

LEGISLATIVE COUNCIL.

Wednesday, November 18, 1953.

The PRESIDENT (Hon. Sir Walter Duncan) took the Chair at 2 p.m. and read prayers.

QUESTIONS.**REGISTRATION OF MOTOR MECHANICS.**

The Hon. F. J. CONDON—Has any request been made to the Government to introduce a Bill for the registration of motor mechanics? If so, will it be brought down this session in order to remove a number of complaints concerning high charges and inefficient work?

The Hon. A. L. McEWIN—Such a request would, I presume, be made to the Minister of Industry, but no such matter has been discussed by Cabinet, which I think answers the question broadly, for without consideration there can be no intention to introduce a Bill.

RECRUITMENT OF JUNIOR CONSTABLES.

The Hon. F. J. CONDON—I note that the Commissioner of Police intends to reinstitute the system of recruiting junior constables. "They would be employed," he says, "in departmental offices and learn general police office routine until they reach the age of 20." Will that in any way interfere with new entrants to the Public Service, or is there a shortage of young people for positions in the Public Service?

The Hon. A. L. McEWIN—In general there is not a shortage, but these boys will be employed in clerical work to assist in using trained police officers to better purpose than, perhaps, trying to do one finger exercises on a typewriter. I will get the further information the honourable member desires in detail.

PARLIAMENTARY SESSIONS.

The Hon. F. J. CONDON—On Tuesday, March 23, next year we will be honoured by Her Majesty opening Parliament. Will the session be continued, or is it intended to have two sessions of Parliament next year?

The Hon. A. L. McEWIN—That has not been decided, but I suggest that it is possible that that occasion will be a session in itself and that there will be another session later. I emphasize, however, that is only my opinion and not a Cabinet decision.

PUBLIC ACCOUNTS COMMITTEE.

Adjourned debate on the motion of the Hon. F. J. Condon—

That in the opinion of this House it is desirable to appoint a permanent public accounts committee to—

- (a) examine the loan and revenue accounts of the State and all statements and reports required by law to be submitted by the Auditor-General to Parliament;
- (b) report to Parliament, with such comment as it thinks fit, any items or matters in those accounts, statements and reports any circumstances connected therewith, to which the committee is of the opinion the attention of Parliament should be directed; and
- (c) report to Parliament any alteration which the committee thinks desirable in the form of the public accounts or in the method of keeping them or in the mode of receipt, control, issue or payment of public moneys.

(Continued from November 11. Page 1399.)

The Hon. R. J. RUDALL (Attorney-General)—I ask the Council to oppose this motion, not on the grounds that the functions usually performed by a Parliamentary Accounts Committee are themselves unnecessary, but because in this State the necessary functions are already otherwise performed in a most satisfactory fashion. The Auditor-General is vested with powers to investigate and report, and those powers are very wide indeed. It has become his practice to report to Parliament in considerably greater detail than is required by the Act and his report is ordinarily available to members within three months of the close of the financial year and usually at the time the Estimates of revenue and expenditure for the year are under consideration. The Auditor-General does not confine himself simply to the presentation of and comments on the audited Treasurer's accounts, but also gives detailed explanations of accounts of Government departments and semi-governmental bodies, including their causes and trends, and invariably draws attention to any abnormal or unusual features of the accounts.

I am sure members will agree that the manner of presentation of the Audit report is a model of clarity and is designed throughout to give an entirely dispassionate view of the financial operations of all Government departments. In addition to the close and objective examination by the Auditor-General the financial records of this State are annually subjected to a searching examination by the Commonwealth Grants Commission. The commission calls evidence from senior members or the

Treasury staff, and the Auditor-General and senior officers responsible for a wide range of public activity. The chairman of the Commonwealth Grants Commission is one of the most highly regarded Australian chartered accountants whose experience in both private and public accounting and finance is very wide indeed. I am sure that anyone who knows the record of the present chairman would support that statement because I doubt whether a more qualified accountant than Mr. Fitzgerald could be found. The New Zealand Government obtained his services in setting up the operations of public accounts in New Zealand. He is particularly qualified to act as chairman of that commission. After having reviewed the accounts and finances of this State and compared them carefully with those of other States the commission reports annually thereon and makes an appropriate recommendation for financial assistance from the Commonwealth. Reports of the commission are available to members and are ordinarily published before the Estimates are brought down. Further, the commission's main investigations are conducted as public hearings within this building and it is therefore open to any member who desires to do so to attend the hearings. In order to indicate the manner of examinations made by the Commonwealth Grants Commission and the very high standard maintained by the Treasury and Auditor-General in the compilation, presentation and explanation of the State's finances, I desire to quote two statements made by the chairman of the commission at public hearings in Adelaide and shown in the official record of the proceedings. The first was made on October 31, 1951, at Adelaide, when the chairman said:—

Speaking for myself, I would like, although I have referred to this on more than one occasion in the past, to make a special reference today to the quality of the work that has been done by your finance and accounting officers. It is commonplace to criticize the form of Government accounts, not only in Australia, but all over the English-speaking world. In the last five years or so in this State the accounts that have been presented to us—and not only to us, but your Auditor-General's Report and the entire financial statements—have been of a very high quality indeed. I would like to say to you, Sir, that they reflect the greatest of credit on your accounting officers. I think that the form and the clarity of the Government financial statements in this State are equal to anything that I have seen anywhere else in the world either in public or private accounting. That, of course, is of very great help to the commission, as it must be to anybody else who is concerned with the analysis or the examination of your accounts.

The second statement was made by the chairman at Adelaide on March 11, 1953, when he said to the Treasurer:—

During the hearings (I think in your absence) I had occasion, when we came to deal with the Auditor-General's report, to ask Mr. Drew if he would convey to that officer our very great appreciation of the great amount of value that was contained in his report in very concise form indeed. The existence of such a report (and it is typical of the reports generally in this State) eliminates a great deal of the work that used to be done around this table in teasing out the facts of the financial situation.

