

## LEGISLATIVE COUNCIL

Tuesday, March 5, 1974

The PRESIDENT (Hon. Sir Lyell McEwin) took the Chair at 2.15 p.m. and read prayers.

## MEMBERS' DRESS

The PRESIDENT: In view of the high temperature and the poor ventilation in this Chamber, I suggest that, while these conditions exist, and with the leave of the Council, members may remove their coats.

The Hon. Sir ARTHUR RYMILL (Central No. 2): The only thing I can find about dress in Standing Orders is the marginal note to Standing Order 20, which says, "In case of tie", which suggests to me in isolation that one may wear a tie or not.

The PRESIDENT: Is the honourable member dissenting?

The Hon. Sir ARTHUR RYMILL: No, I am approving thoroughly, Sir.

## QUESTIONS

## WORKMEN'S COMPENSATION

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation prior to directing a question to the Chief Secretary.

Leave granted.

The Hon. R. C. DeGARIS: Last week I directed to the Chief Secretary a question relating to the new Workmen's Compensation Act. In reply, the Chief Secretary informed me that the Government did not intend to bring down amendments to the principal Act, but that it was withdrawing the regulations to bring down a fresh set. He said he would raise the matter with Cabinet and bring down a reply relating to the principal Act. I should like the Chief Secretary to refer to Cabinet a further matter. Is the Government aware that lump sum payments in many of the categories are more than the sum that may reasonably be expected to be awarded in a civil case; if the Government is aware of this, will it once again reconsider amendments to the principal Act to introduce an amendment so that the lump sum amount payable under the Act may be more realistic?

The Hon. A. F. KNEEBONE: I shall take the request of the Leader to my colleagues in another place and bring down a reply as soon as possible.

## OUTPATIENT DEPARTMENT PARKING

The Hon. C. R. STORY: Has the Minister of Health a reply to the question I asked recently concerning parking for outpatients at the Royal Adelaide Hospital?

The Hon. D. H. L. BANFIELD: The need for parking space to be available for use by outpatients attending the Royal Adelaide Hospital is recognized, but space does not permit this facility to be provided except under special circumstances. There can be almost 1 000 persons attending the outpatient and casualty services of the Royal Adelaide Hospital on any week day, and experience indicates that a large percentage of such persons could provide an appropriate reason for being provided with parking space. To meet this demand, a multistorey car-park would be required. Two alternatives are provided to assist outpatients who cannot travel by public transport: (a) relatives or friends are permitted to enter the hospital grounds with their motor vehicles to set down and pick up outpatients without leaving their vehicles in the grounds; and (b) by arrangement with the St John Ambulance Brigade, transport is provided for persons who are able to pass a specified means test.

## DENTAL TECHNICIANS

The Hon. C. M. HILL: Has the Minister of Health any plans in mind to consider either licensing or registration of dental technicians in this State to work under the supervision of dentists or not, and to work directly with patients? If the Minister has any such plans under consideration, can he say how long it will be before some final decision may be made in this matter?

The Hon. D. H. L. BANFIELD: True, representations have been made to me to allow dental technicians to deal directly with patients from the public, but the position is most complex. It will be necessary for the technicians to have further training and we shall have to make sure that they do not do any harm to the public. I am now looking into the matter but am not in a position to say when I shall make any recommendations to the Government.

## TIMBER

The Hon. M. B. CAMERON: I seek leave to make a short statement before directing a question to the Minister of Forests.

Leave granted.

The Hon. M. B. CAMERON: My question concerns the supply of material used in fencing from the sawmills of the Woods and Forests Department in the South-East. I understand a directive has been sent out to the retailers of these products couched in terms fairly close to these that, owing to an unprecedented demand for departmental fencing materials, the department is no longer in a position to continue to accept processed orders, giving a realistic delivery date. In fact, I understand that orders from March of last year are now being received by customers, and people now ordering droppers have been given a mid-1975 delivery date. I understand the department is now no longer receiving further orders because of this problem. Is any action being taken to speed up delivery of fencing materials, and will the Minister consider expending further capital in this part of the Woods and Forests Department to see that this situation is overcome and does not recur?

The Hon. T. M. CASEY: I point out to the honourable member that, owing to shortage of labour, it is difficult to comply with his wishes. There are other matters that affect the situation, too. I assure the honourable member that there is a shortage of timber throughout Australia. It applies not only to South Australia but also to New South Wales, Queensland, Victoria, and Western Australia.

The Hon. R. A. Geddes: Are you referring to timber generally or to fencing material?

The Hon. T. M. CASEY: I am referring to all types of timber products. That is a problem facing the industry at the moment, which could be lacking in tree fellers and labour generally, but every step is being taken to see whether we cannot eliminate the difficulties as soon as possible. However, it will not be an easy exercise.

## CLELAND RESERVE

The Hon. R. A. GEDDES: Reference has been made to people claiming to be ill from the effects of an insecticide used to control fruit fly. Will the Minister of Health ascertain whether there is any foundation for the claim of these illnesses occurring in the Cleland Park area?

The Hon. D. H. L. BANFIELD: The child reported in this morning's *Advertiser* as having been admitted to hospital on Sunday, following weed spraying near his home, is now in a very good condition. Tests and investigations are continuing to establish the cause of his illness, but he will be discharged in the next few days. The spraying was done by the East Torrens District Council to destroy and control gorse or furze alongside Greenhill Road.

The spray used, which was butyl ester of 245T at a strength of 0.2 per cent, would also destroy blackberries. Spraying took place on two days in January and seven days in February, only on days when the weather was suitable to permit the spray to settle on the weed-infested area when released on the fire-track 300ft. (91.44 m) below the road, on the opposite side from the houses.

The National Health and Medical Research Council has kept this and other weedicides under constant review. Toxic effects reported from other parts of the world and discovered by experimental testing have been mild, and required heavy doses. Precautions in use have been introduced to prevent swallowing of amounts of this substance that could be hazardous. However, there has been no recommendation that its careful use should be banned or discouraged.

#### DENTAL HOSPITAL

The Hon. M. B. CAMERON: Has the Minister of Health a reply to my question of February 20 regarding the Royal Adelaide Hospital dental branch?

