees are not required to enter into any contractual basis outside of the industrial laws of this State. The paid time of employees includes payment for all time worked, including before and after the premises are open for business. The approximate average age of employees is 18 years. The company has made very responsible arrangements for the transport of juvenile employees to their homes at the termination of shifts late at night.

The report given to the Minister of Labour and Industry by one of his officers who investigated the honourable member's complaints referred to meetings that all intended employees of the company are invited to attend, together with their parents, before an outlet opens for business. At this meeting, they are informed of the desirability of arrangements being made for all juvenile staff, particularly females, to be met and escorted home at night. This is being done. In the event of break-down of arrangements, the duty manager assumes responsibility.

Each of the premises from which this company operates in South Australia is registered as an industrial premises under the provisions of the Industrial Safety, Health and Welfare Act. Inspectors from the Labour and Industry Department have found that they all satisfactorily comply with the Act. There is in existence an industrial agreement between McDonalds Systems of Australia and the Shop Distributive and Allied Employees' Association covering the employment and working conditions of staff.

VICTORIA SQUARE SITE

The Hon. C. M. HILL: Will the Minister of Health, representing the Minister of Works, ascertain what are the Government's plans, both in the short term and in the long term, for the vacant site on the southern corner of Wakefield Street and Victoria Square?

The Hon. D. H. L. BANFIELD: I assure the honourable member that the plans are not in accordance with a letter that the honourable member read in the press recently. I will refer the matter to the Minister of Works and bring down a reply.

ELECTORAL ACT AMENDMENT BILL

The Hon. R. C. DeGARIS (Leader of the Opposition) obtained leave and introduced a Bill for an Act to amend the Electoral Act, 1929-1976. Read a first time.

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

That this Bill be now read a second time.

It is similar to the Bill introduced on two previous occasions. This Bill, while following the same principles as the previous Bills, varies slightly from them. It is the identical Bill in principle passed by both Houses of Parliament in New South Wales and approved overwhelmingly at a referendum relating to the Upper House in New South Wales.

When the Premier of New South Wales first introduced a Bill for electing Legislative Council members, replacing the then existing method that one might describe broadly as a nominated system, he adopted a voting system similar to the system at present in use in South Australia. However, strong opposition, not only in the Parliament but also from the people, developed, which, following a Select Committee report, forced the Wran Government to change its mind.

The Select Committee report is worth examining, because one can see from that report that no-one gave evidence in favour of the original scheme, which, as I said, was a copy of the principles existing in the South Australian legislation. There are, of course, minor questions of voting principle in the Bill that I am introducing, with which I do not agree absolutely. However, as I have said, the Bill follows as closely as possible the recent New South Wales legislation, which

passed both Houses of Parliament in that State and which was approved by the people at a referendum.

There are two clear deficiencies in the existing South Australian system that should be corrected. The first is that the system used does not guarantee that each vote cast has an equal value. We have heard many advocates of one vote one value over many years in South Australia. Those who believe that each vote cast should have an equal value have a chance once again to show clearly the strength of their belief.

The second serious deficiency in the existing legislation is that a voter does not have the right to vote for a candidate. The voter can only vote for a preselected group—and he cannot vary the nominated order of that group. The system that we have in South Australia is really no more than a nominated system, which is so often criticised by some honourable members. Indeed, I would argue that the system in this State imposes a restriction on the franchise of the voter. He is granted a vote but cannot exercise that vote as he may wish.

The Hon. C. J. Sumner: When did a No. 1 candidate on the Liberal Senate ticket ever lose?

The Hon. R. C. DeGARIS: To my knowledge, no No. 1 candidate on the Liberal Senate ticket has lost. However, I remind the honourable member that a No. 1 candidate on a ticket in Tasmania has in the past lost. So, the argument does not hold that, because it has not happened with five candidates, it may not happen with more than that. The voter is denied a right to vote for the person for whom he wishes to vote, and that is a restriction on the voter's franchise. The Bill removes these serious blemishes in our voting system.

Clause 1 is formal. Clause 2 amends section 71 of the principal Act, bringing the forfeiture of deposits in line with a subsequent change in the voting system. Clause 3 amends section 96 for similar reasons. Clause 4 defines the mode of voting. A voter must express a preference in order for at least 10 candidates. The voter may proceed further if he so desires.

Clause 5 defines an informal vote but, as with the New South Wales legislation, if a person places numbers in 10 squares, the vote may be counted as formal in certain circumstances, even if the same preference has been recorded for two separate candidates (other than the No. 1) or if there has been a break in the continuity of preferences. Clause 6 sets out the method of scrutiny and counting of the votes cast. It is the same system as used in New South Wales and in all other systems using proportional representation in Australia. Clause 7 amends the fourth schedule to the principal Act, by striking out Form D, and inserting in lieu thereof a new form.

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

POLICE REGULATION ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 15 August. Page .)

The Hon. J. C. BURDETT: I support the second reading of this Bill. True, this Bill was considered by the Royal Commissioner and not recommended by her; there is no argument about that. However, with respect I disagree with Her Honour. The Hon. Mr. Sumner yesterday reiterated *ad nauseam* that the function of the Commissioner of Police was part of the executive function of government; there is no question about that. The honourable member need not have protested so strongly. However, the honourable member also knows perfectly

well that neither Justice Mitchell nor any Royal Commission is a part of the legislative function of government.

The Hon. Mr. Sumner yesterday accused the Opposition of refusing to accept the umpire's decision; that accusation is arrant nonsense. In the matter of legislation, neither Her Honour nor any Royal Commission has been the umpire. This is to confuse the functions of government, and the Hon. Mr. Sumner did this fairly successfully. In the matter of legislation, Parliament is the umpire in the short term, while the people are the umpires in the long term. The Hon. Mr. Hill correctly brought his Bill to Parliament, which is the proper place for discussion of legislative changes, and I congratulate him on doing so. He also properly gave evidence on his Bill before the Royal Commission.

The Hon. Mr. Hill's Bill brings the Commissioner of Police into line with the Public Service Commissioners, the Auditor-General and the Valuer-General. Justice Mitchell does not even enter into the argument as to why their position is different from that of the Commissioner of Police. She simply says blandly at paragraph 168:

It is indisputable that the holders of these offices should be free from any possibility of Government interference.

Of course, as the Hon. Mr. Sumner has said, the Commissioner of Police exercises part of the executive function of government; so do the Auditor-General, the Valuer-General, and the Public Service Commissioners. In fact, the latter are among the most senior in the executive arm of government; they are at the top. No-one could possibly say that they exercise any of the other functions of government; namely, the legislative function or the judicial function. So, they are, in this regard, in exactly the same position as is the Commissioner of Police. All these people perform the executive function of government, so it is a matter of examining why their tenure of office needs protection. In regard to the Public Service Commissioners, the Auditor-General, and the Valuer-General, Her Honour contents herself with saying:

It is indisputable that the holders of these offices should be free from any possibility of Government interference.

The same applies to the Commissioner of Police: it would be intolerable if the Government could direct him to arrest Joe Blow or John Doe or to take special action in particular parts of the State. The Police Regulation Act, 1952, took the management of the Police Force out of the hands of the Minister and provided:

Subject to this Act, the Commissioner shall have the control and management of the Police Force.

Surely that person (the person having the control and management of the Police Force) needs to have his independence protected. In 1972 the Dunstan Government, in the teeth of some hard arguing on the part of this Council, was successful in passing an amendment to the effect that the Governor could issue specific directions to the Commissioner, but these were required to be laid before each House of Parliament within six sitting days of the date of the directions if Parliament were then in session or, if not, within six sitting days after the commencement of the next session of Parliament. This, of course was done earlier this year with regard to the Special Branch files.