Whether the Commonwealth Grants Commission has had the authority to do it or not, for the last eight years (and maybe even for a little longer) we have tried to influence the quality of the accounting work that is done in the three claimant States. We have had no trouble at all in this State and I would like to say, as a man not without experience in the preparation and analysis of financial documents, that, almost without exception, in this State the accounts of the Government and the Government instrumentalities are models of clarity, conciseness and consistency, and that has been proved in one particular instance by the fact that the forms of railway accounts that were developed in this State have now been adopted throughout the Commonwealth. I think the forms of some of the other accounts prepared in this State might very well be used in the same way as models. It is not merely in the rather mechanical matter of presentation of your documents that your officers have excelled themselves; it is in the thought they have given to the development of a consistent philosophy of governmental accounting in relation to such matters as depreciation provisions and provisions for debt repayment.

Throughout your accounts, you have practices of dealing with such matters which have been carefully and logically thought out, and which are consistently applied and which, for our part as a Commission, we find completely satisfactory.

In addition to the reports of the Auditor-General and the Commonwealth Grants Commission, there are available the Treasurer's statements, which contain much valuable information, and a large number of annual reports from the various public activities. There are also three Parliamentary Committees concerned with financial investigations before expenditures are authorized. These are the Parliamentary Standing Committee on Public Works, Parliamentary Standing Committee on Land Settlement, and the Industries Development Committee. Honourable members may rest assured, therefore, that because of the special circumstances applying in South Australia there is no need for a Parliamentary Public Accounts Committee in this State. To set up such a Committee would merely duplicate functions already performed both ably and expeditiously

by other authorities whose reports are available to members. I ask members to carefully consider what I have said because I feel that we should not set up another committee unless we are satisfied it would be in the interests of the people of this State. As I have pointed out, the Auditor-General's report is a tremendously valuable document that covers the whole field of governmental activities. There are also three Parliamentary committees which investigate the actual expenditure proposed by the Government and no public work of any magnitude is commenced before it undergoes the closest investigation. In addition the entire operations of the State departments are most meticulously examined by the Commonwealth Grants Commission which was set up specifically for the purpose of examining what has been done by this State. If any member studies the commission's reports or attends the actual sittings of the commission he will realize that the commission puts all our operations through, as it were, a fine tooth-comb. That is why they are there, and apart from these annual hearings in Adelaide, they are constantly seeking information they require throughout the year. What do these inquiries show? No more flattering words could have been used about our accounting system and the work of our departments than were used by the chairman of the commission as recently as March 1953, and he did not make that statement without having the fullest justification for doing so, because as anyone who knows him would realize he would not say that we have such a magnificent accounting system if that were not his belief, and he formed his opinions on evidence presented to him in the way to which he has referred in his statement. If there were no Grants Commission, some different view might possibly be taken, but it does exist, its proceedings are in public, and any member can attend or obtain its report. In these circumstances there is no necessity for the institution of another committee in this State, because the work that the proposed committee would do is already governed by the investigations made, not only by the Auditor-General, but by the commission which is set up for the principal purpose of making the most minute examination into operations of the Government. For these reasons I ask the Council to oppose the motion.

The Hon. E. ANTHONY (Central No. 2)—I congratulate the mover of this motion on re-introducing this subject, because for many years I have been a very strong advocate of

the setting up of a Public Accounts Committee in this State. I am not surprised that the Government is opposing the motion, because that has been done every time when a similar measure has been introduced. The history of public accounts committees in England is very interesting. Long before their public accounts committee was set up there were many select committees on finance in the House of Commons. In 1866, under the Prime Ministership of Mr. Gladstone, such a measure was introduced but met a great deal of opposition from the Government, which for some reason or other did not seem to relish the idea of inquiries into its various departments except by officers appointed by it. A Public Accounts Committee is instituted as a Parliamentary body, and rightly so, and at each meeting of the English committee the Auditor-General and an important member of the Treasury attends. Gladstone said "The committee is an institution well founded on the principles of Parliamentary Government." I listened very intently to what the Minister said in opposition to the motion, and agree with many of his arguments. Many inquiries are conducted into public accounts, but Parliament does not know anything about them. All it gets is a report, which members will agree is a very excellent and valuable one, from the Auditor-General.

The Hon. F. J. Condon—That is after the money is spent.

The Hon. E. ANTHONY—Yes, and our inquiry would be after it is spent, although it would inform members of the true position. That is my point; Parliament is a tribunal before which these accounts come, and is the body which should have all possible information about public funds, because we are trustees of the public purse. Parliament has not very much time to go into the intricacies of Estimates and Government expenditure. When I am considering the Estimates, although I always have alongside me the Auditor-General's report, I frequently have to ring his department for information on certain matters which is always provided. That is only my private inquiry, but all members can make similar inquiries if they desire. Government expenditure involves millions of pounds, and it is impossible for members to obtain a grip on the finances of the State, so this committee would be invaluable even if it were only a vehicle for providing information to Parliament. The principle of Parliamentary responsibility goes back long before Gladstone's time. The other day I was reading an article which

stated that a distinguished Roman jurist, Justinian, in about 500 A.D., said that whatever touches all the people should be approved by all the people. What touches the people more than the expenditure of public funds? It particularly affects those who are entrusted with the very high responsibility of watching expenditure of public money and being answerable to their constituents.

The Hon. R. J. Rudall—Doesn't the honourable member think the Grants Commission investigates this?

The Hon. E. ANTHONY—I have listened to that commission and have read its reports; they contain only plain statements of their inquiries, without any details of how the amounts were arrived at. The Auditor-General gives only a plain statement of the condition of each department, but does not state how these large sums have been spent. All he does is make certain comments without telling us whether there has been waste.

The Hon. R. J. Rudall—That is what the Grants Commission inquires into.

The Hon. E. ANTHONY—I have no doubt that it does, but members are not in possession of that information. All we see is the plain statement of facts that the Grants Commission puts forward from year to year. This committee would very closely inquire into every detail of public expenditure.