The Hon. D. H. L. BANFIELD: When a person is placed on the waiting list it does guarantee that treatment will be provided subject to the necessity to await his turn on the waiting list. Staff are instructed to inform eligible patients that there will be a delay before treatment can commence and that the length of the delay cannot be forecast. They are not advised to seek treatment privately. It is not considered that the present situation with regard to waiting lists could be described as "disgraceful"; this term would be applicable only if no action had been taken to improve the position. This is not the case.

In recent years, substantial improvement has been achieved both in facilities and staff numbers, the latter despite difficulties in recruitment. It is unfortunate that the demand for dental services has increased at a faster rate than has staff recruitment. It would be most inadvisable to close waiting lists, as this could result in refusal to treat patients with serious clinical problems whilst treatment of non-urgent conditions proceeded. It would assist the dental branch if some of its workload could be contracted out to private dentists but it is not sure whether private dentists could accept the additional work at the present time.

The Hon. M. B. CAMERON: I seek leave to make a short statement prior to asking a question of the Minister of Health.

Leave granted.

The Hon. M. B. CAMERON: My question relates once again to the dental section of the Royal Adelaide Hospital. Recently, the Minister, when replying to a question I asked regarding waiting lists and the number of patients on those lists, was perhaps unable to reply fully because I did not fully explain my question. I now ask whether waiting lists, called the university waiting list and the orthodontic list, exist, and, if they do exist, how many patients are on each list; whether the lists previously outlined by the Minister in his reply duplicate these lists; and whether the Minister is investigating the dental section of the Royal Adelaide Hospital?

The Hon. D. H. L. BANFIELD: I will seek a report for the honourable member regarding all questions but the last, to which the answer is "Yes".

The Hon. M. B. CAMERON: Can the Minister say what sections of the dental hospital are being investigated; how long will it be before the report is likely to be available; finally, will the results of the investigation be made available to Parliament?

The Hon. D. H. L. BANFIELD: The operation of the whole of the dental hospital will be investigated. I do not know when the report will be finalized, but I shall await the report before submitting a recommendation to Cabinet.

The Hon. R. C. DeGARIS: Can the Minister outline the function of the dental section at the Royal Adelaide Hospital; is it Government policy to provide a training hospital or to provide free dental treatment, if the policy is to provide free dental treatment, will the Minister assure the Council that equal opportunity will be given to all people in South Australia to avail themselves of free dental treatment?

The Hon. D. H. L. BANFIELD: As a former Minister of Health, the Leader would know the position probably as well as I do. However, so that we will not be off the beam I will get a full report. Three or four questions were involved, and I shall obtain a considered reply.

#### WATER POLLUTION

The Hon. R. A. GEDDES: Has the Minister of Agriculture a reply from the Minister of Works to my question of February 20 regarding a possible increase in the pollution level of the Murray River?

The Hon. T. M. CASEY: After consulting my colleague, I am able to assure the honourable member that public water supplies derived from the Murray River are monitored regularly by the Water and Water Pollution Control Laboratories of the Engineering and Water Supply Department to ensure that these waters meet acceptable microbiological standards of purity. All of these supplies are continuously chlorinated and a very close check is maintained on the physical quality of the water, the residual chlorine in the system and the microbiological results, so that chlorine dosage adjustments can be made as required with the minimum delay. An assurance is given that acceptable microbiological standards of quality for drinking water will be maintained.

#### RURAL PUBLICATIONS

The Hon. B. A. CHATTERTON: I seek leave to make a statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. B. A. CHATTERTON: Is the Minister aware of the difficulties rural publications could face if the Classification of Publications Bill is passed? I draw the Minister's attention to an article, appearing in last Thursday's *Australian*, by Phillip Adams, who was reviewing the lewdness now prevalent in much advertising in Australia. He picked out a particular product, the Sire Sine harness, as the worst example that he could find. The article states that an advertisement in rural publications is for—

the Sire Sine harness, a curious device that farmers attach to their rams. Apparently it incorporates some sort of crayon so that the ewe is clearly marked during the process of mating. Why this should be desirable I cannot imagine.

The explanatory copy is bad enough ("All you have to do is fix the harness to your ram. He takes care of the rest"). But what makes the campaign completely unacceptable is the illustration showing two Merinos in the act. Fortunately anatomical details are obscured by their fleece, but the illustration remains extremely blatant.

Obviously action must be taken, lest animal husbandry descend into out and out pornography, leading to the production of lewd films about rams and ewes. Indeed the photograph in question could serve as a publicity shot for *Dip Throat*.

Will the Minister warn rural publications of the dangers involved in the Classification of Publications Bill?

The Hon. T. M. CASEY: While I can see the point that the honourable member is making, I believe that the situation does not apply to animals as it does to humans. Nevertheless, I will look at the situation and inform the honourable member.

#### FRUIT FLY

The Hon. C. M. HILL: Can the Minister of Agriculture say how many outbreaks of fruit fly have occurred this season in metropolitan Adelaide; does he believe that his department's eradication methods are successful; and are any other methods under consideration to obtain the public's full co-operation?

The Hon. T. M. CASEY: From memory, I believe there have been four outbreaks of fruit fly in the metropolitan area this season. I can assure the honourable member that every precaution has been taken to try to eliminate fruit fly, whether it be Queensland fruit fly or Mediterranean fruit fly. It is not an easy exercise, as the honourable member would probably realize. A meeting was recently held between interstate experts and officers of my department; as a result some worthwhile suggestions are being put into effect at present. We in South Australia are probably well ahead of most other States, because only Victoria and South Australia take such far-reaching measures to eliminate fruit fly. Of course, it will not be easy to eliminate the fly. It is a question of getting the public's co-operation, and it is difficult to get the co-operation of all members of the community, because so many people travel between States by air; this is one of the greatest hazards in connection with bringing fruit into South Australia. All these matters are being considered by my department, and I can assure the honourable member that everything possible is being done.

The Hon. C. R. STORY: I seek leave to make a short statement before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. C. R. STORY: For some years the Agriculture Department has carried out a considerable amount of research into the biological control of fruit fly by means of oriental fruit moth and other types of insect. A large sum has been spent on an insectory at Loxton. From memory, I think we had two officers in that area who were employed especially for experimental work. Will the Minister report on the progress that has been made, whether the experiments have been concluded, and whether biological control can be or is being used commercially in South Australia?

