

**HOUSE OF ASSEMBLY**

Wednesday, September 2, 1970

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

**QUESTIONS**

**WINE TAX**

Mr. **HALL**: On August 25 I asked the Premier a question about wine-grape prices to try to clarify how increases in the retail prices of wines would be related to the excise duty imposed by the Commonwealth Government. At that time I was concerned because the price increases seemed to be escalating far beyond the amount required to pass on the excise and the additional cost incurred, as a result of the excise, by the industry in which retailers were involved. In the temporary absence of the Premier, will the Minister of Works, as Deputy Premier, give the reply that I understand he has to my question?

The Hon. J. D. **CORCORAN**: The Prices Commissioner's report to the Premier states:

My earlier report, copy attached, in relation to increased prices for wine was forwarded for information only. It was not intended to give any impression that these increases were supported or objected to, for two reasons:

- (a) The advice was received by telephone at 12.45 p.m. on August 20 indicating the increases proposed would operate from the next day and would be announced that night. It was necessary to forward an immediate report to you indicating how the increases were made up.
- (b) Wine prices are not subject to price control. The Liquor Industry Council had agreed to the increases and had advised me that the Government could be made aware of the position.

However, I am concerned at the effect the increases will have, particularly on flagon wine sales. This is the lower priced wine, which has large sales and absorbs a substantial proportion of growers' lower quality grapes. Further, examination of interstate retail margins indicates that South Australian licensees are enjoying fairly generous mark-up margins in comparison with their counterparts in Victoria and New South Wales, especially on flagons. The South Australian mark-up of 40 per cent is applied to bottles and flagons, and I consider there could be some scope to reduce this margin, particularly on flagons, although hotelkeepers have been pressing for higher margins. I have advised the Presidents of the Australian Hotels Association and the Wine and Brandy Producers Association that I have commenced an investigation into the position and intend to call a meeting of representatives of the associations to discuss the matter. I will submit a further report to you in due course.

The duty on wine announced in the Commonwealth Budget amounted to 50c a gallon. In adjusting wholesale prices the Wine and Brandy Producers Association sought to cover increased costs likely to be incurred as a result of the Budget. The Australian Hotels Association's mark-up margins on bottles and flagons in South Australia of 40 per cent was applied to the higher wholesale prices so that increases announced by the Liquor Industry Council amounted to 15c a bottle and 45c a flagon. In detail, these increases are made up as follows:

|   | Per bottle cents | Per flagon cents |
|---|------------------|------------------|
| Commonwealth duty . . . .   | 8.33             | 25.0             |
| Winemakers' estimated cost increase resulting from Budget . . . . . | 2.083            | 7.0              |
| <b>Increases at wholesale level</b>                                 | <b>10.413</b>    | <b>32.00</b>     |
| State licence fee 6 per cent on higher wholesale cost               | .625             | 1.92             |
| Retailers' increased money margins . . . . .                        | 3.962            | 11.08            |
|   | <b>15.000</b>    | <b>45.00</b>     |

Hotels have been seeking an increase in margins on wine for some time to cover cost increases. Recently, higher margins were obtained on beer and spirits and, by applying the usual percentage mark-up to the wholesale wine increase, retailers were able to increase their money margins. The matter is currently under investigation to ascertain whether the winemakers' increase exceeds the estimated cost increases resulting from the Budget and also whether there is scope for a reduction in the retail margin of 40 per cent.

**CAR ADVERTISEMENTS**

Mr. **RYAN**: Practically every day we see in the Adelaide newspapers attractive advertisements concerning high-speed motor cars, and only yesterday there was one such advertisement, its main feature being a statement that the car in question was capable of travelling at 160 miles an hour. It was announced over a radio news session this morning that the New South Wales Minister for Transport had said that, unless the motor car industry and distributors co-operated more fully with the Government in respect of advertising, he would not hesitate to bring down legislation prohibiting advertising of the high-speed performances of motor cars. In view of that statement, I ask the Minister of Roads and Transport whether he has considered introducing similar legislation in this State and, if he has not, whether he will do so. I realize that even the banning of advertising concerning high-speed cars will not solve the problem of road deaths occurring, but it will

at least be one step towards alleviating the position.

The Hon. G. T. VIRGO: Last week, when speaking on another measure, I referred to this very point and said that car manufacturers were not blameless regarding the current shocking road toll. We are having a general look at the matter the honourable member has raised, and I appreciate his drawing attention to it today. As a result of his question, I will certainly seek further information from the New South Wales Government in order to determine whether what is being done in that State is a basis on which we can act. If it is not, we will certainly continue to review this matter, bearing in mind that not only are road users at fault: the manufacturers who build vehicles capable of mass destruction are also at fault. I thank the honourable member for the question.

#### MILLICENT REPRESENTATION

Mr. RODDA: I think that the discernment of the people in the South-East is well known: one has only to look at their representation in this House to see just how discerning they are. In view of a persistent rumour concerning the Minister of Works, who is the member for Millicent, that is causing much speculation amongst constituents in the South-East, can the Minister say whether he has any plans to take up residence in the city soon and in future to represent a blue ribbon city seat? As he is such a nice gentleman, that would be his due. This is not wishful thinking, for I value the Minister's representation of his present seat, but can he say whether he has any ideas of relinquishing his representation of this fertile seat of Millicent and representing a blue ribbon Australian Labor Party city seat?

The SPEAKER: Does the Minister wish to reply to the question?

The Hon. J. D. CORCORAN: Yes, I am certain I should for, if I did not reply, it might be taken that what the honourable member said in his question was correct, and I would not want that to happen. First, I already represent a blue ribbon seat. I am very fond not only of the area in which I live but also of the people in the area; I am most grateful to them for the support they have given me in the past, and I look forward to continued support from them in the future. I am most happy with my home in Millicent, and I assure the honourable member that I have absolutely no intention of leaving that home and of shifting my family to Adelaide. Also, I assure the honourable member that no thought or con-

sideration has ever been given to the suggestion that I be given a blue ribbon Labor seat in the Adelaide metropolitan area. We are quite satisfied with the people who represent those blue ribbon metropolitan seats, of which there are many, as the honourable member knows. I am certain that the Party is happy to leave me where I am, and I am happy to remain there.

#### DEPARTMENTAL OFFICER

Mr. MCKEE: The Port Pirie Trades and Labor Council has requested me to ask the Minister of Labour and Industry whether he will favourably consider appointing at Port Pirie a permanent officer of the Labour and Industry Department, as the council claims that sufficient work is available in Port Pirie and surrounding districts to occupy such an officer fully. Will the Minister consider this matter as soon as possible, as the council believes it to be urgent?

The Hon. G. R. BROOMHILL: I shall be pleased to examine the request and to bring down a report.

#### DRUGS

Mr. MILLHOUSE: A few weeks ago I asked the Premier, with regard to certain intentions of the Government on the question of drugs set out in the Australian Labor Party policy speech, whether he intended to put those intentions into effect, particularly that intention with regard to a campaign for education on this matter throughout the community. In the temporary absence of the Premier, has the Minister of Works, as Deputy Premier, a reply to that question?

The Hon. J. D. CORCORAN: The Public Health Department has arranged for the printing of 500 drug-abuse information kits and for distribution of these to organizations interested in drug education sessions for their members. Also, 5,000 pamphlets entitled *Lots of Young People are asking about Drugs* have also been printed for distribution at lectures to young people. A booklet containing similar information to that in the information kits is also being printed by the Commonwealth for distribution by the States. At this stage it is proposed that these booklets shall be distributed to all secondary schools for the use of teachers. Seminars have been held with the leaders of youth organizations to enable them to disseminate factual information to their members. Lectures and talks averaging four to five a week are being given on demand to school staff and pupils, clubs, service groups

and parent groups by pharmaceutical and school health branch officers of the Public Health Department who have attended seminars on education techniques relating to drug information. With the co-operation of the Director-General of Education a programme of lectures to the staff of all secondary schools is being planned. The Public Health Department is also co-operating with the Pharmacy Guild in a drug information week being organized by the guild to provide lectures on the subject as a community service. Funds are being made available by the Commonwealth Government for assistance in the drug education programme, and plans for the development of this programme are being prepared. Further details of the expanded programme will be submitted to the Minister shortly.

#### ROAD SAFETY

Mr. BURDON: Has the Minister of Roads and Transport a reply to the question I asked on August 5 regarding the possibility of an officer of the Road Traffic Board visiting Mount Gambier to discuss with council officers the matter of road safety?

The Hon. G. T. VIRGO: Since asking the question, the honourable member has also written to me regarding the same matter. An officer of the Road Traffic Board will visit Mount Gambier to confer with both councils during the week commencing September 14. Councils will be told in advance by telephone of the exact time of arrival to enable the council officers to be available for discussions.

#### AERIAL SPRAYING

Mr. VENNING: Last year, the Liberal Government tried to bring down legislation to protect property owners from the destruction caused by the negligent application of aerial sprays. Although I realize this is difficult legislation to handle, similar legislation operates in other States, including Tasmania. Will the Minister of Lands, representing the Minister of Agriculture, ascertain whether progress has been made in this matter, and whether the Government intends to legislate on it?

The Hon. J. D. CORCORAN: I am pleased that the honourable member refers to me from time to time as the Minister of Lands; it proves that I must have been an effective Minister of Lands in the previous Labor Government. The honourable member may be interested to know that aerial spraying was being debated in the Tasmanian Parliament when I was there about four years ago. I will obtain a report from my colleague on this matter as soon as possible.

#### MIGRANT HOUSING

Mr. HOPGOOD: I receive queries from time to time, as no doubt other members do, from migrants living in migrant hostels who have been approached by real estate agents or someone else, as a result of which approaches they enter into contracts to purchase houses. After leaving the hostel and going into a flat, these people obtain temporary finance to purchase a house, only to find it impossible to obtain a mortgage because of their low level of income. Will the Deputy Premier, in the temporary absence of the Premier, therefore take up with the appropriate Commonwealth authorities the desirability of enforcing regulations banning agents of real estate companies from migrant hostels?

The Hon. J. D. CORCORAN: After I have had the matter examined and decided whether an approach should be made to the Commonwealth Government, I will inform the honourable member of the result in due course.

#### BURRA SCHOOLS

Mr. ALLEN: As the Minister of Education is probably aware, the Burra High and Primary Schools are both in the same building, as a result of which children from six to 17 years of age are in the same area. This building was erected about 100 years ago; some of its floors are made of slate and its ceilings are about 23ft. high. It is built on the side of a hill, and the temporary classrooms that have been added at the back have left no room for further expansion. The primary school is at present over-crowded and, after the addition of 30 new Housing Trust homes with the commencement of mining operations, the school will become more crowded than ever. I understand that land has been purchased for a new high school and I believe that departmental officers inspected the school last week. Will the Minister of Education report on last week's inspection? Also, in view of the increased money that I understand will be available in the Budget for education in this State, can the Minister say when construction of the new high school at Burra will be commenced?

The Hon. HUGH HUDSON: The honourable member will be well aware, I hope, that the sum provided for education in the Budget has no effect at all on the school-building programme. That programme is determined by the Loan Estimates, which have already been approved by members of this House for this financial year. The school-building programme is thus determined by the sum already approved, together with any additional funds obtained from the Commonwealth. I am happy to inform the honourable member that

a new school building for Burra is on the design list, although at this stage it is not expected to be available before the commencement of the 1974 school year. I am not aware of the details of the inspection to which the honourable member refers but I will see whether I can provide any additional information on our plans in the Burra area and bring it down as soon as possible.

#### VICTOR HARBOUR RAILWAY

Mr. CLARK: I am interested in this question because I am Chairman of the Public Works Standing Committee which recently investigated the possible closure of the Victor Harbour line. One of the main reasons for recommending against closing the line was that the committee believed that too little publicity had been given to this line concerning holiday resort facilities at Victor Harbour. I understand that plans were made to run an all-inclusive excursion trip to Victor Harbour today. Can the Minister of Roads and Transport say whether this arrangement has been successful?

The Hon. G. T. VIRGO: I think I should warn the railway knockers that perhaps they might like to leave the House while I give the reply: the trip has been an outstanding success. The train comprised the maximum number of cars and the department even robbed one of the country trains to put an extra car on this train. The result was that in the 262 available seats on the train 262 passengers left Adelaide on time at three minutes to nine this morning. An officer of the Railways Department told me on the platform this morning that, although no accurate records had been kept, it was generally agreed that over 1,000 applications for seats were turned down. So let us hope that this will see the end of some of the knocking.

Mr. Millhouse: Will the excursion be repeated?

The Hon. G. T. VIRGO: I cannot answer the honourable member's question for two reasons: first, it is out of order but, more important, this trip was run as a trial to see whether this type of thing attracted the public. However, I think it is fairly reasonable to say that this type of excursion will almost certainly be continued in the future as and when it is possible, bearing in mind always the limitations imposed by the availability of rolling stock. I may add that I was extremely impressed when I went to the station, and I say publicly how pleased I am that on the trip this morning the Railways Department had

a steward, and a hostess (I think that is the correct term), both dressed in the new uniforms they will wear when the club car arrangements come into operation on the Overland. They are a credit to South Australia and the South Australian Railways and I hope that the whole Parliament will, as soon as possible, take the opportunity to see these people, when I think members will form the same opinion as I have.

#### WOMBATS

Mr. BECKER: As the wombat has been made the fauna emblem of South Australia, as was stated in a question in the House yesterday, and as the Bank of Adelaide issues wombat money boxes, will the Minister of Works accept from this side of the House a wombat money box as a gift for his new son Thomas?

The Hon. J. D. CORCORAN: I shall be delighted to do that, and I commend the honourable member for his thought. I am sure Thomas will be extremely pleased to have it, and it may lead him to bank with the Bank of Adelaide when he becomes an adult.

#### POPE CORNER

Mr. CURREN: Has the Minister of Roads and Transport a reply to the question I asked last week about resurfacing Pope Corner on the Sturt Highway, in my district?

The Hon. G. T. VIRGO: Normally, Pope Corner has super-elevation consistent with modern standards for a speed of 45 miles an hour to 50 miles an hour. Tests have been conducted with a Highways Department test vehicle under wet conditions to measure its skidding characteristics. Findings are that the curve is negotiable in complete comfort at 45 m.p.h. under wet conditions and is still negotiable in reasonable safety at 55 m.p.h. At the curve 45 m.p.h. advisory speed signs are erected and are considered appropriate in the circumstances. It is intended, for surface maintenance purposes, however, to apply a slurry seal to parts of this road, including this curve, and this treatment will result in improvement to the driving conditions around the curve. This treatment will be applied within the next month or so. More expensive improvements are not considered necessary, as all through traffic will be removed from this portion of the road when the Kingston bridge project, with its new approaches, is completed.

#### GREENHILL ROAD

Mr. LANGLEY: For some time Greenhill Road has been under repair and certain sections

of the road have been reconstructed. Each morning and evening a traffic hazard occurs at the corner of Greenhill Road and King William Road for traffic proceeding south, through the park lands. The early installation of traffic lights at this intersection has been proposed, and such an installation would assist Glenelg tram traffic as well as road traffic. Will the Minister of Roads and Transport find out whether these lights are to be provided?

The Hon. G. T. VIRGO: I shall be pleased to get the information for the honourable member.

#### IRRIGATION METERS

Mr. CURREN: Has the Minister of Works a reply to my question about a cheaper method of assessing meter rents?

The Hon. J. D. CORCORAN: I have carefully considered the various propositions with regard to meter rental charges to private divertees and have decided the drafting of regulations will continue on the basis of rental related to meter size.

#### MITCHELL PARK SCHOOL

Mr. PAYNE: A large building, which I understand is of the Samcon type, is being erected in the grounds of Mitchell Park Primary School. The area to be occupied by the building was previously used by girls for basketball games, and no other area suitable for these games is available in the remaining grounds. An even larger attendance is expected at this school next year. Can the Minister of Education assure the House that future building work at the school will be carried out by adding storeys to existing buildings, so as to preserve the remaining playing area?

The Hon. HUGH HUDSON: I will examine the matter for the honourable member. The normal practice, when rebuilding or the addition of further buildings at a school removes existing playground facilities or grassed area, is to replace these at departmental expense. I assume that that practice will apply in this case, but I will check and give the honourable member a reply.

#### MOTION FOR ADJOURNMENT: PORNOGRAPHIC LITERATURE

The SPEAKER: I have received the following letter from the Leader of the Opposition:

I wish to advise that it is my intention to move the following motion in the House of Assembly this day:

That the House at its rising this day adjourn until tomorrow, at 1 o'clock p.m., for the purpose of discussing a matter of urgency, namely, the need for the Government, following the Premier's statements in relation to censorship made in the House yesterday, to frame and declare a clear statement of policy which will guarantee to the people of South Australia that this State will not become an Australian centre for the manufacture or sale of hard-core pornography.

Is the motion supported?

*Several members having risen:*

Mr. HALL (Leader of the Opposition): I move:

That the House at its rising do adjourn until tomorrow at 1 o'clock, for the purpose of discussing a matter of urgency, namely, the need for a policy that will guarantee that this State does not become an Australian centre for the manufacture of hard-core pornography.

The necessity for moving this urgency motion arises from the Premier's reply yesterday to a question I asked him in this House or, should I say, it arises from the Premier's failure to reply satisfactorily to a question of some seriousness and note which apparently left him without a policy that he could announce to the House and to the public. Perhaps I should read again my question to remind members of the subject matter, before I read the Premier's reply. I understand that Standing Orders do not permit me to read my question verbatim. In effect, I told the Premier yesterday that the policy he had enunciated in reply to the member for Mitcham would, in my opinion, allow complete freedom in this State for people to sell any type of pornography that a manufacturer or retailer wished to purvey to the public. I asked the Premier whether it would now be possible to establish in South Australia shops selling pornographic material of the type existing in New York. The Premier replied that this was a hypothetical question, which at the moment he could not answer.

In reply to the member for Mitcham, the Premier said that it was not for the Government to tell anyone what people might or might not read: it was for people themselves to say. The direct inference is that there is, therefore, no control whatsoever of the ultimate sale to adults of any type of literature that may be produced in this State. It may be said that we require much freedom in today's modern world regarding the appreciation of present-day literature, a freedom to the extent that all types of literature would circulate freely, so that people could make up their own mind on what was suitable literature either to be studied

or to influence their thinking. This subject, one of great complexity, has engaged many writers throughout the world and much has been written, in light or heavy vein, about where the line of demarcation should be drawn between literature that may be sold and literature that may not be sold.

Let me say at the outset of what will be a reasonably short speech on this matter that I am not addressing myself to the type of literature that has recently been the subject of much discussion in South Australia and, indeed, throughout Australia; for example, the book which is, I think, called *Portnoy's Complaint*. That is not the subject of my complaint today, and I am not discussing that type of book: I am discussing the type of literature sold in New York in shops on Broadway.

Mr. Millhouse: And in Times Square.

Mr. HALL: Yes. This type of literature, which is indescribable in the truest sense, is not related in any way to the book which was discussed earlier in the week and which has nothing to do with this motion. I am discussing the crudest form of pornography which the Premier, in a reply to a question asked yesterday, implied might be sold in this State. Surely, there must be in members' minds a difference regarding types of literature. Are we to have no line of demarcation? Are we to tolerate the ultimate in whatever pornography may be produced for sale in South Australia? The answer that I and members of the Opposition freely give is "No"; we see a line of demarcation that stops short of this hard-core pornography, the type of which I am sure those who have visited other nations have seen and know about.

One can argue whether this material corrupts, and there is no need to argue about its corrupting adults. Adults should be able to observe it and to withstand the effects of the type of literature with which I am concerned, although I may say that it is only a depraved person who would continuously study such material. However, the type of literature to which I refer is not material that any parent would want his or her children to possess, and no-one can deny that. Indeed, no-one can deny that if this type of literature becomes freely available it will come into the possession of young people. One cannot say that children of any age are of the same sophisticated standard as adults; it is nonsense to say so. Further, it is nonsense to go all out to allow this type of material to be sold, with no restriction whatsoever. One

could ask, "But will it be sold?" and this would seem to be the flimsy response of the Premier yesterday: he knew of no such material being produced in South Australia; he said (or he made some such statement).

I assure the Premier that this type of material will soon be produced in South Australia. Anyone who has had access to police files or who has been connected in any way with the administration of the Chief Secretary's Department would know of the type of material that has at various times been presented to the department, that material having been produced in this State. It has been available in the past, and it will be available in the future unless the Government clearly states that it will not tolerate the sale in South Australia of this type of literature. Are we to allow people to peddle this rubbish and filth for gain? Is this the attitude of the present Government in its flight from responsibility and in its inability to say "No"?