The Hon. R. J. Rudall—That is what the Commonwealth Grants Commission is for.

The Hon. E. ANTHONY—What I am complaining of is that members have no opportunity to see the details. Members cannot know what goes on in regard to expenditure of public money, and it is their duty to know.

The Hon. A. L. McEwin—What does the honourable member mean by details?

The Hon. E. ANTHONY—Consider the Auditor-General's remarks on the Education Department. He discloses that payments to the department for the year ended June 30, 1953, were £4,933,172, an increase of £804,000 above the previous year. Then he says that teachers' salaries showed an increase of £522,000, followed by a short explanation that the extra amount was due to increase in rates and numbers of teachers employed. Then the maintenance of buildings was much higher, but why? We know that there are certain reasons why things cost more, but there are other explanations which I think members are entitled to know. There have been grave losses in some departments and members want to know the reasons, and there are a hundred

and one things that a committee such as this could do. I am certain that once established the Government would be very grateful for it.

The Hon. L. H. Densley—Would the committee cut across Government policy?

The Hon. E. ANTHONY—It would have nothing to do with policy.

The Hon. R. J. Rudall—It could do only what the Grants Commission does already.

The Hon. E. ANTHONY—I know that the Grants Commission makes a very detailed inquiry, but only for a specific purpose. Members do not know the why and wherefore and they are entitled to know. So, without reservation, I say that members should have additional information to that furnished in the Auditor-General's report, excellent though that report may be. The Auditor-General explains how he has been hampered by dislocation of staff and because certain departments did not produce their statements in time for him to use them. All these things are indicative to me that there ought to be a much stricter inquiry into the expenditure of public money.

The Hon. A. L. McEwin—How much does the honourable member estimate the appointment of such a committee would increase the cost of Government?

The Hon. E. ANTHONY—I say that the savings it would effect would repay any additional cost a hundred times.

The Hon. A. L. McEwin—It would involve the setting up of a staff.

The Hon. E. ANTHONY—It might mean a little initial cost, but in the long run it would save the State an immense amount of money and, in addition, give members information to which they are entitled.

The Hon. F. J. Condon—The honourable member is suggesting that Parliament should run the State.

The Hon. E. ANTHONY—Exactly. That is Parliament's job. In the very earliest days private members had the right to introduce legislation, but now we have reached the stage when private members have a few hours allotted to them in which to bring forward any matters they desire, and the increase of Cabinet responsibility has almost completely forced the private member out of the picture.

The Hon. R. J. Rudall—Do you suggest that happens in this Council?

The Hon. E. ANTHONY—It happens in all Parliaments. The private member has very little time allotted to him—

The Hon. A. L. McEwin—That is not consistent with the fact that the honourable member is talking on private members' business now.

The Hon. E. ANTHONY—This is private members' day.

The Hon. A. L. McEwin—But the honourable member suggested that the private member does not have the opportunity.

The Hon. E. ANTHONY—The establishment of the English Public Accounts Committee has received the commendation of people all over the English-speaking world, and what the Mother of Parliaments has done in setting up this committee has proved very valuable and surely is worthy of emulation. This is what the British Auditor-General said about this committee:—

It has almost made the law, so to speak, upon financial matters. The decisions of the Public Accounts Committee form, in effect, a kind of common law which is binding on all departments in practice if not in theory. I am sure members here do not visualize just what the setting up of a committee like this would do. I do not want it merely to poke its nose into Government departments and find small faults in order to make political capital out of them; that is not its work. Only recently the New Zealand Government set up a Public Accounts Committee.

The Hon. R. J. Rudall—They have not a Commonwealth Grants Commission.

The Hon. E. ANTHONY—Probably not, but surely the Minister will not take refuge behind the Grants Commission over which this Parliament has no control.

The Hon. F. J. Condon—The Commonwealth has a Public Accounts Committee.

The Hon. E. ANTHONY—Yes, and I understand they are extremely pleased with it. However, it is not a question of the Government's being pleased with it, but whether its findings are in the interests of the public. It would be a watch-dog on all departments. It would be answerable to Parliament, and through Parliament to the people, and therefore I feel sorry that the Government is not supporting the motion. I remind members that a similar resolution has been carried in this Council twice previously by Liberal members, but for some reason has never been put on the Statute Book. On this occasion, if the motion is carried, I hope it will soon become part of the law of the land.

The Hon. E. H. EDMONDS secured the adjournment of the debate.

PUBLICATIONS DETRIMENTAL TO CHILDREN.

Adjourned debate on the motion of the Hon. K. E. J. Bardolph—

That in the opinion of this Council it is desirable that the Government should take immediate action to prevent the printing, publication and sale of comic papers, comic strips and other like matter detrimental to the morals of children, and for this purpose, this Council recommends the establishment of an advisory committee to advise the Government from time to time on this matter.

(Continued from November 11. Page 1401.)

The Hon. A. L. McEWIN (Chief Secretary)—I think I can say at the outset that most of us can subscribe to the motives which prompted the honourable member to submit this motion and much of the matter raised by him. I could go further; knowing something of the honourable member's private life I believe he practises what he preaches and exercises that parental responsibility which provides the most satisfactory answer to this question. The motion asks, first, that the Council should express an opinion, and concludes with a recommendation. The honourable member seeks expression of opinion that the Government should take action to prevent the publication and sale of comic papers and comic strips "and other like matter detrimental to the morals of children" and then recommends that there should be an advisory committee to advise the Government from time to time. Mr. Bardolph stated that the Commonwealth Government was interested, but had stated that it could do nothing because it had no power, except through the Customs Department, to prevent the printing and publishing of insidious literature. However, the position of the State is no more favourable because—and here one has to make certain assumptions—the literature referred to by the honourable member either comes in from overseas or is published in the eastern States, and therefore we have no control over its immediate publication; it is already in circulation before we have access to it. The phrase "other like matter detrimental to the morals of children" was not explained lucidly by the honourable member, but I suggest that action has been taken by Parliament by the passing of two very important Acts—the Police Act and the Children's Protection Act.