The Hon. T. M. CASEY: Yes.

#### AGRICULTURE DEPARTMENT REPORT

The Hon. C. R. STORY: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. C. R. STORY: I read in the press recently that the Agriculture Department was being investigated by Sir Allan Callaghan, a former Director of the department. As the report has probably now been handed to the Minister, does he intend making that report, or a precis of it, available?

The Hon. T. M. CASEY: I intend making a submission to Cabinet shortly at which time this matter will be decided.

#### PUBLIC TRANSPORT GRANTS

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

Leave granted.

The Hon. C. M. HILL: In a newspaper report of February 19 this year it was outlined that transport facilities in Australian cities were to be granted a \$32 000 000 boost. The report stated that the Commonwealth Cabinet had approved this sum in this financial year to improve the public transport of the principal cities of Australia. Under the plan the States were to be asked, according to the report, to contribute one dollar for each two dollars provided by the Commonwealth Government, the money to be spent in upgrading train, tram, bus and ferry services. The report also stated that the money approved by the Commonwealth Cabinet was to be provided to the States as interest-free non-repayable grants. I ask: first, whether the terms and conditions mentioned in the report are acceptable to the South Australian Government; secondly, how much of the \$32 000 000 is to be granted to South Australia, thirdly, has any of this money been received by South Australia so far, and finally, does this grant account for the total amount provided to the States for the upgrading of transport by the present Commonwealth Government since coming into office?

The Hon. D. H. L. BANFIELD: I shall be happy to refer the honourable member's question to my colleague and bring down a reply.

#### MONARTO FOREST

The Hon. C. R. STORY: I seek leave to make an explanation prior to directing a question to the Minister of Forests.

Leave granted.

The Hon. C. R. STORY: A report appeared in the press as recently as last weekend regarding the establishment of a forest in the new Monarto city complex. The suggestion came from Mr. Yeomans, who is famous in some parts of Australia in connection with the key-line system. Can the Minister say whether his officers have been consulted in the matter, secondly, will the Minister take up with the department the practicability of irrigation for the growing of such trees? Irrigation would be necessary because the establishment of any type of forest would require a rainfall of about 30in. (760 mm), while the rainfall in the Monarto area would be little more than 10in. (254 mm) or 12in. (304 mm); therefore the scheme would involve supplies of irrigation water and run-off water. I do not want the Minister to think that I am not in favour of establishing forest reserves wherever they can be established, even under irrigation, but I should like a report from the department as to its opinion on the practicability of such a scheme for Monarto.

The Hon. T. M. CASEY: I shall talk this matter over with my departmental officers. I can see the significance of the point raised by the honourable member. I have seen the key-line system in operation in several parts of the State, and, while it works quite well on arable land and on grassland in certain areas, I see no reason why it should not work in the same way in forestry. However, I do not think the economics of establishing a forest in the Monarto area under irrigation would be practicable. I do not think the honourable member referred specifically to softwoods, although when one speaks about forests in South Australia one naturally thinks of softwoods. The gentleman whom the honourable member mentioned as the writer of the article was referring, I think, to eucalypts of a type that probably would grow under conditions where softwoods would not grow in that part of the State. However, I shall talk to my departmental officers and bring down their candid opinion of the situation.

## DIRECTOR OF FISHERIES

The Hon. C. R. STORY: I seek leave to make a brief explanation before directing a question to the Minister of Agriculture, representing the Minister of Fisheries.

Leave granted.

The Hon. C. R. STORY: Some consternation has been expressed in fishing circles that the position of Director of Fisheries has been vacant for some time. When is an appointment likely to be made; secondly, what action is the Government (or the Minister) taking to rescind or amend the regulations regarding Murray River fishing, particularly that portion relating to equipment and yabbying?

The Hon. T. M. CASEY: I will refer the questions to my colleague and bring down a reply when it is available.

## TRANSPLANTATION OF HUMAN TISSUE BILL

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

## LAND VALUERS LICENSING ACT AMENDMENT BILL

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

## ROAD TRAFFIC ACT AMENDMENT BILL (SPEED)

Second reading.

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

*That this Bill be now read a second time.*

The Bill, which is to come into force on July 1, 1974, makes one major amendment to the Road Traffic Act, and combines this with various metric amendments. The major amendment consists in the repeal and re-enactment of section 48 of the principal Act. This section at present provides that a person shall not drive a vehicle at a speed greater than 60 miles an hour. However, it is a defence to a charge under this section if the defendant satisfies the court that the speed at which the vehicle was driven was not dangerous having regard to all the relevant circumstances. The total effect of this provision is, therefore, that unless the vehicle is actually involved in an accident resulting from excessive speed there is little chance of the police launching a successful prosecution. There is abundant evidence to prove that excessive speed is a major cause of road accidents. Anything that can be done to deter drivers from travelling at excessive speeds should therefore have a beneficial effect on road safety. The new provision inserted by the Bill provides an absolute speed limit of 110 kilometres an hour. This is about 68 miles an hour. The new provision is in line with an Australian Transport Advisory Council recommendation. The detailed provisions of the Bill require no special comment. Where conversions have been made into metric terms, care has been taken to ensure that members of the public are under no greater obligations than they were under previously. The provision under which the absolute speed limit is imposed is clause 5.

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

## STATUTES AMENDMENT (JUDGES' SALARIES) BILL

Second reading.

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

*That this Bill be now read a second time.*

It adjusts, with effect from the first day of January, 1974, the salaries payable to the honourable the Chief Justice,

Their Honours the judges of the Supreme Court, the President and Deputy Presidents of the Industrial Court, the Senior Judge and judges of the Local and District Criminal Court, and the Chairman and Deputy Chairman of the Licensing Court. The salaries payable to the occupants of these offices were last adjusted by the Statutes Amendment (Judges' Salaries) Act, 1972.