What type of people will produce and sell this material for gain? Who will they be? Do we want them in South Australia? Do we want them to come from overseas, to manufacture and to promote the sale of pornographic literature? Do we want these people to come from other States? Do we want South Australia to be a haven for them? Will we let these people influence our way of life in South Australia? Are we to give them a base of operation here? Are we to ask them deliberately, in effect, to come here, through our failure to present any real barrier to their activities? Why would we do this? This does not involve freedom, and I am not referring to some type of literary work. However one might judge the type of material to which I am referring, it involves a straight-out peddling of filth, and this will result from the Government's non-policy in this area. My concern grows daily as I see this Government in office. This matter of freedom was taken to the ultimate by the Premier, who previously recommended to the public of South Australia, referring to the National Service Act, that one need not obey the law of the land, if one's conscience dictated otherwise.

Here, on the second major occasion, we find a decay in the standard set by the Government, and this follows a decay that has developed in other parts of the world. I do not base my support for this motion on any narrow-minded view. I think that, if one looks back through my speeches in this House and sees what I have proposed previously, one will find that I have a fairly broad-minded

attitude to freedoms that the people of this State have. I am a champion of those freedoms and I hope that we can gradually widen them to the extent that we can claim that ours is indeed a free State in which individuals are free to do as they please. The one exception is that for the good of the community we must ensure that anarchy is not allowed to reign in South Australia.

I want South Australia to lead in many matters: I want it to lead in the development of the arts and in the wider development of the sciences, as our way of living becomes more complicated, as the findings made in science become more sophisticated, and as we are living in greater numbers and in more restricted areas. Further, I hope that we can lead in our show of tolerance by government and in the wide-ranging reforms that have been implemented by a previous Labor Government and by a previous Liberal Government. Indeed, certain measures would indicate that this State is tending to lead Australia in tolerance and reform. That is a leadership of which I thoroughly approve, but I do not believe we should bow to a fanatic fringe that will lead the Premier and the State into a situation where we shall be worried not by individual morality failures but by a general decadence to mediocrity. We owe more to our future than to approve of the type of procedures that the Premier's statement in the House yesterday will approve. It is not good enough for the Premier simply to say, "I find that a hypothetical question which at the moment I cannot answer." Why cannot he answer it? If he cannot answer, as I said earlier there is at present no line of demarcation except some flimsy thing set up by the Attorney-General to provide that certain books have to be kept under the counter and can then be sold only to people over 18 years of age. That is a futile and foolish provision that is only trying to placate some of the more concerned people in the community.

The Government owes more to the people than it has given them in this matter. As a responsible State amongst the rest of the States, we need to give some attention to standards across the whole of Australia. We need to make sure that if our aim is to reach the ultimate we do not do that at a calamitous rate but that we progress gradually in these matters. Again I emphasize the point I am making. I am not talking at present about the censorship of literature or about the type of censorship, these matters having been the subject of debate in this nation for several

years. I am talking about a new development, which is the sale and manufacture of pornography, a phenomenon which has arisen in some of the major cities of the world and which this State could well do without; it is certainly something from which the State will gain no honour in leading the rest of Australia.

Mr. MILLHOUSE (Mitcham): I second the motion. The Leader emphasized (and I reiterate) that the complaint which the Opposition makes in this matter, while it springs out of the decision of the Government regarding the book *Portnoy's Complaint*, is not based on the decision which was made then: our complaint is based on the wider implications in the statements made by the Attorney-General outside the House and by the Premier in this place yesterday when he answered the Leader. As one who had a measure of responsibility for censorship in this State for over two years, I should be the last to deny that this is a matter of great difficulty. Censorship of literature, plays and other things is very difficult. One has to draw a line somewhere, and it is always a matter of judgment and opinion as to which side of the line any book, work or play happens to fall. However, that does not excuse a Government, as apparently the present Government believes it should, from taking no action whatever with regard to censorship. The following statement with regard to the Attorney-General appeared in yesterday morning's newspaper:

He did not propose to attempt to interfere with the right of an adult person to read matter which might be regarded as obscene or indecent, however unfortunate he might consider that person's decision to be.

I think that sums up what the Attorney-General regards as the proper role for the Government in this matter. In the afternoon, the Premier absolutely declined to reply to a question put to him straight-out by the Leader on pornographic literature being produced, distributed and sold in South Australia. I remind the Attorney and all other members that the law in South Australia to which we are all subject (even though we, as members of Parliament, have an opportunity and a responsibility to alter it from time to time; but until it is altered, and even when it is altered, we are subject to it) has certain provisions regarding this matter.

In section 33 of the Police Offences Act indecent matter is defined and provision is made for prosecution in certain cases, but only after such prosecution has been authorized by the Attorney-General. Although section 25 of the Places of Public Entertainment Act is not

strictly relevant to this matter, it concerns plays and other entertainment. Those sections impose a duty on the holder of the office of Attorney-General to exercise a discretion. When I was in office I took the view that, however unpleasant and difficult that duty might be, I had to exercise a discretion. If the Attorney feels otherwise, I believe it is incumbent on him to introduce amendments to sections of those Acts so that the duty there at present by law is removed. In this case the Attorney says that this book (and, as I say, this is merely the occasion which has prompted the Opposition to move this motion, but I use the book as an example) is not to be sold to people under 18 years of age and is to be kept under the counter; it is not to be displayed openly for sale. Does the Attorney really believe, as a citizen and as a barrister with 20 years' experience in the courts, that this will stop anyone who really wants to from getting hold of the book?

Let us put this at its lowest. We all know that it is an offence in South Australia to sell cigarettes to children under 16 years of age. Does the Attorney really believe that school kids do not get hold of cigarettes and smoke them? Regarding this matter, does he really believe that those who want to get hold of this book, whatever their age may be, will not get hold of it or other literature to which this test is applied? Of course, as the Leader said, it is absolutely futile to suggest that the guide lines the Attorney laid down yesterday mean anything. They mean nothing at all, and what the Attorney has said is tantamount to saying that there is to be no restriction whatever on the distribution of this book and like books in the future. The fact that the book is not to be on display will mean nothing. If people know about a book they will go in and buy it, the fact that it is not on display not deterring them.

I have said that this is a matter of great difficulty, but we cannot simply ignore the matter as the present Government apparently intends to do. Recently in the Commonwealth House of Representatives the Commonwealth Minister for Customs and Excise (Mr. Chipp) made a statement on censorship, one or two passages of which are apt on the point of the duty to exercise a degree of censorship, and I intend to quote from this speech. What Mr. Chipp said sums up my own views on the matter, arising from my experience of two years or so in office. Mr. Chipp said:

The concept of censorship is abhorrent to all men and women who believe in the basic free-

doms. As a philosophy, censorship is evil and to be condemned. Yet all communities, from the most primitive to the most advanced, have had, and still have, taboos which are scrupulously observed for one reason or the other. Within every community there is a body of opinion which accepts—indeed, seeks—some protection from the onslaught of unacceptable practices and material which is the concomitant of total freedom. Censorship, in some form or other, to a greater or lesser degree becomes a necessary evil.

He later continued:

It may be argued that the private actions of the individual are of no concern to others; but if those actions, or the material or equipment which accompanies them, are morally outrageous to the community at large, then it is reasonable to say that the individual is making a nuisance of himself.

That is the position which I hope, in spite of the vague but conflicting statements that we had yesterday from the Premier and the Attorney-General, will be taken up by the present Government. What are the present arrangements for censorship in Australia? They are contained in a variety of State Acts, and I have already referred to two South Australian Acts. There is (and I referred to this yesterday when asking my question) the agreement that was entered into in 1957 between the Commonwealth Government and the State Governments to set up the National Literature Board of Review. Yesterday, the Premier denied that his Government (the Government that he led at that time) went into that agreement wholeheartedly, and he gave an explanation. In all fairness to him, I must say that that explanation was similar to the one he gave in 1967, when he introduced the amendment to the Police Offences Act to give immunity to the members of the board.

I have here a copy of the agreement that the Hon. Donald Allan Dunstan himself signed as Attorney-General for this State. It was dated November 15, 1967, when he was not only Attorney-General but also Premier. One of the recitals in the agreement is as follows:

Whereas the Governments, parties to this agreement, are agreed that it is desirable that arrangements should be made between the Commonwealth and the States so that there will not be inconsistency in the administration of laws relating to blasphemous, indecent or obscene literature, and whereas the State Governments, considering that the aim of avoiding inconsistency would be assisted—

Does the honourable gentleman say that he signed that agreement with his tongue in his cheek? Is he to be relied on when he signs an agreement like that? Did he, when he signed that document, accept what was contained in it, and did he have the reservations



that he now expresses: that the Government will use it only if it suits it and, if it does not suit the Government, the Government will not use it?

Mr. Coumbe: He can't have it both ways.

Mr. MILLHOUSE: But he wants to. The agreement is there and we have used it until now. However, in this case we know that the book was seen by the board, that the board recommended that it should not be distributed in Australia, and that it was therefore not imported. Both New South Wales and Victoria intend to take action against those who have produced and published it in those States, but South Australia is acting entirely inconsistently in saying that it will take no action. The board can act only in relation to stuff that is imported into Australia. Its power springs from the Commonwealth Acts and the Commonwealth Government's powers in this matter spring only from the Customs Act, so that what is produced in Australia (and this goes to the core of our complaint) cannot, unless there is goodwill and consistent action by all State Governments, be controlled either by this agreement or in any other way.

I have said that, as Attorney-General, I had a duty in this matter. On occasion I had to read stuff that was handed to me by the police, with a view to getting my authorization for prosecution. I had to look at some of the appalling films that had been produced in someone's backyard, up a back alley, or in some gully away from sight.

Mr. Coumbe: In South Australia?

Mr. MILLHOUSE: Yes, some of it but not all of it. Some was produced here and the police referred it to me to obtain my authorization to prosecute pursuant to section 33 of the Police Offences Act. I believed that I should not authorize a prosecution unless I had either read or seen the stuff involved. This was my personal responsibility, and I tried to discharge it. However, that was not all I saw: I also saw some of the stuff for which entry into Australia had been refused. I also saw other material which had been produced in Australia and which the police had acquired, and I had to decide whether or not a prosecution should be launched. I am not ashamed to say that I found this a most unpleasant task, and that it is very hard, once one has seen this stuff, to get it out of one's head, however much one may want to do so. It sticks, and that is the vice of allowing this stuff to circulate in a community: once one has seen it, it is hard for one to get it out of one's mind. I hope that will not happen here in Australia.

One of the last books I examined, called *Censorship in Australia*, was produced locally and, I am ashamed to say, Geoffrey Dutton was one of its authors. This book contains extracts from books that have been the subject of controversy in Australia regarding whether or not they should be banned. Also to my great shame, included in that book is the report from our own *Hansard* of part of a speech made by the member for Adelaide, I think during the last session—a most disgraceful matter. However, I suppose that is beside the point. I had to do all these things as Attorney-General, and they were not pleasant tasks. I do not want to see stuff like this freely circulating in South Australia, yet, unless we get a clear statement of intention from the Government to make sure that this stuff does not circulate in South Australia, we will have it here, because people will naturally tend to come here to produce this stuff if they know that the Government will not take action on it. Once it has been produced here, this stuff can be distributed all over the Commonwealth, and it will be extremely difficult for the other States to take action. I therefore hope, first, that we will get definite statements of intention from the Government and, secondly, that that intention will embody the responsibility which I believe by law calls on the Attorney-General and, indeed, the whole Government to uphold what are at present the laws on this matter in this State.

Dr. TONKIN (Bragg): I strongly support the motion. The Leader of the Opposition and the honourable member for Mitcham have well covered the grounds but I must for the record state my own feelings. The history of the original proposal for the joint Commonwealth-State board of review has been well covered, in that it was to be an offence to publish anything not approved by the board. However, South Australia was the only dissentient State. In saying it was the Government's view that it should let adults read and see what they chose to read and see, "however unfortunate we might think their choice", the Attorney-General was being entirely irresponsible. However, he went further and said it was not for the Government or anyone else to say what people might or might not read; he said it was for the people themselves to decide.

I agree that it is indeed for the people themselves to say what they wish to read, see and feel. I remind the Attorney-General and other members, however, that we in this House represent the people. In this Chamber we are the people, and the people look to us for a

lead, for a set of standards: something which, I am afraid in our present way of life, we are starting to lose, even when it comes to standards of behaviour in a Chamber such as this. This applies not only to small matters but also to the most important ones: we are losing our spiritual values, because they are making way more and more for material and sensual things. As members of Parliament, we have a strong duty to give the people a lead.

I think the Premier said that much of this material was not produced in South Australia, but this is not my information: I believe it is produced in South Australia. He said further, as I understand it, that the material sold in the pornography shops around Times Square in New York and in down-town San Francisco was not produced in the United States of America but was imported from Sweden. I cannot accept this: this is a naive point of view which I cannot reconcile with the Premier.

This sickening material is produced on the spot wherever it is used. It is produced locally by opportunists who are prepared to trade on the depravity of some people. It is nonsense to say that it is only imported. It has become big business in New York and in some parts of the West Coast of America. I think that, if members go to the United States, they should spend some time looking at some of these shops in the Times Square area of New York where there is a tremendous selection of tape recordings, movie films, still photographs, records, and books all related to the one thing—sheer, plain pornography covering every possible form of perversion. Here I must emphasize that this is in no way related to literature. This is an unfortunate part of the attitude which seems to have been expressed, possibly by default, by the Government. This is not in any way related to literature: this is pornography for pornography's sake—pornography for profit.

It seems to me that the Government's present and complete indifference, from the look of members opposite, leaves the way open for this situation to arise in South Australia. On the West Coast of America some picture theatres show films that leave nothing to the imagination, and they cater for every form of perversion: once again it is pornography for pornography's sake and pornography for profit. The member for Mitcham has dealt very well with the Commonwealth Minister's attitude to censorship, which is that it is a necessary evil, but the operative word is "necessary". Again, I agree, although obliquely, with the Attorney-General when he says that it is for the

people themselves to say. But we represent the people and we frame and shape the laws. People look to us for a lead, for an example, and to set standards. They look to us for an opinion that could be useful on these matters, and they and their children should not have to be sickened before deciding that they wish to have no further part of or read or view certain pornographic material.

This attitude expressed by the Attorney-General and the Premier is one of washing of hands of the entire problem. Is this really what people want? Do they want indifference or do they want a lead? Do they want to feel that they can trust the Government? The attitude of the Government is a completely irresponsible attitude and one to be deplored, because the people of South Australia should not be subjected to these extreme forms of commercialized pornography without any real, apparent effort on the part of the Government to protect them. We need a clear statement of intention, as the member for Mitcham has said, and we need some form of leadership in the community again.

The Hon. L. J. KING (Attorney-General): This debate must be about the most extraordinary non-issue that this House has had to consider for a very long time. The Opposition has tried to erect, upon an answer by the Premier to a question without notice, some fantasy of South Australia's being the home of a trade in pornographic literature—hard-core pornography, as the Leader of the Opposition has described it.

In answer to a question put to him by the Leader of the Opposition on the sale of pornography in South Australia, the Premier made what was so obviously a correct remark that it is surprising that it has excited the comment that the Opposition has made on it: namely, that he was being asked a hypothetical question. The time to announce Government policy on an issue was surely when that question was raised in a way which enabled a formulated policy to be announced. It is on the basis of that answer that we have had erected this fantasy of a trade in hard-core pornography in South Australia. I am one who is perturbed at the increasing tendency in modern literature to make money out of the peddling of filth. I do not condone it; the Government does not condone it; it is one of the deplorable aspects of a very commercialized society where almost every aspect of human activity, including human sexuality is used for the purpose of making

profit for someone, and one aspect of the debasement of values arising from the commercialization of society is the peddling of filth as a way of making money. Let us now look at the issues that face the community in relation to this problem. On the one hand we have to consider the rights of individual adult citizens in this community to make their own decisions as to the way they will lead their lives, including what books they will read and what films they will see. Let me make this perfectly clear: there are books on the shelves in every bookshop in South Australia that I would consider myself better off for not reading and would consider my children better off for not reading, but that does not mean that I am going to tell adult members of the community that they are not to read those books or see that type of film. This is a judgment which a Government is not entitled to make if nothing more appears than that. But now having said that the Opposition has erected this fantasy on an answer given by the Premier to a question without notice. My considered statement of Government policy which was authorized by the Cabinet, given to the press, and published in at least one newspaper almost *in toto*, is as follows:

Any person who sells the book to a person under 18 years of age will be prosecuted. Booksellers and others who display the book publicly or advertise it in a way calculated to promote sales by emphasizing its contents will also be prosecuted. If a bookseller keeps the book out of public view and confines sales to adult persons who make direct inquiry and there are no other adverse features of the case, there will be no prosecution. The Government believes that an adult person is entitled to make his own decision as to the literature he will read. I do not propose to attempt to interfere with the right of an adult individual to read matter which may be regarded as obscene or indecent, however unfortunate I might consider that person's decision to be. Other members of the community who may not wish to have such matter inflicted upon them are entitled to protection against exposure to material which they may find offensive. The appropriate person to make the decision as to the reading of a particular book by a person under the age of 18 years is the parent or guardian (or in some instances a teacher making the decision within the scope of his proper authority).

Under the laws of this State, it is an offence to publish or sell indecent matter. The law, however, requires the authority of the Attorney-General before a prosecution can be launched. The intention of this requirement is that the Attorney-General should exercise a discretion as to whether a prosecution should be launched and in exercising that discretion should take into account the circumstances of the publication, sale or delivery, and the nature of the matter

published. I therefore indicate that in exercising my discretion in relation to *Portnoy's Complaint* I will be guided by the principles set out in this statement. In making my decision to authorize prosecutions in relation to this book in appropriate circumstances, I have taken into account the judgment passed upon this book by the National Literature Board of Review.

Let me, having set out the statement of Government policy in full, point out that in that statement the Government has emphasized that people in the community are not to be offended by the sort of material that is published or circulated in the community, that people who may be offended by matter that may be regarded as obscene or offensive are entitled to the protection of the law against such offence being offered to them, and that people of immature years are entitled to the protection of the law until their parents, guardians or teachers, as the case may be, have made an appropriate decision. Let us make a clear distinction and understand what we are talking about. The Leader of the Opposition says that his motion is not related to *Portnoy's Complaint*. Let the Leader ask himself why his motion is not related to *Portnoy's Complaint*.

Mr. Hall: Because I have not read it.

The Hon. L. J. KING: If that is the only reason the Leader has, I suggest that he has entered this debate in a singularly ill prepared condition. I suggest that the Leader is doing himself an injustice by making that comment, because the real reason why this debate cannot relate to *Portnoy's Complaint* is that that book must be read before anybody can receive offence or be corrupted or affected in any way. It is a book on which adult persons can make a free decision whether to read it, and nobody will be offended by *Portnoy's Complaint* unless he freely decides to read it. For that reason, I have clearly indicated that, in exercising my discretion on whether there will be a prosecution, I shall be guided in part by the consideration whether this book has been advertised in a way that will emphasize its content, whether it is sold to persons under 18 years of age—

Mr. Venning: It won't make any difference.

The Hon. L. J. KING: The honourable member says that it will not make any difference, but my consideration is this: if an advertisement emphasizes the contents of a book, it immediately offends certain members of the community, and this is the crucial and relevant consideration. If the book is advertised by reference to its contents, there will be

people who do not want to read the book and who will be offended by the references to it.

The displaying of the book will make it possible for people of immature years or even simply unsuspecting members of the public, perhaps by turning over its pages, to read passages from it. The Government's policy on the exercise of the Attorney-General's discretion is based on the consideration that people are entitled to be protected against offence, the immature are entitled to be protected until their parents or guardians have decided what they shall read, and adult members of the community, if they wish to obtain and read this book, make their own decision, and it is not for the Government to make a decision for them.

Mr. Mathwin: Would you like it to get into the hands of children?

The SPEAKER: Order! The Attorney-General is speaking and he is not to be interrupted.

