LEGISLATIVE COUNCIL

Tuesday, November 9, 1971

The Council assembled at 2.15 p.m.

APPOINTMENT OF DEPUTY PRESIDENT

The Acting Clerk having announced that, owing to the unavoidable absence of the President, it would be necessary to appoint a Deputy President,

The Hon. A. J. SHARD (Chief Secretary) moved:

That the Hon. Sir Arthur Rymill be appointed to the position.

Motion carried.

The DEPUTY PRESIDENT took the Chair and read prayers.

QUESTIONS

POLDA-KIMBA MAIN

The Hon. R. C. DeGARIS: Has the Chief Secretary a reply to the question asked by the Hon. Mr. Whyte on November 2 regarding the Polda-Kimba main?

The Hon. A. J. SHARD: The Government is preparing a new submission which will include the evidence and statistics that have become available since the request was first submitted to the Commonwealth Government.

LEARNING DISABILITIES

The Hon. M. B. DAWKINS: Has the Minister of Agriculture received from the Minister of Education a reply to the question I asked on November 2 regarding learning disabilities?

The Hon. T. M. CASEY: The Minister of Education reports that on August 3 this year he wrote to the President and Secretary of SPELD suggesting the establishment of a joint Education Department-SPELD committee, consisting of officers of the Education Department and representatives of SPELD, to work out ways in which that organization could be of assistance to the work of the department in the area of common concern. The invitation was accepted by the then newly-formed SPELD management committee on August 16. The first meeting was held in October; the second was held yesterday; and the committee is to meet monthly. Obviously, the Hon. Mr. Dawkins has not kept himself informed on the matter.

PINNAROO-BORDERTOWN ROAD

The Hon. M. B. CAMERON: Has the Minister of Lands received from the Minister of Roads and Transport a reply to the question I asked on October 26 regarding the sealing of a certain portion of the Pinnaroo-Bordertown Road?

The Hon. A. F. KNEEBONE: The Minister of Roads and Transport reports that during recent years funds have been continually allocated by the Highways Department to the District Council of Pinnaroo and the District Council of Tatiara for the progressive reconstruction and sealing of the Pinnaroo-Bordertown Road. Work has progressed concurrently from Pinnaroo and from Bordertown. A total allocation of $105,000 has been made this financial year.

About 36 miles of road are to be completed: 14 miles in the Pinnaroo area and 22 miles in Tatiara. It is expected that a further three miles will be sealed by the District Council of Pinnaroo this financial year and the remaining 11 miles in the Pinnaroo area by 1974-75. A further three miles will be sealed this year by Tatiara, which will also carry out some work on a further four miles. The remaining 19 miles is expected to be sealed by 1976-77. The programme outlined is considered to be satisfactory for the relative importance of the road, and cannot be shortened unless additional funds are made available or works of higher priority are postponed.

HORSE TRAINING

The Hon. L. R. HART: I seek leave to make a short statement before asking a question of the Minister of Agriculture, representing the Minister of Marine.

Leave granted.

The Hon. L. R. HART: Possibly people engaged in training racehorses are experiencing difficulties because of daylight saving. The by-laws of many councils permit trainers to give horses swimming exercises at beaches between 5 a.m. and 8 a.m. Under daylight saving those hours (really between 4 a.m. and 7 a.m. sun time) are very early. Will the Minister use his influence to have the times when horses may be given swimming exercises adjusted so that trainers can exercise their horses at more realistic times?

The Hon. T. M. CASEY: I think it would be much easier for me to find out who was responsible for the positive swabs last month than to deal with the honourable member's question.

FERTILIZER COMPANIES

The Hon. E. K. RUSSACK: I seek leave to make a short statement before asking a question of the Chief Secretary as Leader of the Government in this Council.

Leave granted.

The Hon. E. K. RUSSACK: It was announced in the press last Tuesday that agreement had been reached for Adelaide and Wallaroo Fertilizers Limited to purchase Cresco's fertilizer business in South Australia. In yesterday's paper it was stated that 200 employees might lose their jobs with the Cresco fertilizer company. I am interested in the work force at Wallaroo. It is believed that staff members at the Cresco factory at Wallaroo have been warned by the head office in Adelaide to expect retrenchment. The Wallaroo plant employs about 40 people. If those employees are retrenched it will create a serious situation in Wallaroo and the surrounding district. The Director of Industrial Development was recently reported as saying that South Australia was embarrassed by the number of industries wanting to come here. Should many retrenchments take place, what does the Government intend to do to relieve the situation? Because of the statement of the Director of Industrial Development, will the Government investigate, as a matter of urgency, the possibility of establishing at Wallaroo an industry wanting to come to this State?

The Hon. A. J. SHARD: Possibly I could answer the honourable member's question. Everyone is concerned about the possible breakdown or reduction of production at Wallaroo. As the question of development and industry is not under my control, I shall be happy to take the honourable member's question to the Premier, get a report, and bring it back as soon as practicable.

BUILDERS LICENSING

The Hon. C. M. HILL: I seek leave to make a short statement before asking a question of the Chief Secretary, representing the Minister in charge of housing.

Leave granted.

The Hon. C. M. HILL: I have been approached by the Housing Industry Association, which is gravely concerned about the position of a Mr. Joseph Gawronski of 52A East Parkway, Colonel Light Gardens, who recently applied to the Builders Licensing Board for a general builder's licence but who was refused that licence and was granted a restricted builder's licence.

I understand that the Housing Industry Association, on this gentleman's behalf, has applied to the board for reconsideration of the matter. Mr. Gawronski, an English migrant, came to Australia on June 5 this year. His experience in the building industry in England dates back to 1957, when he was registered with the London Borough Council as a master builder, and he has had long and satisfactory experience in the industry in England since that date. His financial position is sound, and he was influenced to migrate to this State in preference to another State of Australia because he was given to understand that he could carry on in the industry in which he was experienced with the same standing and status in that industry as he enjoyed in England. After reassessment of this case, can the Builders Licensing Board give this migrant a general builder's licence? If not, what are the full reasons for the board's refusal?

The Hon. A. J. SHARD: I will refer the question to my colleague and bring back a reply as soon as possible.

KANGAROO ISLAND FREIGHT RATES

The Hon. M. B. CAMERON: Has the Minister of Lands a reply to my recent question concerning Kangaroo Island freight rates?

The Hon. A. F. KNEEBONE: I think I answered the question in part at the time, and I do not know whether the information I have now adds anything to what I had to say then. The question asked by the honourable member is almost identical to one asked by the member for Alexandra in another place on November 2, 1971, to which my colleague the Minister of Roads and Transport replied on that day. No discussions have taken place in relation to the rates that will apply when the Government takes over m.v. *Troubridge*. It has been pointed out previously, in answer to a question by the honourable member, that the Government has no control over the rates charged by private enterprise. It is not intended therefore that any action be taken by the Government at present regarding the rates now being charged by the Adelaide Steamship Company.

The Hon. M. B. CAMERON: My question is directed to the Minister of Lands, representing the Minister of Roads and Transport, and relates to a small portion of the reply indicating that no discussions had taken place in relation to the rates that will apply when the Government takes over the m.v. *Troubridge*. Does this mean that no discussion has taken

place on the cost of running the *Troubridge* and the potential return from running it? Has this sum of money been put out without a complete investigation by the Government before spending money on the *Troubridge?*

The Hon. A. F. KNEEBONE: I assure the honourable member that full discussions were held and detailed inquiries were made into the cost of running the *Troubridge* before it was agreed to purchase the vessel. As I have told the honourable member, the Government will not be taking over the *Troubridge* until July 1 next year, and therefore no decision regarding freight charges has yet been made. Such a decision will be made at the appropriate time.

POISON

The Hon. V. G. SPRINGETT: On October 19, I asked a question of the Minister of Agriculture regarding the use of a poison named Lucijet for controlling blowflies in sheep. Has he a reply?

The Hon. T. M. CASEY: I took up with the Director of Fisheries and Fauna Conservation the honourable member's report that "Lucijet", a sheep jetting fluid which is an organo-phosphorus compound, is also being used to poison crows. The Director informed me that last year his department circulated distributors of agricultural chemicals in this State regarding claims that certain salesmen were advocating the use of "Lucijet" and similar preparations for the poisoning of meat-eating birds, both protected and unprotected. The distributors were requested to ask their salesmen to cease advocating the use of organo-phosphorus compounds for other than the ethical purposes for which the products are intended. Ready co-operation was given in reply to the request.

NON-RETURNABLE BOTTLES

The Hon. F. J. POTTER: I seek leave to make a brief statement prior to asking a question of the Minister of Lands representing the Minister of Environment and Conservation.

Leave granted.

The Hon. F. J. POTTER: I recently received a letter from the Corporation of the City of Mitcham enclosing a copy of a letter written by the South Australian Mixed Business Association. I can only presume that this letter has probably gone to other municipal councils as well. I shall not read the whole letter, but it takes the point that the South Australian Mixed Business Association was most concerned about immediate action being necessary to control the proliferation of soft drinks marketed in non-returnable bottles. The statement continues:

> Recently two companies have extended their ranges to include 26oz. drinks in non-returnable bottles, and other manufacturers are expected to follow suit within the coming weeks.

They point out the extra problems that this will pose for council employees collecting unwanted bottles and also by way of the hazard of broken glass strewn along the beaches. They also suggest that some action should be taken to ban altogether the sale of soft drinks in non-returnable bottles as an aid to supporting the "Keep South Australia Beautiful" campaign. The letter from the corporation of Mitcham states that the council agrees with the views expressed by the South Australian Mixed Business Association. I know this is a fairly old problem. It has been discussed by Ministers of Local Government and councils for some years. Will the Minister ascertain whether or not it is true that this extension to 26oz. bottles is imminent and what steps the Minister of Environment and Conservation intends to take in the matter?

The Hon. A. F. KNEEBONE: I shall be pleased to take the honourable member's question to my colleague and bring back a reply as soon as it is available.

FARM VEHICLES

The Hon. G. J. GILFILLAN: Has the Minister of Lands an answer to my question of last week about the definition of "field bin" in the Motor Vehicles Act and the Road Traffic Act?