Since that adjustment the Government has had regard to projected movements in salaries payable in respect of comparable judicial offices in Victoria and New South Wales. This practice is, it is suggested, soundly based, since in most, if not all, respects the duties, levels of responsibility, and skills required in relation to comparable judicial offices are the same wherever the office is situated. The adjustment proposed takes the form of the increases specified in the relevant clauses of the Bill. The arguments in support of fixing appropriate salaries for persons holding judicial office have been so frequently canvassed in this Council that it seems almost unnecessary to repeat them here. However, once again I remind honourable members that, if judicial salaries at their various levels are not such as to attract from the legal profession persons of the highest competence, the consequential effect on the administration of justice will be most serious. It is, I think, acknowledged by all that this State has been, and is being, well served by a judiciary justly held in high regard. Not the least of the reasons for this regard is that it has been possible to secure the services of persons of considerable ability to serve in these most important offices.

Clauses 1, 2 and 3 are formal. Clause 4 amends section 12 of the Supreme Court Act and varies the salary of the Chief Justice from \$28 200 to \$37 000 and that of the puisne judges from \$25 750 to \$33 000. Clause 5 is formal. Clause 6 amends section 11 of the Industrial Conciliation and Arbitration Act and varies the salary of the President of the Industrial Court from \$25 750 to \$33 000 and that of the Deputy Presidents from \$20 200 to \$26 000. Clause 7 is formal. Clause 8 amends section 5e of the Local and District Criminal Courts Act and varies the salary of the Senior Judge from \$22 000 to \$28 500 and that of the judges from \$20 200 to \$26 000. Clause 9 is formal. Clause 10 amends section 5 of the Licensing Act and varies the salary of the Chairman of the Licensing Court from \$20 200 to \$26 000 and that of the Deputy Chairman from \$18 400 to \$23 500.

The Hon. F. J. POTTER secured the adjournment of the debate.

## CLASSIFICATION OF PUBLICATIONS BILL

In Committee

(Continued from February 28 Page 2234)

Clause 12—"Criteria to be applied by the board."

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

In subclause (2) (a) to strike out "or public".

I emphasize that this subclause deals with principles. During the Committee stage there have been some interesting discussions and interjections on just what is meant by "in private or public" but, if the principle is that an adult person is entitled to read or view what he wishes in private or public, this could be extended to mean reading what they wish in the Botanic Garden before 2 000 people. In all legislation in other States that I have seen along similar lines, the words in the appropriate places relating to the principles of the Bill are "in private". My amendment would make this a sensible principle and would obviate the need to add, as the Bill does and as Bills in other States do not, the words "or public". If honourable members are worried about what "in private" and "in public" mean (some honourable members thought of only one place that

could really mean "in private"), I point out that this is not a penal clause: it is only a statement of principle. Precise language is not necessary, or even practicable, when setting out principles. There is no machinery in this clause for any charge for reading matter in public: it is simply a statement of principle, and it provides guidelines. The appropriate thing in principle is that adult persons have the right to read and view what they wish in private.

The Hon. A. F. KNEEBONE (Chief Secretary): I am instructed to oppose this amendment, which I will couple with another amendment. These two amendments interfere with an important principle of censorship, and a reasonable balance must be kept between those who want more censorship and those who want less. This amendment destroys the balance between those two sections of the community by ensuring that those who want more censorship are favoured by the Bill.

Amendment carried.

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

In subclause (2) to strike out "exercise its powers in a manner that will, in the opinion of the board, achieve a reasonable balance in the application of those principles" and insert "give priority to the principle that members of the community are entitled to protection (extending both to themselves and those in their care) from unsolicited material that they find offensive".

The emphasis contained in my amendments is the need to protect minors. Evidence shows that the kind of filthy material I am concerned with does not remain in the hands of those who purchased it in the first place; if it did, that would be the least of my worries. The Bill shows concern for minors in connection with the purchase of indecent material. However, my amendment takes the concern for minors a step further, which I hope honourable members will be willing to take with me. This clause was a difficult one for the Government to conceive and draft, and it has been a difficult one for me to consider. The most difficult part of it is the words "and in a case where the application of those principles would lead to conflicting conclusions, shall exercise its powers in a manner that will, in the opinion of the board, achieve a reasonable balance in the application of those principles". It would be difficult to strike that balance, because it would be almost impossible to balance those things. It has been my concern in all my amendments to have regard to minors so that unsolicited matter shall not be thrust on or come within the reach of minors.

The Hon. A. F. KNEEBONE: I have already given my reasons for opposing the amendment.

The Hon. R. C. DeGARIS: I regret that the Chief Secretary has not explained why the Government cannot accept the amendment. The Hon. Mr. Burdett has tackled an extremely difficult situation with much applied reason. I believe that in his comments he touched the whole core of the matter that concerns honourable members. The Bill has passed the second reading stage; in other words, the Council has agreed with the general principle of the classification of publications. Certain aspects of the Bill concern me and, no doubt, they concern other honourable members. The aspect the Hon. Mr. Burdett has touched on is, I believe, the point that worries most honourable members, namely, the material that could find its way into the hands of minors. I have little concern with what adults do in private, but honourable members must appreciate that the material being circulated now is nothing compared to what will be circulating soon. Recently a man in Sydney was selling pornographic film, which he admitted was straight raw pornography, for showing in Australia.

What bears the mark of pornography now is nothing compared to what could come into Australia (for instance,

bestiality or intercourse with animals); this could run down through the community and get into the hands of minors. This is the main aspect with which the Hon. Mr. Burdett's amendment is concerned. I commend the amendment to the Committee. There will still be problems, but at least the honourable member has attempted to find a solution to a difficult problem, namely, the question of minors in the community. Once a publication is being sold and is in someone's hands, it could move through the community into the hands of minors, with damaging effects on those minors.

The Hon. F. J. POTTER: I was disappointed with the Chief Secretary's brief reply, which he said covered all the amendments to the clause.

The Hon. C. M. Hill: He also said that he had been instructed.

The Hon. A. F. Kneebone: Yes, because it's not my Bill.

The Hon. F. J. POTTER: One or two aspects of the Bill and the present exercise mystify me. Can the Chief Secretary say what we are all about? I quote from a recent edition of the *Herald*, under the heading "Censor rules", as follows:

How far should censorship of literature, film and broadcasting go? Should people be protected from their own "basal instincts"? Or should they be allowed to find their own pleasures in their own way, unhindered?

