

LEGISLATIVE COUNCIL

ABORTION REPORT

Wednesday, July 20, 1977

The PRESIDENT (Hon. F. J. Potter) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS

RAILWAYS DEFICIT

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation before asking a question of the Minister of Health, representing the Treasurer.

Leave granted.

The Hon. R. C. DeGARIS: I noticed in today's *Advertiser* a statement that the Railways Division of the State Transport Authority sustained a loss of \$25 531 000 in the six months to the end of last year. That seems to be a tremendously large loss when one considers that the authority's Railways Division is responsible for metropolitan railways only. Will the Minister ask the Treasurer to give a detailed report on this matter, and to say whether the figure to which I have referred is the actual loss incurred on the railways that are run by the State Transport Authority?

The Hon. D. H. L. BANFIELD: I shall refer the honourable member's question to my colleague.

SLAUGHTERHOUSE CONDITIONS

The Hon. A. M. WHYTE: I dislike having to say, "I told you so," but I understand that the Minister of Health has a reply to the question which I asked yesterday and about which he referred me to the Minister of Agriculture. Will he now give that reply?

The Hon. D. H. L. BANFIELD: Some confusion arose yesterday because the honourable member mentioned a member of the South Australian Meat Corporation. I jumped to the conclusion that the honourable member's question involved the Samcor abattoir. In the case of export abattoirs, responsibility for meat inspection and abattoirs hygiene is vested in the Commonwealth Department of Primary Industry, which has inspectors in Samcor premises at all times. It would therefore be needless reduplication for the Metropolitan County Board to make regular inspections of Gepps Cross abattoir, though they and the Department of Public Health have power to do so under the Health Act should some special need arise.

Country slaughterhouses come under the provisions of the Health Act and the Food and Drugs Act, and responsibility for inspection, supervision, and any action for breaches of the health requirements, rests primarily with the Local Board of Health. The Central Board and the Department of Public Health have a responsibility to work with and supervise local boards of health.

If the honourable member will name the slaughterhouse to which he was referring or the local board or council area in which it is situated, the Department of Public Health will investigate the allegation and report what has been done about it. If there is substance in the complaint and nothing has been done about it, the department will ensure that appropriate action is taken without delay.

The Hon. J. C. BURDETT: I seek leave to make a brief explanation prior to directing a question to the Minister of Health.

Leave granted.

The Hon. J. C. BURDETT: Yesterday a report was tabled in the other place relating to abortion, and pursuant to the regulation there is provision for reports about abortion to be made to the Health Commission, so I take it that there is no confusion in this case and that the Minister of Health is the right person of whom to ask the question.

The Hon. D. H. L. Banfield: This is not an abortive question?

The Hon. J. C. BURDETT: No, it is not. The relevant report states that the committee has reason to believe that not all abortions have been reported, and the implication in the report is that it is referring not to back-yard abortions but to the fact that it has reason to believe that not all abortions legitimately performed in hospitals are reported. Secondly, the committee recommends that it be mandatory that complications occurring during abortions should be reported. I ask the Minister of Health what action will be taken to ensure that all abortions carried out in hospitals are reported to the Health Commission and also what action will be taken to see that complications reported during abortions are reported to the commission?

The Hon. D. H. L. BANFIELD: The committee that made the report that was tabled yesterday believed that not all abortions were reported. What the committee is referring to is that possibly they should be reported twice because under the Act the doctor must report abortions, but the hospital does not have to. It was suggested that it be mandatory for the hospitals to have to do it. In regard to the complications, we will be looking at this recommendation, but I think I can say that I do not intend to introduce an amendment to the Act during this session.

HEASLIP ROAD

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to directing a question to the Minister of Lands, representing the Minister of Transport.

Leave granted.