The Hon. L. J. KING: I must make a further comment. The member for Mitcham has said that the course the Government has taken will not have the effect of preventing people who want to get at this book from reading it, and he went on to give his reason for saying that: that we cannot stop people who want to see these things and to read books of this kind, he said, from getting at them and reading them. Of course we cannot. I do not claim that the Government's action will prevent a person who deliberately sets out to get this book from reading it, and do not make the mistake of thinking that banning the book would have that effect, either. If a child of 12 years, 13 years, 14 years, or 15 years in Sydney or Melbourne wants to read *Portnoy's Complaint*, he or she will be able to read it, and a child in Adelaide will be able to read it, whatever action the Government takes.

Dr. Tonkin: It's not the book, but what you have said about it.

The Hon. L. J. KING: I said I found it to be a revolting book. If the member for Bragg wants to use that as some guidance to his constituents or others as to my opinion, he has got it, and he is welcome to use it. What my opinion of the book may be is completely irrelevant to what decision any adult member of the community should make about what he reads. Let me say, in reply to the member for Mitcham, that the Government's course is reasonable and balanced, designed to balance the proper liberties of the individual on the one hand against the rights of the people to be protected from

material forced upon them on the other. It is futile to say that the Government's course will prevent people who set out to find and read the book from reading it, because no other course that the Government could take would have that effect, either, as all experience proves.

Indeed, this book was available to those who wanted to read it long before it was published by Penguin and sold in Sydney, Melbourne and Adelaide in the last week. Having discussed some of the principles that underlie the Government's approach to the matter, let me apply them to the suggestion by members opposite that, somehow, Adelaide was to become the centre of a trade in hard-core pornography. It is impossible to sell, display or publish hard-core pornography without causing the greatest offence to many members of this community, and the principles in the statement of policy that the Government has announced make clear to anyone who wishes to use common sense in applying them that they would rule out the sort of publication that the Leader of the Opposition was referring to, the sort of material which, by its very nature, upon being handed over the counter, would offend everybody in the vicinity the moment it was produced in a bus, train, or in any other way.

There was never any question, until this urgency motion was moved, of hard-core pornography in relation to this decision or debate, but what was clear to anyone who cared to read the statement of policy which the Government made and issued to the press (and which was published) was that, by its very terms, it prevents that type of trade from being carried on in South Australia. Let me say at once that anybody reading the Premier's reply could not, by any stretch of imagination, spell from it the suggestion that the Government was without an attitude to that sort of trade.

I will now pass on to some of the other matters raised. First, I wish to advert to a matter I referred to a little earlier, because the member for Mitcham made a specific point of it: he asked what was the point of the statement in the Government's policy that the book should not be displayed. I think I have made my answer perfectly clear: if we are to protect people who are offended by a book of this sort, one way in which we can do this is to preclude booksellers from displaying the book and advertising it by reference to its content.

The purpose of this is not, as seems to have been assumed by the member for Mitcham, to deal with sales of the book but to deal with the offence that would otherwise be caused to members of the community and also to protect immature people, or people generally under the age of 18 years, who may be browsing through a book store where the book is displayed and, without any intention of seeking out the book, come upon passages which their parents or guardians may find offensive and unsuitable for them to read. The Premier dealt with the agreement, and I do not intend to go over that again. As the member for Mitcham says, in 1967 the Premier made his attitude to the Commonwealth Literature Board of Review quite clear. What I ask the member for Mitcham to consider is this. He says that the law as it stands imposes an obligation on the Attorney-General to exercise a discretion on whether a prosecution should be launched, and I agree with him: it does.

What I have sought to do regarding the statement of policy by the Government is to indicate the principles that I and the Government consider should guide the Attorney-General in exercising the discretion which still must be exercised, and will be exercised, in each individual case reported. How can the member for Mitcham say, on the one hand, that there is an obligation to exercise a discretion and, on the other hand, that the Attorney-General is bound in advance to follow the decision of the board of review? What discretion does the Attorney-General have, if it is not his discretion but that of the Commonwealth board of review which is in question? The Attorney-General is required by Statute to exercise his own discretion and to decide whether or not a prosecution should be launched. Only one person bears the responsibility, and it is the Attorney-General of this State, in relation to a prosecution in this State.

It is a responsibility which no-one would want to have but which I am obliged to assume, and I have to make my own decision in accordance with my own judgment and with the guidance I derive from the policy of the Government in this State. Neither I nor the Government can be bound by a decision made elsewhere. The member for Mitcham, in referring to the Statutes that deal with this subject matter, referred to those sections that require the exercise of the Attorney-General's discretion, but I remind him that a section in the Police Offences Act makes it an offence to exhibit or to deliver indecent matter to any person in a public place, and another section

makes it an offence to do the same thing in private so as to insult or annoy any person.

Those very sections make it perfectly clear that, the moment what the Leader of the Opposition described as hard-core pornography (presumably lurid illustrations and things which hit the eye and which are revolting and offensive) is produced, those two sections make that course of conduct an offence. It is inconceivable that a trade of the kind that the fantasies of the Leader of the Opposition have produced could be carried on for a single hour without its contravening those sections of the Police Offences Act, resulting in a prosecution. Let me make it perfectly clear, if I have not already done so, that the decision made in relation to *Portnoy's Complaint* and the principles enunciated as guiding the Government's decision in that case relate to a book about which adult individuals must make up their own minds and against which those members of the public who might be offended or who are immature are entitled to be protected. There is absolutely nothing in this decision of the Government that could possibly, by the wildest stretch of the imagination, open the way for a trade in pornography in South Australia, and there are ample provisions in the laws of this State to ensure that such a trade is never set up and never flourishes in South Australia.

Mr. EVANS (Fisher): I do not really believe that the Attorney-General has given any clear indication of the Government's policy. He spent some time taking the debate away from the subject that we are supposed to be debating, and he discussed *Portnoy's Complaint*. We have made no reference to that book in the motion. We are asking for a clear-cut policy from the Government on whether it would or would not take action along the lines outlined by the Leader. All the Attorney-General has said is that it is possible to take action, but he has not said that action will be taken. The Attorney-General has said that we have based our argument on the reply given to a hypothetical question that was asked of the Premier yesterday. The Premier said that the question was hypothetical, and he was rather hesitant in replying to it.

But do we wait until pornography comes before the public's notice to raise the matter, at which stage the press has publicized it and has created greater sales, or do we state a policy and set a standard beforehand? This urgency motion has been moved so that at least we will have a clear-cut decision from the Government. The Attorney-General says that, although he objects to the book that has

been discussed earlier, it is all right for others who may wish to read it, if they are adults. Is this the case regarding all aspects of pornography? Does the Attorney-General believe that, even though he objects to a publication, if others in the community believe that it is all right and that it is acceptable he should not take any action? This is what the Attorney-General is suggesting.

He said that the book in question was disgusting and yet, because a group in the community thought that it was all right, it should be made available to adults but it should be kept under the counter so that people under age could not see it or read it. Does the Attorney honestly believe that that will keep it out of the hands of juniors? Does he believe that that is achieving the object desired by most people in the community? I do not believe that he does. I consider that because of the attitude of many members of his own Party, indicating that it does not matter if we break down the moral standards of our community, the Attorney-General has bowed to pressure and has expressed the half-hearted attitude that, so long as the book is kept under the counter, it is all right. But that is not the point we are discussing: we want a clear-cut statement from the Government.

I am sure that the community would like to know whether those people in this State who produce the type of material in question, even though it may not be on display, are contravening any Act. Does the Government intend to stop the manufacture of this material? If pornographic material is manufactured, but kept under the counter and not put on display, yet offered for sale to those who walk into a shop and ask for it, does the Government intend to stop the sale of that material; or does it believe that so long as the material is sold only to adults it will be all right? Who will decide whether a person is an adult?

The Hon. L. J. King: It is the intention to stop the trade and take any action necessary on the particular facts of the case.

Mr. EVANS: Who decides who is an adult?

The Hon. Hugh Hudson: He doesn't want to listen.

Mr. EVANS: Who does this? Does the purchaser walk in and say, "I am 18," if, in fact, 18 is to be classed as an adult age? On the other hand, does the seller have to decide whether a person is 18 years of age? If a person turns out not to be 18 years of age, will the seller then be charged with selling a book to someone who is under the age of 18 years, or will the purchaser be liable

to prosecution? Who will be liable to be prosecuted? We have not been told that either. All I want the Government to do is to state clearly whether it intends to stop pornography from being manufactured or sold in any shape or form in the State.

The Hon. D. N. BROOKMAN (Alexandra): The Attorney-General commenced his remarks by saying that this was a non-issue. Borrowing part of that phrase, I would say that his statement was a non-clarification of a confused statement of policy. This motion has arisen as a result of a reply to a question asked yesterday; it has not arisen directly from the partial release for sale of the book *Portnoy's Complaint*, although it is an indirect result of the controversy about that matter. As a result of the Government's action in relation to that book, certain questions were asked in the House yesterday. The Leader asked the Premier the following question:

Can the Premier therefore say whether it will be possible for the type of pornographic shop that exists in New York to be opened in South Australia for the sale of pornographic literature, so long as it is not sold to people under age?

The trouble started when the Premier replied. The following is the *Hansard* report of the reply:

I find that a hypothetical question which at the moment I cannot answer. So far as I am aware, no literature of that type is produced in Australia, and at present it is certainly not importable.

Mr. Hall: Some comes in, though, and you know it.

The Hon. D. A. DUNSTAN: I have not seen the material here. Certainly, the material that I have seen in New York and elsewhere was not produced in America: it was produced in Sweden and Denmark. I have had a look at the material which the previous Chief Secretary assembled and put in a safe. I think it is unlikely that this sort of thing will occur in South Australia, but, quite frankly, if it did occur, I am certain that people would soon get sick of it.

What sort of statement is that, and how does it compare with the statement of policy made by the Attorney-General? When the Premier said, "If it did occur, I am certain that people would soon get sick of it," he made clear that there was no absolute barrier to the situation about which he was talking occurring here. He left it so that there was a possibility that that sort of thing could happen.

In case members think that we are dealing only with complete books, such as the book referred to this afternoon, I assure them that this is not the case; we refer to all types of other literature, including various writings,

photographic magazines, and so on. Therefore, I believe it is wrong for the Attorney-General to say that there is no issue, for the Premier has made a statement that has made obscure what the Government will do if certain things tend to happen in the future. I know that the Attorney-General is sincere in his wish to see that the provisions of the Police Offences Act apply and that people do not start to trade in the worst type of pornography. Possibly all members have varying views whether a certain book should or should not be banned, but we are not discussing the issue of banning a single book. We are asking for a consistent statement of policy from the Premier and the Attorney-General; for heaven's sake, let them both say the same thing, otherwise we will be doubtful about what is the true position.

The Hon. Hugh Hudson: Do you think *Portnoy's Complaint* should be banned?

The Hon. D. N. BROOKMAN: I have not read it. Having spent some time looking through it yesterday, I think it would be most difficult to read it right through; it is certainly offensive, as I believe all members would agree. However, I would leave to the expert the decision whether or not to ban the book. I think that the decision should be left to a body such as the National Literature Board of Review. If that body says that a book should be banned, I would accept its view. As in most other cases, I prefer to follow the advice of an expert. If the board says that the book should be banned, I agree to that action.

The Hon. Hugh Hudson: How would you stop the sort of sales that took place yesterday in Melbourne and Sydney?

The Hon. D. N. BROOKMAN: As I do not have much time, I think I would rather proceed with my comments. The point I make is that censorship is not simply a matter of banning or not banning one book: it involves much material which, in the current popular phrase, is termed hard-core pornography and which includes filthy postcards, blue films, booklets of an erotic type, and particularly photographic magazines of the kind that I think the Premier was referring to when he referred to the previous Chief Secretary's having assembled material and put it in a safe. I wish to quote the following statement which I think is appropriate and which was made at the 18th Australian Citizenship Convention:

Is the permissive society as it is being practised in Australia, one where people who want to be dirty are allowed to be dirty, or

is it one where people who would like to keep clean are having muck thrown all over them?

Obviously, the purpose of the Opposition in seeking to have clarified the Government's policy is to see that the Government propounds a policy that will prevent people from having muck thrown all over them; we do not want to wait until the muck throwing starts. If I understand him correctly (and I am trying to quote him correctly) I think the Attorney-General has said, in effect, that we are being premature in starting to deal now with the sort of commercial trade about which we are talking and that we should wait and see whether this trade eventuates. I believe that he is wrong in making that statement. We should not wait until this happens: we should move immediately, making a clear statement that will prevent these things from starting to happen.

We know very well that commercial trade in something such as pornography can start with astonishing rapidity. It is so easy for this to start. I do not think it is fair for the Government to leave the people of the State in the position where the Government has said that it will wait and see just what happens. As the member for Mitcham reminded the House, the Premier is a signatory to an agreement between the Commonwealth and the States, an agreement which was signed in 1967 and which, among other things, states:

Whereas the Government parties to this agreement are agreed that it is desirable that arrangements should be made between the Commonwealth and the States so that there will not be any inconsistency in the administration of laws relating to blasphemous, indecent or obscene literature—

We have nowhere near lived up to that agreement. Indeed, we in this State seem to be setting out on a course to enable us to say we are more permissive than any other State. We are doing so without having been given a clear statement of policy by the Premier, who seems to think that this is a hypothetical question. The Premier hopes that commercialization of pornography will not begin here and that, if it does, people will soon get sick of it. That is certainly the impression the Premier left with us yesterday and this is why the matter has been raised now.

I have never opposed Ministers' travelling overseas, as every Minister who does so benefits from his trip. I like to see Ministers travel overseas; I know that the Premier has done so and that he intends to do so again.

I hope the Attorney-General will also do so, and that he will make at least a superficial study of what is happening in this regard in other countries. It is not possible for us to say whether we are more corrupt or less corrupt than people living in other countries. However, we can say we are less tolerant of pornographic literature than some, but, on the other hand, we cannot state with accuracy the effect this has on the people.

It is possible to say what the South Australian people generally want and do not want; nothing is more certain (and I am sure everyone in this House would agree with me) that the South Australian public does not want South Australia to lead the Commonwealth in becoming the centre for the commercialization of pornography. If that happened, South Australia would indeed be in a dangerous position. The Attorney-General has said that he will watch the situation and that he hopes we will be assured by his statements. However, members were anything but assured by the Premier's reply yesterday; we maintain that his statement strongly contradicts the Attorney's statement on Government policy.

The Hon. D. A. DUNSTAN (Premier and Treasurer): Listening carefully to the members for Fisher and Alexandra, one would wonder whether they had read the legislation on this subject, and whether the member for Alexandra remembered what he said in this House on other occasions. I well remember the debate on an amendment to a section of the Police Offences Act, out of which this whole matter arose. Both the member for Alexandra and I voted against the proposals of the Playford Government at that time; we were responsible for writing into the legislation the provisions it now contains.

Mr. Clark: And they were very good amendments!

Mr. Millhouse: It's a pity you don't use them.

The Hon. D. A. DUNSTAN: We are using them. It is a little strange that members opposite have not bothered to think this matter through, and that the member for Fisher has seen fit to say things that the member for Alexandra and others in the Liberal Party previously said were nonsense, because it was clearly pointed out in this Chamber that the criterion for the publication of material in this State was not what was suitable for distribution to children of seven years of age, and that what should be read by adults in this State was not necessarily confined to the works of

Enid Blyton, but that it was wrong in this community to have a group of people who would say to adults, "We are strong enough to read material and not to be corrupted by it yet the rest of the community is so weak that we cannot allow them to see the material because we fear they might be deprived or corrupted by it." Let us clarify the things about which the member for Fisher has become so confused. Members opposite have suggested that offensive material should not be published. However, that is not the law; it is not a question of what could or could not be offensive.

I noticed in yesterday afternoon's *News* a suggestion that, because I found *Portnoy's Complaint* nauseating, it ought to be banned. However, I have found some leading articles in the *News* nauseating, but I do not think that the *News* should be banned for that reason. Therefore, it is not what is offensive or shocking that is bad but material that could deprave or corrupt the person into whose hands it is likely to fall. It is upon that basis that the Attorney has exercised his discretion in the matter. Members opposite rushed out yesterday and purchased copies of *Portnoy's Complaint*.

*Members interjecting:*

The Hon. D. A. DUNSTAN: Well, the member for Mitcham did!

Mr. Millhouse: I did not.

The Hon. D. A. DUNSTAN: The honourable member had it on the front bench yesterday. Indeed, he offered it to the member for Alexandra to see.

Mr. Millhouse: It was a library copy.

The Hon. D. A. DUNSTAN: I am glad the honourable member did not pay \$1.35 but got it from the library. I do not think it matters much whether he borrowed it from the library or whether he purchased it from a news stand.

Mr. Millhouse: I am only getting you back on the rails.

The Hon. D. A. DUNSTAN: I am pleased to hear that and that the honourable member displayed his interest in the matter. I purchased a copy of the book when I was in New York, and I read some of it. I must confess that I did not read it all, because I found it intolerably boring, and did not think it was worth it. Nevertheless, I did not see any reason why, feeling that I had not been corrupted in the matter, other people should not be able to buy it (and be bored) if they chose to do so. It is interesting that in this debate members opposite, when suddenly challenged, have not suggested that



the book should be banned. Oh no! All they have done is to suggest that somehow the Attorney's decision that the adults of South Australia should be able to see this book is going to make South Australia the pornographic manufacturing centre of Australia. The member for Mitcham must know that, in the course of manufacturing pornography of the kind referred to by the members for Alexandra and Fisher, offences of any kind that are committed would be evidenced by the very nature of the material so produced. We have laws that prevent the manufacture of that kind of pornography in South Australia, entirely apart from section 33 of the Police Offences Act, so it is not a question of our doing this at all. This whole case has been a jumped-up attempt to try to manufacture something out of nothing.

The member for Fisher has suggested that the criterion should be whether the book concerned is shocking; I have disposed of that aspect. He has also said that children will be able to get any publication that is published. In this respect I reiterate what was said in this House in 1953 when the Police Offences Bill was being discussed:

I do not want to see good literature interfered with in any way by this legislation. I believe it has a place in the community, but not if it is placed before children in such a way that it would deprave them. There is plenty of literature which could deprave children if placed before them, but which should be available to the general community.

Mr. McKee: Who said that?

The Hon. D. A. DUNSTAN: The member for Alexandra. Section 33 (3) of the Police Offences Act provides:

In determining whether any matter is indecent, immoral or obscene, the court shall have regard to: (a) the nature of the matter; and (b) the persons, classes of persons and age groups to or amongst whom it was or was intended or was likely to be published, distributed, sold, exhibited, given or delivered; and (c) the tendency of the matter to deprave or corrupt any such persons, class of persons or age group.

That is the matter the Attorney-General has very properly taken into account in making his decision in this case, and the decision he has made in public is based entirely on the definition in that section. It is a proper exercise of his discretion.

To those people who say, "Oh, well, it is wrong to let the community see works of this kind," I suggest seriously that they examine their own attitude towards this matter. Do they really suggest that by reading material of this kind they are going to accept the kind of

behaviour described in the book as suitable for themselves? I suggest that the very basis of people's reading such books is their ability to distinguish and reject. I point out that this matter was discussed by one of the greatest of English political philosophers, who said:

To the pure all things are pure but the best books to a naughty mind are not unapplicable to occasions of evil.

He pointed out that in fact books with which people could be taken to disagree on reading them were means of their learning thereby and that these very matters could serve them to confute and forewarn and to illustrate the things they would reject in their moral judgment upon what they saw before them. I stand with Milton at this point. The Government believes that it is proper for people to be able to read things which they will reject and, as adults, we do not believe that any one of us can say, in reading a book such as the one that has occasioned this debate, that none of us is able to withstand the influence set forth in the book. If anyone suggests that any member here is likely to indulge in some of the practices described in that book he must be hivering. Such a suggestion is nonsense and I do not believe any member opposite would be depraved or corrupted and I do not believe any member of the public would be either. It was Milton who said:

... as that we dare not trust them with an English pamphlet, what do we but censure them for a giddy, vicious, and ungrounded people; in such a sick and weak state of faith and discretion, as to be able to take nothing down but through the pipe of a licenser?

We do not intend in matters of this kind to be licensers: we believe that the people of South Australia are in a sound state of faith and morals and will reject all materials of this kind as to the standards of their behaviour.

*At 4 o'clock, the bells having been rung:*

The SPEAKER: Call on the business of the day.

#### NURSES

Adjourned debate on the motion of Dr. Tonkin:

(For wording of motion, see page 824.)

(Continued from August 26. Page 1071.)