The Hon. S. C. Bevan—Have they been effective?

The Hon. A. L. McEWIN—Whose fault is it if they have not? Has not the honourable member just as much obligation as I have

in this matter? If this insidious literature is in circulation whose responsibility is it? I am sure it belongs to any member or any citizen who considers that any matter is objectionable. Anybody who is of the opinion that certain literature is undesirable can report it. There are so many publications in circulation that it is impossible to have cognizance of them all. Indeed, some may object to certain things which appear in newspapers. I do not know where the problem ends. The police keep a watch, but I do not suppose that they know every publication which is put on the book-stalls.

In the first place we are asked to assume that publications are in effect detrimental to the morals of children. That involves the very debatable decision on just what is detrimental. The books which people read is determined largely by their own decision. I think if the Parliamentary Librarian were asked what members read and what was their guiding principle in selecting books he would say that it depended on the tastes of the individual. Some are interested in historical books, others in scientific works, and others again prefer books in lighter vein, so it becomes a matter of taste, and the individual is not so much influenced by what he reads as much as by what his taste dictates. In the second place it is proposed that there should be Government action to prevent the sale of these papers, and thirdly, it is inferentially suggested that a censorship board should be set up to decide which papers are detrimental to the morals of children and which should be published. In other words censorship should operate before the paper is published and not afterwards because much damage can be done after a publication is in circulation. I have given considerable thought to the motion but its aim is not clear. Is the honourable member seeking to protect the morals of young children, of those commonly called teenagers, or of even older people, and to what types of printed matter is he referring?

The Hon. K. E. J. Bardolph—I will tell you in my reply.

The Hon. A. L. McEWIN—The appropriate time was when the honourable member submitted his motion. If he is referring to the class of papers which, in our younger days, were known as *Comic Cuts* it is likely that he has not made out a claim that this type of publication is detrimental to the morals of children. One of our leading clergymen, a

most influential man, as a student was continually delving into the comics and *Deadwood Dick's*.

The Hon. K. E. J. Bardolph—*Comic Cuts* is not published now. I was referring to modern publications. If you read my speech you will know what I referred to.

The Hon. A. L. McEWIN—I read the honourable member's speech but he did not supply us with exhibits although he did refer to the *Eagle* which is a South Australian publication.

The Hon. K. E. J. Bardolph—I recommended the *Eagle* for reading by children.

The Hon. A. L. McEWIN—I am trying to ascertain at what publications the motion is aimed. If it relates to nudity I remind the honourable member that near approaches to that state can be seen on our beaches and that photographs of scantily clad cover girls are included in most popular publications. I understand that there have been some quite exhaustive examinations of this class of publication by those concerned in their distribution and the general consensus of opinion is that in those papers which cater for the ordinary youngster there is nothing salacious or offensive to the general moral code. I have, on occasions, discussed this matter with the Children's Welfare Department which has been responsible for eliminating the worst of this literature. Interstate conferences have been held concerning such literature but the question reverts to the point I raised earlier—that the sale of this literature depends upon the demand for it. Publications are designed to meet what the morals of a community either accept or demand. It may be that some of the illustrations deal with matters of violence but the small boy has always had a liking for violence and from a recollection of the comic papers I used to read as a boy I would say that this feature of these papers is not of modern growth.

It is incumbent on the honourable member to explain the exact evil at which his motion is aimed. I would suggest that in regard to comic papers for younger children he has not yet established that an evil exists. There is no doubt that there is a considerable amount of rubbish published these days but probably there always has been. I have heard the comic strips published in the daily press referred to as rubbish but I know many people who never fail to read "Pudden" or "Pop." They regard them as humorous.

The Hon. E. Anthoney—They are funny.

The Hon. A. L. McEWIN—Other people call them rubbish. The Committee would have to

decide whether they are funny, rubbish, salacious or immoral. It is also true many periodicals are now published which deal rather blatantly with nudity and near nudity but this tendency is by no means confined to the class of paper which I imagine the honourable member has in mind. These publications, I would suggest, are aimed at a reading public other than young children. It may be that some of them come into the hands of teen-agers and it is possible that, in instances, they may have harmful effects on the readers, but the remedy proposed presumably is suppression and that, as I will deal with later, leads to a tremendous amount of difficulty. If harmful reading matter is being disseminated among the community and some of this reaches impressionable children it is, primarily and most emphatically, the duty of parents to regulate the reading habits of their children and to see that they do not come to the harm which Mr. Bardolph suggests exists. The most potent factor in preventing any such harm is the influence of parents but I think it is quite likely that in many instances reading material, the vulgarity of which can be admitted; is purchased not by the children but by the parents whose duty it should be to protect their children. There is already a law on the Statute Book to deal with what might be called the pollution of the child mind by objectionable reading material. Section 11 of the Children's Protection Act makes it an offence, punishable by imprisonment for a period not exceeding six months, and to a fine not exceeding £50, to place obscene publications before children.

The Hon. K. E. J. Bardolph—I mentioned that Act.

The Hon. A. L. McEWIN—Yes, but the honourable member did not quote it in detail. Section 11 states:—

Any person who—

- (a) sells, lends, or gives, or offers to sell, lend or give to any child; or
- (b) in any manner employs or hires any child to exhibit, sell, give away, or in any manner distribute;
- (c) having the custody or control of any child, permits him or her to exhibit, sell, give away, or in any manner distribute,

an obscene publication, shall be guilty of an offence against this Act and liable to imprisonment for any period not exceeding six months, and to a fine not exceeding fifty pounds.

The definition of "obscene publication" in that Act includes:—

- (a) any book, pamphlet, magazine, newspaper, or document devoted to the publication, or composed, to any considerable extent of or giving

special prominence to criminal news, police reports, or accounts, stories or pictures of lust or crime;

- (b) any drawing, picture, or written or printed matter of an indecent, obscene, or immoral nature.