The Hon. M. B. DAWKINS: My question refers to Main Road No. 410, better known as Heaslip Road. I ask whether the Highways Department is aware of the large increase in the number of vehicles, including a considerable proportion of heavy transports, proceeding down the Main North Road towards Adelaide that turn to the right at the Angle Vale turnoff on the Gawler by-pass and proceed to the city via Angle Vale Road, Heaslip Road and Port Wakefield Road, thereby avoiding considerable speed restrictions and a number of traffic lights. Is the department aware of the state of Heaslip Road as a result of this very considerable increase in heavy traffic? The road is being patched with hot mix, presumably by the local council, until it is beginning to look like a patchwork quilt. Will the Highways Department consider resealing the worn portion of this road, having in mind the reduced maintenance that should occur on the lower portions of the Main North Road, in view of the increased traffic on Heaslip Road?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague in another place and bring down a report.

BARLEY LEGISLATION

The Hon. A. M. WHYTE: His Excellency the Lieutenant-Governor, in opening this session, mentioned the legislation to be dealt with during the session, including a barley marketing matter. There has been some confusion about what is intended to be done with barley marketing legislation. I understand that this coming legislation will deal with the marketing of oats but, perhaps for the clarification of this Council and members of the public, the Minister of Agriculture might explain what is intended.

The Hon. B. A. CHATTERTON: I have previously outlined the intention to bring before Parliament legislation giving the Australian Barley Board in South Australia power to market oats, and the legislation mentioned in the Lieutenant-Governor's Speech will include an amendment to the Barley Marketing Act to enable the board to carry out this extra function as well as other minor matters required by the board, including an amendment to the Act in relation to remuneration.

PUBLIC SERVICE

The Hon. C. M. HILL: I ask leave to make a short explanation prior to directing a question to the Leader of the Government in this Council.

Leave granted.

The Hon. C. M. HILL: There continues to be much unhappiness amongst senior public servants toward the Government as a result of the Government's policy of appointing people outside this State to senior positions within the State Public Service.

The Hon. F. T. BLEVINS: I rise on a point of order, Mr. President. Clearly, what the Hon. Mr. Hill has said is an opinion, and as I understand one of your rulings last session, opinions were not permitted to be expressed in asking a question. You, Sir, went to great lengths with the Hon. Mr. Dunford to cut out any opinions expressed by the honourable member. Have your rulings changed? Are honourable members now allowed to express opinions or did you merely overlook the opinion expressed by the Hon. Mr. Hill?

The PRESIDENT: It may well be that the exact words used by the Hon. Mr. Hill could be interpreted as an opinion, but I took them to mean that the Hon. Mr. Hill was saying that, in his opinion—

The Hon. F. T. BLEVINS: That is my point exactly.

The PRESIDENT: —there was much unhappiness amongst public servants. I take it to be the result of his own information.

The Hon. F. T. BLEVINS: If the honourable member's words were not an opinion, they would be fact and the honourable member should surely demonstrate this fact by providing us with information about where the dissatisfaction exists, about where the information comes from, for example, what handbook or what readings or what union journal has expressed such dissatisfaction. If the honourable member does not do that he has expressed an opinion and both you and I, Mr. President, know that an opinion was clearly expressed.

The PRESIDENT: I take the honourable member's very technical point. I suggest that the Hon. Mr. Hill should rephrase his question.

The Hon. F. T. BLEVINS: On a further point of order, Sir, regarding "very technical point", I was merely reiterating what you, Mr. President, said last session. If this

technical point applied to the Hon. Mr. Dunford last session, then it should apply equally to the Hon. Mr. Hill in this session.

The PRESIDENT: I have upheld the honourable member's point, but there are opinions and opinions. I have asked the Hon. Mr. Hill to rephrase his question, which I have no doubt he will do.

The Hon. C. M. HILL: In deference to your order, Sir, I will rephrase my question. I am informed by senior public servants that they are most unhappy about the present Government's policy of appointing people outside this State to senior positions within our Public Service.

The Hon. N. K. Foster: What section of the service?