Mr. JENNINGS (Ross Smith): I congratulate the member for Bragg on having the initiative to move this motion, which I now oppose. I believe that we must congratulate the member on moving a motion that is certainly an important one and for moving it so sympathetically. I believe that he would have done himself a service if, after moving

the motion, he had then moved that it be read and discharged because, after he moved it, it got into the hands of his cynical colleagues who supported him not because they had the same sympathetic attitude to the matter, but because they saw in it a chance to play the old Party-politics football.

I listened to, and read with great interest, the speech of the member for Bragg. Prior to the election I spent much time at meetings listening to the present Premier. He talked frequently about the nursing shortage in South Australia, and I wonder whether the member for Bragg has been reading the Premier's notes, because many of the things the honourable member has said were said on the hustings by the Premier.

Mr. Clark: He might have had the good sense to go to some of the Premier's meetings.

Mr. JENNINGS: I think he probably did, or at least he sat outside and listened to the proceedings being amplified. Most of the meetings were so well attended that the honourable member could not have got inside unless he arrived about 7.30 p.m. for an 8 p.m. meeting. However, the honourable member sounded very much like the Premier did when, as Leader of the Opposition, he spoke about the crisis in nursing. The member for Davenport also spoke about the crisis in nursing, and she was justified in doing that.

Mr. Venning: She would know and you wouldn't.

Mr. JENNINGS: I am sorry. I should not encourage interjections, although I do. Before the election, the member for Davenport would not have spoken about a crisis in education: it did not exist then! Of course, now many members opposite are talking about a crisis in education and a crisis in nursing, although they denied that such things existed when they were on this side. I think crises in nursing and education do not suddenly manifest themselves in a community: they usually grow over a long period.

Mr. Payne: About two years.

Mr. JENNINGS: I know that the honourable member is referring to the two years that the former Government was in office. However, generally speaking, crises do not grow as quickly as that. The crises in education and nursing have developed over probably three decades, under the atrophying hand of a Liberal Government. One of the best points that I thought the member for Bragg made was when he spoke about the hierarchical structure of nursing. I commend him for this. I am not quoting him, of course,

but what he said was to this effect: "What chance has the timid little nurse of making her complaints heard when she faces a stony-faced old matron?" or something of that kind.

Mr. Venning: That's quite true.

Mr. JENNINGS: The member for Rocky River says that that is quite true, and I shall take his word for it. Apparently, he knows more about timid young nurses and stony-faced matrons than I do. Nevertheless, there is a point here. I think these girls must feel at times that they cannot put their case properly under the arrangements that have existed for a long time. The member for Davenport also made this point. As much as I recognize that this is a difficulty, nevertheless I insist that, if a person is determined that his cause is just and if he has courage, he will not be terribly worried about facing tremendous odds to have injustices remedied. If that were not the position, no trade union would have been formed in Australia or anywhere else in the world. Further, we would not have had Saint Augustine, whom the member for Bragg has told us is the patron saint of nursing. Well, Saint Augustine went through many difficulties in his life-time, and there is no doubt that Florence Nightingale did, too.

Mr. McKee: She was an angel of mercy.

Mr. JENNINGS: Doubtless, we will hear much about angels of mercy after the Midland by-election. The member for Bragg insists that he wants a Select Committee appointed. He thinks that there is no purpose in appointing a professional committee and that there is no use in having a Government-appointed committee investigate nursing. He says it must be a Select Committee.

Mr. Lawn: It sounds nice, doesn't it—a Select Committee?

Mr. Venning: What's wrong with that?

Mr. JENNINGS: There is nothing wrong with it, although some Select Committees of this House in the past have not been as select as they might have been. I have been on many such committees, and they have been extremely select. The member for Bragg apparently thinks that a Select Committee is a secret committee.

The Hon. G. R. Broomhill: I don't think he has ever been on one, though.

Mr. JENNINGS: No. One of these days we may put him on one. A Select Committee is not a secret committee. The report dealing with the timid nurse's complaints of injustices inflicted on her would have her name printed in it as one of the witnesses.

Mr. Coumbe: Do you want to keep it under the counter?

Mr. JENNINGS: No, I believe in putting things right on the table, and I think that, towards the end of the session, we could move that the member for Torrens be laid on the table of the House. The member for Davenport has said that much good work had been performed by Select Committees of this House and the other place. I admit that that is true, but it is not always necessarily true, because an extremely expensive Select Committee of another place investigated Aboriginal affairs and recommended various things in its report, but effect has not been given to any of those recommendations. The member for Mitcham, who was Minister of Aboriginal Affairs at that time, pigeon-holed the committee's recommendations, and the report is probably in the archives now. However, one of the recommendations referred to Colebrook Home, and about two days after the report was made available the then Minister did administratively the opposite of what the Select Committee had recommended after investigating for about 12 months.

Mr. Clark: And he was probably right.

Mr. JENNINGS: I am not suggesting for a moment that the member for Mitcham and I often agree, but I think I could say that this would be one of the rare occasions on which I would think that he was right.

Mr. Clark: He must have been right.

Mr. JENNINGS: The Attorney-General, who spoke on behalf of the Government on this motion, said:

Since assuming office, the Government has been concerned about what the Chief Secretary has described in the Ministerial statement to which the member for Bragg has referred as the unsatisfactory state in which the nursing profession finds itself in this State. Indeed, that subject occupied the attention of members on this side during the last Parliament and during the election campaign. The result of the Government's consideration of the matter is the decision indicated in the Ministerial statement to appoint two committees. One of these will be a working party whose object it will be to work quickly and in a summary way to improve communications between the nursing and medical staffs at Government hospitals and the administration of those hospitals.

I have spoken to the Secretary of that committee, and the terms of reference are, in my opinion, not very well drafted, but nevertheless it is a hospital communications inquiry committee, and the terms of reference are as follows:

To receive and examine representations from medical and nursing staffs of State Government hospitals and from staff associations and kindred organizations for improving methods of communication within the administrative structure generally and in particular the methods of communication between the medical and nursing staffs and boards of management.

This committee has been set up to overcome what the member for Bragg is seeking more than anything else, I believe; namely, a general communication between nurses, doctors, boards of management and the organizations within the hospitals. All of the medical and nursing staff organizations have been written to, and the terms of reference have been exhibited on notice boards in the various hospitals. The Chairman is Mr. Voyzey, of the Premier's Department, and the members are Mrs. Ladkin (the Executive Secretary of the Royal Australian Nursing Federation), Dr. Young, of the Royal Adelaide Hospital, and Mr. Blandford, of the Hospitals Department. I have been assured by the Secretary of this committee that every attempt will be made for evidence to be regarded as confidential. If a nurse or some other person wishes to give written evidence, it will be accepted, and, if a person wishes to give oral evidence, it will be accepted also. As everything will be done to preserve the anonymity of the people giving the evidence, this surely would overcome most of the complaints made by the member for Bragg and the member for Davenport.

I will not deal in great detail with the second committee, the much more important committee, which I understand will be appointed soon. However, this committee will be established in accordance with the following paragraph in the policy speech delivered by the then Leader of the Opposition, who is now the Premier of this State:

The situation of nurses in South Australia is completely unsatisfactory. We have bitter discontent and inadequate recruitment. There are 192 beds vacant in the Royal Adelaide Hospital's north and east wings because of inadequate nursing staff numbers. Nurses have pointed to a dangerous deterioration in patient care because of excessive hours of overworking by the existing staff. A Labor Government will intervene to improve the rewards and conditions of nurses. More nursing aides will be recruited to work under nurses' supervision, to do work which does not need full nursing qualifications and so release nurses for their proper tasks. We will set up a nurses' training college as recommended by the Truskett Committee. It will have the status of a college of advanced education, and will thus attract Commonwealth funds.

Recently, the Chief Secretary, addressing a conference of the Australian Hospitals Association, said:

In keeping with the advances which are being made for medical and hospital care, the nurse training curriculum is being revised to fit the future nurse for her increasingly responsible role. The new curriculum, which will probably be introduced in 1971, will involve approximately 1,000 hours of study over three years, and this training time will be in hospitals' paid time. The State will be divided into zones as far as practicable, and one hospital will become the main training base for trainees in the particular zone. However, many more hospitals will become training schools for enrolled nurses. This will also be a new course of a less intensive nature, and this type of nurse will provide hospitals with the basic core of practical bedside nurses.

A recent report in the *Advertiser* of August 29 states:

The pay increases granted to nurses in South Australian Government hospitals were described as an "instalment" yesterday by the President of the South Australian Branch of the Royal Australian Nursing Federation (Miss M. E. Crawford). "We regard them just as an instalment on the salary justice that nurses must receive," she said. Increases ranging from \$375 a year for a first-year trainee to \$1,000 for the Royal Adelaide Hospital matron were announced on Thursday. The increases, for 2,500 nursing staff, will apply when the Nursing Staff Government General Hospitals Award is varied by the South Australian Industrial Commission. It is listed before Mr. Commissioner L. H. Johns at 9.30 a.m. on Thursday. Miss Crawford said the R.A.N.F. had instructed its counsel (Mr. L. J. Stanley) to apply for the federation to be made a party to any award which might flow from Thursday's hearing. "The R.A.N.F. will proceed with its own claim for higher increases for every nurse and trainee in the State as soon as possible," she said. Sister Katrine Marshman, a liaison officer for the R.A.N.F., said yesterday that nurses were delighted with their pay increases.

That is a little different from what happened in April of this year when, under the nefarious influence of the former Government, nurses received a miserable, parsimonious increase in their wages, practically all of which was taken away immediately for board and lodging.

Mr. Coumbe: What did the Public Service Association have to say about it?

Mr. JENNINGS: I said that it was under the nefarious influence of the previous Government: I did not say that the previous Government did it. I think that clearly we cannot look at nursing as something separate from the general position with regard to medical, paramedical and hospital treatment, the building of hospitals and so on. With nursing, those things are all part of one complex issue. We

have already shown that the Government is getting on with the job. The communications committee is expected to report to the Government within three months. I understand that the more important committee to which reference has been made will be appointed within about three weeks. Consequently, this motion is completely unnecessary, although I acknowledge that it was well intentioned. I have already congratulated the member for Bragg for introducing the motion and, had he not spoken in the way he did on a matter before the House earlier this afternoon, I would have congratulated him somewhat more forcibly.

I do not think there is any point in appointing a Select Committee in respect of nursing. All that would do is to bring this matter into a Select Committee area, so that the inquiry might continue for months and months, whereas the other committees, one of which the Government has already appointed and the other of which it will appoint, could have finished their jobs. Also, there is no assurance that the Government would take the slightest notice of what the Select Committee recommended.

Mr. Lawn: A Select Committee cannot sit while Parliament is in recess.

Mr. JENNINGS: True, and that is probably something that the member for Bragg did not realize. In opposing the motion, I hope that we can get on with the job in regard to nursing fairly quickly.

Mr. VENNING (Rocky River): I commend the member for Bragg for moving the motion. I am amazed that the member for Ross Smith does not support the motion, for he said that, when he was listening to the member for Bragg, he thought the honourable member had borrowed the notes used by the Premier when giving the Labor Party's policy speech. In that case, I should have thought the member for Ross Smith would support the motion to the hilt. Unfortunately, most people, particularly when they are well, are inclined to forget about nurses. If an accident was to befall any of us at this moment, we would be carried off to a hospital where nurses would be ready to attend to us.

Mr. Lawn: Do you think they should work 40 hours a week?

Mr. VENNING: The honourable member can listen to my speech. Nurses were present when we arrived in the world and they will be there on the day we depart; in the meantime, we have a tendency to forget about them. For this reason, I compliment the member for Bragg on bringing forward his

motion, which has spurred the Government to do something in this regard. As a consequence of the motion, last week the Attorney-General talked about two committees appointed by the Government in this connection. He said:

One of these will be a working party whose object it will be to work quickly and in a summary way to improve communications between the nursing and medical staffs at Government hospitals and the administration of those hospitals. The other will be a more general committee of inquiry to inquire into the whole matter of health services in South Australia, with the objective of thoroughly investigating their co-ordination and submitting to the Government a report that would provide a basis for a general improvement in the health services.

I do not think we should complicate the matter by trying to look at nursing at the same time as medical services and so on are being considered. This avocation needs its own inquiry, and it has needed it for some time. I am pleased that over the years the conditions under which nurses have worked have improved considerably, although not to the extent that we would like to see. I remember many years ago that nurses had to get up at 5 a.m. and work for long hours for about \$1 a week. However, that is water under the bridge, and we must have a progressive approach when looking at the conditions of nurses. On the day of the election, I spoke to one of the A.L.P. organizers at Crystal Brook, who said, "If you get back (and there was not much doubt about this, as mine is a blue ribbon seat) one thing we want you to take an interest in is in having something done to improve the conditions of nurses in the State."

The wife of one of the organizers worked in the Crystal Brook hospital. Although she was not qualified, I believe she did the work of two or three nurses with qualifications. She was dedicated to her job. She, like a few other people, does the type of work that keeps country hospitals going. At some country hospitals, married women work part-time so that the hospitals can remain open. I am pleased that the member for Bragg, through his motion, has pushed the Government into doing something in this regard. True, increases in salaries for nurses have been announced: a newspaper report on August 28 states:

Increases for nurses ranging from \$375 a year for a first-year trainee to \$1,000 for the Royal Adelaide Hospital matron were announced yesterday. The Minister of Labour and Industry (Mr. Broomhill) announced

the increases which will directly affect about 2,500 nurses employed in Government hospitals. The new salaries will apply from the date the award is varied by the South Australian Industrial Commission. Mr. Commissioner L. H. Johns has informed the parties that he has listed the association's application for variation of the award for hearing before him at 9.30 a.m. on Thursday.

Mr. Broomhill said that, as a result of negotiations between the Public Service Board and the Public Service Association, agreement had been reached under the Nursing Staff-Government General Hospitals Award. The discussions came after the Government had authorized the board to negotiate with the association for variation of rates in the consent award made by the Industrial Commission in April. Recent substantial salary increases for nursing staff employed by the Commonwealth and some other State Governments had been the basis for that decision.

It is particularly pleasing that nurses' salaries have been improved. Although not the prime problem in respect of nursing in this State, the salary aspect is important, and the improved salaries may make more girls enter the nursing profession. My own daughter, who nursed at the Royal Adelaide Hospital for three years, and who was secretary of the nurses' organization, has told me of the problems nurses experience. Good at sport, playing both tennis and hockey, she said it was difficult, because of her occupation, for her at times to say whether she could play either of these sports at weekends. Girls who receive a calling into the nursing profession must face these difficulties. I have been told of a young girl who, on her 21st birthday, had to tell her parents that she could not get home for her party until 10 p.m. These things have affected our nurses for a long time, so I am pleased that something is being done for them. I again express my appreciation to the member for Bragg for moving this motion and trying to force the Government into action. I realize that members opposite will say that such a statement is hogwash, but it is not: if Government members are keen to do things like this, why have they not raised the Chowilla issue and provided some water storage?

Mr. Ryan: What's that got to do with it?

Mr. VENNING: I realize that it has nothing to do with the matter we are now considering. I support the motion that the member for Bragg has moved in an attempt to force the Government to act in this regard.

Mrs. BYRNE secured the adjournment of the debate.

#### ELECTORAL ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

## ROAD SAFETY

Adjourned debate on the motion of Mr. Millhouse:

That in the opinion of this House, and in view of the appalling road toll, a Minister of Road Safety should be appointed, such Minister having the primary responsibility of co-ordinating all efforts to increase road safety, which the Minister of Roads and Transport had moved to amend by leaving out all words after the word "House" and inserting in lieu thereof "the S.A. Road Safety Council is deserving of the highest commendation for the work it is doing in educating the people, particularly the young people, of the need to observe and practise road safety at all times; the council through its membership, and the Minister of Roads and Transport and Local Government by the exercising of his Ministerial authority, adequately co-ordinates the functions of the various sections concerned with road safety, the only restriction on the Road Safety Council's activities being dictated by its financial limitations; and, believing that the appalling road toll can best be reduced by increasing road user education, this House express its support to the proposal of the Government to expand the activities of the South Australian Road Safety Council."

(Continued from August 26. Page 1076.)

Mr. SLATER (Gilles): I support the amendment to the motion, which deals with the co-ordination of functions of the various sections currently under Ministerial control and with the expansion of the activities of the South Australian Road Safety Council. This is a highly commendable approach in the interests of road safety in this State. Traffic accidents have been, and are continuing to be, of concern to all thinking and responsible people in this State, including members in this place. A press report headed "Road Deaths Near Record" in this morning's press states:

The death of a Victorian motorist in a level crossing smash near Crystal Brook yesterday has brought South Australia's road toll so far this year to 235 killed. This is 40 short of the record 1968 death toll of 275 and 16 below the toll of last year. Senior police said yesterday it appeared that South Australian motorists were out to set a new record this year. The toll was nearing an average of one killed a day.

Since then an article has appeared in this afternoon's press regarding an additional fatality that occurred last night at Naracoorte, bringing the State's road toll for the year to 236 persons. A Royal Automobile Association spokesman is reported as having said in the latest issue of the *South Australian Motor* that the death toll reads like a war-

time casualty list. He says it is time that we all realized that we are at war—at war with a problem as serious as a major epidemic. The amendment will provide an opportunity for road safety organizations to be given ample scope and adequate opportunity to try to reduce the road toll. The statistics I have quoted reveal the continuing increase in road fatalities and accidents on South Australian roads, and the fatalities that occur in Australia, and particularly in South Australia, are statistically as unfavourable as those of other highly motorized countries.

The matter of road safety should not be used as a political football. There is not much disagreement between the member for Mitcham and the mover of the amendment, except in relation to the appointment of a Minister of Road Safety. I believe that such an appointment, merely for the sake of making an appointment, would do nothing to control or reduce South Australia's road toll. The amendment seeks to provide the South Australian Road Safety Council with additional physical and financial assistance to expand its current activities of driver education and road safety propaganda and, I trust, to enable it to engage in other facets of road safety. I join with the mover of the motion in commending the South Australian Road Safety Council for the work it has done in the past.

One aspect to which attention has been given is that of driver education; this is a most necessary activity if we are to reduce our road toll. However, driving instruction should involve more than merely teaching a person to drive a motor vehicle: special attention should be given to driving attitudes. People who are learning to drive should also be instructed how to react quickly in emergency situations. The emphasis of attention to the task of driving is also important. Statistics show that most accidents are caused by inattentive driving, so any driving education must include a special appreciation of attentiveness to, and consideration of, other road users.

Yesterday a question was asked about a fatality which had occurred some months ago and in relation to which a magistrate commented about the issue of drivers' licences. I knew two of the persons who were killed in this accident and a parent of one of the boys, and to be closely associated with the tragedy and sorrow that accompanies a road accident is indescribable. I agree with the magistrate's statement that the issuing of a driver's licence should be considered carefully, adequate attention being given to all aspects of the applicant.

Many factors contribute to road accidents, a major factor being the human element. So far little use has been made of modern psychological techniques and motivation research on road safety. Human behaviour is often the result of underlying attitudes and motives not always obvious, and research could provide valuable and revealing information of underlying attitudes to traffic laws, road safety campaigns, and similar things. Subconscious motivation could affect road behaviour, and there is a need to investigate the desire to express masculinity behind the wheel. I am not saying that we should not have masculinity in certain respects, but statistics show that males between 16 years and 25 years of age are the most accident-prone. They tend to show off and are aggressive and adopt the spirit of competition that often leads to road accidents and fatalities. I consider that this masculinity should be tempered with and associated with self-discipline, skill, and consideration of other road users. This would be of inestimable value to road safety.

Roads and environmental factors are also important in reducing the road toll, and the co-ordination of the functions, as proposed in the amendment, will enable greater consideration to be given to accident prevention. The Minister, in moving the amendment, has said that automobile manufacturers also have an important part to play in road safety, and I agree. The responsibility of manufacturers in preventing or minimizing serious injury is important, and occupants of cars involved in crashes should be protected by adequate safeguards built into the vehicle. Although some advance has been made in this regard, unfortunately we still have a long way to go.

The approach to road safety in the past has resulted in many self-perpetuating myths. It is assumed that, when vehicles collide, one driver is right and one is wrong, or that there is contributory negligence by one party. Although reports are made and damages are assessed, research into the events leading up to the accident is undertaken infrequently, if at all. Such research would be of great value to road safety and a big improvement on the present system of having merely a report on the accident itself. In the final analysis, the real effectiveness of road safety measures depends on co-operation by the public, including all road users, whether they be vehicle drivers, pedestrians, or cyclists. Regulations and laws should be more than directives: they should be directives with reason, emphasizing

the potential danger to other road users of infringement of the law.