This debate is never-ending. But gradually Governments are getting closer to agreement on official censorship policy—all States, that is, except Queensland, where Johannes Bjelke-Petersen (backed by a clear electoral minority) runs his own little puritan enclave.

Recently Australian and State Ministers got together to decide that the Australian Government should be responsible for the classification of published material. A working party which studied the subject before the Ministerial meeting recommended that published material should be put into three groups.

1. Sexually explicit publications or publications describing or depicting extreme violence, horror or cruelty—Restricted.
2. "Hard core" pornography—Direct sale only.
3. Publications containing incitement to crime, violence or use of illegal drugs—Prohibited.

The working party recommended that publications classified "restricted" should not be publicly displayed, be advertised on the basis of classification or content or both and should not be sold to persons under the age of 18. Publications classified "direct sale only" should not be sold to any person except by single copies to adults through the mail. The Chairman of the meeting, the Attorney-General, Senator Lionel Murphy, Q.C., said the Australian Government would draw up its own draft legislation dealing with the distribution and sale of classified material in the Australian territories. When this legislation was being prepared the views of the State Ministers would be given careful consideration. Officers from the State Government departments concerned would consult with officials from the Australian Government in framing the legislation. The Ministers will meet again in June to consider the draft legislation.

The article then gives the names of those attending the meeting, and I notice that the Premier represented South Australia. In the light of that report, can the Chief Secretary say whether the decisions of that conference are to be cast aside for the time being? Are we engaged in a futile exercise simply to test the feelings of honourable members on this question? Are we determining these matters on a hypothetical basis? I do not like dealing with hypotheses. In the light of that report, can the Chief Secretary explain why we are proceeding with the Bill?

The Hon. A. F. KNEEBONE: I said earlier that the Bill was prepared on the basis that we thought it was reasonable. It took into consideration the fact that there were two sections of the community, one which believed there should be more censorship and one which believed

there should be less censorship. We thought that this Bill would provide a balance between the two attitudes

The Hon. R. C. DeGaris: Is any censorship provided for in the Bill?

The Hon. A. F. KNEEBONE: Not actually censorship.

The Hon. F. J. Potter: What about the conference?

The Hon. A. F. KNEEBONE: I was given to understand by my colleague that the Bill as we have it here was very much in accord with what was proposed at the conference.

The Hon. R. C. DeGaris: I think you were misled.

The Hon. C. M. Hill: Your official paper advocates some censorship.

Amendment carried; clause as amended passed.

Clause 13—"Classification of publications."

The Hon. J. C. BURDETT: I move to insert the following new subclause.

(3a) When the board decides that a publication outrages standards of morality, propriety and decency that are generally accepted by reasonable adult persons, the board shall prohibit the sale, delivery, exhibition or display of the publication.

The Chief Secretary said that there were two sections of the community, one requiring more censorship than there is at present and one requiring less censorship. However, I would suggest that in this connection there are far more than two sections of the community: there are many and varied views on the whole question of censorship. The Government has decided to grasp the nettle and proceed with this Bill, notwithstanding the article in the *Herald*. My amendment provides for a prohibition, and the objection may be raised that it amounts to censorship. I point out that there is already in circulation material that is really filth. There are explicit depictions of every kind of heterosexual and homosexual perversion, and there are explicit depictions of two-year-old girls making love to Alsatian dogs. I am sure that many people who oppose censorship or who think this sort of thing does not matter do not have any conception of the sort of material available. I certainly had no conception of the sort of material available until, during the Christmas adjournment, I made a point of finding out what was available

Much of the material has no merit at all and there is no excuse for its existence, particularly when there is a danger that it will corrupt the young and the weak. There is no excuse for taking a risk that this stuff will harm young people; this filth is designed to titillate a few jaded perverted palates. Some of the wording of my amendment, particularly the term "outrages", was borrowed from the Longford report. Lord Longford was Chairman of a committee representing a wide cross-section of the community. My amendment is based on part of a draft Bill prepared by a subcommittee of the Longford committee. I could not base many of my amendments on that report because the whole structure of English legislation is different from ours. However, this amendment is based on draft legislation contained in the Longford report. The report contains a note about the use of the word "outrage", and states that it should be emphasized that outrage is a very strong word. Outraging public decency goes considerably beyond offending the susceptibilities of or even shocking reasonable people.

I agree that some matter should not be prohibited if it simply offends the susceptibilities of reasonable people. I also concede that matter should not be prohibited even if it shocks reasonable people, but when a publication outrages (the word stressed in the Longford report) it should only be prohibited if it outrages standards of morality, propriety and decency that are generally accepted

by reasonable adult persons. However, I submit most strongly that the publication of some literature, that which has no merit and serves no good purpose and which outrages standards of morality, propriety and decency that are generally accepted by reasonable adult persons, should be prohibited in some way. I say that because the publication may get into the hands of minors or weak people and may corrupt such persons.

During my second reading speech I emphasized that I had received many approaches by letter, telephone, telegram, and other means when the Bill was previously before this Chamber. Since then I have received literally hundreds of further approaches, one of the main ones being that the Bill is bad and should either be thrown out or substantially amended. One objection that is raised frequently relates to there being a need for some power of prohibition.

The Hon. M. B. Cameron: Have they read the Bill?

The Hon. J. C. BURDETT: Many have, because I sent them copies of the Bill if it appeared that they had not read it. I have also contacted them since. I received many inquiries from reasonable people who seemed able to discuss this matter in a reasonable way. I am also conscious of my duty as a member of this Chamber to represent my constituents properly, and I believe that is what I am doing in this matter. I believe that most people, if they have doubts about some of these amendments, would certainly prefer the Bill in its amended form than in the form in which it originally existed.

The matter of prohibition has worried me, as it has worried other honourable members, too. Other ways may exist to solve the problem, but it seems to me that we should be honest. If material exists that we believe should not be circulated, should not be on sale, or available for delivery, exhibition or display, we should say so and prohibit its publication. It may be that the publication could be obtained by mail order interstate or overseas. I know we cannot achieve perfection in this legislation, but all this amendment seeks to do is to prohibit the sale, delivery, exhibition, or display of a publication. I submit that if some material does outrage standards of morality, propriety and decency, it would only apply in very few cases.