The Hon. C. M. HILL: The honourable member is causing me to continue my explanation of my question. In the cause of brevity I will select some examples. The Director of the Agriculture and Fisheries Department, Mr. Jim McColl, was brought in from interstate on March 3, 1976. The Director of the Art Gallery, Mr. Thomas, was appointed from interstate on May 8, 1976. The Premier's Women's Adviser, Ms. Debra McCulloch, was appointed in June, 1976. The Commissioner for Equal Opportunity, Public and Consumer Affairs Department, Ms. M. C. Beasley, was appointed on August 18, 1976. Mr. Joe Parkes was brought in from Macao on January 19, 1977, as Publicity Adviser. The Director-General of the Housing and Urban Affairs Department, Mr. J. Mant, was appointed in January, 1977; he is a senior adviser to the Hon. Mr. Hudson. Further, the Chairman of the South Australian Public Service Board, Mr. D. J. Mercer, was brought in from Queensland and appointed on February 4, 1977. If one delved further into the past one could find many other examples, including Dr. Scrafton, who was brought from as far afield as Canada.

The Hon. C. J. Sumner: Don't you believe in getting the best people?

The Hon. C. M. HILL: Is it the Government's policy to continue to bring in senior people from outside the State and, if that is the Government's policy, will the Government change the policy to give proper opportunity to dedicated South Australians to reach the zenith of their lifelong careers in the top positions in the Public Service of this State?

The Hon. D. H. L. BANFIELD: I am in contact with many public servants, and they have never complained to me about this matter. I suppose the honourable member is claiming that he has information to the contrary. I deal with many top public servants, and I have received no complaints.

The Hon. T. M. Casey: I would sooner trust your word than the word of the Hon. Mr. Hill.

The Hon. D. H. L. BANFIELD: The Hon. Mr. Hill is a stirrer. It is the Government's policy to get the best person for the job. All the positions are advertised.

The Hon. C. M. Hill: Put the boots into the local people!

The Hon. C. J. Sumner: There is open advertising.

The Hon. N. K. Foster: I will tell him—

The PRESIDENT: Order! The honourable Minister is replying to a question. The Hon. Mr. Foster will cease interrupting.

The Hon. D. H. L. BANFIELD: We can be proud of our public servants, who do a remarkably fine job. We are also proud of the Government's record and of the way in which the departments are run. We will continue our policy of getting the best man for the job.

The Hon. ANNE LEVY: In the list of names that the Hon. Mr. Hill read out, he included Ms. McCulloch and Ms. Beasley. Would the Leader of the Government care to confirm that both these people are South Australians?

The Hon. D. H. L. BANFIELD: I was surprised when the Hon. Mr. Hill named those people, because I believed that they came from South Australia. I take the Hon. Miss Levy's assurance that those people are South Australians; that was my belief.

COMPANY APPOINTMENTS

The Hon. N. K. FOSTER: I seek leave to make a statement before asking a question of the Leader of the Opposition.

Leave granted.

The Hon. N. K. FOSTER: In view of the question just posed by the Hon. Mr. Hill—and one can assume perhaps that the Liberal Party in some respects can be considered to be endeavouring to appear at least honest—

The PRESIDENT: Order! The honourable member is out of order in making these comments.

The Hon. N. K. FOSTER: If I say they are all dishonest, there is not much you can do about it.

The PRESIDENT: Order! The honourable member has been given leave to make an explanation.

The Hon. N. K. FOSTER: Yes; I am coming to that.

The PRESIDENT: The explanation must be related to the question.

The Hon. N. K. FOSTER: The question is: in view of the fact that the Hon. Mr. Hill directed a question about people being appointed outside the Public Service (one can assume that the Liberal Party is going to attempt to be honest) is it the policy of the Liberal Party in South Australia to legislate to insist that companies in this State, particularly motor vehicle industries, will appoint South Australians as managers and directors of boards rather than importing people from the United States?

The PRESIDENT: Order! I do not know whether the Hon. Mr. DeGaris thinks he can answer that question.

The Hon. R. C. DeGARIS: I do not think I am competent to answer the question.

LOCAL GOVERNMENT FINANCE

The Hon. R. C. DeGARIS: I seek leave to make a statement before directing a question to the Minister representing the Minister of Local Government.

Leave granted.

The Hon. R. C. DeGARIS: As most honourable members know, under the new arrangement between the Federal Government and the State Government, a share of income tax revenue is to be made available to all local governments in South Australia. There has been some difficulty in the allocations of these moneys to areas where there is no local government organisation. This has caused some concern to many people in South Australia and I know the Government has been looking at ways and means of overcoming this problem. What progress has been made in this field?