I suggest that, rather than emphasize the blood and gore side in road safety campaigns, we should adopt a more subtle and, perhaps I may say advisedly, more intelligent approach. People find it difficult to associate themselves with bleeding bodies, and they say, "It happens to the other fellow but it cannot happen to me." However, it can happen to anyone who takes a risk. Road safety campaigns should be dynamic, positive, appealing and informative. Obviously, the sole objective of the campaign should be, to use a modern phrase, to make safety the in thing. Road safety should be a socially desirable commodity. The programme of co-ordinating all sections dealing with road safety and expanding the activities of the Road Safety Council, as provided for in the amendment, would be of great value in reducing the road toll.

Mr. McANANEY (Heysen): I support the motion and consider that the amendment is unnecessary and achieves little. I do not criticize the Road Safety Council, which does a splendid job, but the damage and havoc caused on the road must be dealt with legislatively and if we have, as the motion suggests, a Minister in close contact with road safety and with the time to work in co-ordination with the Road Safety Council or any other such committee, this will reduce the number of accidents and the loss of life. Further, although this is only a minor point compared with reducing the loss of life, it will save expenditure. The average man pays about \$80 or \$90 a year for insurance, and this is a great burden to many people. If we had a Minister of Road Safety, the Road Safety Council could make submissions to that Minister and he could refer such matters to Cabinet. I have here a report submitted by the retiring Commonwealth Chairman of the Australian Road Safety Council in which most of the suggestions made with a view to preventing this road havoc would require legislative action. Road accidents are described as a "chief epidemic of the age" which, "like consumption or smallpox," can be reduced if not eliminated; but it is suggested that this will never happen unless we tackle the situation "free from ignorance, free from prejudice and free from our own vested interests".

As the member for Price said today when asking a question in the House, motor cars are definitely being manufactured so as to be capable of travelling at too fast a speed for the average person. I should think that

the speeds of which the modern cars are capable would be too great for 80 per cent or 90 per cent of drivers to handle satisfactorily. The manufacture of these fast cars is one reason why so many accidents occur. In addition, most accidents occur on straight roads or on roads with only slight deviations, whereas this does not apply on Hills roads, on which there are more bends, with the result that drivers are generally more careful. Over a certain period, about 30 people have been killed in accidents on the practically straight roads within 15 miles either side of Murray Bridge.

At the seminar held on road safety, it was stated that the Royal College of Surgeons was currently trying to obtain Commonwealth and State Government support for its objectives, and this shows that there is insufficient liaison between Governments and those who are interested in reducing the road toll. This emphasizes the fact that there must be a Minister who can co-ordinate activities and liaise with interested bodies in order to consider the necessary legislation to be introduced. It was stated also that the wearing of seat belts should be mandatory. Although many people may say that this is interfering with their liberty, I believe that once a person gets into the habit of fastening his seat belt it becomes automatic; indeed, once in the habit, a person feels almost as though he is not fully dressed unless his seat belt is fastened. This matter has never been properly considered by Parliament.

It was suggested also that the size of the special branch of traffic officers should be greatly increased. Although such a branch functions in South Australia it is only to a limited extent, and there must be more specialized people who can apprehend traffic offenders. As I drive to the city each day along the Henley Beach Road and see what other drivers do on that road I am amazed that more accidents do not occur. I agree that perhaps it would be a good idea for other States to reduce to 16 years the age at which a person can obtain a licence, for a person of this age often is more cautious than a person of 18 years of age. When a young person reaches 18 years of age, he has often developed certain interests that may distract his driving, and some people at this age often wish to show off.

It was suggested that the laws relating to driving under the influence should be more strict and that drivers who had been apprehended twice in respect of a high breath-

lyser reading should be treated as alcoholics and banned from driving for life. I believe that this should be considered and that we should protect those who have a sense of responsibility on the roads. Penalties are not sufficiently severe. If a person wishes to have a night out, he could leave his car home and take a taxi, and this is something that we must instil in people's minds. Rigid penalties will result in fewer road accidents. The suggestion was made that the English major road system should replace our system of giving way to the right, and this is a matter concerning which there are advocates on both sides. Although I cannot give an expert opinion on it, I think it is a matter that should perhaps be considered by a committee of inquiry.

It was claimed that there should be a minimum deposit of 25 per cent on cars sold to young drivers; otherwise, the driver (and this could include adults) might have a lack of responsibility and no pride in the ownership of the car. As a result, he might take more risks than would someone else who had a greater interest in his car. I agree with the suggestion made that the top speed of cars should be limited to about 70 miles an hour.

One thing that is certain is that, unless the carnage on our roads is stopped, motor vehicle insurance premiums will continue to increase. However, unless some of the things to which I have referred are done, the carnage will continue. The Roads and Transport portfolio is already a full-time job that is possibly more than the present Minister can handle. He has said that he relies entirely on experts, not using commonsense, so perhaps he is not able to get far with regard to road safety.

We need a Minister of Road Safety with the time available to liaise properly with the Road Safety Council, the medical profession and other organizations involved. Members of the medical profession see the awful tragedies that result from road accidents. Perhaps those who are killed in some accidents are the lucky ones, when one thinks of people who finish up at Minda Home or of those who have lost the use of their arms and legs, their lives being completely ruined. Although the amendment to the motion has some froth and bubble that has certain merit, I do not consider the amendment to be necessary. I support the motion, for we must have a Minister of Road Safety who will liaise with the various bodies interested in road safety, and co-ordinate their activities.

Mr. PAYNE (Mitchell): I support the amendment. I fully endorse what the member



for Peake said yesterday about the time wasting that takes place in debates in this House, particularly by Opposition members this session. I will try to be brief.

Mr. Clark: You realize that it isn't always deliberate.

Mr. PAYNE: I am glad to hear that, but it has the same effect. The only thing that the member for Heysen said that made sense was that he believed that the action needed in the road safety field should be by the Road Safety Council's bringing forward items and ideas to a responsible Minister. I agree, but that is going on now. In his motion, the member for Mitcham wants us to have a Minister of Road Safety appointed to co-ordinate all efforts to increase road safety. In order to convince us of the need for this, the honourable member told us about the appalling road accident statistics. None of us disputes the figures, as we all know the position; we all have strong feelings about the terrible carnage that occurs on the roads. Next, the member for Mitcham read a letter from a man who admitted that he did not even know how to get in touch with the Minister of Roads and Transport (at least that is what the member for Mitcham said, making it sound as if it was difficult to do this). That is the kind of evidence that the honourable member brought forward to support his claim. At about that stage, I began to see what the honourable member was driving at. He said that we needed more action in regard to road safety and that the way to go about that was to appoint another chief. What rot! What we need are more Indians, for we have enough chiefs. Presently I will say where the Indians are needed.

For some curious reason, the member for Mitcham seemed to shy away from referring to the Road Safety Council, the body that the Minister referred to in the amendment as being the organization through which we can properly improve and co-ordinate road safety in this State. I support the Minister's view about the Road Safety Council and its efficacy in the area, and so do many other people. To this end I wish to quote the following from the opening address of the Hon. C. M. Hill at the second public meeting and seminar of the Road Safety Council of South Australia that was held in March, 1970:

I can't speak too highly of the work which is done by the Road Safety Council in this State in regard to its promotion for road safety. We are very pleased with the Chairman, Mr. Bruce Boykett; he is particularly well known in the motor industry in South

Australia. He, the members of the council, and the staff do a grand job.

That statement was made by the previous Minister of Roads and Transport. Apparently this is another example of the lack of togetherness of the members of the Liberal and Country League in the two Houses, which has been referred to earlier. Concluding his remarks, the member for Mitcham said that the Government was not doing as much as it should do about road safety. I suggest that the honourable member does not know what the Government is doing and, worse, he does not even remember what his own Government did in 1969, when it set up a committee under Mr. Pak Poy. That committee had the job, as the present Minister has said, of advising the Government on all measures to improve standards of safety and to reduce the road toll, and its report is due shortly. I do not intend to go on showing up the Opposition.

Mr. Becker: It's a private member's motion.

Mr. PAYNE: Well, Mr. Speaker, the member for Hanson can say that, but I remind him that the other day the Minister of Roads and Transport said that what was in the motion was also in the policy speech of the L.C.L.: that shows how much it is a private member's motion. I believe members opposite will benefit from the following extract from paragraph 4 of the rules for the functioning of the Road Safety Council:

The objects for which the council is established are:

- (a) to secure united action by all sections of the community for the prevention of incidents involving death or personal injury or damage or injury to property on roads, streets or highways;
- (b) to advise, assist and co-operate with governmental, semi-governmental and local authorities and private activities on the adoption of precautionary measures of all kinds calculated to prevent incidents on roads, streets or highways and to minimize the danger and mitigate the consequences thereof; and
- (c) to devise, advocate and promote and encourage the adoption of precautionary measures of all kinds which may seem to the council calculated to prevent incidents on roads, streets or highways and to minimize the danger and mitigate the consequences thereof.

That is part of a comprehensive set of instructions under which the Road Safety Council operates. After the member for Mitcham had made his bungling effort to have a political shot at the Minister, we heard from the No. 3

henchman in this field, the member for Alexandra, who said:

We need a man in the policy-making area of the State, a man who is able to carry through to Parliament recommendations for legislation. He was right, too, and I agree with him for the first time since I have been a member. However, I point out that the present Minister of Roads and Transport performs this function, and he does not need to fill out newspapers to support any legislation of his, either. The member for Hanson, who was the next Opposition speaker, gave us the thrilling news that he had written a letter to the Royal Automobile Association. What the honourable member did not realize was that the R.A.A. replied, virtually in accordance with our amendment, as follows:

The policy of the association as most recently stated in a submission to the South Australian Government Committee of Inquiry into Road Safety last year is as follows:

That a properly equipped, staffed and financed organization be set up in South Australia, preferably under the direction of a responsible Minister, to undertake basic research into the causes and prevention of road accidents and to continually examine all aspects of safe road usage.

(Note: It is considered that this might be achieved by expanding the function of the Road Traffic Board and co-ordinating the activities of the Road Safety Council of South Australia.)

Mr. Becker: They didn't want to take sides.

Mr. PAYNE: I shall ignore that interjection, following your instructions, Mr. Deputy Speaker. The reply continues:

There has been no specific association decision regarding the creation of a separate portfolio, as this is considered to be within the function of Parliament and Government—

I ask honourable members to listen closely to this paragraph—

bearing in mind the necessary co-ordination that would be required with other road and traffic authorities who now operate under the direction of the Minister of Roads and Transport.

How dopey can we get if we take a set-up already co-ordinated and appoint another body to be responsible? That would be ridiculous. I believe I have shown (as the Minister stated and, indeed, our amendment provides) that we already have the right organization for road safety and the co-ordination of such activity in this State, the Road Safety Council of South Australia; and we have the right Minister to control the activity, the Minister of Roads and Transport.

Mr. Jennings: Where would you stop? They want a Minister of Sport.

Mr. PAYNE: True, they want a Minister for everything. They are so fond of telling people what they should do that they think people should be told what to do all the time. I believe that the existing representation on the Road Safety Council is good, but two additional members would help. First, there should be a child psychologist—I am not a medical person and perhaps I am not using the correct term—on the council, and a representative of a much maligned group of our young people, the 20-year-old to 25-year-old sports car drivers. I believe a child psychologist would serve a useful purpose in being able to determine the probable impact of the council's educational campaigns that are being directed to children.

I should like to see the \$50,000 that would be involved in setting up the suggested Ministry, as requested by the motion, to be used to provide more Indians in the council and to provide more training courses and instructional literature. The Road Safety Council was set up as a result of the efforts of the Walsh Labor Administration, and South Australia can be proud of the work of this council and of its staff, which operates on a small budget. For 1969-70 the budget of State and Commonwealth funds for this organization was about \$36,000, and I want Parliament to know of the great efforts of the council and of its full-time staff of four people, the Secretary (Mr. Plews), two field officers and one secretary-typist. The amount granted to this council had to cover salaries of these four people as well as financing the activities of the council.

The council is now producing a good quarterly magazine *Road Alert*, and its circulation is so good that the council is able to have it produced at no cost while receiving a payment of \$100 an issue from the publishing agents. That circulation emphasizes the excellent contents of the magazine, as it is obvious that it obtains adequate advertising revenue. As the Minister has said, the council deserves to be commended for the work it is doing in educating people in road safety principles, and particularly for its work in schools, an area in which I believe we will obtain the best results. I quote from page 2 of the syllabus and advisory notes of *Road Safety Education*, issued by the Road Safety Council and the Education Department, as follows:

To develop the correct attitude of mind when using the road by the acceptance of personal responsibility for correct road usage.

I think it was the member for Alexandra (and I do not want to do him an injustice if it was not he) who said that it was sad and shocking how people accepted road accident figures, which he likened to the casualties of a small war. I agree with what he said, and I think this is one reason why we accept the shocking road figures. We know why most road crashes (and I use that word, and not "accidents") occur: they occur because of our nature and because of the kind of people we are. I believe that the best results will be obtained by educating schoolchildren in the wisdom of road safety and of safe driving.

One small ray of light has been discerned recently, and I refer to the Adelaide study involving 333 high school students and a similar controlled group. The properly trained and educated group showed a 50 per cent better record of road behaviour. I believe this study was conducted over a period of about three years and, although I do not suggest that this will solve all our road problems at once, it is a positive move. I welcome the announcement in the Government's amendment that it intends to expand the activities of the Road Safety Council by increasing road user education. For that reason, I support the amendment.

Mr. VENNING (Rocky River): I support the motion. The honourable member who has just resumed his seat condemned Opposition members for wasting time, but he has become a victim of his own propaganda and fallen into that category himself. He spoke about what existed at present to educate people in road safety. However, under the heading, "Death lifts toll to 236", an article in today's *News* states:

The road toll so far this year is 39 short of the record 1968 toll of 275, and 16 below the toll for last year. However, if the number of road deaths continues at the current rate, South Australia can expect about 350 people to die this year.

A Royal Automobile Association of South Australia spokesman said in the latest issue of the *South Australian Motor* magazine that the R.A.A., in common with every other responsible body and individual in Australia was appalled at the continuing loss of life and the legacy of misery brought about by road accidents. "The death toll reads like a wartime casualty list," the spokesman said. "It is time we all realized that we are at war—at war with a problem as serious as a major epidemic."

The previous speaker mentioned the various organizations working for road safety, but despite their efforts our road toll continues to rise. I therefore emphasize the importance

of this motion. When asking a question about road safety yesterday, I tried to read a copy of a letter that was sent to the Attorney-General by the two doctors in a town in my district. Unfortunately, I could not read all of it, so I would like to do so now, as it relates to this important issue. The letter states:

We would like to draw your attention to the fact that this year in our district there have been two head-on collisions involving fatalities into neither of which a coroner's inquest was held. On January 19, in a collision on the Manoorra-Burra main road, six people were killed, and on April 26, on the Auburn-Watervale main road, three people were killed. We obtained from the police the information that in each accident one of the drivers was found to have a blood alcohol level more than twice the statutory .08 per cent limit. As the booklet *General Instructions to Justices of the Peace* clearly states "wherever there is reason to suspect that death may have been caused by the fault or crime of another, an inquest should be held", we would ask your intervention to order inquests into these accidents.

The Auburn coroner refused the requests of ourselves and the solicitor acting for our deceased patients' relatives for an inquest into the second accident, and we consider this a miscarriage of justice and against public interest for the following reasons:

- (1) The coroner's refusal to investigate possible criminal liability severely prejudices the chances of relatives, particularly those of poor means, of pursuing suits for damages.
- (2) To the distress of relatives, the good names of drivers innocent of any responsibility for the accidents have been libelled by the common knowledge in the district that some drivers were grossly under the influence of alcohol, the coroner having nevertheless refused to publish the names of same.
- (3) It is of the utmost importance that maximum publicity should be given to the fact that it was drunken drivers who caused these terrible accidents involving the loss of so many innocent lives.

Until you ensure that coroners in the country follow their legal and moral obligations and always hold inquests into fatal road accidents so that public opinion can be roused against drinking drivers, the tragic road toll will continue.

I was appalled yesterday to hear the Minister of Roads and Transport say that a breakdown was occurring in this regard between the medical profession and other sections of the community. The two medical practitioners to whom I have referred are doing all they can to highlight some of the difficulties they face in their profession. I therefore hope that, when the Attorney-General receives the letter that I

have read, he will take the necessary action to see that a Coroner's report is made concerning these accidents, as I believe that the Attorney-General, under amendments made to the Coroner's Act last year, has the power to do this.

Like the member for Heysen, I was interested to read the 1970 winter issue of the publication *Insurance News and Views*, which some honourable members may have received recently, the editorial of which refers to comments made by Sir James Darling, who is soon to retire as Chairman of the Australian Road Safety Council. Sir James described road accidents as the chief epidemic of the age. Addressing guests at a Victorian Road Transport Association dinner recently, Sir James, a 70-year-old man of wide public experience, said:

Road accidents can be reduced, if not eliminated; but this will never happen unless we tackle them free from ignorance, free from prejudice and free from our own vested interests. A similar conclusion was reached at the close of the 1969 Road Accident Seminar conducted by the Royal Australian College of Surgeons. The overall conclusion of that seminar was that continuing research into the causes of, and cures for, road accidents and the care of those injured must be conducted by a properly constituted body set up in Australia if any real progress is to be made. The Royal College is currently trying to get Commonwealth and State Government support for this objective.

Continuing his swan-song speech, Sir James said that there was no argument at all that seat-belt wearing should be mandatory; that there should be a greatly increased special force of traffic men on the road—a squad divorced from normal State police; that as it is nonsense to try and teach tough creatures of 18 years of age how to drive, the licence age should be reduced to 16 years; that drunk-driving laws must be more harsh and that drivers caught twice with very high breathalyser readings be treated as alcoholics and banned from driving. Sir James advocated, also, that the English major road system should replace our give way to the right system; that there should be a minimum deposit of 25 per cent on cars sold to young drivers and that car manufacturers should be forced to limit top speeds to around 70 miles an hour. Inevitably there will be some differences of opinion regarding Sir James's essential requirements, but great weight must be placed on the opinion of a man who has had nine years in the top road safety job in Australia.

One thing is certain: that, unless the road toll is reduced, motor vehicle insurance premiums will rise. However, that is not our concern at present: we are concerned to ensure that something is done to curtail the increasing road toll. Being a country member, I have to travel a fair

distance to perform my Parliamentary duties, and it is pleasing to see that the Highways Department is doing much work on our country roads; it is widening and improving roads in many areas, and this must relieve the accident situation. In the past modern vehicles travelling in the opposite direction have passed within inches of each other at 60 miles an hour, which has resulted in many accidents occurring. The Highways Department reconstruction programme throughout the State will do much to relieve this situation. I commend the member for Mitcham for moving this motion, and I wholeheartedly agree that a Minister should be appointed to deal with road safety matters.

Mr. BROWN secured the adjournment of the debate.

#### OMBUDSMAN

Adjourned debate on the motion of Mr. Evans:

(For wording of motion, see page 513.)

(Continued from August 26, Page 1080.)

Dr. TONKIN (Bragg): I support this motion, and shall speak only briefly, because I think the member for Fisher covered the matter well when he moved the motion. The purpose of appointing an ombudsman is not to weaken the role of a Parliamentary representative, or to improve the working procedures of Government agencies, but basically to reassure and protect people who consider that they have been hardly done by. I emphasize that I am referring to people who consider they have been hardly done by. Perhaps they have not been so treated, and have had a fair deal, but they have some cause for believing that they have not had the deal that they think they should have had.

We all know of cases where properties have been valued and acquired and, although the valuation may have been fair, the person often considers that he has not received a fair price. He needs reassurance. The same applies in medicine, when a patient may telephone a doctor one evening with some complaint that is worrying the patient considerably. He could quite easily be suffering from something not very serious or important, and this may be obvious to the doctor when speaking on the telephone. Yet, because that person is worried or concerned, the doctor has a duty to go and see him and reassure him that same evening.

Mr. Ryan: The doctor still charges him.

Dr. TONKIN: That is as it should be. Reassurance is part of the treatment and function of any doctor just as much as is treatment of a physical disease, and in this regard I support the appointment of an ombudsman, because I think that, while members of Parliament may receive representations from constituents, some people will not be reassured entirely by the member's efforts, and it is for these people that the ombudsman will be appointed. He will be appointed for those people who genuinely consider that they have a complaint and for whom a full and independent inquiry, followed by full reassurance, will be the only way to have them accept that, perhaps, society has not done so badly by them, after all.