Members will realize that there is a prohibition on obscene publications which give special prominence to crime or sex.

The Hon. K. E. J. Bardolph—The committee would bring the provisions of that Act into operation.

The Hon. A. L. McEWIN—That is a new idea—that special committees are to be appointed to administer the provisions of every Act.

The Hon. F. T. Perry—Have there been any recent prosecutions under that Act?

The Hon. A. L. McEWIN—I could not say. I do not administer the courts nor do I always read what happens in them. The Police Act also provides for these matters. It will be recalled that this council recently passed the Police Offences Bill which contains specific provision on this topic. Clause 33 of that Bill makes it an offence to print, publish, sell, or exhibit any indecent matter. Indecent matter is defined to mean any printing, writing, painting or other representation or matter of an indecent, immoral or obscene nature. The clause provides that in determining whether any matter is indecent, immoral or obscene, the court is to have regard to the nature of the matter and the persons or classes of persons and the age groups to or amongst whom it was intended or likely to be distributed, sold, or delivered, and the tendency of the matter to deprave or corrupt any such persons, classes of persons or age groups. It is also provided that the matter shall be held to be indecent, immoral or obscene when it is likely in any manner to corrupt any such person or persons in any such class or age group, notwithstanding that persons in other classes or age groups may not be similarly affected. It will be seen that this clause is designed to prevent the evil to which the honourable member has drawn attention. In addition, similar legislation is contained in the Children's Protection Act and a very wide field is covered in the Police Bill with which we have dealt, yet the honourable member's colleague in another place is disputing this and trying to water it down, so it is apparent that there are two different opinions in his own Party.

The Hon. K. E. J. Bardolph—I told the Minister this was non-political.

The Hon. A. L. McEWIN—Then the honourable member should keep it just as much non-political in his own Party. At least I have very good support from the fact that this matter has been provided for because, whereas the honourable member said that we have not attempted to deal with it, his colleague in the House of Assembly said that the law goes too far. A suggestion was made there that it should be amended, but not in the direction mentioned here, because Mr. Bardolph has said that we have not gone far enough. This House has been asked to express an opinion; I am endeavouring to promote opinions, and in doing so point out to the honourable member that ample provision has been made over the years to give effect to this matter. If the law is not functioning, that is because of a general looseness and acceptance of conditions, as they exist, by the general public.

The Hon. S. C. Bevan—In the event of a prosecution under the Act, who is responsible for saying what is and is not an obscene publication?

The Hon. A. L. McEWIN—The magistrate has to decide that. Does the honourable member imply that he can nominate somebody who has a better idea?

The Hon. S. C. Bevan—Should the magistrate have that responsibility thrust on him?

The Hon. A. L. McEWIN—Perhaps the honourable member suggests that we should have some volunteers who would be more competent to deal with these matters than our courts. However, because of our confidence in British decisions, I think we rely on judges and magistrates, and juries in some cases, to properly interpret the law in the interests of the people. I suggest that the two enactments I have referred to go as far as can be reasonably expected in prohibiting the publication of indecent matter. It will be seen that clause 33 of the Police Offences Bill provides that if any particular publication would tend to corrupt children to whom it was sold then it is an offence to sell or give or deliver it to children even though it would not have a corrupting effect on others. I think that goes even further than the objective of the honourable member.

Thus it can be said that the prohibitions in the law are adequate to deal with matter which is published and, as I have already suggested, it is incumbent on parents to train their children so that they are in a position to distinguish between the good and the bad and to encourage them in reading habits which will lead them to discard the trashy and pornographic. If the matter is to be taken

further, as suggested by the honourable member, then inevitably it leads to the prohibition of publication. The present law is based on the view that a publisher or seller can publish or sell what he likes but he must take the risk whether what he publishes or sells comes within the penalties provided by the existing legislation. He must, in effect, decide before he publishes or sells whether the matter published would be held to be indecent or obscene within the meaning of the sections I have mentioned, and this is in accordance with the general principles of our modern English law. The honourable member, I think it is fair to say, proposes that, in effect, there should be set up a body which would be in a position to say whether or not any particular book or paper should be published, that is to say, more or less full-blooded censorship.

The Hon. K. E. J. Bardolph—But the responsibility would be with the Minister; this body would merely report to him.

The Hon. A. L. McEWIN—I am pointing out what will be the practical effect. Once a committee is established to deal with publications it cannot be confined to what will happen after the publication, but ultimately will find itself commencing a full-blooded censorship of everything; I ask what sort of condition that would create. Censorship in any form is a bad thing and can only be justified, either by circumstances such as war, when the security of the country demands that we give up our ordinary freedoms or by an evil so gross as to justify a system of censorship. What I am trying to convey is that if a committee is established it will soon become very busy, and after all its decision can only be an opinion, because there are no basic theories on which it can rely. I have a teenage boy who is studying English. Last night I read a page from *Midsummer Night's Dream* which he was studying, and read all I wanted about sex and all the top Australian swear words, some of which are very old. Nobody would suggest that my son should not read this; in fact, it has been suggested that anything which comes under the guise of literature, art or science can be used, and I suppose everything published could be deemed to be in the interests of science, art, literature or medicine. People would find a way to get over it, and all we would obtain would be a committee of sticky-beaks who ultimately would want to become a censorship committee with full-blooded powers to decide what is fit, not only for children, but for everyone. This sort of emergency measure should be confined only to extreme conditions.

I have heard discussions in this House on how long war legislation should be continued, but the honourable member wants this measure in operation in peacetime, and I do not favour that suggestion. It may be said that the censorship imposed would only apply to a limited number of publications. That may be the present intention but in any case if it is accepted that there should be a censorship to prevent the corruption of the morals of children it follows that that censorship must be extended to all those publications, whether papers or books, which are likely to be read by children. This would mean that all children's books which are obviously innocuous and thoroughly desirable for children would have to be passed by the censors. I would point out, in passing, that as very many of the publications in question are periodicals which are published weekly or at short regular intervals the job of the censorship body would be very considerable. But censorship can never be limited. It would seem, from the honourable member's proposal, that he does not necessarily limit his suggestion to books which are suitable only for young children and so the scope of the censorship by the board would have to be extended to periodicals of the kind which we see displayed on news stalls and would, I have no doubt, have to extend to newspapers and, in due course, to all books published or sold in South Australia.