When dealing with a matter of this kind, where we believe the publication should not be circulated in the community, then the best and most honest approach (and I do not mean an amendment to the Police Offences Act or anything of that nature) would be to prohibit the sale, delivery, exhibition or display of the publication.

The Hon. A. F. KNEEBONE: The Hon. Mr. Burdett's amendment to this clause empowers the board to exercise powers of censorship. It was not intended by the Government that the board should be another board of censorship, because censorship is already covered sufficiently by Commonwealth authorities and by section 33 of the Police Offences Act. For those reasons I oppose the amendment.

The Hon. F. J. POTTER: I have some sympathy for what the Hon. Mr. Burdett is trying to do, but I also have some misgivings about the effect of his amendment. It does, as the Chief Secretary says, introduce an element into this Bill that was not in it when it first came before us. The amendment means that the board we have set up, and which was nominated in a previous amendment, will act as a censoring authority. When dealing with a difficult question like this we ought to go back to the beginning and to the introduction of the Government's Bill for the classification of publications of all kinds. Before we adjourned for Christmas I said in debate that the process of classification is not in itself a process of censorship, but purely a matter of deciding in what category publications are to be placed.

This amendment takes it a step further and says that the board shall prohibit publications in some circumstances. It seems to me that a much better way of tackling this problem (and I hope I will have the opportunity of placing my solution before the Committee at a later stage) would be to deal with the matter in the place where it properly belongs, namely, in the courts of law. The classification of publications is really intended to control the method of selling, nothing else, and relates to the control of the methods of display, advertising, and the selling of publications. The question of whether a publication should be prohibited or dealt with by prosecution is one that could be adequately dealt with in the courts of law.

The trouble is that the Government has not seen fit, by exercising the power given to the Minister in the Police Offences Act, to grant a certificate of prosecution to send these cases to the courts. Not long ago the Attorney-General was so bold as to give a certificate for prosecution in regard to a certain magazine that was being circulated in South Australia. When that matter went before the courts the prosecution succeeded and convictions and fines were recorded. That matter is under appeal, but any matter can be under appeal, constant appeals are lodged on all manner of things. However, that does not affect the force of what I am saying. If the Government had seen fit to allow the law to decide in extreme cases what was right or what was wrong, the whole question of unsavoury publications falling into the hands of young people, or into the hands of the people generally, would be adequately dealt with by the law. We should seriously consider that situation now.

In the Bill as originally before us, power was given for the board to refrain from making a classification. I understand from the second reading explanation that the object of that provision was that, where the board refrained from classifying a certain matter, the law would be able to take its course. We know that, if the present Minister still refuses to give a certificate, the law will not be allowed to take its course. My foreshadowed amendment will be to take away the right for the Minister to grant a certificate, and put the matter where it should be (in the hands of the normal law enforcement authority) for those publications which the board refused to classify. If we do this, we do not have to take what would be regarded by many thinking people in our community as a somewhat retrograde step, namely, the imposition of censorship. If we were to leave it as it was, the board could classify and put certain restrictions on the sale and distribution of publications as a result of that classification, and in the case of the outrageous publication mentioned by the Hon. Mr. Burdett the board could say, "We refuse to classify" and the law could step in and take whatever action it saw fit, untrammelled by the necessity for the intervention of the Minister. This would be a more practical way of tackling the matter than the amendment now before us. I do not say that I will oppose the amendment; at this stage I do not think I can. However, if the amendment of the Hon. Mr. Burdett is carried I shall, at a later stage, put my suggestion to the Committee and ask that his amendment be removed and mine adopted as an alternative.

The Hon. J. C. BURDETT: I appreciate the remarks of the Hon. Mr. Potter. I suggest that what he and I are both seeking to do in essence is to prevent outrageous material from circulating to minors. The honest approach, I suggest, is honestly and directly in the legislation to prohibit the sale of such matter.

The Hon. R. C. DeGARIS: The Hon. Mr. Potter raised an interesting point; no doubt it will be of interest also to the Government. I seek some clarification of the position

If I may be allowed to refer to other clauses and amendments on file, I understand from what the Hon. Mr. Potter has said that his proposal will require other amendments to the Bill, including a possible change of title.

The Hon. F. J. Potter: Yes. I cannot move my amendment at this stage.

The Hon. R. C. DeGARIS: I realize that. The next difficulty in trying to assess the arguments put to the Committee is this: supposing that the amendment of the Hon. Mr. Burdett is carried and the Committee is satisfied that this is a better solution than that offered by the Hon. Mr. Potter and it is not acceptable to the other place and we come to a conference—is it possible then to reach a compromise? I do not think it is. Here is the dilemma I am facing in making a decision. The complexity of the matter is obvious.

The Hon. F. J. Potter: I have not taken any advice on that.

The Hon. R. C. DeGARIS: But I think the honourable member can see the way in which I am looking at it. I have a certain sympathy for the view of the Hon. Mr. Potter, as I have for that of the Hon. Mr. Burdett. It is like having to make a decision with a single-barrel shotgun, instead of having the second barrel for use if required. I wonder whether at this stage the Chief Secretary would allow progress to be reported. The matter is one of complexity that honourable members would like to look at.

The Hon. M. B. CAMERON: I will not have the same difficulty in making up my mind, because this Committee must make up its mind by itself rather than worrying about what another place thinks on a particular issue. I have been convinced by the explanation of the Hon. Mr. Potter. For various reasons, I regard him as an expert in this field. Unless we change the title of the Bill to "Censorship of Publications" I do not think we can accept the Hon. Mr. Burdett's amendment; certainly that it is not the intention of the Bill. I will support the move by the Hon. Mr. Potter to introduce his amendment, and I think the Committee would be well advised to take note of his argument.

The Hon. A. F. KNEEBONE: I am not confused; I would not take either. Since the Leader has asked me to report progress, I am willing to do that.

Progress reported; Committee to sit again.

*Later*

The CHAIRMAN: I think I should report to the Committee that the amendment is contrary to the scope of the Bill, which is to provide for the classification of publications, and for other purposes. It has been stated in the debate that the amendment involves censorship, so it would be contrary to the scope of the Bill.