The Hon. A. F. KNEEBONE: In my reply of November 2, 1971, I reported to the honourable member that my colleague, the Minister of Roads and Transport, had advised that, in the interests of road safety, the Road Traffic Board had decided to refuse the issue of overdimensional permits to allow field bins over 8ft. 2½in. in width to travel on public roads while transporting divisable loads such as grain and superphosphate. The honourable member stated in his further question on this matter that several such bins are currently available 10ft. to 12ft. in width. It, accordingly, follows that these bins are capable of holding loads of considerable weight—I am told up to 20 tons in some instances. It is because of this that the board considers it would be unsafe for them to travel whilst loaded as it is doubtful whether the braking systems of prime movers generally used are sufficiently efficient

to ensure adequate control. Whilst it is not intended to allow loaded bins over the width mentioned earlier to travel on roads, the board will still consider applications for permits for the conveyance of such bins while empty. By subjecting these field bins to permit control, positive safety measures can be implemented by means of escorts where necessary, alternative routes prescribed and suitable hours of travel laid down.

MORPHETT VALE SEWERAGE

The Hon. M. B. CAMERON: Has the Minister of Agriculture a reply to my recent question about Morphett Vale sewerage?

The Hon. T. M. CASEY: My colleague, the Minister of Works, has informed me that inquiries made at the office of the District Council of Noarlunga reveal that there is no Aldridge Avenue at Morphett Vale. It is assumed that the street referred to by the honourable member is Attridge Road. Sewerage of Attridge Road and adjacent streets at Morphett Vale is included in the approved comprehensive sewerage scheme for the Christies Beach-Noarlunga-Morphett Vale area. This major scheme has had to be constructed over a number of years with progress dependent on Loan funds and resources available. The very wet weather just experienced has considerably delayed progress; however, it is anticipated that sewer work in Attridge Road and other nearby streets should commence in March or April, 1972.

RAILWAYS INSTITUTE

The Hon. C. M. HILL: I seek leave to make a short statement prior to directing a question to the Minister of Lands, representing the Minister of Roads and Transport.

Leave granted.

The Hon. C. M. HILL: On October 5, I asked a fairly lengthy question concerning matters dealing with the proposed Railways Institute building. In a letter dated October 7 the Minister of Lands replied to me in the following terms:

Protracted discussions have taken place concerning the replacement of the Railways Institute building. The site previously selected adjacent to Elder Park has now been abandoned, and a new location is actively being investigated. I have referred the questions which you asked on this matter in the Legislative Council on Tuesday to the Minister for reply.

I cannot find any reply from the Minister of Roads and Transport. Over a month has elapsed, this matter has received considerable press publicity, and it is undoubtedly urgent from the point of view of members of the Railways Institute. I therefore introduce the question again and ask: Has any further progress been made in this matter; secondly, is the Government as yet in a position to say where the new Railways Institute building will be located; thirdly, can we be told when it will be available for occupation?

The Hon. A. F. KNEEBONE: I know some progress has been made and I know, too, that discussions and negotiations have taken place. However, I will take the honourable member's questions to my colleague and bring back a reply when it is available.

REGISTRATION OF DOGS ACT AMENDMENT BILL

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

DOOR TO DOOR SALES BILL

Read a third time and passed.

CATTLE COMPENSATION ACT AMENDMENT BILL

Second reading.

The Hon. T. M. CASEY (Minister of Agriculture): I move:

That this Bill be now read a second time.

It is intended to extend the ambit of the principal Act, the Cattle Compensation Act, 1939, as amended, to cover the kind of cattle commonly known as buffalo. Recently, a commercial consignment of buffalo for breeding has been received in this State and, since at times these animals will be run in conjunction with animals already subject to the Act, it seems appropriate that buffalo should also be subject to the Act. Briefly, the effect of this measure is that sales of buffalo will be subject to a levy for the Cattle Compensation Fund and compensation will, in appropriate circumstances, be payable from the fund in the event of buffalo being found to be diseased. This proposal has the support of the relevant industry authorities.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

MOTOR VEHICLES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 4. Page 2741.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the second reading of this Bill. I do not intend to say very

much about it at this stage, except that the principle behind the Bill, which involves the payment of third party insurance and registration at the same time, is a principle that practically the whole community supports. About three or four years ago the Registrar of Motor Vehicles recommended to the then Government that there should be a change in the procedure in this regard. I think everyone agrees that the present procedure is cumbersome, particularly when cheques for registration are forwarded to the department without a third party insurance certificate attached thereto. If this happens, a lengthy and involved procedure, which can be overcome by the adoption of the idea behind this Bill, ensues. Although I support wholeheartedly the principle of the legislation (a principle which most members of the community would support), certain questions will need to be answered in Committee. There are matters with which I will not deal at this stage but in relation to which I think the Government should give some undertakings, as well as a reply to the questions asked.

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

STAMP DUTIES ACT AMENDMENT BILL (INSURANCE)

Adjourned debate on second reading.

(Continued from November 4. Page 2739.)

The Hon. R. C. DeGARIS (Leader of the Opposition): As this Bill is a partner to the Motor Vehicles Act Amendment Bill, which the Council has just debated, the comments I made in relation to that Bill apply also to this Bill. I support the second reading.

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

ACTION FOR BREACH OF PROMISE OF MARRIAGE (ABOLITION) BILL

Adjourned debate on second reading.

(Continued from November 2. Page 2622.)

The Hon. JESSIE COOPER (Central No. 2): I rise to support the Bill. I am sure I will have no difficulty whatever in convincing the honourable and experienced members of this Council of the desirability of this Bill. The origin of the concept of breach of promise is obscure, although it was known in ancient Rome. In England there are, among the early Chancery proceedings, bills of complaint grounded on an alleged breach of promise, or on an alleged breach of contract of marriage, dating back to the fifteenth century.

The Hon. T. M. Casey: Is there anything about cads in those records?

The Hon. JESSIE COOPER: I will come to that later. However, as honourable members will understand, there has been a gradual change in the basis of actions for breach of promise over the intervening centuries. In the early part of the period, a contract of marriage taken prior to an ecclesiastic marriage was indeed more of a financial contract (one might almost say a "deal") and, in matter of money and rights, it was quite detailed. In other words, it was a civil contract in which losses and damages for breach could clearly be assessed but in which little attention was paid to loss of affection, disappointment and all the other heart-rending woes upon which damages have sometimes been assessed in more recent times.

With changing times and circumstances, the concept of an arrangement for marriage being a matter of financial settlement and dowries has lost its point. Today, there is little more than a promise of love and affection, and perhaps the provision of a home to be bargained over. Yet the concept of breach of promise has been retained in our legal code and applied in a way never intended in the past.

Honourable members will be interested, if they will bear with me, in a review of some of these changing circumstances. In the fifteenth century, holy matrimony seems to have been subsidiary to the civil contract of espousals, which often preceded the actual marriage by some time. Such a contract prevented marriage with another person and, until the Marriage Act was passed in the reign of King George II, a suit might be brought in the ecclesiastical courts to compel a marriage following such a contract.

I am now going to present some cases on record as early as the fifteenth century. Between 1452 and 1454 Margaret and Alice Gardyner preferred a complaint against John Keche of Yppeswich who had received 10 marks from the former and 12 marks from the latter on the condition that he was to marry Alice. However, he had married Joan, daughter of Thomas Bloys and, worse, had refused to refund the cash to the Gardyners. (There was the cad that the Hon. Mr. Casey was interested in.) However, the plaintiffs were interested only in the money and made no claim for any other compensation.

At about the same time there was the sad case of a gentleman named John Anger who stated that he "of the grett confydence and

trust that he bare to one Anne Kent, synglewoman, entendyng to have married the said Anne" and upon a full communication and agreement between them "suffered the same Anne to come and go, resort and abide in his house". And what did wicked Anne do? After a month or two, off she went with his valuables, papers and jewels. Having refused to return these, she was commanded to appear before the King in his Chancery, when John Anger lodged his complaint. Evidently the practice of setting up a household after the marriage contract but before the actual marriage was accepted.

The Hon. R. C. DeGaris: Do you think he made the complaint in anger?

The Hon. JESSIE COOPER: He could not do aught else. In this case of John Anger, again the plaintiff was more interested in getting his property back than in getting Anne back. Can honourable members blame him? Again, there was the case during the reign of Edward IV brought by a doctor of medicine against a doctor of civil law, Master Richard Narborough. He had promised to marry Lucy Brampston, daughter-in-law of the medico, but had left shortly after the engagement to study in Padua, promising to return and marry Lucy and arranging for the plaintiff to maintain Lucy and provide a maid for her master. Master Richard found his law studies in Padua so engrossing that he stayed away for 10 years. On his return to England he refused to marry Lucy and, indeed, refused to recompense the worthy doctor for his expenses incurred in looking after Lucy. In the schedule to the case there is a very interesting item; after a statement about bed and board to the tune of 130 marks and the cost of clothing for £20 and maintenance of the maid there appears the following item:

For necessary expenses made upon her in time of her sore and great sickness caused through his unkindness and changeableness. Full hard to escape with life, as all the country knoweth well and as yet appeareth on her, for ever since she hath been sickly through sorrow and pensiveness—£13.13.4.

This part of the claim then is for expenses incurred in caring for Lucy in her sickness, but still no claim was being made for compensation for her wounded feelings. Again, in the early sixteenth century there was another gentleman, John James, law student (these lawyers!) who had become affianced to Elizabeth Morgan, after her father and uncle had promised to pay him 100 marks. He claimed that he had given her many tokens—"a ring of gold with a diamond, a ring of gold set with certain stones like to a dragon's head, a ring of gold called a sergeant's ring, a cross of gold with a crucifix, and other valuable items". However, Elizabeth had, it was claimed, married another and refused to return the jewels. In all fairness to Elizabeth, I must report that she denied that she had given him any hope of a successful courtship but that during that time of courtship John had sent her (through a friend) a ring like to a dragon's head and had left with her against her will (I stress that) two other rings, a cross, and so on. In fact, this sweet, innocent girl had actually tried to give the jewels back to him when she had married the other man; she had put them on John James's sleeve, but that gentleman had cast them on the ground. Again, this case shows the businesslike approach to the contract rather than compensation for love left all forlorn.

I have taken these four cases from an article in *The Antiquary* dated November, 1881, entitled "Some Early Breach-of-promise Cases", written by Mr. S. R. Bird. It would seem that 90 years ago people were realizing that the more modern concept of breach of promise was being abused. A gradual change in attitude to breach of promise of marriage had taken place between the sixteenth and eighteenth centuries. By the eighteenth century juries were listening to great floods of oratory about shame, dishonour, heartbreaking disappointment, wounded feelings and so on. By the nineteenth century we were getting what I call the "little woman" treatment. One American judge is quoted as saying:

The delicacy of the sex requires, for its protection and continuance, the aid of the laws.