I would suggest most strongly to the Council that once a censorship system begins there can be no limit to it and that, by an inevitable process, which might start as an attempt to overlook the publication of periodicals and other publications for small children, would spread to the whole publishing field in this State. All members will agree with Mr. Bardolph that it is a bad thing if children's morals are corrupted by trashy and worthless publications. It is, however, not a problem that can be fully solved by Government or Parliamentary action. Parliament has imposed penalties on the publication and dissemination of obscene and indecent literature and the remedy is there for those who wish to prosecute anybody who breaks these laws. And this, I suggest, is as far as Parliament should go. The main remedy lies in the education of the children of our community. Whilst this can be done and is, I have no doubt, being done in the schools and churches, it is the parents who should instil in their children a desire for a better class of reading. There is much trash that is published which is not indecent or pornographic but which is probably as harmful to the minds of children as pornography.

Libraries are being established in schools throughout this State, a proper selection of appropriate reading materials is provided in them, children are using them, being educated and influenced, and their minds directed towards proper reading matter, so I suggest that never in the history of the State has more attention been given by the Government to leading the minds of children towards the reading of proper and appropriate literature. The institution of a censorship system would, I consider, be harmful and produce an evil greater than the one which the honourable member seeks to overcome.

The Hon. C. D. ROWE secured the adjournment of the debate.

CONSTITUTION ACT AMENDMENT BILL (No. 3) (GOVERNOR'S ALLOWANCE).

Read a third time and passed.

SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL.

Read a third time and passed.

BUILDING CONTRACTS (DEPOSITS) BILL.

Read a third time and passed.

HONEY MARKETING ACT AMENDMENT BILL.

Read a third time and passed.

TRUSTEE ACT AMENDMENT BILL.

In Committee.

(Continued from November 17. Page 1459.)

Clause 3—"Variation of employees' benefit fund."

The Hon. C. D. ROWE—I move—

In the third line of new section 35b (1) (II.) to delete "two" and to insert "four". Speaking on the second reading I said I thought that the clause should be clarified in two respects. Firstly, the two weeks' notice to a beneficiary was rather too short to give people the proper opportunity to consider the matter before it came on for hearing. I had in mind people who, perhaps, had moved some distance away from their original place of abode and had to be served with notice by post, which might consequently be delayed as much as a week.

The Hon. R. J. RUDALL (Attorney-General)—I agree that the amendments would be a great improvement because we want to be assured that the beneficiary gets the notice of the proposed change.

Amendments carried.

The Hon. C. D. ROWE—I move—

In the fourth line of new section 35b (1) (II.) to delete “purpose of” and insert “details of the proposed variation to be submitted to”.

The purpose of these amendments is to make it clear that the trustees are calling the meeting for the purposes set out in the notice, showing exactly what alteration they propose to make. As the clause is drafted they simply have to give notice of the meeting and do not need to state what variation is proposed.

Amendments carried; clause as amended passed.

Title passed and Bill reported with amendments; Committee's report adopted.

SEWERAGE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 17. Page 1458.)

The Hon. F. J. CONDON (Leader of the Opposition)—The Bill is for the purpose of levelling up the Sewerage Act and the Waterworks Act. It is necessary that the Minister should have the power to charge for services rendered. It is rather astounding that the present state of affairs has been permitted to continue for so long especially in view of the magnitude of the work of these two departments. The rapid decline in the financial results since 1946 was temporarily arrested in 1951-52, but the amount of public money involved in sewerage works is nearly £6,000,000. Earnings last year were £399,000 and the undertaking returned only 2.6 per cent on capital employed, whereas to meet the full charges it should have returned 2.76 per cent. The deficit was £9,499. Consequently, Parliament should give the Minister full authority to charge for services rendered.

Other sewerage schemes have been recommended. For example, the Salisbury scheme was recommended at a cost of £170,000, and altogether 11 country sewerage proposals have been recommended. However, I do not expect many of them to be put in hand for many years. In this Bill we are giving councils power to undertake sewerage works, but I do not see how any council can find the money to undertake schemes, some of which involve as much as £500,000. This measure rectifies something that should have been corrected many years ago and I therefore have pleasure in supporting it.

The Hon. C. D. ROWE secured the adjournment of the debate.

TEXTILE PRODUCTS DESCRIPTION BILL.

Adjourned debate on second reading.

(Continued from November 17. Page 1458.)

The Hon. F. J. CONDON (Leader of the Opposition)—The purpose of this Bill is to secure uniformity between the Commonwealth and the States, following a conference between them. Appropos of uniformity, I am amused to hear on radio quizzes which advertise certain goods the announcement that “South Australian listeners are reminded that it is illegal to send wrappers with their entries for competitions and prizes.” We seem to be somewhat outstanding; there is no uniformity in this case, and then of course this is the only State in which there is no lottery. I assume that South Australians are too good to have one. The Bill contains nine clauses. Clause 2 provides that the Act shall commence on a date to be fixed by the Governor by proclamation. Clause 9, however, proposes that the Governor may make regulations, which will bring matters before Parliament. A member cannot challenge a proclamation, but he can move that any regulation be disagreed to. Clause 3 repeals the 1944 Act and clause 4 contains definitions of “fibre,” “textile products” and “wool” and also refers to “linen” which was not mentioned in the original Act. Clause 5 relates to the duty of a person to label textile products and the words “expose” and “have in his possession” are included. Several alterations are also proposed by clause 6. I can see no real objection to the measure and support the second reading.