The Hon. T. M. CASEY: I will refer the Leader's question to my colleague in another place and bring down a reply.

INSURANCE

The Hon. J. E. DUNFORD: I seek leave to make a short statement before asking a question of the Minister of Health.

Leave granted.

The Hon. J. E. DUNFORD: David Jones' has sent out thousands of letters to its customers—maybe to other people but certainly to its customers—offering term life and accident insurance. There is a lot of correspondence about this. One letter is from Mr. D. P. Hobbs, a Director of David Jones Insurance Proprietary Limited, telling a customer that he should take out a policy as quickly as possible, in fact no later than August 22 or the policy will not be accepted. A further letter, signed by J. A. Botta, General Manager of David Jones Insurance Proprietary Limited, contains the same catchwords in the correspondence—"big benefits for you; the offer expires on August 22, 1977". That phrase appears all through the correspondence. The insurance is for \$1 500 a month, with worldwide protection. Then, they go on to say on a small piece of paper that you can get "insurance from a company you can trust". Thereafter, they state:

This fine protection plan is offered to you by Occidental Life Insurance Company of Australia Limited, a market leader for term insurance. Occidental Life of Australia Limited, an Australian company, is a member of the Occidental insurance group. The parent company was founded in 1906 and maintains its world-wide headquarters in Los Angeles. It has more than 900 offices in Australia, the U.S., Canada, the United Kingdom, Japan, France and Germany. You can buy this protection with confidence, knowing it is backed by a company you can trust and recommended by David Jones. Your protection will start as soon as your policy is issued (the effective date). But the premiums to be paid by David Jones on your behalf will not be payable until the first day of the following month (policy date). David Jones Insurances Pty. Limited will receive commission in respect of this offer and will be paying David Jones (Australia) Pty. Limited for its expenses in providing the credit facilities.

Together with this correspondence is an application form, on which it is stated:

Apply before August 22 for this valuable offer from Occidental Life.

In heavier print, the form states:

The \$1 500 a month extra cash plan.

One is instructed to fill in the name of the applicant, as well as the names of his or her husband or wife, and of the children involved, because the policy extends to the whole family. I realise that David Jones has credit facilities for its customers, and it is stated that the premium payable in this respect can be charged to the customer's credit account. Of course, how much one pays depends on the insurance that one takes out. Although I am not certain when David Jones charges interest, I think this occurs as soon as one purchases something on credit. It seems to me that, if the cost of his policy is debited to a person's account, it could cost more than is stated in the correspondence sent out by David Jones.

The other aspect that concerns me is that in no fewer than six places it is stated in the correspondence, "You must do this now; this offer will not be repeated." It seems that people are being encouraged to take a decision regarding this insurance quickly. I should state that, even though a person signs up for the policy, there is a let-out clause. However, I know that, once people have been hooked into something, even though they are not happy with it, they seldom renege, and that could happen in this situation. Because of the concern expressed by people who have spoken to me, I ask the Minister,

first, whether he will investigate the offer made by David Jones so as to assure the public that there are no hidden or additional payments that may not be obvious to a member of the public; secondly, whether the State Government Insurance Commission has a similar scheme with competitive charges; and, thirdly, whether he will ascertain what David Jones means when it says in its correspondence that Occidental Life Insurance Company of Australia Limited is an Australian company.

The Hon. D. H. L. BANFIELD: I will seek that information for the honourable member.

FESTIVAL THEATRE DAMAGE

The Hon. C. M. HILL: I seek leave to make a short explanation before asking a question of the Minister of Health, representing the Premier.

Leave granted.

The Hon. C. M. HILL: It has been reported to me that during the recent Come Out festival at the Festival Centre a rock group was billeted there and that it caused much damage, estimated in the vicinity of \$10 000, at the centre. Having been unable to check out this story in any detail, I am not therefore claiming that it is entirely factual.

The Hon. C. J. Sumner: You should check it out before you ask the question.