But by the late nineteenth century attempts were made in England and America to abolish or modify the action. It has, however, taken another century to get breach of promise of marriage off the Statute Book in England, and now today we are debating the same issue. Mr. Bird, in speaking in *The Antiquary* of the formal contract of marriage, says:

If a formal betrothal of this kind, to be duly committed in writing and attested, were at the present time declared to be the only legal basis on which an action for breach of promise could rest, a great saving of time to the judicial bench would ensue and the public would be spared the recital of much of the amorous nonsense with which more or less facetious counsel endeavour to influence a sympathetic jury in assessing the amount of damage, from a pecuniary point of view, done

to the outraged feelings of many a too seductive or too enterprising damsel. The law would, however, then be deprived of one of their most amusing features and one on which the ordinary newspaper readers seize with avidity.

Incidentally, in Earl Jowitt's *Dictionary of English Law* appears the following fascinating statement:

Breach of promise of marriage gives rise to a right of action for damages, unless the breach was justifiable.

The example of justification that the noble Earl gives is where the man discovers the woman to be unchaste. No reciprocal rights were mentioned! Today the period following a request to marry and a promise of marriage normally without any written contract (as in the past) is looked upon as the engagement period, the normal object of which is to give both parties an opportunity to decide over a long length of time whether they are compatible—a sort of cooling-off period such as that we have heard mentioned in connection with the Door to Door Sales Bill—a time for second thoughts before the final contract is signed. The development over the last century of the idea that, if the agreement to marry is terminated, either party has the right to claim damages for little more than alleged mental hurt and slight inconvenience seems to us today to be quite absurd.

Hot off the press comes a further development—a London report of a love gifts case between an American millionaire and an English woman. The millionaire is claiming the return of love gifts to the value of $500,000, given on the understanding that she would marry him. Now we seem to be back in the fifteenth century, where the emphasis was on the material side of a marriage contract. I am glad, however, that the Hon. Mr. Potter brought up the matter of property acquired by the couple prior to marriage. This is covered by the law passed in England last year, but it does not appear in the Bill before us.

A good deal of time was spent in discussing this aspect of the law when the debate took place in the House of Commons and in the House of Lords. The terminology used by members of the two Houses in the first place was most interesting. The mover in the Commons spoke of a breach of promise action as being "ridiculous", but the noble Lord who had charge of the Bill later called it "unseemly". However, both Houses considered the problem of the returning of property, and the question of the ring became a matter of concern.

One noble Lord asked one of his office staff what she thought about it. She referred it to her mother, and the result was that the mother said, "No decent man would ask for the return of the ring, and no decent woman would fail to offer the ring in return." However, this does not seem to cover the position of a young man giving an heirloom engagement ring. In that case, the modern idea of the ring being a present and not returnable does not seem to me to be quite fair—not that one wants to see the situation where a young man is hawking the family ring from lass to lass, which was a joke (and not entirely mythical) even in my youth.

Honourable members are now being asked to abolish this ancient practice of suing for breach of promise of marriage, a relic indeed of different times and of entirely different ways. I support the Bill.

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

FILM CLASSIFICATION BILL

Adjourned debate on second reading.

(Continued from November 4. Page 2749.)

The Hon. F. J. POTTER (Central No. 2): This is a comparatively small Bill: it occupies only just over four pages and consists of 14 clauses. On the face of it, it would appear to be a desirable measure which could have nothing but good results, but I suggest that no member should think that it does not raise some very important problems. Perhaps these problems are not immediate ones (they are, I think, for the future, and at the moment can be seen only dimly).

The Bill sets up a new set of classifications for screen films. The present classifications, which I think are General Exhibition, A and SOA (suitable only for adults) are done away with, and in clause 4 the new classifications are to be "for general exhibition"; "not recommended for children"; "for mature audiences"; "restricted"; and "or such other classification as may be prescribed". Members will notice that of the four designated classifications there is only one for general exhibition: all the others tend to keep the film away from children.

These classifications are to be made in the first instance, under the terms of this Bill, by the Commonwealth Film Classification Board.

This board administers the law under the Commonwealth Act, and the Minister for Customs and Excise (Mr. Chipp) is the Commonwealth Minister in charge of this matter. I understand from people who have discussed this matter with Mr. Chipp that it is obvious it is intended that there will be some relaxation of the existing film censorship. Of course, this will be a matter for the board to decide. However, the real difficulty and the real problem seems to me to lie in what policy that board will adopt when it is assigning these new classifications. I have been given to understand by people who have had direct conversations with the Minister that it is largely intended that the present classification SOA (suitable only for adults) will become in most instances an R classification, but with no censorship whatsoever of that film.

The Hon. T. M. Casey: I don't think that is true.

The Hon. F. J. POTTER: We know that at present SOA films are censored and are cut. I have been told that these films will now have an R classification (this is probably a good thing, and I am not objecting to that) but with very little cutting, and that films which at present are not allowed in at all for exhibition in theatres generally will also come under the R certificate but with some cutting. I think this indicates quite clearly that a change of Commonwealth policy is expected.

In the debate some honourable members have discussed at large this difficult question of pornography and whether or not we may as a result of this new measure be exposed in the future to more pornographic films than we have seen available in the past. Well, it depends to some extent on what one means by "pornography". In this respect, I point out that it is the responsibility of the Commonwealth Minister for Customs and Excise to administer the law with regard both to books and to the importation of films. In particular, regulation 4A of the Customs (Prohibited Imports) Regulations, pursuant to section 50 of the Customs Act, prohibits the importing of books that are blasphemous, indecent, or obscene or unduly emphasize matters of sex, horror, violence or crime, or are likely to encourage depravity. It is acting on those provisions, of course, that the Commonwealth Minister exercises his power to exclude much material that he regards as socially unacceptable.

As regards pornography, it is interesting to note that he has attempted to define what we mean by "pornography". Mr. Chipp has said:

> This consists of verbal or pictorial publications devoted overwhelmingly to the explicit depiction of sexual activities in gross detail with neither acceptable supporting purpose or theme nor redeeming features of literary or artistic merit.

I may briefly return to that later, because I think it poses one or two difficulties. Honourable members who have spoken on this problem of pornography found some difficulty, I think, with the matter, and one of the most difficult aspects of it is that, when we start to talk about pornography as it applies here in Australia, it is hard to do so because most people have never really encountered any true pornography; so it is difficult to speak at all from first-hand experience. It is true that there are many people in the community and many parents who regard themselves as responsible persons who are rather alarmed at some of the material currently available on bookstalls. Occasionally, they describe this material as pornographic. In assigning that word to it, I think they are saying that it is objectionable or unacceptable to them and is contrary to current standards. All I can say is that I have recently spent a few weeks in some of the large cities on the west coast of the United States and, if responsible people in the community today are describing some of the material on our bookstalls as pornographic, it is absolutely nothing compared with some of the material that is readily displayed on bookstalls and in shop windows in populous cities in the United States.

This, of course, raises a problem for us, because we must ask ourselves exactly where we are going with this kind of material. It is not in dispute that more sexually explicit material is currently available in so many forms today than there was a few years ago. It does not necessarily follow that this kind of material has caused any harm. Two important aspects call for consideration when statements like that are made. The first is whether or not the material already available is producing harmful effects on some people. This is not easy to detect. The second possibility is whether or not, even if this material is not harmful (which is something that is widely contended by many vocal groups in the community) this present trend will mean that we shall have something like a situation of unlimited pornography within the next five to 10 years.

I think it is true to say that what we see on our theatre screens today we shall very likely be seeing on our television screens in 10 years'

time. Consequently, a difficult question arises for legislators in this day and age of where the line must be drawn, because I am convinced that, when we make a decision on a matter like this, there is for this kind of legislation no possibility of ever putting the clock back. I do not know whether honourable members would agree with me on that, but I think it most unlikely that we can put the clock back. Consequently, it is important that, when we make our decision and draw the line somewhere, we draw it firmly.

May I return for a moment now to the definition of "pornography" that Mr. Chipp gave and the kind of stuff he wants to exclude? I take the part of the definition where he says that he wishes to exclude material which is "devoted overwhelmingly to the explicit depiction of sexual activities in gross detail". That may sound all very well but he does not actually say in that definition what he means by "sexual activities". I suggest that those words can be divided clearly into two different sections: first, there are sexual activities of a normal kind, the normal heterosexual activities about which perhaps the normally adjusted individual would not quibble. In that category it is true to say that it includes much of the erotic or semi-erotic material that we see today; but we must not forget (and I think the Hon. Mr. Springett will agree with me on this) that within the words "sexual activities", apart from the normal, there is the deviant or abnormal sexual activity.

There is no question but that the Minister has given a definition that could cover both aspects of this matter: we could have a depiction of normal sexual activities or we could have a depiction of sexual deviation—and I think that nobody who has read the newspapers advertising films recently can run away from the fact that there are films at present that deal or have dealt fairly explicitly with sexual deviation. It is this matter that I think we should be considering. I have looked at some of the findings of the American Presidential Commission on Obscenity and Pornography, and I do not think some of its conclusions were very soundly based. Perhaps it was not so wrong concerning normal sexual activities, because I think that no great harm can be done to the community in this category, although it must be remembered always that it is very difficult on a question such as this, as on any question of social psychology, ever to get any satisfactory evidence to prove or disprove specific cases.

As far as the other aspect is concerned, the deviant activities and the depiction thereof, this really gets down to what we mean by hard core pornography. On this aspect we need to be very careful indeed that some danger will not arise in the future if we allow this material to be completely unrestricted. It is interesting to note that the report of the American Presidential Commission, to which I have referred, contained a clinical discussion on pornography and perversion by Dr. Stoller, of Los Angeles, and, without going into details, the substance of his contention was that the use of pornography was itself a perversion, which is quite an interesting and important conclusion.

Dealing purely and simply with the matter of the depiction of deviant sexual behaviour, hard core pornography as such, we have, of course, the great debate going on in the community as to whether it could be harmful or beneficial; indeed, some people will argue that the release of this type of material has some beneficial side effects, or often that it has no side effects at all. However, there is always the third category, the one about which we must be very careful, namely, that it can have some positive harmful side effects for some individuals.