The Hon. L. H. DENSLEY (Southern)—Before legislation was enacted nine years ago it was the subject of much agitation from wool-growers who advocated that some method should be devised whereby the wool industry could be protected and purchasers would know that they were obtaining woollen goods when they sought them. That Act would have provided a measure of security, but it was found impossible for the analyst to detect whether wool used in a garment was reprocessed, reused or virgin wool and it was never operative. Consequently, as a result of that inability, this Bill has been introduced to safeguard the interests of the woolgrower. As I understand it, the Bill provides that if 95 per cent of the material contains wool it can be branded and sold as pure wool, but if less than 95 per cent and more than 5 per cent it must be stated what

percentage of wool and other fibre is incorporated in the material. Clause 6 relates to requirements concerning the description applied to any textile product.

The economy of this country is based more on wool than any other product and for that reason the woolgrower and the general public are particularly anxious that that industry should flourish. We should protect it from any dangers that may arise from the sale and purchase of woollen articles. There has been a great deal of agitation concerning the mixing of woollen fibres with synthetic fibres to produce an article which is mainly synthetic. It has been proved, by experimental work, that a synthetic article which the layman is unable to detect as not being woollen can be produced. Consequently, it is vital that the industry should be protected and that the public should know what it is purchasing. The amount of money provided by organizations in America which are manufacturing synthetic products is tremendous and they are spending millions of dollars annually in advertising campaigns. Obviously, if we are to meet the competition of synthetics some protection must be provided to the woolgrower.

The Hon. R. J. Rudall—The consumer is also entitled to protection.

The Hon. L. H. DENSLEY—Yes. The general public should be protected and know the quantity of wool contained in articles it is purchasing. The Bill provides for the labelling of products but it has been suggested that such a provision will entail considerable expenditure. Actually, it will represent only a small amount because it is the normal practice of manufacturers to place their names on their products and it will not be expensive for them to add a few words stating the constituent parts of an article. It may be somewhat difficult to administer the legislation but protection is afforded the wool industry and I support the Bill.

The Hon. A. J. MELROSE secured the adjournment of the debate.

PORT BROUGHTON RAILWAY (DISCONTINUANCE) BILL.

Adjourned debate on second reading.

(Continued from November 4. Page 1294.)

The Hon. Sir WALLACE SANDFORD (Central No. 2)—The Bill provides for the discontinuance of the Port Broughton railway and the disposal of the materials removed from that line. It is a small line which runs 10 miles inland and its construction was authorized

in 1873. It was originally built for horse traction but it comprises iron rails which can be put to better use elsewhere. It has been suggested that if action had been taken earlier the value of the iron would have then been greater. Clause 3 not only authorizes the discontinuance of the working of the railway or any part of it and the taking up and removal of it but also the disposal of the materials so taken up. It would appear that a considerable quantity of materials will be put to use and that with the development of motor traction the necessity for the line no longer exists. I have pleasure in supporting the second reading.

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

BUILDING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 17. Page 1466.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—As the Minister who introduced this Bill said, amendments are made to the Building Act from time to time as a result of reports submitted to him by an advisory committee established under section 98A of the Act. This committee consists of men of high technical skill and professional experience in the building industry, together with a representative of the Master Builders' Association, and these men suggest amendments for the proper carrying out of the Act from the experience they have gleaned in following their professions. This measure deals with the disposal of drainage, sullage and sewage from buildings abutting other properties, and the delegation of powers by councils to building inspectors in cases where there is no building surveyor. Another clause deals with the openings to cellars and basements, previously dealt with by the Police Act.

A stage of consciousness has been reached in building construction which has created a desire on the part of architects, builders and surveyors to adopt construction to suit Australian conditions and use Australian materials where possible. Until that stage was reached we were dependent on methods adopted in America and Great Britain, but now we design our buildings to suit local conditions. In the wide field of construction and development, the section known as building construction occupies an important place; it ranges not only from the simple home to the mansion and from the parish church to the cathedral, but includes all building activity.

This has been successful in Australia, and in South Australia particularly, and has called for a marshalling of craftsmanship and labour to produce a building from a blueprint. There has been economy in design and fitness for purpose, which are necessary qualities in building.

In our present advanced stage I presume there will be many amendments to the Act, because building construction has been geared for rapid action. It can be seen from our present methods of construction and the elevation of materials to various levels that building methods have become totally different from those of 15 or 20 years ago, so it is necessary to amend the Act from time to time to meet the changed circumstances. Because of this the present measure is before us, and it is imperative that it should be passed, because without these amendments there can be no real unanimity of opinion concerning ways and means, and building standards cannot be co-related. We have reached a stage in the development of our architecture in which the chief building surveyor of the various cities should be given the proper designation of town or city architect instead of building surveyor. In most cases the city engineer is given the title of surveyor, but most building surveyors are qualified civil engineers and are not called upon to design, plan or supervise a building; that responsibility devolves in most of the big councils or shires on a person who has been trained and qualified in architectural design. The time has arrived when the Act should be amended to make this provision in the capital and other cities. In Melbourne there is a City Architect, and in some of the larger cities of Victoria there is a town architect responsible for advice on the various plans which come before the councils and shires.

The Hon. F. T. Perry—Is he a council employee.

The Hon. K. E. J. BARDOLPH—Yes. Under the Act it is not incumbent on councils to appoint building surveyors. Building inspectors are usually appointed, but if there is no permanent surveyor the council can delegate by means of resolution the powers of a surveyor to an inspector in relation to buildings of one storey of ordinary construction, the design of which does not involve any computation. It is obvious that in cases where it is necessary to calculate strains and stresses and other such matters the services of a qualified man are essential. Councils usually have an outside consultant for matters of a

technical nature for the protection of themselves as well as those who seek endorsement of plans.