I think that, if an ombudsman is to be effective, the first approach should be made through the member for the complainant's district, and the matter should be referred to the ombudsman if the complainant is not satisfied with the result of the first inquiry or if the member is not satisfied with the details he has been able to obtain. I repeat that the main functions of an ombudsman are of equal importance. They are a full and independent investigation, with all the relevant details at hand, followed by redress, the righting of any wrong that may be found, and, most important of all, followed by the reassurance that can be given following an independent inquiry. I cannot emphasize too much that, regardless of whether other people consider a complaint serious or trivial, every person has the right to feel satisfied that his own personal complaint has been investigated fully, and every person has the right to be reassured in that regard. I support the motion.

Mrs. STEELE (Davenport): I oppose the motion, for much the same reason as I opposed the motion moved by the member for Mitcham in about 1967, although at that time that honourable member moved for the appointment of a Select Committee to investigate the appointment of an ombudsman, whereas this motion is for the appointment of an ombudsman without having a Select Committee investigate the matter. My main objections are (as they were then) that I understand members of Parliament to be elected to look after the interests of people, as well as to contribute to the debate on legislation introduced in Parliament.

We all know that, in and out of session, much of our time is taken up in attending to requests by our electors and following up their complaints to try to get satisfaction for them.

In the many years that I have been a member, I have found that this work constitutes for me a most interesting part of my Parliamentary duties, because it gives me an opportunity to meet electors personally and to pursue their interests. I consider that this is how a member builds up his reputation in a district and confirms his standing in that community.

On the last occasion when a similar motion was before the House, most of us represented large districts, many of which contained increasing numbers of electors we had to look after. That position does not apply now, because the State has been divided into 47 districts and all metropolitan districts are about the same size, whilst country districts have similar quotas. However, my objections to this kind of motion are just as valid today as they were then, and we had much more to do then than we have now. I consider that, as a member settles into Parliamentary life and finds the kinds of problem that people bring to him, he or she builds up contacts with Government officials, and here I should like to pay a tribute to members of the Public Service. During the time that I have been in Parliament, I have found them most cooperative and anxious to help, and I consider that they have the interests of the people at heart, as is shown by the way they try to help members.

Of course, one does not always get the desired reply and has to give a disappointing reply to the person with a problem. However, we realize that often there is no redress under the legislation that covers the complaint and that decisions are enforced statutorily and cannot be varied. In this respect, in the last few weeks since the last water rate assessments have been issued, if other members are like me, they will have received many letters from constituents who are complaining. Electors often do not understand the legislation about which they are complaining, and it is our job to explain it to them, to show them what certain provisions may cover, and to say why there is no way of removing an obligation, for example, to pay a certain sum that may be due. If members are not satisfied with the answers received after making representations on behalf of a constituent, they always have access to the responsible Minister and an opportunity to press the matter in this way.

I think an ombudsman was first appointed in 1809, in either Sweden or Finland, and since that time many countries have considered making a similar appointment but, following the research that has been undertaken into the

matter, few countries have proceeded to do so. An ombudsman has been appointed in Finland, Norway, Sweden, New Zealand and the United Kingdom, and I think that the authorities in one or two Australian States have considered making this appointment. However, the countries in which an ombudsman has been appointed are in a minority. Because of the duties that an ombudsman will be required to perform and because of the high degree of impartiality required, I do not believe that it will be easy to find a man or woman for this position. As I have said, an ombudsman must be completely impartial politically, and I think that to appoint this officer we would need to go outside Australia and to pay a high salary.

I have found a reference to the effect that in, I think, Sweden the person appointed as ombudsman was a judge from a lower court who, when elevated to the position of ombudsman, received the salary of a Supreme Court judge. Having dealt recently with legislation seeking to increase judges' salaries, all members will be conversant with the kind of salary to be paid an ombudsman if one is appointed in this State, and I believe that this will be an extra burden on taxpayers. In the main, I consider that the people of South Australia are adequately served by their member of Parliament; if they believe that they are not adequately served, they have their own remedy at the next election and need not vote so as to keep their current member in office. I cannot help thinking that members of Parliament should be jealous of their opportunity to serve electors and that they should not need or wish to hand over this responsibility to another person. I regret that the Attorney-General has given the seal of his Government's approval to the appointment of an ombudsman, for this will have the effect of removing from a member of Parliament one of his most rewarding duties, namely, serving the people who have elected him to Parliament. It also represents a disservice to Parliament.

As I said recently when speaking on another matter in this House, the Parliamentary processes are not held by the public in the high regard in which they used to be held, and the reputation enjoyed by members in the past was far better than the reputation they enjoy at present. Therefore, the appointment of an officer, who will usurp some of the responsibilities of members of Parliament and who will cause more public money to be spent on a function, which I believe members are much

better able to perform, will be doing a disservice to Parliament. I oppose the motion.

Mr. MILLHOUSE (Mitcham): I do not often find myself opposed to the view of my fair colleague, the member for Davenport, but on this occasion I do. I speak in this debate only to say that I support the motion. Last year, when the matter came before the House, I voted against it, because I was a member of a Cabinet which, as a matter of policy, was not prepared to support the motion and, therefore, as a member I went with the majority because of the principle of Cabinet solidarity. However, I think I made it pretty obvious in 1966, when I moved for a Select Committee, which was turned down by the Labor Government of the day, that I personally favoured an ombudsman, and personally I have never wavered from that view. In fact, what has happened since has rather confirmed me than otherwise in my view that an ombudsman is necessary, desirable and, indeed, inevitable. I think that before long every Parliament, or every Parliamentary democracy, will have an ombudsman.

It is a sad reflection in some ways on the functioning of Parliament that members of Parliament now cannot undertake the tasks of investigation to their own satisfaction or to the satisfaction of the general citizenry, but it is a fact (and contrary to what I think the member for Davenport was saying) that my experience over 15 years is that it is not by any means always possible to get to the bottom of a matter. If one is a member of the Opposition, as I am now, there is automatically a barrier of suspicion put up by the Ministers. I see the member for Stuart smiling at that, but this is not any reflection on the present incumbents of the front bench: I think I probably had the same automatic reaction when I was over there myself. However, there is automatically a barrier between a member of the Opposition and the Government.

Let us not kid ourselves about that; it is true. If one is a back-bencher on the Government side, one is to a degree, and usually to a large degree, inhibited from criticizing publicly the Cabinet which one supports, and ultimately this is often the only way to get satisfaction, although one hesitates to do it. Therefore, on whichever side members happen to be, there is a difficulty in getting to the bottom of matters, and there have been many matters in the time that I have been here in which I have not been satisfied that justice has been done. In spite of all my efforts (and I

hope members will forgive me when I say that I have been as assiduous as I could be, and even perhaps more assiduous than some), I have not always been able to get satisfaction either for a constituent or for myself. I think this illustrates, from my own personal experience, the need for an ombudsman. The member for Davenport mentioned a number of communities in which there are now ombudsmen. As I say, I think the practice will grow.

In 1966, I mentioned New Zealand, which in this as in so much legislation was a pioneer, and the appointment of Sir Guy Powles as Ombudsman for that country. I had the advantage in March of this year of being in New Zealand to attend a meeting of the Standing Committee of Attorneys-General and, although I was not able to meet Sir Guy Powles, I was able to make inquiries. I found that his office was accepted, that he himself was held in high repute and that, generally speaking, his appointment had been a success.

The Hon. L. J. King: What size staff has he?

Mr. MILLHOUSE: A very small one. I cannot remember exactly, but my recollection is that he may have two legal practitioners and two typists. One amusing sidelight was that the first person I asked about him as soon as I arrived in New Zealand (I was met at Auckland airport by somebody from the Attorney-General's Department and this was a matter in which I was particularly interested) said, in reply to my question, "He's getting on all right, but we were very careful when we drew up the legislation to make sure that he could not poke his nose into the Attorney-General's Department." This is one of the dangers. This is one of the things we shall have to be careful of, and I hope the Government will be careful of it when it drafts the legislation.

I hope, too, that the ombudsman will be a Parliamentary officer in the true sense (not like the Auditor-General, who people have been fond of saying in this place for many years is a servant of Parliament, whereas he is not: he is in the same position as any other public servant), that he will be answerable to Parliament and not to the Government of the day, and that he will be given powers of inquiry into every Government department. I may live to regret saying that if ever I am in office again and we have an ombudsman, but I do not regret saying it now. He should have powers of inquiry into every

department if he is to be effective. I seek leave to continue my remarks.

Leave granted; debate adjourned.

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

#### POTATO MARKETING ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendment:

Page 1, after line 8 (clause 1)—Insert:

1a. Section 16 of the principal Act is amended—

(a) by inserting immediately after paragraph (c) the following paragraph:

(ca) by way of security for any loan—  
(i) give a mortgage over the real property of the board;

or

(ii) create a charge, either specifically or generally, over all or any of the assets of the board;

and

(b) by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsection:

(2) Notwithstanding anything in any Act, a charge created by the board pursuant to paragraph (ca) of subsection (1) of this section shall be a first charge upon the assets so charged.

Consideration in Committee.

The Hon. J. D. CORCORAN (Minister of Works): I move:

That the Legislative Council's amendment be agreed to.

With regard to new clause 1a (a), the question arose whether the South Australian Potato Marketing Board had the power to create a floating charge over its assets. The effect of the proposed clause, which amends the section of the principal Act that deals with the general powers of the board, will put the matter beyond doubt. Proposed new subsection (2) of section 16 provides that any charge so created shall have effect as a first charge over the assets charged, thus placing the board in substantially the same position as it would be in if it were a company incorporated under the Companies Act and had registered the charge pursuant to that Act.

Mr. McANANEY: I support the amendment. Without thoroughly examining the matter, I think this problem was covered by the provision in the Bill as it left this Chamber. However, as this amendment makes the position clearer, I think we should accept it.

Amendment agreed to.

**LOTTERY AND GAMING ACT AMENDMENT BILL**

Read a third time and passed.

**GOODWOOD TO WILLUNGA RAILWAY (ALTERATION OF TERMINUS) BILL**

Read a third time and passed.

**SUPREME COURT ACT AMENDMENT BILL (SALARIES)**

Read a third time and passed.

**COMPANIES ACT AMENDMENT BILL**  
In Committee.

(Continued from September 1. Page 1163.)

Clause 2 passed.

Clause 3—"Restriction upon offering shares, etc., for subscription or purchase."

The Hon. L. J. KING (Attorney-General): During the second reading debate the member for Mitcham and the member for Torrens referred to certain communications they had received from industrial and provident societies that suggested to them that certain legitimate activities of those societies might be affected by the provisions of this clause. Having consulted with officers since then, I think it desirable that the Government should consider any submissions that these societies wish to make. As a subsequent amending Bill can be introduced later in the session, I suggest that in the circumstances the committee should agree to voting out this clause.

Mr. MILLHOUSE: I appreciate the Attorney-General's attitude. As I made clear yesterday, I do not know whether or not there is any substance in the points put to Opposition members, but I think the Attorney has taken the proper course in agreeing to the Committee's voting out this clause so that he can consider the matter and re-introduce this provision in another Bill if he thinks that is justified.

Clause negatived.

Title passed.

Bill read a third time and passed.

**EVIDENCE ACT AMENDMENT BILL**

In Committee.

(Continued from September 1. Page 1176.)

Clause 3 and title passed.

Bill read a third time and passed.

**GOVERNMENT BUSINESS**

The Hon. J. D. CORCORAN (Minister of Works) moved:

That Orders of the Day, Government business, Nos. 6 and 7 be postponed and made Orders of the Day for tomorrow.

Motion carried.

**PROHIBITION OF DISCRIMINATION ACT AMENDMENT BILL**

Adjourned debate on second reading.

(Continued from September 1. Page 1154.)

Mr. MILLHOUSE (Mitcham): I support the second reading of this Bill. It is in the same form as a Bill which left this Chamber during the last session but which was returned to this House, I think on the last evening of the session, with an amendment, and we just did not have sufficient time to deal with the matter and reconcile the differing points of view. Members will recall (and I think the Minister may have said as much in his second reading explanation yesterday) that last year there was what some people regarded as discrimination in a hotel at Port Augusta and, as a result of that, the then Leader of the Opposition introduced a Bill to amend the principal Act. When he introduced the Bill, it was not in a form acceptable to the then Government, and I moved some amendments which made it acceptable to the Government and which were, because of the good sense of members at that time, accepted by this House, and so the Bill went on its way to the Legislative Council. As I have said, on the last evening of the session we did not have time to reconcile the differences. I consider that we could have done so if there had been time, but we did not have time.

Mr. Burdon: You're a real pessimist!

Mr. MILLHOUSE: I am an optimist, really, and I consider that we could have reconciled our differences. Now we are going back a few squares to the position we were in when the Bill left this House last session, and I hope that the other place receives the measure favourably and that we will be able to amend the Act. I should like to ask the Minister about the fate of a couple of matters concerning discrimination that were pending when I left office. I had referred, I think, two matters to the Crown Solicitor's Department for consideration of whether prosecutions should be instituted under the Act.

Those matters came, I think, through the police, and I was most anxious that prosecutions should be launched in the circumstances as I recall them, if the evidence were sufficient to justify that course; in other words, if it were likely that a conviction would follow the laying of the complaints. As I have not seen any report of the fate of those two matters, I should be glad if the Minister could let me know whether he has instituted any proceedings under the Act. Perhaps when he



replies to the second reading debate it will be convenient for him to give me this information.

The Hon. L. J. KING (Minister of Aboriginal Affairs): I am aware of only one matter that has been referred to me to authorize a prosecution under this Act, and I authorized that prosecution shortly after I came into office.

Mr. Millhouse: Was that the Port Adelaide one?

The Hon. L. J. KING: No, this was a Port Augusta matter also, not the one that was referred to in the second reading explanation.

Mr. Millhouse: This was when they came down to give evidence?

The Hon. L. J. KING: That is right. That prosecution is pending. I think it has actually been before the magistrate and has been adjourned. I have taken some pains to make no reference to that matter, because it is currently before the court. I am not aware of any other matter but, if it is the honourable member's recollection that there was another one, I will inquire.

Mr. Millhouse: There was one.

The Hon. L. J. KING: I will find out what happened to the other matter and let the honourable member know later.

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

#### LOCAL GOVERNMENT (CITY OF WOODVILLE WEST LAKES LOAN) BILL

Adjourned debate on second reading.

(Continued from September 1. Page 1155.)

Mr. HALL (Leader of the Opposition): Mr. Speaker—

The Hon. G. T. Virgo: Just support the Bill, and you are safe!

Mr. HALL: The Minister's tremendous enthusiasm for this Bill makes me suspicious of it, because I have come to regard him as something of a stand-over merchant in these matters. His over-recommendation is no recommendation. I understand that this Bill will require a Select Committee—

The Hon. G. T. Virgo: I told you that a few minutes ago, and names were discussed.

Mr. HALL: It is helpful to have the Minister making part of my speech for me.

The Hon. G. T. Virgo: I am always ready to co-operate.

Mr. HALL: As he knows, I have been unable to give as much time as I should have liked to the study of this Bill because of the other activities the Minister has entered into that I have had to study, check, and correct;

so it goes without saying that I shall be relying heavily on members of the Select Committee to report to my Party on their findings and their belief in the validity of this Bill and the useful work it may achieve. In his second reading explanation of the Bill, the Minister said:

Its purpose is to authorize the Corporation of the City of Woodville to borrow money for the purposes of discharging and performing its obligations in connection with the West Lakes Development Act and its related indenture, subject to a borrowing limit to be fixed by the Minister.

The West Lakes Development Scheme is something of which we on this side are proud. As you know, Mr. Speaker, it began under the Playford Government, when an extensive plan was drawn up departmentally to transform what was, and still is at this moment, a swamp wasteland in one of the most favourable positions adjacent to this city into a high-value and desirable living area. When we were temporarily out of office between 1965 and 1968—

Mr. Ryan: Which is now permanent.

Mr. HALL: —the Government negotiated with the developers for a scheme very hurriedly before the 1968 election. I say "hurriedly" because I understand many of the documents were drawn up during the lunch hour! Consequent upon this, it was obvious that many amendments had to be made to that indenture before it could meet public scrutiny. Therefore, when we came to office in 1968 we embarked on a large-scale renegotiation with the developers of the contract to develop this area, and this took some months. In the end, we achieved a most desirable developmental procedure, which the House subsequently ratified.

This Bill follows the responsibility that then devolved on local government in that area to achieve the infrastructure to support the developers in their move to provide various means of supplying the living areas, the commercial areas and the waterways that will produce the most desirable aspects of this development. Therefore, I believe that this is a most necessary Bill, and I commend the Minister for once again following the policy established by the previous Government and for seeing to it that the developmental aspects set in motion by the previous Government are carried through. It makes one wonder what the Government will embark on when it runs out of this type of work that has been left to it.

The various safeguards appear to be included in the Bill. As I have said, I will rely

heavily on the Select Committee that will report back to this House. Knowing that the necessary safeguards are in the Bill, and realizing the tremendous achievements that ultimately will occur in this area, I am very happy to give my support to the second reading and to consult later with the representatives that my Party will have on the Select Committee.

Bill read a second time and referred to a Select Committee consisting of the Hon. G. T. Virgo and Messrs. Becker, Harrison, Mathwin, and Ryan; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on Tuesday, October 13.

### GOVERNMENT BUSINESS

The Hon. J. D. CORCORAN (Minister of Works) moved:

That the resolution, passed this day, that Orders of the Day, Government Business, Nos. 6 and 7 be postponed and made Orders of the Day for tomorrow, be rescinded.

Motion carried.

The Hon. J. D. CORCORAN (Minister of Works) moved:

That Order of the Day, Government Business, No. 6 be an Order of the Day for tomorrow.

Motion carried.

### CONSTITUTION ACT AMENDMENT BILL (ADULT FRANCHISE)

Adjourned debate on second reading.

(Continued from September 1. Page 1153.)

Mr. HALL (Leader of the Opposition): There seems to be general confusion amongst Government members, as they move motions, carry motions and rescind motions. Apparently we have now reached the stage where we will discuss this Bill and the changes proposed by the Government in it. Of course, there is no confusion in the minds of Government members about what they are trying to achieve in this or any other Bill concerning the Legislative Council. They have only one aim: it is the objective of the South Australian Labor Party to abolish the Legislative Council. Some of my friends opposite nod, confirming what I have noted in the written platform they present to the public. At least they make no secret of their hatred of the Council. Nothing is more irksome to a Labor Party Government in South Australia than having to have its legislation proceed through a House of Review. In the 11½ years I have been a member, I have always noted the hatred that members opposite have always had for the Council.

Therefore, despite all the major pieces of legislation in the Government's programme that still have to be introduced this session, with nearly three years to pass before the next planned election (if the Government sees out its full term), within the first three or four months of its term of office, the Government has introduced a Bill to provide for adult franchise for the Legislative Council. There is no accident in the timing of the introduction of this Bill. Only recently the Government attempted in this House to get an unfair advantage at the Midland by-election by trying to have a referendum on shopping hours held on the same day. That would have made the by-election for the seat of Midland completely one-sided, as it would have compelled the electors living in the metropolitan part of the Midland District to vote, while allowing electors in the country part of that district to vote voluntarily. Having had one try and having failed, the Government is trying to highlight the matter of adult franchise at this time.

Mr. HOPGOOD: Are you for the Bill or against it?

Mr. HALL: My friend opposite demonstrates his eagerness to try to divide the Opposition.

Mr. HOPGOOD: Will we know before you sit down?

Mr. HALL: We know the motive of members opposite in presenting the Bill to the House, and so do many other people. In his few years in this House (and he will only have a few years in the House) the member for Mawson will learn a lot. It is rather remarkable that the democrats opposite are so persistent in proceeding with this measure. With regard to these great democrats of the Whitlam Party, I point out that I saw in a newspaper late last week that Mr. Whitlam had said that those members of the Labor Party who did not agree to the Party's proposals in relation to the Vietnam conflict could and should resign from the Party. That is the sort of discipline in the Labor Party: these are the great democrats. They are democratic as long as one agrees with them but, if one does not agree, one can get out. That is the Party's motto, Mr. Speaker, as you well know.

The SPEAKER: Order! There is nothing in the Bill about Vietnam.