The Hon. C. M. HILL: I am raising the matter in the Council so that I can check it. I do not believe, as I am sure the Hon. Mr. Sumner believes, that one should go through the back door to try to ascertain such information.

Members interjecting:

The PRESIDENT: Order!

The Hon. C. J. Sumner: What's the name of the group?

The PRESIDENT: Order!

The Hon. C. M. HILL: However, the accusation, as it was put to me, was a most serious one. Will the Minister ascertain for me whether, in fact, a rock group, which I understand received some publicity during the Come Out festival, was billeted at the Festival Centre, whether that group caused damage at the Festival Centre during its stay and, if it did, what was the cost of that damage?

The Hon. D. H. L. BANFIELD: As numerous groups have from time to time performed at the Festival Theatre, I cannot—

The Hon. C. M. Hill: I said, "during the Come Out festival".

The Hon. D. H. L. BANFIELD: It may not have been the only group there.

The Hon. C. M. Hill: It was. I am telling you.

The PRESIDENT: Order! I ask the Minister whether he is alleging that he does not have sufficient information to enable him to answer the question.

The Hon. D. H. L. BANFIELD: That is so, Sir.

The PRESIDENT: Then I suggest that the Hon. Mr. Hill convey the relevant information to the Minister privately.

The Hon. C. M. HILL: Very well, I shall do so.

LOCAL GOVERNMENT CONTROL

The Hon. F. T. BLEVINS: I seek leave to make a brief explanation before asking the Leader of the Opposition a question.

Leave granted.

The Hon. F. T. BLEVINS: In a question that the Leader asked earlier this afternoon, he sought information regarding the possibility of certain areas, mainly in the North of the State, coming under some form of local government control. Like the honourable member, I am concerned that areas such as Coober Pedy and Andamooka, as well as other places around the State, have much difficulty in obtaining grants from, for example, the Grants Commission or other bodies because they are not in what are termed "incorporated areas".

The Hon. A. M. Whyte: They are in unincorporated areas.

The Hon. F. T. BLEVINS: That is so, and this raises problems. The Hon. Mr. Whyte and other honourable members would be aware of this, having received letters from various organisations such as, for example, the Far North Development Association. I agree with the Hon. Mr. DeGaris that this is a problem. Do the Leader and his Party support the proposition that all areas of the State should be under some form of local government control?

The PRESIDENT: Does the Leader wish to answer that question?

The Hon. R. C. DeGARIS: It is perhaps a question that I cannot answer. It seems that the Hon. Mr. Blevins did not understand my question. A working party was set up by the Minister to examine whether it would be possible to incorporate certain areas, and whether there was some way, even without incorporation, that money made available by the Commonwealth Government could be allocated in the areas to which I referred. I merely asked what occurred regarding that working party and what arrangements were made with the Federal Government. I am not making any allegations or accusations against the Government: all I am seeking is information on that question.

The Hon. F. T. BLEVINS: I was not suggesting at all that the Hon. Mr. DeGaris was doing that, but I should like to know the Liberal Party's attitude on this matter. Do the Leader and the Liberal Party feel that all this unincorporated area should be under local government control? Has the Leader or his Party made submissions to this working party or addressed it in any way with suggestions? What does the Liberal Party suggest? I am not having a go at anyone.

The Hon. R. C. DeGARIS: I suggest that the honourable member arrange to direct a question to the shadow Minister in another place.

FISHERIES EXPENDITURE

The Hon. C. M. HILL: I seek leave to make an explanation prior to directing a question to the Minister of Agriculture.

Leave granted.