The Hon. R. C. DeGARIS: I bow to your ruling, Mr. Chairman, but I hardly agree, because the Bill deals with classification of publications. Surely a prohibition can be looked at as a classification of a publication. I have looked at this matter carefully, and I believe that the board could classify a publication for open sale; it could classify a publication for restricted sale; or it could prohibit a publication.

The Hon. Sir ARTHUR RYMILL: I support the Hon. Mr. DeGaris on this matter, as I came to the same conclusion quite independently. Surely all censorship is a matter of classification. Total censorship is classification. We could have modified censorship, qualified censorship, or classification into something that might or might not be suitable. I cannot see an essential distinction between classification and censorship.

The Hon. J. C. BURDETT: Classification and censorship are closely related. I remind you, Mr. Chairman, that the



Chief Secretary mentioned censorship in his second reading explanation when he spoke about censorship legislation. This is a Bill for classification of publications and for other purposes and, if this amendment is passed, it will still be a Bill relating mainly to classification and other purposes. This is, at the very least, an ancillary and related "other purpose". Other speakers have said that prohibiting a publication is classifying it—placing a publication in a certain classification (the classification of publications not to be sold) is classifying it. I suggest, Mr. Chairman, with great respect that this amendment is permissible.

The Hon. A. F. KNEEBONE: I have to disagree with the previous three speakers, and I support your ruling, Mr. Chairman.

The CHAIRMAN: I did not give a ruling: I simply drew the attention of the Committee to what has been mentioned in discussion. If it becomes necessary for me to give a ruling, I would like time to examine the matter first. I do not want it to be said that I gave a ruling, because I did not do so.

The Hon. A. F. KNEEBONE: I withdraw my remark about a ruling. We should look very closely at the amendment, because it introduces censorship into the Bill, which is a Bill for classification, not censorship. That is why I have opposed the amendment, which alters the purpose of the Bill. Censorship was not intended.

The Hon. F. J. POTTER: This is an academic question that is indeed interesting. However, for what it is worth, I take the view that this Bill fundamentally sets out to classify publications and, prima facie, all publications, no matter what kind, are entitled to a classification. It is only when we deny a classification to a book that censorship exists. True, the Bill provides that a classification may be denied to a book, but the effect of that denial is not to prohibit the sale of the book. My amendment would ensure that a book denied classification would be dealt with by the courts. The Hon. Mr. Burdett's amendment does not allow that to happen; it denies the publishers of that book the right to go to court when the prohibition is imposed by the board. Perhaps my remarks are a little off the cuff, but I believe they are worth considering because you, Mr. Chairman, may ultimately have to rule on this matter.

The CHAIRMAN: In view of what is involved, I desire that the Chief Secretary seek leave to report progress.

The Hon. A. F. KNEEBONE: As we have arrived at a technical point, and to give honourable members an opportunity to sort the matter out, I ask that progress be reported.

Progress reported, Committee to sit again.

#### WAREHOUSEMEN'S LIENS ACT AMENDMENT BILL

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

#### SEWERAGE ACT AMENDMENT BILL

Adjourned debate on second reading

(Continued from February 28. Page 2231.)

The Hon. C. R. STORY (Midland): The Sewerage Act, according to the second reading explanation, has not been consolidated since 1936 and, as this task is shortly to be undertaken, the Act has undergone a critical review. That would be one of the understatements of the age: it has not been consolidated since 1936. How anyone, short of one who has taken silk, can work out the various amendments to the Act, covering voluminous pieces of paper, all quite separate, and not all related, is beyond my comprehension. The sooner that matter is consolidated into one Act, the better. In order to do that consolidation it is necessary

that amendments be made and that, where in some cases decimal currency amendments are to be made, also one or two matters in connection with the Land Acquisition Act should be attended to in the new amendments.

There is also the old bugbear of whether this Act is valid, whether some actions taken under it are valid. The validity of the Act is to be put beyond doubt by this measure. Other than that there is little that one can say about the Bill. We should try to get most of these Acts (I refer particularly to the one we dealt with only last week, the Waterworks Act) into order. We should get them consolidated while we have the expert services available of the previous Parliamentary Counsel, Mr. Ludovici, whom I have known for some time. We should make every effort to co-operate with the Government in getting these amendments through. Without wasting any more time, I wholeheartedly agree with the sentiments expressed in the Bill.

The Hon. G. J. GILFILLAN secured the adjournment of the debate.

#### STATE GOVERNMENT INSURANCE COMMISSION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 28. Page 2238.)

The Hon. J. C. BURDETT (Southern): I rise to speak briefly to this Bill. Most of the matters in it have been covered by the Hon. Mr. DeGaris. I oppose the intrusion of Government enterprise into the private sector unless the Government shows good reason in the particular case why that should be done. I am disappointed that the Government has shown so few reasons and has not canvassed the reasons that one usually expects to find in this sort of matter. I believe in private enterprise and that Government intrusion into it can be justified only on special grounds.

From the Chief Secretary's second reading explanation, I am at a loss to know what those grounds are. One ground would be that the private sector was not giving the public good service or that there was malpractice. I have seen no evidence that that is so or that it has been a matter of habit generally; or that there has been a failure to give service or that there has been any malpractice on the part of the life insurance companies. On the contrary, the public appears to be getting good service and value. I have referred to the Annual Report of the Insurance Commissioner for the year ended December 31, 1972, the last such report available. This shows that the total number of complaints and inquiries received throughout Australia in 1972 was 180. Of that number, 104 were regarded as requests for information about insurance or insurance companies and inquiries about superannuation policies or plans; and two were classified as miscellaneous. So, out of the 180, 104 were regarded as merely requests for information, and another two were classified as miscellaneous.

In order that this may be assessed against the background of business done, I would add this from the report, that the number of policies in force at the end of 1972 was 8 304 000, made up as follows: ordinary business—5 256 000; superannuation business—668 000; industrial business—2 380 000, making a total of 8 304 000. I suggest that, of that total number of policies, the total complaints and inquiries received of 180 (of which 104 were classified as inquiries or requests for information) is a very small number. I wonder, when we do get the figures from the Ombudsman, after he has been in office for a sufficient period, whether the comparisons between these figures in the private sector of life insurance, in the way they are dealt with in complaints to the Ombudsman, compared with the figures for the public sector will be a different story.