Even under these provisions the Commissioner still has the control and management of the Police Force, unless the very official and specific directions to which I have referred are given to him in this special manner. So, while his function is definitely (and no-one has denied this) part of the executive function of government, it is one which successive Governments have seen fit to remove from Ministerial control, except by the use of a very heavy-

handed procedure; this is as it should be.

If the Government of the day had direct and ready control of the Police Force, we would have a police State. And to prevent the Government from getting ready and direct control of the Police Force, it is necessary to ensure that the Commissioner of Police cannot be removed at the whim of the Government of the day. The recommendation of the Royal Commissioner is, with respect, quite inadequate. It may protect the individual who is removed from office, in that he can claim damages through the court, but it does nothing to prevent the Government from dismissing the Commissioner at its own whim.

The Hon. C. J. Sumner: How does this Bill help?

The Hon. J. C. BURDETT: The Commissioner of Police may only be suspended, and then there must be an address from Parliament.

The Hon. C. J. Sumner: Where the Government has a majority.

The Hon. J. C. BURDETT: But the matter has to be debated. My point is that such matters should come before Parliament. In regard to Mr. Salisbury, the Government at its own whim summarily dismissed him. The only way to provide some measure of independence for the office of Commissioner is by means of the Hon. Mr. Hill's Bill. I think many of us were deeply disturbed by the summary dismissal of a very fine man in Mr. Salisbury, described by Sir Mark Oliphant as possibly the only man of absolute integrity he had ever known. But, as legislators, we must concern ourselves with preserving some measure of independence from the Government of the day, as applies in the cases of the Auditor-General, the Valuer-General, and the Public Service Commissioners. Her Honour's recommendations do not do this at all, but simply reserve for the individual dismissed Commissioner a right to claim damages if he has been wrongfully dismissed.

The independence of the Judiciary is on a completely different level. The judges exercise a different function of government altogether, the judicial function, and they must have absolute protection from executive interference. The Ombudsman exercises a function imported from the Scandinavian countries. His function is foreign to our traditional concepts of government. Certainly, if he is to function effectively, there must be complete protection for him. The protection for these people is that, to dismiss them, there must be an address from both Houses of Parliament; no-one disputes this. In the past, and under Liberal Governments, as referred to by the Hon. Mr. Sumner, no-one contemplated the dismissal of a Commissioner of Police; that is why it has not been specifically provided for previously. But now that this Government has made the dismissal of a fine Commissioner of Police a brutal reality, there is a need to give the holder of the office some protection, and this Bill does it very well. I support the second reading.

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

CLASSIFICATION OF PUBLICATIONS BILL

Adjourned debate on second reading.
(Continued from 2 August. Page 238.)

The Hon. C. J. SUMNER: I oppose this Bill, which does three things. It redrafts the Classification of Publications Act; it reintroduces the Bill that the Hon. Mr. Burdett introduced last session relating to some aspects of child pornography; and it deletes section 33 of the Police Offences Act and provides new sections to cover the

matters previously covered by that section.

I will deal with the aspects of the Bill in the order I have just stated, taking first the Classification of Publications Act. I am pleased to see that the Hon. Mr. Burdett in introducing this Bill has accepted the Government's position on the matter of censorship. His Bill specifically states in clause 13 (2):

In performing his functions under this Act, the Minister shall attempt to achieve a reasonable balance between the principles—

- (a) that adult persons are entitled to read and view what they wish; and
- (b) that members of the community are entitled to protection (extending both to themselves and those in their care) from offensive or degrading material.

I should like to congratulate the Hon. Mr. Burdett for recognising that adult persons are entitled to read and view what they wish, which was of course the policy that this Government introduced in the Classification of Publications Act some years ago. In fact, that clause does not differ from the existing section in the Classification of Publications Act, so the Honourable Mr. Burdett is to be commended for recognising the principle that adult persons are entitled to read and view what they wish.

The amendment to the Classification of Publications Act, even though completely redrafted, does, so far as I can ascertain, four things. It includes in "publication" a statue, figure, carving, sculpture or other representation, not currently within the jurisdiction of the Classification of Publications Board, even though those matters are referred to in section 33 of the Police Offences Act. I do not have any particularly strong feelings about this, although I cannot really see why the honourable member has bothered to bring them into this Bill. If they are indecent, immoral or obscene and offend section 33 of the Police Offences Act, they are subject to prosecution just as any other matter that is published which is indecent, immoral or obscene is subject to prosecution. I cannot really see, given that there is the protection of the law already, why the honourable member has seen fit to include these things—a statue, figure, carving, or sculpture—in this Bill.

Obviously, there is a distinction between the publication of written matter, which is usually published with large numbers of copies for distribution, and a statue or sculpture, of which there is usually only one, and it seems to be unnecessary that these items should have to be referred to the Classification of Publications Board for perusal. However, I must say I do not have any particular strong feelings on the matter although I cannot see the necessity for it. Presumably, if a sculpture was being shown in an art gallery and some person thought it offended the bounds of decency, it would have to be referred to the board for classification. If it offends section 33 of the Police Offences Act, it is subject to prosecution anyhow, so I do not really see the need for this addition to the Act that the Bill seeks to implement.

To the other two matters dealt with by this Bill I have strong objection. The first is that the honourable member seeks to place the National Council of Women or a representative of that body, a person nominated by the National Council of Women, on the Classification of Publications Board, being a board of six people—one a legal practitioner, one a person skilled in child psychology, one a person with a wide experience in education, and three other members who possess proper qualifications to participate in the deliberations and functions of the board. That is as things stand at the moment; no organisation is specifically represented on the board, and now, out of the blue, for some reason, the honourable member seeks to

include the National Council of Women as the only interest group that would be represented on the board. I really cannot see why the National Council of Women should be picked out. Why did the honourable member not decide to have a representative of the Returned Services League on the board? That body often makes pronouncements about matters of this kind—the moral welfare of the community. Perhaps the Hon. Mr. Burdett would like to consider that. Perhaps, as some profits are made out of the publication of some material, the Chamber of Commerce should be represented on the board.

The Hon. D. H. L. Banfield: What have you got against the other groups?

The Hon. J. C. Burdett: I have nothing against them.

The Hon. C. J. SUMNER: I have nothing against the National Council of Women; I am sure it does a good job in the purpose for which it was set up. However, why pick out, of all the interested groups in the community, the National Council of Women for representation on this board? I am sure other bodies in the community represent women. Be that as it may, where do we draw the line in terms of interest groups?

The Hon. Anne Levy: Why not the Festival of Light?

The Hon. C. J. SUMNER: I was coming to that next: why not the Festival of Light? It is continuously making pronouncements on these matters and it is a body representing both men and women. At the other end of the spectrum, why should not the Council for Civil Liberties have a representative on the board? I am afraid the proposal to have one particular interest group represented on the board does not find favour with me. The second aspect on this part of the Bill with which I disagree is that the Minister takes over complete control of the operation of censorship in the State. At present, the board has the power, of its own motion, to classify or not classify, or classify with conditions.

The Hon. R. C. DeGaris: In other words, there is no Ministerial responsibility at present.

The Hon. C. J. SUMNER: Yes, there is Ministerial responsibility for the general operation of the board.

The Hon. C. M. Hill: You know that he can get out of it easily under the present law.

The Hon. C. J. SUMNER: The Minister, like anyone else, can make submissions to the board about items that he believes should be classified. In fact, the Premier has done that in relation to child pornography, and has suggested to the board, which has accepted his suggestion, that child pornography should not be classified. As it is not classified it is then subject to the normal processes of the law. This Bill seeks to take away the board's freedom and places complete censorship control in this State with the Minister.