The Hon. C. M. HILL: I have some statistical information, and I point out, in all fairness, that I do not expect the Minister to have all the details at his fingertips now. However, he may refer this subject to his department and bring down a reply later. I understand that in the past

four years, the years since 1972-73, the Commonwealth Government has provided the following money for fishing industry research and development in South Australia:

Item	Allocation \$
Shark handling and processing methods to improve quality	68 791
Study of population of Southern Rock Lobster in western waters of South Australia	133 290
Biological and life history studies of the yabbie	49 025
Shark-proof self-propelled underwater vehicle	12 500
A study of the protective effect of selenium against the toxic action of mercury compounds in fish	4 500
Total	<u>\$273 106</u>

I also understand that \$70 000 has been allocated from the Fisheries Department trust account under the heading "Exploratory trawling operations in waters adjacent to South Australia", and that South Australia has agreed to contribute a further \$70 000 on a \$1 for \$1 basis. Finally, I understand that there was a special allocation (\$39 300) under the shark rehabilitation scheme on a \$1 for \$1 basis to provide alternative fisheries for shark fishermen affected by the ban on the sale of large school shark likely to contain mercury levels in excess of the standard adopted by the National Health and Medical Research Council and by the Victorian Commission of Public Health. I ask whether these amounts were received from the Commonwealth Government. Secondly, were they spent by the South Australian department, as agreed, under the headings I have read? Thirdly, in particular, has any progress been made by the Minister's department in regard to the receipt and expenditure of the \$12 500 towards the shark-proof self-propelled underwater vehicle?

The Hon. B. A. CHATTERTON: I will get a detailed reply for the honourable member, particularly regarding the shark-proof cage for underwater diving. One point I was not clear about in the honourable member's question was whether he asked whether all the amounts involved were spent by the South Australian Fisheries Department directly. They were not. Several of these research projects were carried out under contract with private fishermen. For example, as regards deep-sea trawling, a fisherman was employed to carry out exploratory work. Without knowing the details of the other research projects, I should think that in several cases the expenditure was not carried out directly by the South Australian department.

SESSIONAL COMMITTEES

The House of Assembly notified its appointment of sessional committees.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

The Hon. J. C. BURDETT obtained leave and introduced a Bill for an Act to amend the Criminal Law Consolidation Act, 1935-1976. Read a first time.

The Hon. J. C. BURDETT: I move:
That this Bill be now read a second time.

It is in identical terms to a Bill introduced by me in the last session. The Bill was passed by this Council but lapsed in another place. Both Bills were designed to create specific offences of using children for the purpose of the manufacture of pornographic photographs and of selling, distributing or offering for sale such photographs. I need not repeat what I said when I previously introduced the Bill. What I then said remains relevant. The situation has not changed. We are faced with a comparatively new situation where pornographic material of a particularly obnoxious kind has been offered for sale in South Australia, and this Bill is designed to provide in one section of the Criminal Law Consolidation Act a comprehensive remedy to cover both the taking of pornographic photographs of children and also the sale, distribution or offering for sale of such material.

The Hon. C. J. Sumner: Is this Bill in exactly the same terms?

The Hon. J. C. BURDETT: Yes. Since the Bill passed this Council, there has been evidence of public concern. I quote the *Advertiser* of May 20, 1977:

A recent poll shows that a majority of people want heavier penalties for child pornography offences. The poll, conducted by Peter Gardner and Associates, interviewed 787 people throughout the metropolitan area. They were asked: "A Bill was defeated in State Parliament in the middle of April which would have made it an offence to photograph a child under 14 years in pornographic circumstances and provide penalties of up to \$2 000 and three years gaol. Do you believe laws on using children for this purpose are adequate, or do you think heavier penalties should apply than exist at the moment?"

The Hon. F. T. Blevins: Should you not tell them the penalties?

The Hon. J. C. BURDETT: I did not tell them anything. Only 8.1 per cent of the people interviewed said existing penalties should apply. Thirty-two people, or 4.1 per cent, said they did not know. The remainder, 87.8 per cent, wanted heavier penalties. The highest response for heavier penalties was in the 55 and over age group, where 88.7 per cent of males and 91.4 per cent of females favoured heavier penalties. In the 18 to 24 group, 77.8 per cent of males and 93.7 per cent of females favoured heavier penalties.

The Hon. F. T. Blevins: How big was the sample?

The Hon. J. C. BURDETT: It involved 787 people. The report continues:

Polling on Party lines showed that 88.5 per cent of A.L.P. voters wanted heavier penalties, with 10.6 per cent favouring the existing law. Of Liberal voters, 88.8 per cent wanted heavier penalties, with 5.6 per cent preferring the *status quo*.