Another justification that is sometimes given and at times is a valid justification for the Government intruding into the private sector of industry is lack of competition in a particular industry. However, the life insurance industry is most highly competitive. Another matter which has been partly touched on by the Hon. Mr. DeGaris and which I feel I must mention is that the life insurance industry is largely mutual. I hasten to add that I see nothing against the use of private capital in the industry, nothing against shareholders being paid dividends, provided the service is given and the rates and terms are fair, but this industry is largely mutual and co-operative; it is largely co-operation between the person who requires that type of service (life insurance in some form or another) and the companies. It is particularly objectionable to me to find the Government trespassing into the private sector to compete against co-operative enterprise—not private but co-operative enterprise—and, of the few reasons given by the Government for wishing the authority of Parliament to compete with private life insurance companies, one was that in the insurance industry itself there has been, to a great degree recently, co-ordination between life insurance and general insurance; some companies were going into both fields and therefore it was said that the Government should be allowed to do likewise. This does not impress me at all as an excuse for the Government to intrude into the private sector of industry.

The Government is really saying, "We have one leg in and we should be able to get the other leg in, too." That does not impress me. Nor does it impress me that the Government should be allowed to compete with private enterprise in industry on the ground that it may make a profit out of it, or that the investments made may be useful to the Government. I believe in private enterprise, and the fact that the Government may be able to make a profit or use the investments is, to me, no excuse for its intruding into the private sector.

The Hon. R. C. DeGaris: Should there be a profit at all out of life insurance?

The Hon. J. C. BURDETT: I do not wish to oppose this Bill but the reasons given by the Government do not convince me at all. We have no idea what the real reasons are. If the Government can provide us with some reasons that would justify the commission's entering the life insurance field I will listen to them; but so far I am not convinced. I oppose the Bill.

The Hon. C. W. CREEDON secured the adjournment of the debate.

#### WATERWORKS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 28. Page 2239.)

The Hon. R. A. GEDDES (Northern). I rise not to condemn the Bill but to raise certain questions relative to it, particularly in relation to the rating of water that will be supplied to rural lands or, as the Bill describes them, country lands water districts. I accept some of the arguments contained in the Minister's second reading explanation for a need for total water rates to come under one heading in order that the consumer may take advantage of the Commonwealth income tax legislation to claim a rebate for water charges. For the metropolitan area, country towns and home owner I see merit in the scheme and agree accordingly. However, when it comes to the rural sector I raise a query to which I would like the Minister to reply. His second reading explanation states:

The difficulty, however, of this system is that it may lead to wasteful use of water, as in general the consumer can use

more water than he actually requires without having to make any further payment. This situation is one which must inevitably cause concern in a dry continent like Australia, and particularly in a State like South Australia where water supply is difficult and costly.

A report of the New South Wales Royal Commission of Inquiry into Rating, Valuation and Local Government Finance held in 1967 stated that the need for conserving water and for treating different consumers equitably required that a greater measure of payment for water used should be introduced into the system of water rating and charging. The Minister's second reading explanation also states:

The amendments, therefore, provide that the principal basis for calculating rates is the amount of water supplied to a property. . . . In the case of land that forms part of a country water district, the basic component of rates will be calculated on the basis of the average unimproved value a hectare of the land and its area, or the minimum rates applicable to the land.

In the case of land that forms part of a country water district, the basis of payment for rates will be calculated on the basis of the average unimproved value a hectare of the land. Among the excellent water reticulation areas of the State, we are proud to be able to boast of some of the longest water reticulation systems anywhere in the world. In the North, on Eyre Peninsula and in the Upper South-East, water goes through good and poor country. As I understand the Minister's second reading explanation, it appears to me that, where reticulated water goes through land of low unimproved value, the amount of payment the primary producer would have to make would be high, because it is the kind of country that needs a reticulated water system, whereas land high in unimproved value naturally benefits from a reticulated water system, too. Land of high unimproved value means that that type of primary producer would be able to use more water for the same price, because of the wording of the Bill and the Minister's second reading explanation.

If this is a correct assumption on my part it is an anomaly we should study carefully. I do not quibble with the fact that the State and the Engineering and Water Supply Department must get a fair distribution of revenue relative to the water used, but I object if it means inequality for the poorer land areas as against the more fertile areas of the State. I need only remind honourable members of the problems on Eyre Peninsula, with the pipeline that goes all the way to Ceduna, and the new pipeline which goes to Kimba and which, in some instances, passes through very poor country. In places where the water passes through areas of productivity, thus forcing up the unimproved value, the opposite occurs. In addition, there is the reticulated water system going to Keith, where, I believe, similar problems could occur. We must study this point. I ask the Minister to consider it seriously so that, in an endeavour to streamline the method of assessing water rates and to raise more revenue, the country water districts get a fair and reasonable consideration in this regard.

One cannot but help make a plea for those market gardeners in the Nelshaby and Napperby area, on the western slope of the Flinders Range due east from Port Pirie, who live in a section of highly productive country if it is given water, who provide some of the finest tomatoes, peas and beans in Australia, and who for years have asked successive Governments for help with their water rates in order to be able to produce their crops economically. They were promised by the member for the district in the 1965 and subsequent elections that the Labor Government would ease their rates, but it has failed to do so. Help should be considered for this industry east of Port Pirie (particularly bearing in mind the petro-chemical complex at Red Cliff and the massive population that will

move into the northern areas), because the provision of good food from that land will become all-important. I have no doubt that the supply of millions of gallons of water will go to the Redcliff complex and, because of its wealth, the complex will get rebates which the market gardener, in his humble way, has been denied. With those remarks I support the second reading and ask the Government to give serious consideration to assuring honourable members that there will be equality in rates relative to the productivity of rural land within the State.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Arrangement of this Act."

The Hon. R. C. DeGARIS (Leader of the Opposition): As I have not yet had a chance to consider the Bill carefully, will the Minister of Agriculture report progress?

The Hon. T. M. CASEY (Minister of Agriculture): I am willing to do that.

Progress reported; Committee to sit again.

#### ADJOURNMENT

At 4.15 p.m. the Council adjourned until Wednesday, March 6, at 2.15 p.m.