The Hon. R. C. DeGaris interjecting:

The Hon. C. J. SUMNER: There is some censorship, but it is certainly not the censorship which existed in the past and which was so absurd. In addition to giving the Minister control, it gives him power to prohibit completely the dissemination of any material. That means any material that he sees fit to prohibit. That is placing the power in the hands of one man to determine what material should be circulated in the State. It seems to be completely unacceptable. It goes back to those days of one-politician censorship, which was responsible in the 1960's for prohibiting the import of *Lady Chatterley's Lover* into Australia. It goes back to the days of the Liberal Government in South Australia when the then Attorney-General (Mr. Millhouse) personally censored the play *Boys in the Band* before it could be shown in South Australia. Surely that is not the situation advocated by

members opposite?

The Hon. F. T. Blevins: What yardstick did he use?

The Hon. C. J. SUMNER: I have no idea; presumably, it was his own opinion. Members opposite probably know much more about the honourable member's opinion than I do, but I would not like to be censored by Mr. Millhouse. This provision seeks to place in the hands of one man complete control of censorship. It places the responsibility for the distribution of publications in this State under the control of one person. Further, it gives him power to prohibit completely, without any right of appeal, any publication that people may wish to publish and distribute in South Australia. That seems to be giving too much power to one person.

That person would then become the arbiter of tastes in the community; he would then become the arbiter of community standards; and he would become the arbiter of what standards of morality and the like the community wanted. He would be expected presumably to act in accordance with the Act, but how could he divorce himself from his own opinions? He would end up proscribing material that was personally repugnant to him.

The existing procedure is preferable. Initially, a matter is left for classification by the board. It decides whether or not material should be classified, and, if it is classified, what restrictions should be applied, or it decides whether the material should be freely available. If material is not classified and is sold unclassified by shopkeepers, it will be subject to prosecution.

If it is not classified, in the present circumstances the Attorney-General will give his permission for a prosecution to proceed, and there is no question about that. If members opposite or any members of the public have material that is not classified by the board, or if they are able to obtain it or know where it can be obtained, they should go to the police and report the matter. It would then be referred to the Attorney-General who would give his permission for a prosecution to proceed, and the court would determine whether the law had been transgressed; it would not merely be up to one man.

The Hon. J. C. Burdett: If the certificate is issued.

The Hon. C. J. SUMNER: It will certainly be issued if the material is not classified. The honourable member quite wrongly in his speech claimed that a certificate for permission to proceed with a prosecution would not be given by the Attorney-General. Can the honourable member quote one example where that has happened when the board has determined that a publication should not be classified? Silence! The honourable member has no examples at all, yet throughout his speech he castigated the Attorney by saying that he would not give his permission for a prosecution to issue, but the honourable member has not one example to support his claim.

Plainly, where publications are refused classification by the board, the Government will prosecute. The Government would want to know where such material had been sold. Therefore, if people have any evidence of where it is being sold, they should take it to the police, and ultimately the Attorney-General will give his permission to prosecute if there has been no classification. The Hon. Mr. Burdett knows that, and his speech in this respect was quite a dishonest performance.

The other protection involved is that it would then be for the courts to decide whether or not the law had been contravened. From that there would be an appeal, which one would have thought was perfectly normal procedure. The Hon. Mr. Burdett wishes to replace that situation with the situation of one man having total power over what should be published and distributed in South Australia. He has provided no right of appeal, and there is no way by

which the courts can be involved under the system that the Hon. Mr. Burdett advocates. Is that what this Council wants? I do not believe that it is.

The second matter dealt with by this Bill is the same matter that the Hon. Mr. Burdett has introduced in this Council previously in relation to child pornography. Part IV of the Bill is headed "Child Pornography" and is in exactly the same terms as the Bill introduced previously. The Government opposed that Bill previously, and I do not wish to go through those reasons again, as they have been well documented in *Hansard*. The Government's position was that the Bill did not take the law any further, and that is still the position. It provides no greater protection to children in this respect. In fact, at page 326 of the Fourth Report of the Mitchell Committee on the Substantive Criminal Law the committee came to the same conclusions as had the Government. Under the heading "Criminal Law Consolidation Act, 1935-1936—Section 58—Gross indecency with children" (honourable members will recall that section 58 was relied on by the Government to say that the present law was adequate), Justice Mitchell said:

It is convenient for us to interpolate in this chapter a reference to this section which prohibits acts of gross indecency with or in the presence of children under the age of 16. It is probable that a person who takes pornographic photographs of a child could be successfully prosecuted under s. 58 (1) (b) which makes it an offence to incite or procure the commission by a child of an act of gross indecency in the presence of the accused.

In other words, Justice Mitchell said what the Government had been saying, that it is probable that a prosecution could be sustained under section 58 (1) (b) of the Criminal Law Consolidation Act in relation to the taking of photographs of children, that is, the production of child pornography. It is probable that a prosecution would be sustained. That is precisely what the Government said. It is also true that the Mitchell committee recommended that it should be placed beyond doubt.

The Government has said in a statement from the Premier that it intends to implement the recommendations of the Mitchell committee in that respect, but the important point is that the Government's stand on that was basically supported by the Mitchell committee. I have mentioned the Premier has written to the Classification of Publications Board and requested it not to classify child pornography. I understand that the board has agreed to that and it is not classified at the present time.

The Hon. J. C. Burdett: What about *Just Boys*, a publication which I consider to be pornographic?

The Hon. C. J. SUMNER: If the honourable member is worried about a matter, why does he not take it up with the board? Has he taken it up with the board? Has he done so?

The Hon. J. C. Burdett: Not directly.

The Hon. C. J. SUMNER: The point is that the honourable member comes into this place, complains about these things and will not go to the police with the material he has, if he has any. He will not take up matters with the board to see whether it will take any action. He has that right as a citizen, but he insists on coming in here and complaining that the Government's law is not working. He will not do anything about it when he hears of this material being published.

The Hon. J. C. Burdett: You know perfectly well it is not working.

The Hon. C. J. SUMNER: Where are the examples? Will the honourable member go to the police with them?

The Hon. J. C. Burdett: You know perfectly well that a great deal of pornographic material is being disseminated

in the community.

The Hon. C. J. SUMNER: I wish the Hon. Mr. Burdett would draw it to my attention, because the only pornographic magazine I have seen in South Australia in many years is a magazine brought into this Chamber by an honourable member recently as an example.

The Hon. J. C. Burdett: If you would like to see it—

The Hon. C. J. SUMNER: If the Hon. Mr. Burdett, as I have said before, has got another example, why does he not go to the police? Why does he not go to the board? He has just admitted he has not been to the board. He has not done anything through the steps that the law now establishes to try to get his point of view across. He insists on grandstanding in the Parliament. Let us make the position quite clear. The Premier requested the board not to classify child pornography, and the board agreed with that proposition. If there is child pornography that has not been classified, and it comes into anyone's hands, including the Hon. Mr. Burdett's, I repeat, take the material to the police and explain where it came from then and prosecutions will be made. That is what has to be done.

Finally, this Bill deals with the repeal of section 33 of the Police Offences Act. Here, I am afraid I must criticise the Hon. Mr. Burdett for something that he often criticises Government members or Ministers for. He often says that second reading speeches do not explain what Bills are all about. His second reading speech contains virtually no explanation of what are significant and substantial changes that he wishes to bring about in section 33 of the Police Offences Act. The first concerns the definition of indecency. Section 33 of the Police Offences Act at present defines "indecent matter" as follows:

any printing, writing, painting, drawing, picture, statue, figure, carving, sculpture, or other representation or matter of an indecent immoral or obscene nature but does not include books and other matter of artistic or literary merit or books and other matter published in good faith for the advancement or dissemination of medical science.

The Bill proposed by the honourable member does not contain that definition.

The Hon. J. C. Burdett: It does. Have you looked at page 2 of the Bill? It is not identical, but it includes all those matters.

The Hon. C. J. SUMNER: It certainly does not. Perhaps the honourable member can point this out, if I am wrong. The only real definition that the honourable member has in his Bill is in clause 19, as follows:

A person who sells, distributes, delivers or exhibits a publication that is indecent shall be guilty of an offence and liable to a penalty not exceeding two thousands dollars, or imprisonment for six months.