It is necessary, of course, in looking at this question to decide what really is the effect of hard core pornographic material, both short term and long term, and this is perhaps one of the difficulties that has arisen in the clinical studies made in America as to the effects of this type of material. It seems that very little examination has been made of the long-term effects of exposure to true pornography. It is very simple to conduct a clinical experiment with a group of selected volunteers, exposing them, as is normally done in this type of experiment, to long sessions of pornographic material and analysing the physical effects upon them, asking questions as to their mental and emotional reactions to it.

The first immediate effect of this material is purely to stimulate certain erotic feelings in the subject being examined. Many people will say that if a person's erotic feelings are aroused there is nothing wrong with that—that it could be a jolly good thing. It may be argued that it is a normal and natural process. But whether it is good or bad I think is more a moral question. It is not really a scientific matter for examination. If you think it is good, very well, but there are many people in the community who would say it was bad from a moral point of view.

Leaving aside for the moment that primary effect, the matter of erotic arousal or stimulation, it is the secondary effects which are more important and which, while not having so much moral significance as the first, have a very great social significance. It is because of the secondary effects on certain individuals in the community that society may be affected. This is the long-term problem.

My attention has been drawn recently to a very interesting study conducted in Denmark. We have heard so much about Denmark as being the one country which has thrown discretion completely to the winds in the matter of availability of pornographic material and it has been claimed that in some ways the effects have been most beneficial. However, we must look at the statistics—and again we are back on this terrible problem of looking at statistics. It has been said that sex crimes in Denmark are down, rape is not as prevalent as it was, and that there has been a reduction in the number of simple cases like indecent exposure, and so on. If you want to prove that by statistics, again you run into trouble, because where one lifts completely from a community restrictions on the availability of pornographic material one finds that sex crimes are not reported by the people to the same extent as previously. If they get satiated by material that is available to them in shops and in films, they will not in large measure report cases of sexual interference, exhibitionism or anything of that kind; they will merely shake it off as something about which nothing can be done.

We must examine with much caution the suggestion that in Denmark everything has changed for the better. By contrast, I should like to refer to some of the percentages concerning the United States of America, which were taken over a period of nearly 10 years and which emanate from the report of one of the American commissions. One knows that at present in heavily populated areas of America there is great freedom for one to see all kinds of pornographic material if one so desires. It is interesting to see that over the period from 1960 to 1969 reported rapes rose by 116 per cent; rape arrests rose by 85 per cent; prostitution at all ages increased by 80 per cent; the illegitimacy ratio rose by 71 per cent; venereal disease increased by 76 per cent; and the number of divorces increased by 70 per cent. I am not saying that these figures are entirely the result of any pornographic material that may be freely available in American cities, as America has many other problems as well. However, one can see from the percentages I have enumerated the grave situation that has built up over that brief period of 10 years.

The Hon. R. C. DeGaris: Have you seen the figures for Denmark and Sweden?

The Hon. F. J. POTTER: I have some figures in relation to those countries. I suggest that they do not actually prove the case that there has been—

The Hon. R. C. DeGaris: The point you made is valid: that it is recognized by most social workers that the figures for Denmark and Sweden do not represent the true position.

The Hon. F. J. POTTER: It is a matter of common sense. I should like briefly to return to the experiment to which I referred previously, in which the effects of pornography were examined. A total of 43 males and 29 females volunteered for the experiment; they were divided into three groups (which I will call A, B and C). In those groups were certain husband and wife couples, who were kept together in one group. All the subjects were exposed to certain sessions of films and material of varying kinds, some material dealing with normal erotic experiences and proceeding through to deviant practices. In addition, they were exposed to certain written material in the form of magazines of one kind or another, and also to certain passages of literature. The important aspect is the result of the examination, because these people were asked certain questions before the experiments took place and they were asked certain questions four days afterwards, one group being asked certain questions 14 days after the session.

These were intelligent people, who were able to assess their own reactions. It is interesting to see that the interest of nine of the men in group B decreased, while two showed increased interest. Incidentally, the interest centred round the question whether or not they would like to try some of the practices depicted in the material submitted to them. The interest of seven of the women in group B decreased, while two of the women showed increased interest. Two weeks after the session, the interest of seven of the men in group A had decreased; five showed increased interest; and the interest of two remained constant. Two weeks after the session, the interest of six women decreased; two women showed increased interest; and the interest of one woman remained constant.

The experiment seemed to show that pornography of this kind does not in most cases encourage any depraved behaviour. Indeed,

it might even go to prove that it discourages depraved behaviour. It was pointed out that the conclusions were only tentative. The experiment needed to be repeated, probably more than once, to enable a more definite result to be obtained. The final test was taken only two weeks after the exposure of those involved to the material. One wonders what would have happened if the tests were taken later, say, two months or even 12 months after the experiment.

The important point for us to think about is that the experiment disclosed that in a minority of cases an increased interest occurred. This puts the finger well and truly on the point that we do not know what effect pornographic material has upon this small percentage of our community that is affected by and sometimes feeds on pornography because of their own psycho-sexual problems. I have said perhaps more than I need to say on this difficult matter of pornography, which is a problem on which we as legislators will never really be able to decide whether what we are doing is right or wrong.

As I see it, two problems will arise if the Bill is passed. We must hope that the standards and policies to be worked out by the Commonwealth authorities will be satisfactory. The Attorney-General seems to think that we have nothing to worry about in this respect. I hope he is right. However, I do not know about that. For what it is worth, our own Minister will be able to superimpose his authority in certain cases. I am somewhat sceptical that it ever will be superimposed, because I think this was intended as a scheme to operate on a Commonwealth basis. An important matter that should be considered during the Committee stage was raised in a television interview last night with a lecturer in psychology at one of our universities, Dr. Court. He said that it was unwise to permit a child under six years of age to be present in a theatre while an R film was being shown. It seems reasonable to say that, if parents want to see an R film, they ought to get a baby sitter for any children they have under six years of age.

I realize that the Hon. Mr. Springett knows more about this matter than any other honourable member does. Any psychologist will say that the very important and formative years of a child's life are his early years; the exposure of a young child to scenes of violence, even though speech is not comprehended, can be very traumatic indeed. I do not see why we should allow children under the age of 18 years into the theatre. The other problem posed by Dr. Court is more difficult, and I do not know what the answer is: it is the practical problem of dealing with drive-in theatres. It is presumed that drive-in theatre proprietors will want to screen R films, but it is difficult to police the boundaries of a drive-in theatre to keep younger people out. Already the Minister has foreshadowed an amendment providing for some children aged 16 years to be exempted. Of course, the screen of a drive-in theatre can be viewed from outside the boundaries of the theatre. The gentleman who was interviewed suggested that drive-in theatres should not be allowed to screen R films at all.

The Hon. T. M. Casey: That may be the answer.

The Hon. F. J. POTTER: It probably would be the answer. I am not sure whether it would worry the drive-in theatre proprietors; I have not checked that matter. Personally, I dislike drive-in theatres intensely, but I recognize that parents with young children find them useful when they can find a suitable programme, and there are not too many suitable programmes nowadays. I do not know how we can deal with the problem.

The Hon. R. C. DeGaris: Is the honourable member recommending that R films should not be screened in drive-in theatres?

The Hon. F. J. POTTER: The university lecturer I referred to thought that that was the only way to solve the problem. After thinking about it myself, probably I think he was correct. The Bill will have to be supported; in some ways it appears to be a progressive move, but there are implications that loom for the future. The point has been truly made that we are really providing for the minority in our community, a minority that perhaps does not necessarily want to see an R film but insists on civil liberties to the extent that people should be free to see an R film if they want to. With that kind of reasoning we find ourselves beset with a subtle influence that creeps in. We say that we must be reasonable and make this freely available, even to that small section of the community. However, I am not sure that we are always correct in being persuaded by this rather vocal, small section of the community.

The Hon. R. C. DeGaris: Would you call them "progressives"?

The Hon. F. J. POTTER: They like to call themselves that. I am not in any way opposed to civil liberties, because I think there should be the greatest possible amount of civil liberty. I am proud to belong to a Party that believes very much in personal freedoms of every kind. However, we have the difficulty of the effect of pornography on a very small section of the community, and very soon we should get round to seeing that the whole subject of proper sex attitudes and proper sex education in the widest sense is taken up by our education authorities. I have said in other debates that some organizations know how to deal with that matter very well. There is a growing interest by the Minister of Education in this problem, and therein lies the best thing we can do in the future to counter any effect that lower standards in this respect may have on our community. I support the second reading.

The Hon. T. M. CASEY (Minister of Agriculture): I have been most interested in the remarks of honourable members who have contributed to this debate. The Hon. Mr. Potter covered a wide range of problems that exist in our society today. I point out that this Bill was brought forward at the instigation of the Commonwealth Minister (Mr. Chipp) and the State Attorneys-General, who looked into this problem of censorship and classification. They believe that this measure is in the best interests of the community, which is perhaps more open than it has been in the past. People today expect to be told things more openly than in years gone by; they want to get to the crux of the problem and they want the truth of things, and they want it explained as simply as possible.

On the other hand, we get the problem associated with advertising, particularly in the film world. I think it has been well known for years that it has been said by many directors, "If you want a film to sell, emphasize sex." I think this has always been part and parcel of the film industry's way of making money. Unfortunately, in today's society sex is creeping into films more and more and, to my way of thinking, this is a retrograde step. Nevertheless, this is the type of product being allowed on our screens, and we now have to decide exactly how far we should go in allowing these films to be shown, how much is to be cut, and what classification a film should have.

I believe that in this Bill a real attempt is being made to do something about this matter. The pros and cons of censorship could be argued at great length. However, we must face facts and try to do the best we can in the circumstances. Different people have different opinions about the society in which we are living today. Many points have been raised in this debate. These can be taken up again in Committee, when I hope that I can answer any questions honourable members may have. I hope that we can implement this legislation in the same way as the other States have done.

The Hon. R. C. DeGaris: I do not think Western Australia has done so.

The Hon. T. M. CASEY: That may be so. I understand that the other States have passed this legislation. I hope that we can do likewise, so that we will be able to get some uniformity in the censorship of films. If the measure does not work, it will be up to the responsible bodies to have another look at the matter. I think this is a very good measure. It has not been concocted lightly, for many people have been consulted about it. I believe that the film industry has been actively engaged in bringing evidence before the Attorneys and the Commonwealth Minister on this matter. I hope that in Committee honourable members will give the measure the justice it deserves.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

The Hon. T. M. CASEY (Minister of Agriculture) moved:

To insert the following definition after the definition of "film":

"Restricted classification" means the classification in paragraph (*d*) of subsection (2) of section 4 of this Act.