Mr. HALL: The Bill has many wide-ranging implications. People should be made aware of the motives behind the introduction of this Bill, having regard to the so-called democratic procedures espoused by members

opposite. In explaining the Bill, the Attorney-General made much of the democratic procedures that were the basis of his thinking in introducing the Bill. What do members opposite think of the voting procedures of people generally? I believe that it is still the Labor Party's platform that the vote should be indicated by a cross. Does any member opposite deny that? Is it not within the constitution of the Labor Party that it gave so much credit to the voter and that it thinks he has so much intelligence that he should vote with a cross? We are not to take the democratic preferential system of voting to find out who wins an election, because that will not favour the Labor Party, so it wants everyone to vote with a cross. That is in line with the thinking of Government members, and shows about as much intelligence as they attribute to the voter. This is the Party that states that, if you do not agree with its Vietnam policy, you must get out!

The SPEAKER: Order! There is nothing in the Bill referring to a Vietnam policy.

Mr. HALL: You are quite correct, Mr. Speaker, and having referred to it twice I do not intend to refer to it again this evening.

Mr. Langley: You don't care what happens as long as you get your way.

Mr. HALL: I was leading up to the magnificent democratic basis on which the Minister introduced the Bill and tried to divide my Party, and there are differing views within it. Perhaps it is strange to Government members that a Party can have freedom of thought but still retain its members within the Party. That is a continual puzzle to Labor members.

The SPEAKER: Order! There is nothing in the Bill about a difference of opinion of members of the Leader's Party, and the Leader should confine himself to the Bill.

Mr. HALL: I remind you, Mr. Speaker, that differences do exist in my Party about this measure and they have been well publicized. No doubt they will be shown on a vote taken in this House. However, no-one will be expelled merely because he does not agree with his neighbour. Have a look at them! Some of them sit next to each other and disagree, but each one knows he is free to do so. It is safe for Government members to show such solidarity in their support of this measure, because they know that if they do not do so they will not be here to show anything in this House. The subject of adult franchise has a long history of discussion both inside and outside the House. One problem of this House (and I speak generally of the House

and not of a divided opinion) in presenting reforms to the Legislative Council based on Labor Party thought is that the Council is naturally suspicious that the Government or the Labor Party is aiming to achieve its abolition. This is not so much a suspicion: it is written into Labor Party policy, and it presents a tremendous hurdle to having this sort of legislation accepted.

The Hon. J. D. Corcoran: You know that in order to get the Bill through last year we had to include the entrenched provision so that there would have to be a referendum.

Mr. HALL: The Minister is helping me and I am pleased that he has raised that point. Obviously, he has studied the Bill more than I have, but he has reached that point a little before I would have arrived at it. If he will be patient I will get there in my own way. It is inflammatory to the Legislative Council to say as a Party, "We want to abolish you, and in the meantime we want to do other things to the Council's method of election and the franchise that is part of that method." Last year we achieved a real form of compromise in this House that followed an earlier agreement between the two sides under the difficult voting strengths that then existed: a real agreement in relation to the entrenched clause. I believe that this was real progress, but members opposite will have to search their consciences. If they really desire adult franchise for the Council, they will have to show compromise on this Bill. I tell them clearly that, if they do not show compromise, they do not want the Bill and do not expect to get it through. The Government should offer distinct safeguards in this Bill to provide a different basis of election for the Legislative Council, to provide for adult franchise, and to provide for retaining voluntary voting and voluntary enrolment.

I foreshadow that, in Committee, I shall move the necessary amendments to achieve this and my amendments will test the Government's sincerity about whether it will offer the Council something that the Council could accept or whether it will submit a Bill that it wants the Council to reject for the Government's own political purposes, because it suits the Government to have something that it can whip continually and blame for its own deficiencies. We want to remove the friction and, if Government members adopted the same attitude as they adopted when in Opposition, they would submit this Bill to the Council in an amended form which was not inflammatory and which would achieve adult franchise for the

Legislative Council. I have no knowledge of what the Council would do with such a measure.

*Members interjecting:*

Mr. HALL: Members opposite may laugh when I say that, but those who were here last year and have one year's more experience (I remind back-bench members opposite) have had experience of compromise, and I suggest that members opposite try it again if they have the interests of the electors at heart. I suggest that the Bill, as it leaves this House, should amend the Constitution to provide that Legislative Council elections shall be held on a different day from the day on which House of Assembly elections are held.

The Hon. J. D. Corcoran: That's another one.

Mr. HALL: It is a real offer of compromise. This system works in Tasmania and it will preserve the entirely voluntary aspect of voting at Legislative Council elections.

Mr. Curren: That's all you're concerned about.

Mr. HALL: I know that the member for Chaffey is concerned mainly with compulsion, because he is a member of a system of totalitarian politics that operates within his Party. I suggest that the Bill, as it leaves this House, should provide that Legislative Council elections be held on a different day from the day on which House of Assembly elections are held and that it should provide specifically for voluntary enrolment and voluntary voting. The overwhelming majority of this House would then be able to ask the Legislative Council to accept such a measure and, if the Legislative Council accepted it, we would have adult franchise in South Australia.

Mr. Langley: What about other States?

Mr. HALL: I have already told the rather dense member for Unley that it already exists in Tasmania, but I do not know whether he knows where the apple isle is.

Mr. Langley: What about the other States?

The SPEAKER: Order!

Mr. HALL: Sometimes it suits the honourable member to lead the other States, as his Party intends to lead them in pornography, but sometimes it suits his Party to stand aside, and I do not accept the honourable member's reasoning. If my suggestions are incorporated in the Bill, we will have a real opportunity to ask the Legislative Council to accept adult franchise. However, if the Bill is submitted to the Council in its present form, the Council will give it the same attention as has been given to such measures previously: it will not

pass the Bill and people will see the measure as inflammatory in timing and, as the shopping hours referendum measure was, political in timing. I believe that the amendments will merit the attention of Government members, and will test the Government's sincerity. My approach to the Bill will be governed by Government members' attention to those amendments.

Mr. McRAE (Playford): I think it is appropriate that I should be speaking on this Bill, since I represent the Lower House District of Playford, which is inside the Legislative Council Midland District, in which there is shortly to be a by-election. The Leader of the Opposition made some play on the fact that, as he put it, the Government was deliberately highlighting this Bill so that it could gain an unfair advantage in that by-election. I assure the Leader and other members opposite that the people of this State are not in the least concerned with any highlighting, as the Leader puts it: they are most angry indeed about the current state of affairs and about the disastrously undemocratic Upper House that we have. They have every reason, as I am reminded, to be upset about the existing state of affairs.

I am reminded of the Leader's opening remarks when speaking to the Referendum (Metropolitan Area Shop Trading Hours) Bill, when he linked the Labor Party both with big business and with the trade unions at the same time. We recall his saying that, because we were frightened of big business, we were introducing the referendum Bill, but no statement could have been more illogical. If anyone had cause to be frightened of big business, it was the Leader's big brothers upstairs. They were the ones who were frightened of big business and who—

*Members interjecting:*

The SPEAKER: Order! The honourable member for Playford.

Mr. McRAE: —quickly (within 24 hours), I noticed, cut that rather large sheet of amendments that we saw coming into this place down to one amendment. That amendment was a completely ridiculous amendment, a costly one, and an insult to the people in the area. The Leader kept asking us what we thought of the public of South Australia. Clearly, we share the views of the public, and we have shared those views for many years. But for the most unfavourable system of boundaries that existed, we would have been occupying these benches for many years by

now. We are the ones who share the views of the public of South Australia, and that will be shown.

There is much confusion among members of the public which has been deliberately created concerning the constitutional position that exists here. Only last evening at a political meeting in my district concerning the Midland by-election, several questions were asked about the role of the Upper House: many people asked what was its true function and why was it there at all. I could only reply that the Upper House existed because it was a relic of the days when the Governor ruled in the colonies of Australia with a Bible in one hand and a gun in the other. That is the position as I see it. The Legislative Council is a constitutional relic of early colonial days.

A similar position obtained in all the colonies. We started with a Governor with a very select band of people around him, which he himself chose. Then, as time went on, under great pressure from the colonists, the representatives of Her Majesty in Westminster were pleased to allow some reforms. As I recall, the first reform in this long constitutional battle that we have had to secure some form of democracy in this State and other States was that the Legislative Council (as it was then called and is still called, appropriately enough) be expanded in numbers; but it was still this little closed shop: the Governor would choose those who formed its numbers.

Then, after a while, another amendment permitted some elected members among those groups of persons. Once again, there was a catch, because the property qualifications were so great as to debar more than half of the colony—and probably more than three-quarters of the colony when it started. That situation has gradually been remedied with the passage of time. It seems incredible (I agree with the Attorney-General's statement) that one should have to belabour a point like this in the 1970's. To me and, I venture to say, to the public of South Australia it seems obvious that, if we are to have an elected House of Parliament, the members of the community should have a say in who constitutes the House, whatever the House may be. So it seems almost foolish to be arguing a point like this. However, we know it will be argued to its fullest and that every attempt will be made to confuse and delude people about the true role that the Upper House is playing in South Australia today.

Mr. Clark: How do you like the idea of having elections for the Houses on different days?

Mr. McRAE: I shall come to that but for the moment I will keep going with the history of the Legislative Council. As time passed in the colonies the one Legislative Council had an adjunct to it, the House of Assembly; and, coming to the time of Federation, further confusion was caused by the setting up of a Commonwealth Parliament and a Senate. We were left in the situation that each of the six colonies had two Houses of Parliament and there was a Commonwealth House of Parliament and a Senate. Since that time, strong attempts have been made in every State to remove the second House because in the course of the twentieth century it is a most expensive and unnecessary luxury to have it at all.

In Queensland as far back as 1922 the Legislative Council was removed. In New South Wales a referendum was held and the people were asked whether they supported the abolition of the Upper House. They did, in fact, support its abolition but, on challenge to the Privy Council, it was held that the referendum could be of no avail and that, unless both Houses agreed to the abolition of the House of Review (or the Legislative Council), only the Houses of Parliament in Westminster could interfere. That is the constitutional trap we are in. The people of South Australia will be increasingly aware, as this debate proceeds and we see the antics of our big brothers down the hall, that they are in a trap. No matter what they do, they will be forced into a position where they cannot have an effective say in the Government of the day.

So we have this situation where not only is the Upper House elected on a most restricted franchise but also it is elected on boundaries that are clearly gerrymandered in favour of the gentlemen opposite and the Party they represent. In addition, the rolls and the choosing of the rolls are made in a manner that is difficult and unusual. In this day and age in Australia in almost every election the usual form of enrolment is compulsory enrolment and the usual form of voting is compulsory voting, and people are confused to suddenly find that one specific Parliament out of the many they are voting for has a different system.

Of course, there is a reason for all this, because when we look at the constitution of the Upper House we find it is very clearly representative of two sectional interests in the community. The first group comprises the

banks and the finance companies, the very big business of which the Leader spoke, and the second group comprises the vested country interests. The man on the land will find as time goes on that those vested country interests in the Upper House will not really be much help to him.

Mr. McKee: He is finding it out now.

Mr. McRAE: Yes, probably. The man on the land will find out that those people who claim to represent him in the Upper House in fact are supporting the big land takeovers that are occurring in the country. Therefore, he will find that, even though he thinks he may be getting some protection out of this, he will increasingly get less and less. Nothing could be clearer than that we have an entrenched House of conservatism which is determined at all costs to prevent the normal democratic processes from prevailing. The system that is operating cuts down the right of people to have a say in the election of that House. The Leader challenged members on this side to say whether they believed in the abolition of the Upper House. I for one say very clearly that I believe in the abolition of the Upper House.

Mr. McKee: You are not on your own there.

Mr. McRAE: No, I think all members on this side believe in the abolition of the Upper House. I might add that I believe that most members of the community also believe in this. We believe in the abolition of the Upper House because it is an unnecessary and expensive luxury.

The Hon. L. J. King: Even some members opposite might believe that.

Mr. McRAE: We believe in the abolition of the Upper House but we are in this trap—

The Hon. D. N. BROOKMAN: Mr. Speaker, I rise on a point of order. This Bill deals with the franchise for voting for the Upper House. So far as I know, it has no reference whatever to abolition of the Upper House.

*Members interjecting:*

The SPEAKER: Order!

The Hon. D. N. BROOKMAN: I do not see why the House should be subjected to a mere propaganda exercise by the member for Playford for the purpose of a by-election in which he canvasses the abolition of the Upper House. That aspect is not mentioned in this Bill and can be found nowhere within its compass, and I maintain that it is not in order to discuss it.

The SPEAKER: Order! I cannot accept the honourable member's point of order. The Leader of the Opposition, when speaking to the second reading, canvassed this very issue, and I think the member for Playford is within Standing Orders in replying to what the Leader said on this subject.

Mr. McRAE: Very clearly, any mention of abolition of the Upper House is sufficient to incense certain people. However, I strongly believe that the people of South Australia do support that very concept, the abolition of that useless appendix down the hall from this place. The Leader has asked us (indeed, he has begged us, because he is frightened of his big brothers down the hall) not to be inflammatory towards the Legislative Council and not to talk about abolition while we are suggesting reform. He has suggested that we should not upset these people. I have no worries about upsetting these people who have upset this State ever since there has been a Legislative Council. I have no hesitation in upsetting them or in being inflammatory towards them. I think we are being very kind to them; I think the Attorney-General was exceptionally kind to them.

The people of the State are in a trap. They cannot abolish the Upper House as they would want to do without first having the Labor Party gain control of that House, because there is no other way of abolishing it. However, as a prerequisite to some elementary type of justice, the people want to have the same voting rights for that House as they have for any other House of any other Parliament. Indeed, they are upset to find that, because they do not own or lease property or come within some other obscure qualification, they are not entitled to vote at the Midland by-election, for instance. They are most angry to find that they have been cheated of their rights in this way. Many people in the Midland District and other districts have told me that they are angry to find that they are cheated of this basic elementary right.

Mr. Gunn: Tell us what percentage is affected.

The SPEAKER: Order!

Mr. McRAE: We can clearly say what percentage has been cheated of this right. On the Playford District roll alone only about 7,000 people out of the 16,000 eligible to vote are actually on the Legislative Council roll.

Mr. McAnaney: Haven't they got enough interest in Parliament to get enrolled?

Mr. McRAE: Members opposite may say that more are entitled to be on the roll, and

that may be so, but I have only been making my first point, which is that the restrictions are such that the people of the State are being cheated, and they have made their voice clearly heard.

*Members interjecting:*

The SPEAKER: Order! The honourable member for Playford is addressing the House.

*Members interjecting:*

The SPEAKER: Order! When I call for order I ask members to heed that call. I ask that the honourable member for Playford be heard in silence.

Mr. McRAE: I have made the first of the points I want to make: that is, that this basic elementary right has been denied the people of South Australia for a long time. In urging us not to be inflammatory, the Leader made three suggestions. He said that we should compromise with the Upper House, mollifying its members so that we could try to get this Bill through. He said that we should do a deal with them by offering them three things: voluntary enrolment, voluntary voting, and a different day for their election. Dealing with the third point, I point out that the people of the State already have to put up with Commonwealth House of Representatives and Senate elections, local government elections, State House of Assembly and Legislative Council elections, and numerous referendums and other things. Surely all members can see that it is a ridiculous political gimmick to suggest that there should be another day for an election; this would merely be another useless expense.

I was speaking about referendums and about the useless expense involved in having a different election day. I cannot help commenting that it would have been perhaps a little less inflammatory to this House if the Legislative Council had enabled the electors to save themselves the inconvenience of coming out on two separate days. Apparently, the Council does not mind being inflammatory to us, but we must not be inflammatory to it: we must mollify the Council (it is already mummified) and help it all the way! The other suggested part of the deal was voluntary enrolment. What a useless suggestion! It would put us right back where we started. The people of this State are entitled to have a small residue of rights—God help them, they have few democratic rights in the trap they are in, and they would like to have a form of enrolment that would put them to less inconvenience: that is all they are asking. They want to ensure that their names are on

the list of persons who can vote to decide who shall be their elected representatives. That is the least they can ask. However, in addition to voluntary enrolment, it is suggested that there be voluntary voting as well.

Mr. Mathwin: Like they have in the unions!

Mr. McRAE: We have to keep this distinction always present, according to the Leader's deal. I have much sympathy for the Leader, because he at least among his brethren has been far-thinking enough to realize that the people of South Australia want reform and the eventual abolition of the Council. He has pointed out publicly to his brethren that there should be reform of the system governing the Upper House. However, he has encountered the most violent opposition from his brethren: some of them, I am ashamed to say, are in this House, but most of them are in the Upper House. No doubt he would like to go into another place in Canberra to get away from some of the people who are so short-sighted. I concede that the Leader has been far-sighted enough to appreciate the view of the people of this State in this regard, but that cannot be said of others.

A deal has been worked out that will give the illusion to people that much has been accomplished but, on consideration, it will be realized that they are back in the same position they have always been in, with the same entrenched views and with the banks, the finance companies and the graziers' associations still being the dictators of this State. We are to have this so-called deal that will provide the reform we are looking for, but, as it will also provide for voluntary enrolment, a voluntary vote, and a different election day, the same elements will be retained. These elements will make sure that their interests are still maintained.

On May 30, the people of this State voted for a Party with a policy, and as a result one or two outstanding Bills will be introduced that will rouse the ire of the Legislative Council, because its members act as representatives in an almost Mussolini-type style of representation. These Bills will attract the ire of the Upper House because of their nature. One of the obvious Bills will be the consumer protection measure. The people of this State voted overwhelmingly for legislation of that kind that would protect them from the most unfair practices that are put upon them at present. Anyone who has anything to do with the contract system used by commercial houses knows that people have no choice about the terms of the contract. These terms are put in

front of the person concerned for acceptance, and the great supporters of free enterprise opposite support such a system regarding contracts, at the same time claiming to support free enterprise. If members opposite went to one of those commercial houses to do business, they would find that they had no choice regarding terms of contract.

Mr. MILLHOUSE: Mr. Speaker, I rise on a point of order. The honourable member is dealing with consumer protection, which is entirely irrelevant to the subject matter of this Bill.

The SPEAKER: I ask the honourable member for Playford to confine his remarks to the Bill. I have allowed him to proceed, but I ask him now to return to the Bill.

Mr McRAE: I will refrain from mentioning the consumer protection Bill, Mr. Speaker, but I cannot refrain from mentioning that the general nature of the platform upon which this Government has been elected provides for giving some form of reality to modern forms of contracting. Legislation on that will be the sort of measure that the Legislative Council will attack and cut to ribbons, because of the vested interest of members of the Council. This is a trap that the people of South Australia are in because of the Legislative Council franchise system. The constitutional difficulties that I have mentioned prevent the people from abolishing the Upper House, and that is trap No. 1. Then, once the people try to get some form of democratic voting for election to the Upper House, this deal is put up in an attempt, we are told, not to be inflammatory to members of the Legislative Council. If a deal similar to that were put up in most other countries, there would be violence in the streets. However, in a placid State like South Australia, we have had this entrenched House of Review for so long, backed up by monopoly newspapers, which will support the Legislative Council's viewpoints all the time and prevent any reasonable analysis from getting through to the people. The people have been deluded.

However, gradually the message will seep through. People will get to know that, whenever a reasonable Bill is submitted to the Upper House seeking to give protection to the ordinary man in the street, the ordinary wage earner who cannot afford to engage in legal battles to protect the few rights the Council has allowed him, the Bill is cut to ribbons. My friends opposite are offering me handkerchiefs to weep into but, doubtless, they wept when the people of South Australia dealt with them on May 30, and they will weep again.

The SPEAKER: Order! I shall have to ask the honourable member to try to confine his remarks to the Bill.

Mr. McRAE: I will refrain from speaking of handkerchiefs and other matters like that. However, I cannot refrain from referring to the way in which the people of this State have been deluded for so long in such an unfair way that our free enterprise friends opposite are told what to do by their big brothers down the hall; big brothers down the hall, in turn, are told what to do by their big brothers; and so we end up with a tiny section of the community dictating to the rest of the State. This is the sort of system that we are trying to rectify, and it will be a slow, hard and tedious process. However, a solution will come: it took a long time for something to be done to reform this House and to make sure that there was proper representation of the people in this place.

Mr. Clark: It's not that good now.

Mr. Gunn: You said it!

The SPEAKER: Order! I ask the member for Playford to connect his remarks to the clauses in the Bill.