In other words, the honourable member has replaced that definition of "indecent matter" by the simple words "a publication that is indecent". In two respects he has quite radically changed the definition. There is no reference to it at all in his second reading speech. The first thing he has done is that he is using the word "indecent" instead of the words that are currently used in section 33, namely, "indecent, immoral or obscene". There is no explanation for that change. I can only assume that the honourable member is following what has been said in some recent judicial decisions, that is, that these three words are synonymous, or that "indecency" in the sexual context means obscenity. But there is no explanation of that in the second reading speech. One would have thought that as those words have been subjected to judicial decision, and as we know what they mean, it would be better to leave them in there rather than change them to the simple definition "a publication that is indecent".

The second matter that gives me considerable concern is that he has excluded from the definition the matters dealing with artistic or literary merit, or matter published in good faith for the advancement or dissemination of medical science. They are specifically excluded under the current law from the definition of "indecent, immoral, or obscene". In other words, even though the material may be of that kind, there is a defence that it is a matter of artistic or literary merit, or it is published in good faith for the advancement or dissemination of medical science. He has removed those two defences from the definition. He merely refers to "a publication that is indecent". What if it has literary or artistic merit? What if it is published for the dissemination of medical science? People who do that now would be subjected to prosecution under the Hon. Mr. Burdett's Bill.

The Hon. J. C. Burdett: If it is held to be indecent.

The Hon. C. J. SUMNER: Of course, but he has stiffened up very markedly and drastically the laws of censorship in this State, and I think the removal of those two possible defences from his definition of "indecent" gives the lie to what he is all about.

I am surprised that the honourable member has brought forward a proposition such as that. In other words, this could lead us back to the days of the absurd sort of literary censorship that we had. I have referred previously to such books as *Lady Chatterley's Lover*. It is a real blow against the people's right to read what they wish to read when these two defences are removed from section 33 of the Police Offences Act.

The second matter involving the Police Offences Act is the removal of the provision which states that the Attorney-General must give his permission for a prosecution to issue under that section. Here, I must repeat what I said earlier, and take issue with the comments made by the honourable member in his second reading speech, indicating that the Attorney-General would not give his permission for a prosecution to issue; that is completely untrue and, indeed, is a gross misrepresentation of the Government's position. The situation, as the honourable member well knows and as I have already stated it today (I will state it again), is that, if the board refuses to classify, the Government will prosecute in relation to that publication. Let the honourable member not leave the Council in any doubt about that matter.

Finally, the Premier has foreshadowed some amendments to the law in this area. Reference to these is to be found on page 16 of *Hansard*, where the Premier gave details of these amendments to the House of Assembly in response to a question asked by Mr. Groom, the member for Morphett. The Premier said that the Government would implement the recommendations of the fourth report of the Mitchell committee, dealing with child pornography. He said that the Government would amend the law to ensure that the loophole that currently exists, whereby sex shops can screen films and escape the provisions of both the Film Classification Act and the Classification of Publications Act, would be closed. Legislation would be introduced to prohibit the screening of those indecent films in sex shops, or anywhere else for that matter.

The Premier also said that section 33 of the Police Offences Act would be amended to cover a possible loophole where publications involved violence and sadism that might not be specifically sexual or indecent in the accepted definition of those terms. That is a precautionary measure to ensure that the law in this area is tightened up. So, with those three suggestions that the Government will soon implement, any doubts that may exist regarding this

area of the law will be covered, and on those grounds I can see no reason for the Council to support this Bill.

The Hon. M. B. DAWKINS: I support the Bill, which seeks to repeal section 33 of the Police Offences Act, to repeal the Classification of Publications Act, and to replace it with a much more effective law than that which exists at present. On the other hand, it may well be hard, if not impossible, to replace it with a more ineffective Act than that which we now have, at least in relation to the way in which it is being administered or interpreted at present.

The Hon. Mr. Sumner, in criticising the Bill (I took note of what he said, and I think I have the exact words), said that it would stiffen up very markedly and drastically the censorship laws of this State. I can only say that, if that is true, it will be so much the better, because there is no doubt in my mind that such action is necessary.

The honourable member who has just resumed his seat spent a fair amount of his time discussing unclassified material and saying what the Hon. Mr. Burdett and any other honourable member should do: go to the board or to the police. However, we are discussing in large measure material which has been classified (in my view, wrongly) and which, to say the least, in my view is borderline. In his second reading explanation, the Hon. Mr. Burdett said that at present the control of indecent publications is not effective. I agree with that, except to say that his statement could qualify for one of the understatements of the year. Not only is the legislation merely "not effective" but also it is hopelessly ineffective. This is proved by the amount of utter filth that it is possible to obtain in this State at present. This involves publications which, as the Hon. Mr. Burdett said, are classified (quite wrongly, in my view) and which are all too readily available.

We in this place had a discussion last year on child pornography when we were dealing with the Criminal Law Consolidation Act and the attempt being made to amend it. We discussed the harmful effect that this had on young people. Some of the material that is now being classified should not, in my view, be classified under any circumstances, because it borders on child pornography, which the Council was discussing at that time.

I am most concerned at the great harm that is being done to society, and particularly to younger people and adolescents, by the availability of this filthy rubbish. I have no wish to go over the matters already covered by the Hon. Mr. Burdett, or to go into detail regarding matters discussed by honourable members last year when debating the Criminal Law Consolidation Act Amendment Bill. Although those matters may be relevant, I do not wish to repeat them now. Suffice to say that enough evidence has been produced, both now and last year, to justify the Government's support for this Bill.

I take note of the lessons of history in this case, as I believe all members should do, if they want this State to progress and for it not to be undermined by this type of moral shattering activity that is occurring today. I also take note of what is happening in other countries that are trying to control these most undesirable activities.

The Hon. Mr. Burdett has instanced moves being made in the United States of America, particularly California, in the United Kingdom, and in Tasmania. It is worth noting that both the latter places are under the control of Labor Governments at present. I understand that the legislation that went through the House of Commons in London was passed by an overwhelming majority.

I find it hard to follow why this Government, or any responsible Government for that matter, would wish to oppose the moves made recently (particularly by this Bill)

by the Hon. Mr. Burdett which are designed for the betterment of society.

There was a time when the Government and the Opposition could work together on non-political matters such as this for the betterment of the people as a whole. I have referred before in this Council (and I make no apology for doing so again) to a very prominent member of the Australian Labor Party who was a well-respected member of this House for a long time and who said that the best work was done when the Parliament worked as a whole over non-political matters. Am I to assume that there is no-one left on the Government side with the breadth of vision of that gentleman?

The Hon. F. T. Blevins: Who was he?

The Hon. M. B. DAWKINS: The Hon. Mr. Hutchens. It would be sad if there was no-one left on the Government side with that breadth of vision, but it seems to be that way. I say without fear of contradiction that this Bill is a good move. Are good moves by the Opposition opposed by this Government not because they are not worth while but merely because they come from the Opposition? I appeal once more to the Government to adopt a responsible attitude in this matter and to support this Bill to combat a problem which is eroding the basis of our society. The Hon. Mr. Burdett has dealt with the clauses in detail, but I wish to refer to some matters. Clause 5 provides that the board shall consist of six members. Clause 7 (3) provides:

The Chairman shall preside at a meeting of the board and, in addition to a deliberative vote, shall, in the event of an equality of votes, have a second or casting vote.

I often wonder why we go to the trouble of establishing boards that have an even number of members, when a board with an uneven number of members would eliminate the need to have a Chairman with not only a deliberative vote but also a casting vote. The Government and the Opposition could well consider providing in Bills for boards of seven members or five members. There would then be no need for one person to have too much influence on the board's deliberations, through having not only a deliberative vote but also a casting vote.