The Hon. C. R. STORY: This amendment is typical of this whole Bill, which was badly thought out and hastily conceived. Not enough people were consulted. It is wrong for the Minister to say that the industry has been consulted, because the industry in South Australia has not had full consultation with the Attorney-General. I believe it has not been thoroughly canvassed among the more experienced public servants of this State who in the past have held the full responsibility for bringing matters such as pornography, particularly in films, to the notice of the Attorney on the complaint of various people. It seems to me that the Attorney has not taken notice

of people who have complained to him about certain films currently being shown in Adelaide.

This whole matter seems to me to involve a grand bit of buck passing. It starts with the Commonwealth Minister, who passes it on to the Film Censorship Board. The States then accept it, and in due course they can say, "Well, we are sorry, but this is a matter for the Commonwealth Minister, because he appointed the board."

I wonder why we still use the word "cinematograph", which seems to me to be an out-of-date word. I believe that the people engaged in this work are usually called projectionists. By and large, I do not like the Bill. We are sliding fast into a far more permissive society, and I am not prepared to let things drift. I said in my second reading speech that one generation ago people whispered quietly about daughters being "in a certain condition" and "a happy event in the family", whereas today schoolchildren discuss in a nice, clean and decent way their mothers being pregnant. I do not object to that but have the utmost contempt for a recent 11 p.m. show that I saw in Rundle Street. I attended a drive-in theatre last Saturday, and that was very much worse.

The Hon. T. M. Casey: You had better give up going to cinema shows.

The Hon. C. R. STORY: I do not think I will: I think I will try to stop cinema shows being as they are. That is the way in which a legislator should approach this matter.

The Hon. R. C. DeGARIS: The Minister should reply to the question asked by the Hon. Mr. Story: why is the word "cinematograph" used in the Bill? It is a word that belongs to ancient history.

The Hon. T. M. CASEY: This legislation is complementary to what is being enacted in New South Wales and Victoria. The Hon. Mr. Story said that the amendment was badly drafted. This is a problem we come up against in complementary legislation. If Victoria and New South Wales make a mistake, we fall into the trap. The words "restricted classification" are not yet defined: that is the purpose of the amendment. The other States are using the word "cinematograph", and that is why the word is used in this Bill.

The Hon. C. R. STORY: The Minister probably has information that would enable him to say that this legislation was drafted by Victoria or New South Wales; I believe it was drafted by the Commonwealth.

The Hon. T. M. Casey: It was drafted for Victoria and New South Wales.

The Hon. C. R. STORY: The Minister did not say that; it makes a tremendous difference. I am even more suspicious now that I know the Commonwealth has had a finger in the pie in drafting it. Any draftsmen in the States who have accompanied their Ministers, either Liberal or Labor, know that Bills are hashed up at the drop of a hat. When we see that this Bill has nearly as many amendments to it as there are provisions in it, it leads us to believe that not much thought was given to the drafting of the Bill and how it would work. Have those people in South Australia who will have to make this Act work been canvassed, and has agreement been reached with the cinema and drive-in theatre operators? Has this Bill been discussed thoroughly with the Police Force to see whether its provisions can be effectively policed? Who will be the person to administer the policing of the Bill? None of this has been mentioned so far.

The Hon. C. M. Hill: I asked those questions in the second reading but have not received a reply.

The Hon. C. R. STORY: It is not good enough; we need much more explanation.

The Hon. T. M. CASEY: I daresay the same questions were asked in other Parliaments. Does the honourable member approach every conceivable person connected with legislation? In the case of the Licensing Act, were all publicans asked whether, in their opinion, drinking at the age of 18 would or would not work? Were their ideas taken into consideration? No matter what legislation is introduced into Parliament, we cannot canvass everyone and ask him to say whether or not he believes it will work. I believe this measure will work.

The Hon. R. C. DeGARIS: The Minister referred to uniformity with other States. Can he say whether his amendments on file have already been included in the legislation passed in the other States?

The Hon. T. M. CASEY: No; I cannot give an undertaking on that. I will mention that point when we come to the longer amendment dealing with clause 9. I believe that was arranged during the last conference of State Ministers.

Amendment carried; clause as amended passed.

Clause 4—"Film not to be exhibited unless classified."

The Hon. T. M. CASEY moved:

In subclause (2) (*d*) to strike out "restricted" and insert "for restricted exhibition".

The Hon. R. C. DeGARIS: I have no amendment on file, but I want to question the Minister closely on this clause and on clauses before this amendment. I wonder whether it should be done now. I am not happy that there is no definition in the clause of the word "theatre" and I want to probe the question very closely. I seek your guidance on whether I can do this after the Minister's amendment has been put.

The DEPUTY CHAIRMAN: The honourable member will have to ask for the Bill to be recommitted if he wishes to raise clause 3, because the Committee has proceeded beyond that clause.

Amendment carried.

The Hon. R. C. DeGARIS: There is in clause 3 a definition of theatre. Am I now able to question the Minister on the use of the word "theatre" in clause 4?

The DEPUTY CHAIRMAN: The honourable member is entitled to discuss clause 4.

The Hon. R. C. DeGARIS: This clause deals with films not to be exhibited unless classified, and now that the Minister's amendment has been incorporated 4 (2) (*d*) will read "for restricted exhibition", which does clarify the clause. However, subclause (1) provides that a film shall not be exhibited in a theatre unless a classification has been assigned to the film in accordance with subclause (2). The definition of "theatre" is as follows:

"theatre" means any place of public entertainment within the meaning of the Places of Public Entertainment Act, 1913-1971, in which a film is exhibited.

This means that R classification films can be shown in any drive-in theatre. The Hon. Mr. Potter has already drawn attention to the great difficulties involved in this type of situation. There is no restriction on people outside the theatre seeing the screen, and there is little possibility of adequate control of people entering the theatre. Also, there is no restriction, as I read the clause, on films being shown in hotels, clubs and halls other than places of public entertainment. Would the Minister give me some information on the effect of clause 4 in relation to the definition of "theatre" in clause 3?

The Hon. T. M. CASEY: I do not know what the Leader is driving at. If a theatre comes within the ambit of the word as defined then it cannot show a film unless that film has been classified. The Leader is trying to say that, if a film is shown in a hotel, that is something different. I do not think that films can be shown in hotels.

The Hon. R. C. DeGaris: Yes, they can.

The Hon. T. M. CASEY: Perhaps a private screening of a private film of a trip to the Flinders Ranges, or something of that sort. I do not think anyone could go along to the distributors of films and purchase a film to be shown in a hotel. I do not think it would be permitted. It is not possible to cater for every eventuality. There will be problems with drive-in theatres, but until we can get the matter moving and find out exactly what are the problems we will not know how to counter them.

People can always come up with ideas that legislation will not work because certain things will happen, but until the legislation is actually put into operation and the difficulties are encountered it is not possible to deal with them. The proprietor of a drive-in theatre knows the problems that could attach to the showing of R classification films. If he thinks it is in the interests of his patrons to show them then that is up to him; if he thinks he is doing the community a disservice, he might not show them.

The Hon. C. M. Hill: Come off it, now.

The Hon. T. M. CASEY: He may not. There may be some people who have ideas such as these.

The Hon. C. M. Hill: We have to accept that most of the films at drive-in theatres will be R classification films.

The Hon. T. M. CASEY: I think the honourable member is perhaps straining it a little to suggest this, but he may be right. I do not deny that there will be problems, just as there are in other things. We had problems with 18-year-olds going into betting agencies and into hotels, but we seem to have overcome them reasonably well, and I daresay we can probably overcome this matter, too.

The Hon. C. R. Story: I do not think Mr. Beerworth would agree with you.

The Hon. T. M. CASEY: He can disagree, too. No-one denies that there will be problems, but they can be solved as they occur.

The Hon. R. C. DeGARIS: I am sorry the Minister has not been able to answer the

question I asked him. I am seeking information, and nothing else. Putting into clause 4 the definition of "theatre", the clause would read:

A film shall not be exhibited in a place of public entertainment within the meaning of the Places of Public Entertainment Act, 1913-1971, unless a classification has been assigned to the film in accordance with subsection (2) of this section.

Many places are not places of public entertainment within the meaning of the Act. Will those establishments be outside the scope of this Bill?

The Hon. T. M. CASEY: The Leader is referring to the case of a person sitting in a hotel-motel room, to which an audio system is connected, viewing a drive-in theatre screen. I believe that that would fall within the Places of Public Entertainment Act, as under the Act a place of public entertainment is any place, whether enclosed, partly enclosed, or unenclosed, where a public entertainment is held, and any buildings, premises or structures that comprise, include or are appurtenant to that place.

The Hon. R. C. DeGaris: I do not think the Minister knows the Act very well.

The Hon. T. M. CASEY: The Leader is confusing places of public entertainment with other establishments that do not fall into that category. If a hotel-motel were connected to the audio system of a neighbouring drive-in theatre, it would be classed as a place of public entertainment.

The Hon. M. B. CAMERON: I learned recently that not just hotel-motels are connected to drive-in theatres in this way but that a house has been provided with an audio system by its neighbouring drive-in theatre, perhaps as a form of compensation. Will there be a black-out if a drive-in theatre is exhibiting an R classification film? The Minister seems to be introducing a much greater troublespot than he thinks.

The Hon. R. C. DeGARIS: The points raised by the Hon. Mr. Cameron and the Minister do not refer to the point I am making. I want to ascertain the position regarding the exhibition of a film that is not classified in a place that is not a place of public entertainment.

The Hon. F. J. Potter: You mean in a public place?

The Hon. R. C. DeGARIS: Yes. There are many public places that are not places of public entertainment. I believe the matter of hotel-motel rooms being connected to drive-in theatre audio systems, although a problem, is only a minor matter.

The Hon. T. M. CASEY: I understand that if a film is shown to an audience it must be classified, and the place in which it is exhibited becomes a place of public entertainment.

The Hon. R. C. DeGaris: I do not think that is the position.

The Hon. T. M. CASEY: I believe it is.

The Hon. C. R. STORY: In 1967 the Places of Public Entertainment Act was considerably amended and the Licensing Act was strengthened. I believe that we then took away from the Inspector of Places of Public Entertainment the rights and authority that he previously had under the Act. Will the Minister say whether any prosecutions would be launched against the proprietor or committee of a prominent club which had a membership of 200 or 300 people and at which a film with a restricted classification was exhibited?