Under the Act it is necessary to provide only one set of plans to a council, and the practice has been followed for a number of years in which duplicate plans have been submitted to the council, a copy always remaining on the job. Under this Bill it is mandatory for two plans to be submitted, one of the endorsed plans to be kept on the job. I entirely agree with this provision, although I will submit an amendment that after the words "have been submitted" in subsection 3 of section 9 of the principal Act these words should be added—"such plans, working drawings and specifications shall be signed by the owner, architect and builder." This will be a protection not only for the council, building inspector or surveyor, but also for the owner, architect and builder. Under the Bill proceedings can be taken by any council within 12 months from the time when a complaint arises; the present period in the Act is six months. It is also provided that no action can be taken against a council for entering premises for the purpose of demolishing and reconstructing if permission has been obtained from the court. My amendment would co-relate all the proposals and views expressed, and thus make the Act workable. I have much pleasure in supporting the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Progress reported: Committee to sit again.

PUBLIC SERVICE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 4. Page 1293.)

The Hon. Sir WALLACE SANDFORD (Central No. 2)—As other members have pointed out, the object is to enable persons over the retiring age to be employed temporarily in the Public Service. I support the measure and feel certain that it will not impose any hardships on anyone. On the contrary, the opportunity will be extended to those who desire to continue to work to do so. To fix an arbitrary retiring age and to insist upon it without making provision for variation is both wasteful and unsound; this is quite apart from the question of whether or not the age of 65, which has been established as the retiring age, should be preserved. Practically every country possesses

a large reservoir of unexpended effort, or labour, or experience which could be used to the general benefit of the whole community, and if we do not take the opportunity of using all the available labour we are wasting valuable manpower which our country at any rate can ill-afford to do. Since 65 was fixed the span of life has definitely lengthened and a good case can be made for extending it.

In 1941 the Public Service Act was amended to permit the appointment of persons over the statutory retiring age in the Public Service, in the Education Department and in the Railways Department. In 1946 with the end of the war, the relevant section 49a of the principal Act was amended to provide that no further appointments should be made under that section. A year later, however, it was found that it was still desirable to employ over-aged persons and the operation of section 49a was extended to December, 1952. It is believed that there is still a real need to utilize the provisions of that section, and that no good purpose would be served by limiting the period of its operation. It is considered that it contains adequate safeguards against its being used to the prejudice of any individual and consequently I have pleasure in supporting the second reading.

The Hon. C. D. ROWE (Midland)—It appears desirable that we should extend the operation of section 49a indefinitely so that people who are over the age of 65, in the case of men, and 60 in the case of women, can continue to be employed and thereby overcome the shortage of staff in the Public Service. According to the Minister's speech there were, in August of this year, 55 over-aged persons in the Public Service, 78 in the Education Department and a small number in the Railways Department. As well, there were five over-aged medical officers in the Hospitals Department, and I understand they are men with particular and specialized knowledge, without whom it would be extremely difficult to carry on the work they are doing. I also understand that there are some over-aged people at Roseworthy College who are doing a particularly good job. I thought one of the opening paragraphs in the Auditor-General's report was rather significant. He said:—

Again during the year there has been a substantial change in the staff of this department, and because of the delays in filling vacant positions and the training of new staff, there was a loss of effective work and the progress in overtaking the lag in the work of the department has not been as great as desired. Those

changes in the personnel which have been a continuous feature since the end of the war have placed a heavy burden on my senior officers and necessitated prolonged periods of overtime by them and their staffs.

It is clear from that that even the Auditor-General's office is suffering from shortage of staff. There is another aspect which has not been mentioned. The same shortage exists in private industries, for in numerous instances people are working beyond a reasonable number of hours and beyond their physical capacity, sometimes with serious results to their health. Consequently, it is only logical that, when there is so much work to be done and so much development to be carried out, the opportunity should be given to everyone willing to work to carry on his job. As the Bill is a move in this direction I have pleasure in supporting it.

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

PRICES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 4. Page 1292.)

The Hon. F. J. CONDON (Leader of the Opposition)—Under the provisions of the Prices Act which commenced on September 20, 1948, the control of prices, goods and services formerly exercised by the Commonwealth was undertaken by the State, without, I contend, much success. I suppose one must agree that there has to be some form of control, but to have six different States operating six different systems is somewhat farcical. Immediately one State fixes the price of a commodity it is sent to another State on the black market, but that could not happen with Federal control.

The Hon. R. J. Rudall—Was there no black marketing under Federal control?

The Hon. F. J. CONDON—Not to the extent there is today. Insufficient action is taken against people who break the law and control is more necessary today than ever.

The Hon. Sir Wallace Sandford—The same old story.

The Hon. F. J. CONDON—The honourable member's policy is to peg men's wages, but not prices. The Commonwealth Arbitration Court recently pegged wages, but I do not know of any prices it has reduced. I have always contended that if it is necessary to fix wages, particularly in industries which have an export market, it should be done Federally, and the same people should fix prices. It is

difficult to condone the action of the Arbitration Court when, in some cases, the cost of living figures show an increase of 4s. which the people have been denied.

The cost of administering the Prices Act for 1953 amounted to £78,913, with what effect I do not know. If we add the cost of controlling rents, £22,000, it brings the total to over £100,000. Some producers have threatened to leave their potatoes in the ground if they cannot get a certain price. If that is not direct action I do not know what it is. Other people are withholding goods because they cannot get the price they think they are entitled to get. If a worker adopts the same attitude he is called a direct actionist. We must agree to constitutional methods, but it is no good fixing prices if people will let produce rot rather than sell at those prices.

It is difficult to control prices legislation. In 1915-16 and 1920-21 I was a member of the Prices Regulation Commission, presided over by a judge of the Supreme Court, and experienced those difficulties. A price was fixed and no

merchant could increase that price without permission and there was no question of withholding supplies, because if a reasonable case for an increased price were submitted it was agreed to. The operation of this Bill is limited to 12 months, but the Government should extend the period to five years as was done with honey marketing legislation. There is more need for this legislation today when wages are pegged than ever before. As it will afford some small measure of consideration to consumers I have no alternative but to support it.

The Hon. W. W. ROBINSON secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL
No. 1 (FEES).

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

ADJOURNMENT.

At 4.20 p.m. the Council adjourned until Tuesday, November 19, at 2 p.m.