The Hon. Mr. Sumner criticised clause 5 (2) (d), which provides that one member of the board shall be a person nominated by the National Council of Women. I commend the Hon. Mr. Burdett for including that provision in the Bill, because the women of this State have always upheld the moral standards of South Australia far more than have the mere males. Clause 6 provides for the appointment of deputies, for the removal from office of a member of the board, and for the filling of vacancies.

I believe that clause 6 is almost identical with the corresponding provision in the present legislation. However, it is somewhat deficient in that it does not provide for staggered appointments. In some Bills we have provided that, in the first instance, some board members shall be appointed for one year, some board members shall be appointed for two years, and some board members shall be appointed for three years. If this board is to have six members and if we were to follow the system I have referred to, we would need to have a situation whereby two members retired each year; that is better than a system whereby all the board members have to be reappointed or replaced at the same time. Honourable members should consider this point. Clause 10 provides for the powers of the board, including the power provided in paragraph (c), as follows:

Inspect any publication or document produced before it and retain any such publication or document for such reasonable period as it thinks fit.

I refer again to the word "publication". The Hon. Mr.

Sumner should read clause 2, which defines "publication" as follows:

(a) any book, paper, magazine, film, slide or other written or pictorial matter;

or

(b) any statue, figure, carvings, sculpture or other representation, that is available, or intended to be made available for exhibition, display, sale or distribution to members of the public but does not include a film to which a classification has been assigned in accordance with the provisions of the Film Classification Act, 1971-1977:

Clause 12 provides:

(1) The Minister may—

(a) of his own motion; or

(b) upon the application of any person

assign a classification to a publication in pursuance of this Act.

(2) The Minister shall not assign a classification to a publication unless he has referred the publication to the board and has received and considered a recommendation from the board as to the classification that should be assigned to the publication.

Any responsible Minister should have the ultimate responsibility but, having appointed a board that he believes is responsible, would rarely override the opinion of such a board. He has the opportunity of receiving advice from this group of people. Clause 18 (3) provides:

A person who contravenes a provision of subsection (1) or subsection (2) of this section shall be guilty of a misdemeanour and liable to a penalty not exceeding imprisonment for three years, or a fine of two thousand dollars, or both.

That relates to any publication consisting of, or including, a photograph in which a person under, or apparently under, the age of 14 years appears to be engaged in an act of indecency. I commend the provision of an adequate penalty. The remaining clauses provide for what I regard as most necessary powers, normal procedures, regulatory matters, and the consequent repeal (which would follow the passing of this Bill) of section 33 of the Police Offences Act. I support the Bill.

The Hon. D. H. L. BANFIELD (Minister of Health): The honourable member raised the question as to whether the Government had breadth of vision. In reply, I affirm that the Government has breadth of vision, and it realises the deficiencies in the Bill now before the Council. The Classification of Publications Act is a very effective Act, and it has been the basis for similar legislation, first in Tasmania and more latterly in New South Wales. It is versatile, in that variations in community standards can be taken into account by the board administratively without the need to amend the Statute. This Bill, which has been introduced to repeal and replace that Act, turns back the clock to the time when censorship decisions were made by one politician, a Minister of the Party in power. The Hon. Mr. Burdett seeks a board to advise the Minister, who would take the responsibility of making the decision. I point out that he is still a politician, belonging to a Party. However, the board is not political in any way, whereas members of political Parties are political. He holds up Western Australia as a sample. Obviously, he is not aware that those concerned with the administration of the law relating to publications in Western Australia and Victoria, where a similar system applies, have made inquiries which indicate that they are interested in introducing an Act similar to our Classification of Publications Act.

Administrators have made inquiries in regard to Western Australia. Let me tell honourable members what

the Minister in Western Australia has advised us. He says it is quite common for him to have several packing cases of material awaiting his perusal and decision. Naturally, Ministers are very busy people and he may not be able to peruse and do this. Frequently, a Minister takes advice from them all. He takes advice from the board, because he has not time to peruse the material. Why should the Minister not accept the decision of the board and so not delay the matter for months? Delays occurred in Western Australia, and the Minister was not very happy about that.

By the letters that we have received we can see the areas of the State that the Hon. Mr. Burdett and the Hon. Mr. Dawkins have traversed, because the same sort of protests have come to me from those areas and some of them have no relationship to this Bill. That indicates that the Hon. Mr. Dawkins, the Hon. Mr. Burdett and other members opposite were not telling the people what was going on. They were not giving them the full details of the Bill, so the people were protesting about something that was not even in the offing.

The Hon. J. C. Burdett has said the control of indecent publications is not effective. I suppose no system is perfect. Even in authoritarian countries with very severe penalties one still finds an underground system of pornography distribution. Yet, the South Australian system of classification is far more effective than most. The Act establishes principles that adults shall be entitled to read and view what they wish and that members of the community are entitled to protection (extending both to themselves and those in their care) from exposure to unsolicited material that they find offensive.

Obviously, there are some very narrow-minded people in the community who would suppress everything faintly sexual and others who would advocate the Amsterdam system of open display to all passers-by. The board is required, in cases where the application of the stipulated principles would lead to conflicting conclusions, to exercise its powers in a manner which will, in the opinion of the board, achieve a reasonable balance: and that is what the board does, and does quite effectively, I may add. Even Dr. John Court, of the Festival of Light, was recently quoted as saying that the visual display of pornography was better here than in other States.

Most people in this State who have not sought out hardcore pornography have not in consequence seen it. They have not had it forced upon their attention and the Act is therefore an effective law in that regard. From time to time the friends of Mr. Burdett make representations that pornography falls into the hands of children. No doubt that does sometimes happen, but inquiries indicate that this is greatly exaggerated, possibly for political purposes. There have always been instances of children gaining access to undesirable magazines and there always will be. The Government cannot accept, however, that nothing should be sold which is not suitable for a young child and furthermore neither does this proposed Bill envisage that. The material would still get into the hands of children.

This Bill provides the same range of restrictions as the present Act plus a prohibition clause instead of a refused clause. Clearly, the Hon. J. C. Burdett intends that these restrictions will be used, including the restriction "not to be available to minors". That clause would be just as effective as the present clause—no more, no less. On the other hand, the present system allows adults to have access to certain classes of pornography that interest them, except that pornography depicting children, who have not passed the age of puberty, in sexual activities is refused, and so, too, is some material involving sex with violence.

The Hon. Mr. Burdett made much of the administration of the Act and referred to Western Australia saying that

he examined their operations and found no legal, legislative or administrative problems. He cannot have looked very closely. In Western Australia they not only experience delays due to the necessity for the Minister to examine everything but also have difficulties in gaining convictions under the general law. Under the Classification of Publications Act we can not only use section 33 of the Police Offences Act but also prosecute under the Classification of Publications Act for direct breaches of the restrictions imposed.

While I am on the subject of prosecutions, I point out another area where the Hon. Mr. Burdett has tried to pull the wool over members' eyes and over the eyes of the public. He asserted at great length that his Bill, perforce, repeals a section of the Police Offences Act relating to the necessity to obtain the Attorney-General's certificate before a prosecution is instituted in regard to publication of indecent material. He said he believes in Ministerial responsibility in the matter of classification and would take that from the board: on the other hand, however, he wants to take Ministerial responsibility for prosecutions from a Minister. What curious reasoning that is! He wants to have his cake and to eat it, too. He said the reason was that the Attorney-General at the present time rarely gives his certificate. Of course he doesn't! The honourable member gave not one shred of evidence to this Council of where the Attorney-General had refused to give a certificate.