The Hon. T. M. CASEY: I do not see how those involved could be prosecuted provided they were under the age of six years and over the age of 18 years. Once a film is exhibited in a club, that club becomes a place of public entertainment.

The Hon. R. C. DeGaris: Is the South Australian Cricket Association premises a place of public entertainment?

The Hon. T. M. CASEY: Although I would not like to say offhand, I think it is.

The Hon. R. C. DeGARIS: I am still not satisfied on this matter because, as the Minister would realize, I have had something to do with the administration of the Places of Public Entertainment Act, and I do not think the South Australian Cricket Association premises is a place of public entertainment. There are many areas like that which are not places of public entertainment although the public goes to them. This is a very confusing area legally, and all I am asking for is a clarification of the definition of "theatre". At present I am not satisfied with the Minister's explanation; it means that possibly R films can be screened anywhere at all.

The Hon. A. F. KNEEBONE (Minister of Lands): In the Places of Public Entertainment Act, as amended in 1967, a place of public entertainment is defined as follows:

"Place of public entertainment" means any place whether enclosed, partly enclosed or unenclosed where a public entertainment is

held and any buildings, premises or structures that comprise, include or are appurtenant to that place:

In the principal Act public entertainment is defined as follows:

"Public entertainment" means . . . concert, recital, lecture, reading, entertainment of the stage, cinematograph or other picture show, dancing, boxing, or other amusement or contest:

So, any place where public entertainment takes place, including the showing of films, becomes a place of public entertainment. I think that answers the Leader's question.

The Hon. R. C. DeGARIS: I am afraid it does not answer my question; I am still not satisfied. A hotel in Adelaide may not be registered as a place of public entertainment yet it can show a film.

The Hon. A. F. Kneebone: It then becomes a place of public entertainment.

The Hon. R. C. DeGARIS: I suggest that progress be reported so that the Minister can examine the question and get a firm opinion on it.

The Hon. A. F. Kneebone: I do not think the Leader will get a different answer if progress is reported.

The Hon. R. C. DeGARIS: There have always been arguments about this matter. Whilst I know that the definitions read well, I also know that this is not an easy matter and may need tightening up. I suggest that progress be reported so that the matter can be thoroughly examined by the Government with its experts—apart from legal experts. Other people have much to do with the administration of the legislation.

The Hon. T. M. CASEY: Having shorn sheep in a woolshed on his property, the Leader may then clean out the woolshed and hold a dance there, charging an admission fee. That place automatically becomes a place of public entertainment. I have had practical experience of this matter. Last Thursday, when this Bill was due to be debated, I was assured from the Leader's side of the Chamber that it would go through on Tuesday (that is, today). If the Leader wants the matter clarified further, I am willing for the Committee stage to be adjourned on motion, but I am not happy about the situation because I accepted an assurance that the matter would be dealt with this afternoon.

The Hon. R. C. DeGaris: Adjourn it on motion.

The Hon. T. M. CASEY: I am willing to do that and to get further information if I possibly can. I do not know whether the information will satisfy the Leader; perhaps he himself should talk to the officers concerned.

The Hon. C. R. STORY: I am obliged to the Minister for his offer to report progress. He said that he was assured that the Bill would be passed on Tuesday (that is, today). I have been here too long to give assurances about anything. I said that we would do our best to get the Bill through on Tuesday.

The Hon. T. M. Casey: You assured me. If you want to take up the matter outside, that can be done. I am no monkey; don't make a monkey out of me.

The Hon. C. R. STORY: The Minister impressed upon me that it was imperative that the Bill be got through. I have a reply from the Attorney-General saying that the Bill should be got through by the fifteenth of this month to fit in with the other States. However, I believe there is no hurry, because Western Australia has not passed legislation on this matter. I repeat that I undertook that I would do my best to get the legislation through. Several honourable members are away on Parliamentary duties at present.

The Hon. T. M. CASEY: I want to put absolutely straight the facts as I got them last Thursday; the Hon. Mr. Story said he would like to defer the matter until this week because the Hon. Mr. Springett was not in the Chamber. I said "All right", but I also said that I was very keen to see that the Bill got through as quickly as possible, because it had been on the Notice Paper for some time; we had received word from the Commonwealth Government that it should be passed before the fifteenth of the month. The Hon. Mr. Story gave me an assurance on Thursday that if I did not proceed with this matter then he would see that it went through on Tuesday of this week.

The Hon. A. F. KNEEBONE: If this matter has to be dealt with by the fifteenth of this month, we would need to get it through today or by tomorrow at the latest. Even if it went through tomorrow, I doubt whether it could go before Executive Council on Thursday, which would mean that it would have to be deferred until the next meeting of Executive Council, which would be after the fifteenth. This is the point that was stressed by the Attorney-General when he said he would like it through by the fifteenth.

I agree with the Minister of Agriculture that he has met the wishes of honourable members opposite in this matter. I think the Minister has been very reasonable. Because of the difficulty of getting the matter before Executive Council on Thursday, today is really the last day that we can spend on debating it.

The Hon. A. M. Whyte: Why all the fuss about it?

The Hon. A. F. KNEEBONE: The Leader has requested that we report progress.

The Hon. C. R. STORY: I apologize to the Minister of Agriculture if he thinks that he has been let down and that he is going to get a rap over the knuckles from his Party.

The Hon. T. M. Casey: I can assure you that there won't be any rap over the knuckles from my Party. We can sit here today and tonight until we get the Bill passed.

The Hon. C. R. STORY: I could only give the Minister the best assurance I could, which was that I would do my best to see that this legislation passed. It may be all right for the four members who sit on the Government side to be told by Caucus, "You will get something through by such and such a time." We are 16 people on this side.

The Hon. D. H. L. Banfield: Sixteen obstructionists.

The Hon. C. R. STORY: We are not trying in any way to obstruct anything. We are perfectly prepared to make up our own minds. This matter is far more serious than the Minister seems to think. What is more, representations have been made to us in the last half an hour by people who have just found out about this matter. It was not until the *Advertiser* printed on the front page recently something that I said in my second reading speech that people started to find out what was actually contained in the legislation, and they now want to know a little more about it. This Bill was going through beautifully until then. I am prepared to sit here all night if the Minister wants it that way. However, he should not try to force this legislation through before people have had an opportunity to see what it contains.

The Hon. T. M. CASEY: Don't be ridiculous. You have had that opportunity for a month. I ask that progress be reported.

Progress reported; Committee to sit again.

Later:

The Hon. R. C. DeGARIS: Since the adjournment we have looked closely at the matters that have been raised. I believe it is possible to redraft the definition of "theatre" in such a way as to satisfy the views of the Minister and myself. I have been unable to get complete advice, but between us we have been able to achieve some understanding. If the Minister will agree, we can pass clause 4 on the understanding that the Bill will be recommitted for reconsideration of clause 3.

Clause as amended passed.

Clause 5—"Alteration of classified film prohibited."

The Hon. C. R. STORY: I move to insert the following new subclause:

(1a) This section does not apply to an alteration or addition made for the purpose of repairing a film or for any other technical purpose connected with the exhibition of the film.

If a film breaks, under the Bill a person is not, with the R classification, permitted to cut and join the film. The purpose of this amendment is to enable the film to be repaired, provided that no new material is placed in it. It seems a reasonable request, and I ask the Committee to support the amendment.

The Hon. T. M. CASEY: I agree with what the honourable member has said, because when a film breaks it is necessary to cut a small portion of it in order to join it again. The Government is therefore happy to accept the amendment.

Amendment carried; clause as amended passed.

Clause 6—"Children between age of six and 18 years not to be admitted to exhibition of film bearing restricted classification."

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

In subclause (1) to strike out "between" and insert "below"; and to strike out "six years and".

The amendment will eliminate the possibility of any child below the age of 18 years entering a theatre in which an R classification film is being exhibited. Athough I cannot supply the Committee with any personal reasons for this amendment, I am told on good psychological and psychiatric advice that it may be a traumatic experience even for a young child to see a film depicting violence. One knows there is an increasing tendency for films to depict all kinds of violence, not just in relation to sexual behaviour. These include war films, in which a great emphasis is placed on wounds and blood

and, as the films one usually sees today are colour films, these sights are bad for children. There is no truth in the suggestion that this kind of sight is not harmful to young children, as it can affect them adversely.

Unless the Minister can assure me that there are good, sound psychiatric or psychological reasons to the contrary, I will cling to my amendment. He will probably say that this State's provision will then be out of line with those of the other States. However, I do not believe that is of any real consequence, as we are passing a Bill that will apply only to South Australia, and perhaps we should lead the way in some respects. There may be practical problems with the Bill as it stands. Parents of young children might find it difficult to attend a drive-in theatre and get the children to go to sleep in the back of a car. It is standard practice today to take young children to a drive-in.

One hopes that not too many restricted classification films will be exhibited in drive-in theatres, but one cannot be sure of that. It is unlikely that young children would be taken by their parents to in-door theatres. It is not difficult for parents to obtain the services of a babysitter if they desire to see an R classification film.

The Hon. V. G. SPRINGETT: I support the amendment. It is an old cliche but a true one that the first six or seven years of a child's life mould that child's future and that good as well as bad influences can affect a young child. Because of the importance now being placed upon these early, formative years of a child's life, education systems are pressing today to establish more and more kindergartens and nursery schools. It seems absurd to allow children up to the age of six years to be exposed to violence and other degrading and deplorable acts that can be seen on some of our theatre screens. If parents cannot bring children between the ages of six and 16 years into a theatre, it seems but a small step to make it illegal to bring children under the age of six years into cinemas to see R classified films. I can see no good reason for allowing children up to six years of age to enter theatres in which an unsuitably classified film is being exhibited.

The Hon. T. M. CASEY: I cannot accept the amendment. I am not a student in psychology, and any psychiatric organization could throw more light on this matter than I or other honourable members of this Chamber could. When one deals with psychiatric matters, one delves into matters that the Hon. Mr. Springett is more capable of explaining than anyone else in this Chamber. I think the parents should be given some responsibility, and that parents should be able to take small children to a theatre if they are unable to obtain the services of a babysitter. If the amendment were carried, parents with, say, a babe in arms would be prevented from going to see a film. I suppose the pros and cons of this matter could be argued at great length. It could probably be said that a child of five years and 11 months would not go to sleep if it were taken to a drive-in theatre, especially when daylight saving was in force. The matter of the age limit has been examined closely, and it has been decided that it should be permissible for children up to six years of age to enter theatres when R classification films were being exhibited.