Mr. McRAE: Of course, Sir; I will refrain from introducing extraneous material. However, I cannot refrain from referring here to the boundaries, because until recently the people of this State had to put up for 30 years with the rotten system of boundaries that ensured the continuation in this House of vested interests. It was not until May 30 that we got some semblance of justice but, as we find the same situation prevailing in another place, I cannot refrain from pointing out that the people still have not got justice.

Mr. Mathwin: Do you mean it is a lousy deal?

Mr. McRAE: Yes.

*Members interjecting:*

The SPEAKER: Order!

Mr. McRAE: I do not want to be inflammatory or to deviate from what is strictly relevant to this debate. I think I have been kind in rebuking the vested interests that have been twisting the arms of the people of this State for a long time. I think I have also been kind in the way that I have explained the corrupt hook-up between the same vested interests and monopoly newspapers that have stifled any logical answer being advanced in this matter. I have been kind in the way I have pointed out that certain members in the Upper House are also members of the monopoly newspapers. These same monopoly



newspapers and the same monopoly business houses—

Mr. McAnaney: What about the monopoly unions that tell you what to do?

The SPEAKER: Order!

Mr. McRAE: I realize that I must not be inflammatory, so I will restrict my remarks to the Bill, which seeks to provide a simple reform that has been greatly needed. It will be interesting to see who will support this Bill.

Mr. McAnaney: You've talked me out of supporting it.

Mr. McRAE: Members on this side do not need any convincing, because they know the views of the people of South Australia and they also know, on the basis of a simple commonsense analysis, that in this day and age every adult person should be entitled to a say in the running of his own affairs. We have been forewarned by the Leader that some members opposite will adopt the same view, but others will not; so it will be interesting to see the way in which they conflict with each other. It will be interesting also to see the way in which our big brothers down the passage behave.

Mr. RODDA: Mr. Speaker, on a point of order—

*Members interjecting:*

The SPEAKER: Order!

Mr. RODDA: I find most objectionable this constant reference to members of the other House as "big brothers". I ask the honourable member to withdraw those words.

The SPEAKER: In my opinion, that is not a point of order. I ask the member for Playford to try to confine his remarks to the Bill.

Mr. McRAE: I will refrain from calling our friends down the passage "big brothers" in future. For the benefit of the honourable member who has just resumed his seat (because I know he is one who will probably support this Bill) I shall not continue to use that term. I do not think I need proceed much further. The matter in issue was set out so clearly and logically by the Attorney-General that one can do little else but support the Bill. I am terribly sorry for the people I represent and the people in the Midland District, that they will not get a fair say in the coming by-election. My friends opposite feel sorry, no doubt, that I represent those people for the House of Assembly seat (they are entitled to that view) but the people of that district do not agree with them, as they showed on May 30. However, I will disregard that. I feel sorry for the people of my district because they will be

treated as second-class citizens on September 12. They are well aware of this. I have been at some pains to tell them that the members of the Liberal and Country League, with a few exceptions like the Leader (and I have some reservations about even him), have promoted the idea that these people are second-class citizens, and that they will continue to do so. I hope this Bill will be the opening gambit in releasing the people of South Australia from the trap they are in and in helping to dispel some of the illusions that have been foisted upon them. I support the Bill.

Mr. MILLHOUSE (Mitcham): I, too, support the Bill. I propose to take a somewhat different line from that taken by the member for Playford. I cannot help feeling that we have been subjected to a speech which was full of clowning and insulting references to the other place—and, I believe, deliberately insulting references. One cannot help feeling from the tone of the speech by the member for Playford that he does not expect this Bill to pass, and does not want it to. He would rather have this matter kept alive as a political issue than get anywhere towards its resolution. I may be doing him an injustice, but that was the impression I gained from his speech and its flippancy.

As I said, I propose to take a rather different line because I regard the Bill as of fundamental importance. It is a matter that has generated tremendous heat in South Australian politics. The only object of this Bill, as I see it, is to allow all voters on the House of Assembly roll to enrol for the Legislative Council. The importance of achieving this reform is, as I have said, fundamental. To me, it is a matter of my fundamental political philosophy. If I may for a moment, I should like briefly to set it out, because I want there to be no misunderstanding about the reasons I have for supporting this Bill. I believe that all men, irrespective of their colour, race or creed, are children of God and, therefore, brothers one of another.

The Hon. G. R. Broomhill: Then you are in the wrong Party.

Mr. MILLHOUSE: No, that does not necessarily follow. I believe that because we all have this relationship to God we are all of equal worth in His sight. We must all assume that each of us is of that equal worth and we therefore all have equal rights in the eyes of each other. One of the rights that we have in a democratic community is to choose those who govern us and make the laws under which we live.

In South Australia, under the Constitution, there are two Houses of Parliament, and those two Houses have very nearly equal powers in the making of the laws of this State. Indeed, to all intents and purposes they do have equal powers. Because of that, and because the laws that they make govern each citizen in the State, it seems to me to follow irresistibly that every citizen of the State should have an equal right in electing the members of both Houses of Parliament.

Mr. Langley: As long as the elections are held on different days.

Mr. MILLHOUSE: I will deal with that matter later. There is no justification in principle, in my view, for any restriction on the franchise of either House. I have never heard any justification in principle put forward for a restricted franchise. Those who believe in a restricted franchise normally look elsewhere than the principle which I have enunciated for support of their position. I believe, furthermore, that the change in the franchise of the Legislative Council is in the not very long run inevitable. South Australia is now, to the best of my knowledge, the only State in Australia in which there is a House of Parliament with a restricted franchise. There are a few such Houses overseas, but the overwhelming number of Parliamentary democracies throughout the world have Houses elected on a full franchise. I believe, for the reasons I have given, that that should be the position in South Australia.

However, I do not believe that the Legislative Council should be abolished. I believe very strongly in the bicameral system of Parliament, and I should like to remind the member for Playford, who spent some time earlier in his speech dealing with this matter, that the overwhelming number of Parliaments throughout the world, under whatever name they may operate, consist of two Houses. I remind him that in the United States of America, for example, there are 51 Congresses or Parliaments: the Federal Congress and 50 State Congresses. The Federal Congress has two Houses, and 49 out of the 50 State Congresses have two Houses. If my memory serves me correctly, Nebraska is the only State of the Union in which there is only one House. That is not to say that other States have not tried the unicameral system and then gone back to a bicameral system. That has been the experience in a number of other countries as well, and the honourable member would know that, although he ignored it for the purpose

of making a political speech for use by the electors of the Midland District between now and September 12.

One has only to think of the changes that have occurred in the French Constitution and in a number of others. However, almost always they have gone back to a two-House system. Why is this? It is because experience shows that a two-House system works better than a one-House system, and that, quite frankly, with all the imperfections of the South Australian Constitution, has been our experience as well. I believe that we should continue to have a two-House system in South Australia.

Mr. Jennings: What about Queensland and New Zealand?

Mr. MILLHOUSE: I will fight very hard to see that we have that system. I acknowledge that there is only one House in both Queensland and New Zealand but even the member for Ross Smith will acknowledge, I think, that amongst the generality of Legislatures they are the exceptions to the rule I have stated. I am glad to see that he does acknowledge it.

Mr. Clark: This is mainly because you can't get rid of the other Houses without those Houses voting for it.

Mr. MILLHOUSE: That is not so. The member for Elizabeth should know his American constitutional history a little better. He should know, as I said a moment ago, that several of those States have reinstated the bicameral system after abandoning it.

Mr. Clark: I thought we were talking about the States of Australia.

Mr. MILLHOUSE: The honourable member was incorrect: we were not. I referred to the United States a moment ago, saying that the generality amongst Legislatures throughout the world is a two-House system. I believe that there should be two Houses. There is one great practical difficulty, which many of those who support a restricted franchise use to support their position, and that is that, if the two Houses are elected by the same system of voting and at the same time, one House will merely mirror the other and be a complete waste of time.

The Hon. L. J. King: Not if half the members retire at a time.

Mr. MILLHOUSE: The Attorney is very kind. That is one of the ways in which we avoid this happening.

Mr. Clark: And the boundaries can be different.

Mr. MILLHOUSE: It is only one way, and I do not think it is sufficient. I believe we must look for ways of making a difference

between the franchises of the two Houses. This can be done without restricting the franchise of one House or the other, as we do now in South Australia. The Attorney-General has referred to one way in which we should do this and which we do now: that members of the Upper House have a six-year term and half retire at each of the triennial elections for the House of Assembly. On its own that is not enough, but I think we should retain it. I believe we should retain voluntary enrolment and voluntary voting for the Legislative Council. We are now in a difficulty with regard to voluntary enrolment in this State because of the action of the previous Labor Government (either the Walsh Government or the Dunstan Government) in adopting what is to all intents and purposes a common roll for both Houses. I believe that, as it is so important to have a difference between the franchises of the two Houses if the system is to work, we should have separate rolls for the two Houses.

I also believe (and this has already been the subject of some sneering comment from members opposite this evening) that, if we are to preserve the system of voluntary voting, we should have an election on a different day from that of the election of the House of Assembly. This would be an inconvenience and an extra expense, but the extra expense and inconvenience is so small compared to the benefit that I believe would follow from having the election on a separate day, and therefore having a genuinely voluntary vote, that we are entitled to do this. It ill becomes members opposite to complain about that when they intend to inflict on the people of the State, at an expense almost equal (if not equal) to that of an election, a referendum that I believe is entirely unnecessary. As members opposite do not scruple from turning the people out to vote compulsorily on a topic such as this, why do they complain about asking people to vote at a voluntary election for the Legislative Council on a day different from that of the election of the House of Assembly?

I can sum up my position by saying I believe that there should be a full franchise for both Houses of Parliament. I believe strongly in the bicameral system because our experience here, and the almost universal experience throughout the free democratic world, shows that a two-House system works better than a one-House system. However, if that system is to work we must have a distinction between the franchises of the two Houses, and we can get that distinction by obtaining for

the House of Assembly compulsory enrolment, compulsory voting, and a three-year term. For the Legislative Council we should use the other principles of Parliamentary democracy, that is, voluntary enrolment, voluntary voting, and an election on a separate day. If we do that, I believe that we will have resolved what has been one of the most controversial matters in South Australian politics for many years, and I believe we will have resolved it to the benefit of the people of this State.

Also, it will enhance the standing of the Parliamentary institution, and heaven knows our Parliamentary institutions need enhancement in the eyes of the public at present. Therefore, I support the Bill, because it fulfils one of the points that I have made, that of a full franchise. I hope that it will be passed, and I hope it will be followed by measures to give effect to the other suggestions that I have made this evening.

Mr. HOPGOOD (Mawson): I begin by quoting a statement of Rosa Luxemburg made in 1918. This lady is not often quoted in Parliamentary institutions but in this case she deserves mention, and I quote her, as follows:

Without general elections, without unrestricted freedom of press and assembly, without a free struggle of opinion, life dies out in every public institution, becomes a mere semblance of life, in which only the bureaucracy remains as the active element. Public life gradually falls asleep; a few dozen party leaders of inexhaustible energy and boundless experience direct and rule.

When we consider the times that elections for the Legislative Council have been uncontested, I think we can suggest that, if the sort of rules and thinking that have applied to our Upper House had applied generally, the esteem in which Parliamentary Government is held by the people at large would have been even lower than the member for Mitcham fears that it is now. I agree with the honourable member that much must be done to raise the esteem in which the Parliamentary system is held by the electorate, and yet, when one looks at the protracted struggles between the Lower and Upper Houses and sees the useless bickering on details of a Bill between the Houses, one can only assume that all this will alienate people further from the Parliamentary system we have, and which, I believe, we should enjoy.

I believe that when the Upper Chamber disagrees with the popularly elected Lower Chamber it is mischievous, and that when it agrees it is unnecessary. However, I wish

to say one or two things about the Upper House because, as some members have already pointed out, it is almost unique within the western democratic world because, even though there are other Upper Chambers elected on restricted franchise and although there are other Upper Chambers that have considerable powers *vis-à-vis* Lower Chambers, the Legislative Council in South Australia is almost unique in that it combines these two features of doubtful democratic value.

It both preserves the sort of powers that, for example, the Senate has in the Commonwealth system (and I submit it increases on these powers) and, secondly, it copies the type of restricted franchise that was a feature of Parliamentary institutions in the last century. For this reason, it is a unique institution, and for this reason much political debate in this State has centred around the role of the Legislative Council. Because of this, members opposite for many years have been losing votes, having alienated themselves from democratic opinion in this State.

I was pleased to be present this evening when the Leader of the Opposition spoke. We can always expect entertainment and fireworks from the Leader and I am sure that on this occasion the fireworks had nothing to do with the fact that more visitors were in the galleries than are present now. However, since then we have had a little more logic from subsequent speakers, and I hope my remarks will be more in the tradition of those than of the Leader's remarks.

The Leader made some remarkable statements about what he regarded as desirable amendments to this Bill, and I am surprised that the member for Mitcham saw fit to agree with him on these issues. I have said before in this House that I should like a clear statement of opinion from the Liberal and Country League on its attitude to the whole matter of compulsory voting at elections. I have pointed out previously that, almost invariably, in the Parliamentary institutions of Australia compulsory voting has been introduced by the Liberal Party or by its various antecedents in the other States. I have also pointed out that compulsory voting for Commonwealth elections was introduced by the Bruce Government in the mid 1920's, and that compulsory voting for the House of Assembly in South Australia was introduced by the Playford Government in the mid 1940's.

If we examine the situation in the other States of Australia, we find fairly clearly that

compulsory voting has been introduced by non-Labor Governments, and it seems to me rather amazing that a Party considers a form of voting desirable for one sort of Parliamentary institution and yet not desirable for others. I consider that the same sorts of rules should apply to these various institutions. In New South Wales, compulsory voting at a State election was first used in 1930, and therefore, must have been introduced by the Bavin Government of that day. In the State political history of Victoria, it was first used at an election in 1927, and I imagine that it must have been introduced by a Nationalist Government, as the present Liberal Party was called then. In Queensland, compulsory voting was first used in 1915 in a State election that brought a Labor Government to power and, therefore, the previous Government would have been a non-Labor Government. In Western Australia, compulsory voting at a State election was first used in 1939, and I rather imagine that a Labor Government introduced it there. In Tasmania, it was used at a State election for the first time in 1931 and that would have been during the term of a Nationalist Government, as it called itself in those days.

The Leader also referred to the necessity for separate rolls for the House of Assembly and the Legislative Council and the necessity to hold elections for the two Chambers on different days, but I cannot imagine any greater time-wasting and money-wasting procedure for political ends than such an arrangement. I know no other reason for such a system. For some years now, Australian Commonwealth Parliamentary life has been bedevilled by the separation of House of Representatives elections from Senate elections, and I was under the impression that all Parties desired to do away with that system and at some time in the future to hold House of Representatives elections and Senate elections on the same day.

Mr. Clark: Even the D.L.P. wants that.

Mr. HOPGOOD: I understand that that is so. The separation of elections for the House of Representatives and the Senate is one of the many unfortunate legacies in the federal system from many years of Menzies rule. If the Labor Party had been swept into office, as it nearly was, at the last Commonwealth election, it would have suited the Liberal-Country Party to have a temporary majority in the Senate. However, most Australians want the present system changed so that elections for the two Chambers are held on the same day. I would regard any attempt to introduce the

present Commonwealth situation into the elections of the Upper House in South Australia to be a retrograde step in the extreme.

Just how does one justify a different system of election for the Upper House? The member for Mitcham said that he regarded this as being desirable and that he was prepared to go to all sorts of lengths regarding the things that had been suggested in the amendments, so that this desirable reform could be implemented; yet we were not given any indication of what the outworkings of this desirability would be. We were not told how legislation would be improved or how the Parliamentary system would be more responsive to the wishes and the will of the people at large.

I am sufficiently cynical to believe that what members see of benefit in such a move would simply be a political benefit for their own Party. This benefit may not follow, but I think that this is what honourable members opposite have in mind. The member for Mitcham made some reference to the bicameral system, but whether we have a unicameral or bicameral system is not in question when we are debating this Bill. However, I think that to put the record straight the honourable member could have referred to the Provinces of Canada that have unicameral systems, with the exception of the Province of Quebec. We have also been told in this House, during my short period in it, that the State Legislatures in the United States meet infrequently, and one wonders therefore what type of argument can be drawn by referring to United States practices in this regard.

What has happened in many of these cases is that entrenched interests have seen an advantage in restoring a bicameral system, but that is not at issue in this debate, and I do not wish to refer to it further. We have at present, and would continue to have under this Bill, six-year terms for Legislative Councillors, with half of the members retiring at each triennial election. We have multi-member divisions, and we would continue to have multi-member divisions; and we would have different boundaries. Of course, the present boundaries are extremely undesirable and no doubt this place and the Legislative Council should be looking at the possibility of implementing desirable reforms for a redrawing of the boundaries of the Upper House. But whatever came out of such a move, it would still follow that we would have multi-member districts, and the boundaries would be different from those of the Lower House.

I think that what I have outlined is sufficient to indicate a difference in the method of voting between the Upper and Lower Houses, and I believe that any further contrast in the methods used by these two Houses can be used only for a political purpose; it can be used only so that the situation that we have faced at various times in the history of South Australia, whereby the Labor Party has been able to gain a majority in the Lower House of this Legislature but has been faced with an entrenched Liberal majority in the Upper House, will be continued. The Leader of the Opposition said that what we had to do, in effect, was to approach the Upper House with honeyed words; it was necessary that we seduce the Upper House.

The Hon. Hugh Hudson: He's been trying seduction in that direction for a long time but hasn't got anywhere.

Mr. HOPGOOD: He certainly has. One may well refer to the peculiar voting conditions that exist within the Leader's Party whereby a majority of the members of that Party cannot have their will expressed at the annual conference, or whatever they call it, on an issue as important as this. The Leader said, in effect, that these gentlemen are tough guys and that we do not want to meet them head-on: we have to put up a Bill on which some sort of compromise could be made. I regard this, when we look at the sort of provision that the Leader is putting up, as ludicrous because, in effect, what he has done is to put up a set of provisions that would make adult suffrage completely ineffective. Those hard-headed gentlemen in another place would realize this and might very well accept the legislation that had been put up by this House. But to what effect? In what way would the people of South Australia gain by this type of reform? In what way could we say that we had democratized our legislative arrangements by the introduction, on the one hand, of adult suffrage and, on the other hand, of voluntary voting (which would leave the way open for various vested interests to use their financial resources to get their supporters to the poll), separate rolls (with all the enormous inconvenience and expense that this involves), and (the greatest enormity of all) the actual holding of the polls on separate days?

The Hon. Hugh Hudson: The supporter of adult suffrage really opposes it.

Mr. HOPGOOD: One can only agree with what the Minister says, because I see no reason

why democratic reform should be offered on the one hand, yet withdrawn on the other hand.

Mr. Eastick: Are you in favour of the abolition of the Upper House?

Mr. HOPGOOD: I am glad the honourable member has raised that point because we in the Labor Party are prepared to cast our bread on the waters and hope it will come back buttered. We have conceded the fact that the Upper House cannot be abolished without an appeal to the people. It seems, in fact, a perfectly logical way to go about doing things but, in the meantime, I see no reason why we should not try to democratize the Upper Chamber to the greatest possible extent, why we should not open those musty corridors to the fresh winds of democratic opinion. If the fact that various members on this side of the House have expressed an opinion in favour of the ultimate abolition of the Upper House should prohibit us from ever making any suggestions for the reform of that Chamber, that seems to me to be a perfectly monstrous suggestion. As has already been explained by the Attorney-General earlier by way of interjection, we have accepted the principle of determining by way of referendum the question whether the Upper House

should be abolished. What more can members opposite ask of us than to do this?

We may very well take the opportunity at some time in the future of bringing forward such a matter, but members opposite will have exactly the same opportunity as existed in New South Wales 10 to 15 years ago to campaign in respect of such a referendum. I believe that adult suffrage is long overdue in the arrangements for the Upper House in South Australia. It is monstrous that the whole business has been able to go on for so long and it is extraordinary that there are those members opposite who are only now waking up to the monstrosity of this sort of arrangement. But even more extraordinary is the fact that they are offering adult suffrage on the one hand, but withdrawing it on the other by what I regard as ludicrous amendments. I support the Bill.

The Hon. D. N. BROOKMAN secured the adjournment of the debate.

#### ADJOURNMENT

At 9.25 p.m. the House adjourned until Thursday, September 3, at 2 p.m.