If the honourable member had looked into these matters more thoroughly, he would have found that five years ago, in 1973, the Government amended the Police Offences Act to strike out "Attorney-General" and replace it with "Minister". In the second reading speech the Hon. L. J. King, Attorney-General, said this would enable the authorising certificate to be given by the Minister who was for the time being administering censorship and he indicated that this would be the Premier. The truth of the matter is that, far from being hard to get, the Premier has granted all certificates requested by the Police. That is a fair sample of how badly researched this Bill is. It is perhaps a fair sample of the levels to which members opposite will descend to misrepresent the position, because either they are deliberately misleading the Council or the public, or they were not aware of the position. Whatever the position may be, it is a disgraceful way to attempt to present a Bill to this place, in any of those circumstances.

The Government does indeed intend this session to amend four Acts dealing with matters relating to the classification of publications, film classification, section 33 of the Police Offences Act, and the Criminal Law Consolidation Act. They will be small amendments to close small loopholes (which in one case may not actually exist) in quite effective legislation.

We come now to the membership of the board. The honourable member's Bill retains the same size of the board but the Hon. Mr. Dawkins did not tell us which member he objects to on the board. He says that the National Council of Women should have a nominee on the board. What priority should that council have over other people? The answer is that it is pressurising him and he cannot withstand the pressure; yet he cannot point to one of those people at present on the board who is not doing a good job.

The Hon. J. C. Burdett: All of them are doing a bad job.

The Hon. D. H. L. BANFIELD: Well, let the honourable member get up and criticise them and do it outside, if he is game enough to do just that. The legal practitioner on the board is Judge Robyn Layton (never mind about the Hon. Mr. DeGaris being asleep half the time). I am suggesting that the Hon. Mr. Burdett indicated

that she was not doing a good job as the legal practitioner on the board. The person skilled in the field of child psychology is Professor Peter Eisen. Has the honourable member any objection to him? If so, let him get up and state his objection.

The person with wide experience in education is Ms. Denise Bradley, Women's Adviser in the Education Department, and the three remaining members are Mrs. Wendy Worrall, a social worker with the Family Planning Association, Mr. John Holland, Director of Administration in the Premier's Department, and Ms. Di Horsell, a social worker with the Sexual Difficulties Clinic. Mr. Burdett now says that those people should be replaced; he has no confidence in any one of them and yet he wants a person from a particular organisation to be included on the board. However, he now claims that all those people are not doing their job. He is inconsistent.

The concept of members of the Classification of Publications Board being nominated by organisations was discarded when the first Bill was first considered in draft form. Many organisations could lay some claim to representation on a board of this nature and, if a precedent is set in granting representation to the National Council of Women, it would be hard to resist some of the other bodies who would almost inevitably put forward a similar claim. One might say that a national council of men, various church bodies, or the Young Womens Christian Association should be represented. Is the National Council of Women any more representative of people than these groups? Of course it is not. There are also the Humanist Society, the Council of Civil Liberties, various bodies concerning the arts and literature, the Festival of Light, and so on.

The Hon. R. A. Geddes: What about women?

The Hon. D. H. L. BANFIELD: We already have four competent women on the board. We say that they are competent, but the Hon. Mr. Burdett claims that none of them is competent. How would the honourable member know that the representatives of the National Council of Women would be any more competent than these women in whom the honourable member has already lost faith? Next we will have to have approval of the honourable member before he will even accept a nominee for the National Council of Women. It seems that that will be the only way the Hon. Mr. Burdett will be satisfied, because he can give no guarantee about a representative of a group being any better than the present board members.

If the Hon. Mr. Burdett is sincere about people having representation on the board, perhaps we should put more members on it, which may be the only way to satisfy the various interested groups. In relation to clause 8, it is no good omitting subclause (2). The subsection struck out provides that no liability should attach to a member of the board for any act or omission by him, or by the board, in good faith and in the exercise or purported exercise of his or its powers or functions or in the discharge or purported discharge of his or its duties under this Act.

Why does the honourable member want to omit that provision, when these members are doing a job on behalf of the public to the best of their ability? If something comes unstuck, the Hon. Mr. Burdett claims, these people should be liable in such circumstances. A mistake may have been made by the whole board, yet the honourable member suggests that board members should no longer be protected.

In such a situation, how will one get people to be members of a board? Anyone can make mistakes, but not many people make mistakes as often as the honourable member, who is not liable for some of the mistakes he has made. True, he should be liable for some of them, yet he

seeks to take away this protection from board members, who are doing a good job in respect of the community.

The Hon. R. C. DeGARIS (Leader of the Opposition): I will be very brief in this debate. The idea that one can adopt a policy and say that every person has the right to read and see what he wishes has been demonstrated to be foolish and impossible to implement. What we are always dealing with is the matter of degrees of censorship. There is no policy that can be said to operate effectively where any person has the right to see and read what he wants to.

By its actions the Government has admitted that the policy it tried to adopt and promote is an absolute and abject failure. What we always have are degrees of censorship. That is the policy always, and there cannot be any change from that unless one wants to adopt what applies in Holland, where, as the Minister said, everything and anything goes.

The policy that the Government is trying to promote backfired in its implementation. The Government changed its mind on 8 March 1977 when the Hon. Mr. Burdett and other honourable members in this Council decided to take action regarding child pornography that was available in the community. In some cases it is still available, and it is still being classified.

There is a need for the community, the Government, or its officers to place restrictions on child pornography, sadism, masochism, rape and torture. It is difficult to say that the law should be strict in respect of rape and then allow publications showing rape being joyful to the victim. Yet that is the sort of material being sold and classified presently in our society.

First, there must always be Ministerial responsibility. Ministers in this Council claim repeatedly that there must be Ministerial responsibility so that the Minister is responsible for questions in Parliament. I have heard it in regard to the Housing Trust and many other semi-government instrumentalities where the Government has argued consistently in support of Ministerial responsibility. Is there any argument against having Ministerial responsibility in this matter?

It is difficult for the Government to argue against the question of having a Minister responsible for what is happening in the community in respect of the dissemination of pornography. I refer now to the guidelines that have been accepted by the board. As I have said, it has moved to the point of being a censorship board. Although it classifies, it has a censorship role, and we must not forget that. The guidelines are as follows:

GROUP A

UNRESTRICTED

- Full male or female nudity (frontal or otherwise)
- Shaven pubic region accepted
- Depictions showing labia majora acceptable
- (Poses significant on front covers perhaps)
- Homosexual or heterosexual touching of erogenous zones without obvious sexual stimulation.
- Homosexual or heterosexual genital intercourse without organs displayed in detail.
- Explicit depictions of male or female nudes
- Labia minora displayed
- Males with erections
- Masturbation of an obvious nature
- Homosexual or heterosexual

NOT AVAILABLE TO MINORS (A)

(Generally sold in clear sealed plastic bags on accessible display stands at newstands and shops.

May sometimes be sold without bags from non-assessible display stands)

touching of erogenous zones in obvious sexual stimulation.

Homosexual or heterosexual genital intercourse with organs displayed in detail

— Fellatio

NOT TO BE AVAILABLE TO MINORS NOT FOR PUBLIC DISPLAY (A, B)

(Sold either from under the counter or sometimes

— Cunnilingus

displayed in sealed

Foreign objects in genital or anal orifice

opaque envelopes with just the title and

Anal intercourse

Fetishism

classification thereon)

One can find pornography in the latter group in practically every delicatessen in South Australia.

The Hon. C. J. Sumner: You've got to be joking!

The Hon. R. C. DeGARIS: I am not joking. I am saying that it is actually happening in South Australia.

The Hon. C. J. Sumner: Not in my delicatessen.

The Hon. R. C. DeGARIS: Have a look, although I did not realise that the honourable member owned one. Dealing with the group concerned with bestiality, bondage, and a whole range of things, if such things are against the law, if it is against the law for people to tie and handcuff other people, then such material should not be on display, and the same thing applies to child pornography.

I refer now to a recent seminar on the Exploitation of Persons. Notes were taken, I think, by Carol Treloar, who I believe is on the staff of the Attorney-General, and these notes were circulated to me. I find it very interesting; in fact, I doubt that this is an accurate record of exactly what took place. I would like to quote from this publication and the report of a discussion led by Carol Treloar. It states:

The workshop recognized that at present there was no proven link between the availability of pornography and the perpetration of sex crimes in the community.