The Hon. F. J. Potter: Do you know who looked at the matter?

The Hon. T. M. CASEY: I do not suppose any psychiatrists or psychologists did, but they do not always agree, anyway. The medical profession is split down the middle in connection with other matters, too.

The Hon. M. B. CAMERON: Because I have children in the age group referred to in the clause, I know that a five-year-old child would ask questions about what was being screened. Only two or three days ago one of my children closely questioned me about who would get the farm when I died; so he would certainly be influenced by what was on the screen. Nowadays young children are more aware of their surroundings. I support the amendment.

The Hon. C. M. HILL: I agree to the amendment in so far as it relates to closed theatres, but I have always had much sympathy for young mothers who find in drive-in theatres an opportunity for enjoying entertainment out of the home while they can care for their children at the same time. If they are denied the opportunity for that kind of entertainment, they will find it very difficult to visit places of entertainment; we must be very careful about that.

The Hon. M. B. Dawkins: But they do not have to see R films.

The Hon. C. M. HILL: I believe that most films shown at drive-in theatres will be classified R. If any mature young people want to see an R film, that is their business. Because drive-in theatre programmes start fairly late

and finish fairly late, not many children in the age group we are talking about would see the whole programme through. And we must remember that their parents will be with them and will be able to control their children's viewing.

The Hon. R. C. DeGaris: What about the seven-year-olds?

The Hon. C. M. HILL: I agree that that is a problem.

The Hon. M. B. Cameron: Surely we are talking primarily about young children.

The Hon. C. M. HILL: I think that we should consider the family as a unit. The parents have the ability and the opportunity to control and guide their children. For those reasons I cannot support the amendment in its present form.

The Hon. C. R. STORY: I point out to the Hon. Mr. Hill that provision is made for three other categories of film that will provide opportunities for a young mother to have a reasonable amount of relaxation. It would certainly be beneficial for children to see films classified for general exhibition. Further, children will be permitted to see films not recommended for children and films classified for mature audiences. The amendment is levelled only at R films. If one brings up a child in the Christian religion one discovers how inquiring he can be and how much he understands at the age of six years. If a child goes to church regularly until he is six years old, he usually continues to go to church after that age. If parents get into the habit of looking at R films while their young children are present, surely that must have a lasting effect on their children. I therefore support the amendment.

The Hon. F. J. POTTER: I have been assured that every psychiatrist and every psychologist says that the foundations of the emotional and psycho-sexual development of children are laid down in the first six years of life. The Minister assures us that this Bill has been carefully looked at by the other States. With due respect to him, I do not think he knows whether this particular matter was even remotely thought of by the architects of this Bill. We have plenty of eminent psychologists and psychiatrists in the employ of the Government. If the Minister can produce a statement from those people that what I have said is wrong, I shall be very surprised. I know that to laymen the statement I have made seems so strange as to be almost unbelievable, but that is what I am assured is the position.

Amendments carried.

The Hon. C. R. STORY: In view of the amendment that has just been carried, it seems that my amendment may be redundant. If I decide to go on with it, I will ask for the Bill to be recommitted.

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

In subclause (2) (*b*) to strike out "had not attained the age of six years, or".

This is consequential on the amendments already carried.

Amendment carried.

The Hon. R. C. DeGARIS: The demand in this area comes largely in the 14 years to 16 years age group. This has been recognized in the other States, and Victoria has legislated accordingly. I do not know what the position is in New South Wales and Western Australia.

The Hon. T. M. CASEY: I move to insert the following new subclause (4):

This section does not apply in respect of a child who has attained the age of 16 years and who is employed by an exhibitor in the performance of duties and functions in connection with the operation of the cinematograph used for the exhibition of the film.

I do not know what Victoria has done about the matter mentioned by the Leader.

The Hon. F. J. POTTER: I think there may be sound reasons for Victoria's reducing the age to 14 years. Under the new Juvenile Courts Act recently passed, no-one under 16 years of age can be guilty of an offence and no-one can be fined. I think I pointed that out in my second reading speech on that Bill.

The Hon. T. M. CASEY: The matter contained in my amendment has been raised by the operators themselves. They point out that in some cases of apprenticeship a lad of 16 years will offer to be employed as an operator. In order that this young lad can pursue his trade as a cinematograph operator he has to be exempted. That is the reason for this amendment.

The Hon. C. R. STORY: No boy will be able to start his apprenticeship or go into service as a projectionist until he reaches the age of 16 years; is that right? Normally, this is a job that a lad takes up as a night hobby. He starts his apprenticeship in that way.

The Hon. A. F. Kneebone: We think there would be some restriction on a boy under 16 years of age.

The Hon. C. R. STORY: But it states here that he must not be in the business until he is 16 years of age.

The Hon. R. C. DeGaris: He can come before the Juvenile Court but cannot be prosecuted.

The Hon. C. R. STORY: I understand that many boys just under the age of 18 are used in the business by the exhibitor as tray boys, for instance. I take it they will be excluded?

The Hon. T. M. Casey: No; it is in connection with the operation.

The Hon. C. R. STORY: Yes, but the general theme of what has happened will exclude all persons under the age of 18 years, so it will mean that any tray boy between the ages of 16 and 18 who earns his few cents pin money, as many do at present, will be excluded under the Act?

The Hon. T. M. Casey: Yes.

The Hon. C. R. STORY: The Minister does not intend to bring them in?

The Hon. T. M. Casey: No.

New subclause inserted; clause as amended passed.

Clause 7—"Exemption."

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

That the clause be struck out.

This clause gives the Governor, in subclause (1), and the Minister, in subclause (2), the power to go outside the provisions of this measure and do what they like in the matter of censorship. Nothing more ridiculous has ever appeared in any Bill we have debated in this Chamber. We are debating at great length a Bill that ultimately will probably become law; yet in this clause we allow the Governor and the Minister to do what they like in regard to censorship. The record of the present Government in censorship (I cite its performance in respect of *Oh! Calcutta!*) is deplorable. I do not trust the Government one inch on censorship. I trust it less when it tries to wear a cloak of respectability by introducing a Bill in which this clause appears. I do not think the Governor or the Minister should have a completely free hand in this matter. In respect of films that have already been imported into or have already been made or are being made at present in Australia I take it that those films must continue to be shown under the existing classifications, and that it is intended by proclamation that new films will be subject to the new classifications. That matter can easily be covered by a minor amendment to clause 14. I have one that I am prepared to circulate if honourable members will support me in ensuring that the Government and the Minister are bound by the provisions of this Bill and cannot jump out of the net and do what they like in the classifying of films.

The DEPUTY CHAIRMAN: I point out to the honourable member that he cannot move to have a clause struck out. Instead, he should vote against it when the vote is taken.

The Hon. V. G. SPRINGETT: It is worth recalling that there are films made not merely for entertainment but for professional training purposes—for instance, medical films. Presumably the Minister can put his signature to appropriate films, if necessary.

The Hon. T. M. CASEY: I am staggered that the Hon. Mr. Hill should go to the extreme of wanting to strike out this clause. For one thing, that would deprive the medical profession and other professions of being able to show training films.

The Hon. C. M. Hill: Would they come under the definition of "film" in this Bill?

The Hon. T. M. CASEY: Yes.

The Hon. C. M. Hill: You look at it!

The Hon. T. M. CASEY: In the case of films that are not classified under this Bill, someone must have power to exempt them. I refer to such films as medical films.

The Hon. C. M. Hill: They are not shown in cinemas.

The Hon. T. M. CASEY: Of course they are not, but they are films.

The Hon. C. M. Hill: They are not films in accordance with the definition of the Bill.

The Hon. T. M. CASEY: I do not know whether or not this will have any impact on the honourable member, but this clause has been included in the Bills passed in the other States. For that reason, it is important that it should remain in our Bill. Periodically, films are made of a purely educational nature and are not classified. For that reason, the Minister must have power to allow those films to be presented to certain audiences. I ask the Committee not to reject the clause.

Clause passed.

Clause 8 passed.

Clause 9—"Illegal publication of advertisement, etc."

The Hon. T. M. CASEY: I move to insert the following new subclauses:

(2) The Minister may, by instrument in writing served personally or by post upon any person responsible for, or engaged in, the sale, leasing, distribution or exhibition of any film, require that all advertisements to be used in connection with the exhibition of the film be submitted to him for approval.

(3) Where the Minister, or a person or authority acting in pursuance of a corresponding law, has required that advertisements to be

used in connection with the exhibition of a film be submitted for approval, no person shall cause an advertisement to be published in connection with the exhibition of the film otherwise than in a form approved by the Minister, or approved in accordance with a corresponding law.

Penalty: Two hundred dollars.

(4) It shall be a defence to a prosecution under subsection (3) of this section that the defendant did not know, and could not reasonably be expected to have known of the requirement.

These amendments result from a recent conference of Ministers concerned with film censorship and classification. It was felt by the conference that close control was necessary in order to prevent the publication of advertisements relating to R certificate films designed to titillate and stimulate prurient interest for the purpose of financial advantage. It is not expected that this power would be used to regulate advertising as a matter of course. However, its existence should discourage scabrous advertising and it can be held in reserve to be applied where the occasion requires. That is why it has been introduced as an amendment; it was discussed at a meeting of Ministers after the Bill was drafted. I will have an amendment to clause 10 consequent upon the other amendments.

The Hon. C. R. STORY: Subclause (4) seems rather peculiar. Surely subclause (3) is quite clear and sets out exactly what is intended. How can it be a defence that the defendant did not know and could not reasonably be expected to have known of the requirement?

The Hon. F. J. POTTER: There may be a good reason for this provision, but it should be a substantial one because, after all, a statutory offence, with a penalty of $200, is being created. In other words, there is no defence at law: one either committed the offence or did not do so. This is a new departure. I recall that when we tried to do something like this in relation to another Bill we were told that it could not be done.

The Hon. T. M. CASEY: This provision is intended to protect those people who, having been given an advertisement and told to publish it, do so in good faith, not knowing the implications of their actions. Those people are then responsible for publishing that material, although they did not realize that, by doing so, they were committing an offence. Persons who are asked to exhibit such material in shop windows should also realize the ramifications of the matter.

The Hon. R. C. DeGARIS: It seems strange that the Government is including a defence to a prosecution, which was ridiculed in relation to another Bill. I do not think the Minister has given substantial reasons why subclause (4) should be included. I therefore suggest that the subclauses be put separately.