On talking to people who were involved in the workshop, I find that that is inaccurate. I quote again:

The workshop recognized that at present there was no proven link between the availability of pornography and the perpetration of sex crimes in the community.

That was not a finding of the workshop. The report goes on to say:

The workshop proposed that sound and comprehensive research should be undertaken into this area to remove dangerous speculation and to counter spurious studies.

I believe this to be an inaccurate report of that workshop. I am concerned about what is happening in this regard. I know the Government is, too, because if the Government was not concerned, it would not be so worried about what is happening, and would not have changed its mind in March 1977 and given an instruction to the board that it should no longer classify child pornography. For that we must thank members on this side of the House for the effort they put into introducing a Bill at that time to outlaw child pornography. I believe that we must go further on this particular question. I support the Bill.

The Hon. C. M. HILL: I rise to speak because I am very concerned with this aspect of Ministerial responsibility. I recall that when the original Bill was introduced in 1973 I strongly opposed the change that that Bill proposed. It gave the responsibility to classify to the board, and to the board alone. I held the belief strongly then that the Minister of the Crown, the Minister in the Government of the day responsible for this total area, should accept

Ministerial responsibility, and should be in a position to stand up to either the blame or the praise which flows from certain classifications of publications of this kind.

It is not good enough for a Minister to be able to step from under when criticism is levelled at him or his Government, and to throw his hands in the air, saying "Well, we have a duly constituted board under the particular law. The board has classified or has not classified in such a way and I can't do anything about it." We are dealing with a particularly sensitive area which has caused much concern to some sections of the community.

It is the duty of this Council to consider the concerns and opinions of all sections of the community, not just those of the general mass of the populace, when they make these opinions known. For the past few years extreme concern has been expressed by some groups about the subject of pornography, and their concern must be the concern of this Council. In that area, the Government and the Minister have been able, as I said, to step from under from that criticism and say, "It is all in the hands of the board".

The Hon. Mr. Burdett's Bill changes that situation and places that responsibility on the shoulders of the elected member of Parliament, a representative of the people, in the person of the particular Minister involved. I fail to see why a Minister should be able to abrogate his responsibilities in this area. It is because the Bill removes that responsibility from the board back to the Minister himself that I congratulate the Hon. Mr. Burdett upon the measure, and support it strongly.

The Hon. J. C. BURDETT: I thank honourable members for their contributions. The Hon. Mr. Sumner said that he had not seen much pornographic material. In fact I think he said that he had seen only one article recently, which had been shown to him by a member. He has been lucky, because there is a great deal of it about. As the Hon. Mr. DeGaris said, much of it is classified AB, the most lenient classification and is available in delicatessens, but apparently not to the Hon. Mr. Sumner.

Since the Hon. Mr. Sumner spoke, I have shown him a sample of the material which is about, much of it classified. I can see that the Hon. Minister of Health, who also asked me for it, is looking at it now. Regarding classifications, it is not true to say that no-one has complained and no-one has been to the board. Organisations and individual persons with whom I have been associated have complained to the board about the classifications it is making until they are blue in the face. It would obviously be much easier to remedy this matter by getting the board to act, rather than going to the trouble of bringing a Bill into Parliament, debating it in both Houses, and trying to get it passed. It is because approaches to the board have failed and have not been effective in getting reasonable classifications, that it has been necessary to introduce this Bill.

The Hon. C. J. Sumner: Have you been to the police with non-classified material?

The Hon. J. C. BURDETT: I have not personally purchased any non-classified material. A number of people with whom I have been associated have taken unclassified material to the police, but I do not know the outcome. The Hon. Mr. Sumner said that he congratulated me, but I must reject his congratulations. He said that he was pleased that I had accepted the principle of the Act. It is not true that I necessarily accept the principle of the Act, but I was faced with the situation that we had a Classification of Publications Act. I do not think it is functioning correctly, and I set out to do what I thought was the best I could with this Bill to make it function

correctly. I do not necessarily accept its principle at all.

I comment in regard to section 33 of the Police Offences Act. There was one argument early in the Hon. Mr. Sumner's speech regarding this which I did not understand. He said that section 33 referred to indecent matter, and that includes any printing, painting, drawing, pictures, statues, figure carving, sculpture or other representation, etc. He made some point of this and said he saw no reason why an indecent sculpture should not be subjected to prosecution in the same way.

The Hon. C. J. Sumner: I did not say "subjected to prosecution". I said I did not see why it should go to the Classification of Publications Board because you are dealing with only one object, not a series of classifications.

The Hon. J. C. BURDETT: The point there is that in both my Bill and the Classifications of Publications Act, publication is defined as meaning any book, magazine, film, slide, written word, pictorial matter, or any statue, carving, sculpture, etc. But at the present time, statues, carvings, sculptures, etc., are within the purview of the Classification of Publications Board. The Hon. Mr. Sumner said he could not understand why. I thought that the matters covered by section 33 of the Police Offences Act should be brought within the Classification of Publications Act because there should be in this State, as there is in most other States, one code dealing with indecent matter. In Tasmania, Western Australia and in other States, these things are not dealt with in separate Statutes; they are dealt with in the same Statute.

In regard to the requirement of the Minister's certificate, I say that it is in principle wrong, that in an ordinary offence, punishable summarily, the Minister's certificate should be necessary. The honourable Minister of Health said that I was trying to have it both ways. He says that I wanted to have Ministerial responsibility in the matter of classification and not in the matter of prosecution.

However, I point out that, when other offences are punishable summarily, no Ministerial certificate is required. The Minister of Health has obviously not read the second reading explanation, in which I referred to this matter before he raised it. I said:

I certainly believe, as I have said, in Ministerial responsibility in the matter of classification, but where the police consider that they have evidence to justify a prosecution, in a matter to be dealt with summarily, they should be able so to proceed in this case, as in any other case

There is nothing new about the National Council of Women. In 1973, when the parent Act was before the Council, I moved an amendment that was not acceptable to the Government. Earlier this year, the member for Coles in another place was unable to get leave to move an amendment. When the matter came to the Council I moved an amendment and again it was not acceptable to the Government.

The Hon. Mr. Sumner and the Minister of Health have asked why I should single out the National Council of Women. They have not read the second reading explanation, because I acknowledged the difficulty of sorting out representative bodies, saying:

It seems to be too difficult to spell out the bodies who should have the right to nominate members of the board. Therefore the only amendment I propose in this area is to include on the board a representative of the National Council of Women.

It has been said before (this year, as I recall it) that the National Council of Women, through its affiliates, represents 200 000 women and, as far as I am aware, that is the largest representative body of any sort in South

Australia. I do not know of any other organisation that can boast through its affiliates to represent 200 000 persons.

I believe, as I think the Hon. Mr. Dawkins said, that women particularly have a proper interest in this matter, and I selected the National Council of Women because it was so representative. The Minister of Health and the Hon. Mr. Sumner asked why various other organisations should not be chosen. The Minister of Health, I remember, mentioned the Young Women's Christian Association, but it, too, is affiliated with the National Council of Women. It is indeed a very representative body, representing many women's organisations in South Australia.

It seems to me that a number of the matters raised by the Hon. Mr. Sumner would probably have been raised in Committee. He pointed out that there was no right of appeal from the Minister's decision, but in the Western Australian Act there is a right of appeal. If the honourable member wishes to move an amendment to provide a right of appeal, it is up to him to do so.

The honourable member also criticised clause 18, saying that it did not contain the defence that is provided in section 33 of the Police Offences Act. Again, if the honourable member wants to provide that defence, he can easily move to do so in Committee.

I was amazed at the comments made by the Minister of Health regarding Western Australia, and the cases of books, and so on, because I was in Western Australia recently and spoke to the people concerned. The Minister of Health is wrong when he says that the Minister will personally have to peruse all these documents. In fact, this Bill specifically requires that the Minister can act only after he has regard to the board's recommendations.

The Hon. C. J. Sumner: He doesn't have to take their advice.

The Hon. J. C. BURDETT: That is so, but he can act only after he has adverted to the board's recommendations. Obviously, in some cases the Minister will accept its advice, and in other cases he will examine the matter himself. However, because (as the Hon. Mr. Hill pointed out so well) there is Ministerial responsibility and because he must carry the praise or the blame, the Minister will make sure that the Government of which he is a member will select a board in whose judgment he will have confidence. That is one of the main ways to make it responsible.

I was told by the people involved in Western Australia that the system is operating well and correctly there. I was told (and I think this is healthy) that, when the board is split down the middle, it does not try too hard to reach a consensus but rather sends for the Minister and lets him decide. I believe this matter of Ministerial responsibility to be important, as indeed I do the matter of child pornography. I commend the Bill to the Council.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Establishment of board."

The Hon. D. H. L. BANFIELD (Minister of Health): The Government cannot support the constitution of the board as at present provided. The matter of the National Council of Women has been well canvassed and, although I have nothing against that council, I do not believe that it is the sole representative of women in this State. As I said in my second reading speech, if we are to have representation from various organisations, the board should be widened to enable everyone to be represented on it. As this clause is a reflection on the people who have missed out, the Government must oppose it.

The Hon. J. C. BURDETT: This matter has been fully canvassed. I did not say that the National Council of Women represented all women in South Australia. However, I did say that through its affiliates it represents 200 000 of them. Because it seems to be a strong representative body, the council seemed worthy of representation on the board.

Clause passed.

Clauses 6 and 7 passed.

Clause 8—"Validity of acts of board."

The Hon. D. H. L. BANFIELD: What is the meaning of this provision?

The Hon. J. C. BURDETT: The question raised here has arisen in connection with other Bills recently, including some Bills before a Select Committee at present. I do not see why people who serve the public on boards should escape any liability any more than anyone else should escape it. They will be liable only if they have committed some tort or if they have broken the civil law. If a member of the public suffers a civil wrong at the hands of a private citizen, he has a remedy. I do not see why this should not be the case in respect of people of the kind referred to.

The Hon. D. H. L. BANFIELD: I oppose the provision. Clause passed.

Clause 9—"Allowances and expenses."

The Hon. J. C. BURDETT: I take the unusual step of asking the Committee to vote against this clause. There had earlier been, outside this Committee, some question as to whether this was a money clause. I believe it is not a money clause, because it does not appropriate revenue; but there is an argument that it is a money clause. However, it is not for that reason that I ask honourable members to vote against the clause: it is by reason of the Standing Orders of the House of Assembly. One Standing Order says that only a Minister may introduce a Bill which authorises the expenditure of money. Although this clause is not a money clause within the meaning of the Constitution Act, it clearly authorises the expenditure of money. An alternative course may have been to print the clause in erased type but, under the Standing Orders of the House of Assembly, there are problems in that connection, too, because the relevant Standing Order refers to the Minister in charge of the Bill. If this Bill goes to the House of Assembly, I assume there will be no Minister in charge of the Bill. If a board is set up, the Government will see that the board is remunerated. If this Bill is to be passed by both Houses, it will have to be passed in the House of Assembly with Government support, and no doubt the Government would write in such a clause. I therefore ask honourable members to vote against the clause now. I thank the officers of the Council, particularly the Clerk, for all the help they have given me in connection with this matter.

Clause negated.

Remaining clauses (10 to 24) and title passed.

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

SUPPLY BILL (No. 2) 1978

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

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

That this Bill be now read a second time.

It provides for a further \$270 000 000 to enable the Public Service to carry out its normal functions until assent is received to the Appropriation Bill. Honourable members

will recall that it is usual for the Government to introduce two Supply Bills each year. It is expected that the authority provided by the first Bill will be exhausted late in August. The amount of this second Bill is estimated to be sufficient to cover expenditure until mid-November, by which time debate on the Appropriation Bill is expected to be complete and assent received.

Normally, at this stage, the second Supply Bill would be introduced for the same amount as the first Bill. However, this year it is planned to change procedures and introduce the Appropriation and Public Purposes Loan Bills together around mid-September. This change may require additional time for the passage of the Appropriation Bill and, to cover this contingency, this Supply Bill is for an amount of \$50 000 000 greater than normal requirements. The Bill provides the same kind of authority as has been granted in the Supply Acts of previous years.

The Hon. C. M. HILL: I support the Bill, which is the usual kind of measure introduced for this purpose. As the Minister said, prior to the introduction of the Appropriation Bill, Governments require approval for expenditure of this kind to see them through until the principal Appropriation Bill is introduced. The Minister said that the Government intended to introduce its principal Appropriation Bill and the Public Purposes Loan Bill at the same time. I commend the Government for this procedure. Over the last few years a close relationship has developed between these two Bills. It is therefore more appropriate and effective for Parliament to debate them more or less at the same time, rather than as single measures, as has been the case in the past.

I am looking forward to when the main Appropriation Bill is discussed in this Council and hearing the Government's version of its allocation of the untied grant money that is coming to South Australia from the Commonwealth Government under the present Commonwealth Government's new federalism policy. I hope that, when that time arrives, we shall have a full explanation from the Government of how it intends to divide that \$560 000 000 which Canberra is supplying to South Australia in this financial year in the form of untied grant moneys to the various departments. I say that, because I am greatly concerned about the continual criticism of the Federal Government by the State Government in regard to the allocations under certain headings.

We are hearing that there are cut-backs in education and health or that the approximate amount for this financial year is only the same as for the last financial year. What the Government does not say is that there is this vast sum of \$560 000 000 which the Commonwealth Government expects the State Government to apportion and appropriate under the various departments and headings, and it is by the State Government having the right to set its priorities and allocate a portion of that untied money that the people in this State expect the State Government actually to be spending more under those headings such as education and health than was spent in previous years.

I think that reference to the untied grants money of \$560 000 000 and the Government's ability to divide it however it wishes within its State Budget is the answer to this continual unfounded criticism of the allocations from Canberra under the fixed headings of housing, education and health. However, that will be a portion of the debate that can ensue when the main Appropriation Bill is introduced into the Council later this year, but I think it proper to mention it now because, of course, some of that money, no doubt, coming as untied grants will be in the money which Parliament is approving now and which will

be used to pay the Public Service departments now; later in the year, when the main Bill is introduced, it will be debated.

The Hon. M. B. Dawkins: The increase in untied grants this year is more than 10 per cent.

The Hon. C. M. Hill: Yes, that is so.

The Hon. D. H. L. Banfield: How does that make up for the other cuts that have been made? You reckon that we have extra for untied grants. How does that tie up with the other amounts taken into consideration: is it more than 10 per cent of what we usually get?

The Hon. C. M. Hill: I asked questions about this matter of untied grants at Question Time today. I appreciate the fact that the Treasurer's representative would have to refer it to the Treasurer. He said today that the House would have to wait for the main debate later this year.

The Hon. D. H. L. Banfield: But you are putting up a story; we want the answer.

The Hon. C. M. Hill: I am trying to state facts. The increase in untied grants this year from Canberra to South Australia was in excess of 10 per cent over the amount of previous untied grants, which was \$507 000 000, which was 17·4 per cent increase over the year before that. That 17·4 per cent was as a percentage over double the inflation rate in that year. However, some of this year's money will be spent, no doubt, in the \$270 000 000 being approved in this Bill. I am not seeking any further explanation or details about it; we shall be hearing more about it later in the year. I support the Bill.

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

ADJOURNMENT

At 5.20 p.m. the Council adjourned until Tuesday 22 August at 2.15 p.m.