The Hon. T. M. CASEY: What other substantial reasons does the Leader require? We have covered the situation in which the advertising of these films is under jurisdiction. If someone wants purposely to defeat this provision, and asks a person to place these notices in shop windows, as has occurred for some years, should not the person so requested be protected? This provision cannot be thrown out merely because it does not fit the Leader's cap or because he did not win on another Bill.

The Hon. M. B. CAMERON: Will the Minister say why the onus is not put on the exhibitor or the person who hands out the advertisement? Why is it necessary to have such an all-embracing provision?

The Hon. R. C. DeGARIS: I can only add that this provision renders the clause useless.

Amendments carried.

The Hon. F. J. POTTER: The inclusion of these extra subclauses will mean that the first part of the clause will have to be designated subclause (1).

The DEPUTY CHAIRMAN: That will be done.

Clause as amended passed.

Clause 10—"Evidentiary provision."

The Hon. T. M. CASEY moved:

To strike out "or" and insert the following new paragraph:

or

(c) stating that an advertisement, referred to in the notice, was required by this Act to be approved by the Minister or in accordance with a corresponding law, and the advertisement was, or was not, so approved.

Amendments carried; clause as amended passed.

Remaining clauses (11 to 14) and title passed.

Bill reported with amendments.

Bill recommitted.

Clause 3—"Interpretation"—reconsidered.

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

To strike out the definition of "theatre" and insert the following new definition:

> "theatre" means any place whether enclosed, partly enclosed, or unenclosed in which a film is exhibited whether admission thereto is open to members of the public or restricted to persons who are members of a club or who possess any other qualification characteristic and whether admission is or is not procured by the payment of money or on any other condition:

If the Minister's contention is correct, any person who uses an 8mm camera to film the opening of Parliament or John Martin's Pageant cannot show that film without its being classified. In relation to clause 4, there is argument on whether a film that is not classified can be exhibited in a hall that is not registered as a place of public entertainment. The definition of "theatre" that is on honourable members' files leaves no doubt about the matter; it will mean that a film cannot be exhibited in any building that is not registered as a place of public entertainment. Can the Minister say whether any film that is exhibited must carry a classification, irrespective of what the film is and where it is shown? Can a blue film be shown in a place not registered as a place of public entertainment?

The Hon. T. M. CASEY: Because the Leader has had experience in administering the legislation, he should know more about places of public entertainment than I do. Because I do not think the amendment is necessary, I oppose it. If it is carried, the matter may have to be resolved between another place and this place later.

The Hon. R. C. DeGARIS: Am I correct in assuming that every film shown must carry a classification?

The Hon. T. M. CASEY: If it is for public entertainment, I would say "Yes", but the Minister has power, under clause 7, to allow some unclassified films to be screened. The Hon. Mr. Springett would be able to deal with that matter. Some films are specialized or educational.

The Hon. R. C. DeGARIS: What is the situation of a person who makes a movie film of John Martin's Pageant and is asked to show it at a local church hall, 20c being charged for admission? Will that person be breaking the law?

The Hon. T. M. CASEY: I would say "No".

The Hon. F. J. Potter: According to the Bill, such a person is breaking the law.

Amendment carried; clause as further amended passed.

Bill reported with a further amendment. Committee's reports adopted.

LOCAL GOVERNMENT ACT AMENDMENT BILL (GENERAL)

Adjourned debate on second reading.

(Continued from November 4. Page 2751.)

The Hon. L. R. HART (Midland): There is never any difficulty in addressing oneself at great length to the Local Government Act. The historical background, the difficulty in following the present Act because of its cumbersome nature, and the need to have a revised or redrafted Act are all matters that one could address oneself to at great length.

I do not intend to go into this Bill in great detail. However, I believe that when one has queries to raise one should raise them in the second reading debate, for that gives the Minister an opportunity to reply when he closes the debate. Previous speakers have said that this is largely a Committee Bill. I have no doubt that many of the matters I wish to raise could be conveniently raised in Committee, but for the reasons I have given I believe it is necessary that they should be raised also at this stage.

Clause 2 amends section 5 of the Act. It inserts a new definition of "ratable property", particularly as it concerns the Crown. I am interested to know the effect this new definition will have on Crown property such as Roseworthy Agricultural College. The Hon. Mr. Hill has also raised queries in relation to this clause. In effect, "ratable property" is to be deemed to include any land and buildings held by or on behalf of the Crown for any purpose, not being a public or educational purpose.

At present, Roseworthy College is rated for local government purposes on the homes occupied by its staff. It is not rated on the land, nor is it rated on any of the buildings that are occupied by the students attending the college. On my understanding of the new definition, the land that is occupied by Roseworthy College will become ratable. This will also apply to all the buildings, other than perhaps those actually occupied by the students themselves.

The Minister recently replied to a question of mine regarding the new status that Roseworthy College will take on in the future. That college will become a college of advanced education. Therefore, I question whether it will become exempted from the provisions of this measure, because the land and buildings will be used for educational purposes. Will the Minister tell the Council

what the situation will be under the new provisions of this Act in respect of Roseworthy Agricultural College when it assumes its new status?

Then there is the situation in respect of schools and post offices (to give two examples) where a house is attached to a school or a post office. The school and the post office themselves are not ratable but the premises occupied by the schoolteacher or the postmaster are ratable property. However, when they are attached to the school itself and the post office itself, I am not sure whether they become ratable. I ask the Minister what the situation will be there.

Clause 5 deals with a portion of a council area that wishes to become severed from the council to which it is attached and to become attached to another council. There was an interesting situation in this regard several years ago when I believe it was the ward of Taylorville in the Waikerie District Council that wished to become severed from the Waikerie council and become attached to the Morgan council. This process was carried out and, after a lapse of some time, the people of that ward decided they were still not happy, although attached to the Morgan council, and petitioned to return to the Waikerie council. I am wondering whether these amendments will prevent such a situation occurring again.

Clause 16 deals with the age at which a person may hold office as a clerk of local government. I think it would be almost impossible for a person to be elected as a clerk of a council at the age of 18 years or to act as an engineer of a council at that age. I suppose it is necessary to amend the Act to bring it into uniformity in this respect, but I doubt whether this would ever occur. In fact, I doubt whether any person has ever been a clerk of a district council at the age of 21 years. I know there have been some very young clerks but they have been more like 23 or 24 than 21.

Clause 24 deals with the employment of social workers. I understand that the Local Government Association was not advised that this clause would be inserted in the Bill or that some other clauses would be so inserted. Local government itself from time to time requests the central Government to bring down amendments to the Local Government Act and, on the other hand, the central Government brings down amendments to the Act that are not requested or desired by local government. Therefore, it is necessary that Parliament make a close scrutiny of any amendments to the Local Government Act, and particularly the effect they will have on the ratepayers. The appointment of social workers has met with much commendation from some honourable members who have spoken on this Bill. No doubt, there is a need for social workers in certain areas of local government, but those social workers who are emp'oyed and paid by local government will need to work with great discretion, particularly if they decide that one of their functions is to co-ordinate the work of voluntary workers and voluntary organizations that do much good work in the social field covered by local government. It will be easy for people at present engaged in voluntary work in council areas to say, "If the council is to pay a person to do this work, let it do so; I shall be quite happy to be relieved of the functions I have been carrying out." So, as I have said, there will be a need for great discretion on the part of social workers.

Clause 25 deals with the question of homes for the aged. It provides:

A council may expend any portion of its revenue in the provision of dwellinghouses, home units, hospitals, infirmaries, nursing homes, chapels, recreational facilities, domiciliary services of any kind whatsoever, and any other facilities or services for the use or enjoyment of aged, handicapped or infirm persons.

They are fairly wide terms. A council may spend any portion of its revenue on any of those purposes. In other areas of this Bill, a council may not expend any portion of its revenue on certain things that are named in the Bill without the Minister's approval, and that is in areas where the expenditure involved is comparatively small. Here, however, where the amount of expenditure is comparatively high, it can be done without the Minister's consent. Again, the Local Government Association, although not opposed to this amendment, believes there are certain aspects of it that are not particularly clear and should be deferred until such time as any possible anomalies have been cleared up. It would appear that, if a council was to engage in this work, it would need to borrow money. It would have some difficulty in finding the money out of its own revenue.

The other complicating problem is the attitude of the Commonwealth to the amount of subsidy it is prepared to pay to such homes. Until these matters are cleared up, local government should move carefully in this field.

Clause 44 deals with the removal of motor vehicles abandoned on roadways and in other public places. This is a necessary provision. Previously, if a council removed a vehicle and wished to dispose of it, it had to do so by public auction; in many cases the cost of conducting the auction was greater than the value of the vehicle. Under the new provision the council is empowered to sell the vehicle by public auction or by other means if it so wishes.

Clause 51 deals with disposal of rubbish, litter, refuse, and other items coming under the heading of rubbish, and amends section 783 of the principal Act. One of the main alterations is to increase the penalty for persons charged with offences under this section. The maximum penalty is to be increased and it is proposed that a minimum penalty will be specified. The present minimum penalty of $10 is far too low. If a person is found guilty of depositing rubbish on the road, the minimum penalty should be higher than $10. I know of cases in which local justices have heard charges relating to the depositing of rubbish on local roads and have imposed penalties that have been ridiculously low; it has cost the council more to collect and destroy the rubbish than the fine imposed.

That has been overcome in the present measure, because the court may also impose costs to cover those incurred by the council in collecting the rubbish. Nevertheless, there is still a weakness in this section. Anything we can do to discourage people from depositing rubbish on the roads must be done, but the biggest problem has always been the apprehension of the culprits. This will still be a difficulty when the provisions of this Bill come into effect. The only way to overcome this is to place the onus of proof on the person depositing the rubbish. At present a person can be approached, on very good evidence, and accused of depositing rubbish on a road or other public place. He merely has to deny any knowledge of the matter and there is no hope of a charge being successful. Therefore, we must look more closely at whether the onus of proof should be on the person depositing the rubbish.

I have raised these matters in the hope that the Minister will clarify the situation in his reply. Other honourable members have raised matters that I will not reiterate. I trust that these amendments will make the Act more workable and will satisfy some of the requirements of local government. I have pleasure in supporting the second reading.

The Hon. E. K. RUSSACK secured the adjournment of the debate.

ADJOURNMENT

At 6.9 p.m. the Council adjourned until Wednesday, November 10, at 2.15 p.m.