When the Bill was last before the Council, honourable members opposite complained that, in most circumstances, the taking of pornographic photographs of children would constitute an offence carrying severe penalties under existing sections of the Criminal Law Consolidation Act. However, these members steadfastly refused to face the fact that, under the present law, the only penalty for selling, distributing or offering for sale such photographs is that provided under section 33 of the Police Offences Act, namely a maximum of a \$200 fine or six months imprisonment. As I said when speaking to the previous Bill, the offence of photographing children in pornographic situations is difficult to detect. Therefore, I place considerable emphasis on the need to provide adequate penalties for the sale, distribution and offering for sale of child pornography.

The Hon. F. T. Blevins: You don't think we have it?

The Hon. J. C. BURDETT: I do not think it has been done already.

The Hon. F. T. Blevins: Is it available in South Australia?

The Hon. J. C. BURDETT: I do not know. Perhaps the Government with the resources at its command can tell us what is available for sale at present. Doubtless, some photographing of children in the circumstances I have been talking about is done out of sheer perversion and gratification, but I suspect that most of it is done for the making of profit. To strike at the sale will take away the motive for taking the photographs and subjecting children to this disgraceful indignity. The present penalties hardly provide a sufficient deterrent.

There are signs that the Premier has at last become alarmed at the effects which pornography can have in the community. He has said that he will introduce legislation to increase the penalties under the Classification of Films Act. I refer to an article in the *Australian* of May 31, 1977, headed "Dunstan shows a puritan streak". It commences:

Premier Don Dunstan, once known as an apostle of permissiveness, is really an old-fashioned puritan.

Whatever about that, there are signs that the Premier has seen the need to provide realistic deterrents in regard to pornographic material, and I hope that the Government will reconsider its attitude to this Bill. Regarding the offence created of selling, offering for sale or distributing pornographic material, this Bill also creates an objective test of indecency, which in regard to child pornography is much more realistic than the difficult subjective test in the Police Offences Act.

As I have said, when the previous Bill was debated, the Government pointed out that in most circumstances the actual taking of pornographic photographs of children would be accompanied by acts which would already constitute offences. Mostly, this would be the case but not invariably. The *Advertiser* of April 19, 1977, reports a case of the taking of pornographic films where the taker of the photographs was also guilty of indecent assault. It also reports the following statement of the learned judge:

Oddly enough while the maximum sentence for a first offence of indecent assault is imprisonment with hard labour for five years, the maximum sentence for a first offence of procuring an act of gross indecency by a person under the age of 16 years even in front of a camera is imprisonment with hard labour for two years only. It is for Parliament and not for me to say whether that is enough.

It is, as His Honour said, for Parliament to say, and that is exactly what I am asking Parliament to do. The learned judge did think the situation peculiar enough to comment that it was "odd" and to raise the question of whether the existing penalty was adequate. I think it is

not, and the proposal in this Bill is to increase it by 50 per cent to three years. If, as will often be the case, the offence is accompanied by other more serious offences, then of course the appropriate penalties will apply. I suggest that, apart from anything else, as this taking and purveying of pornographic photographs seems to have become a relatively new and specialised crime, there is merit in providing a code of offences to deter the commission of the crime in one section of the parent Act.

Clause 1 is formal and clause 2 provides a new section 255a in the principal Act, which creates the offence of:

- (1) taking a photograph in which a person under or apparently under the age of 14 years, appears to be engaged in an act of indecency; and
- (2) printing, publishing, distributing or selling or offering for sale such photographs.

The penalty is not exceeding imprisonment for three years and a fine of \$2 000, or both. Subclause (4) provides that where a person whether resident within or outside this State or Australia derives any pecuniary benefit from the sale of photographs of the foregoing kind he shall be liable to the same punishment. Subclause (5) defines acts of indecency by objective tests (unlike those in the Police Offences Act) and provides other definitions.

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

ADDRESS IN REPLY

The Hon. B. A. CHATTERTON (Minister of Agriculture) brought up the following report of the committee appointed to prepare the draft Address in Reply to His Excellency the Lieutenant-Governor's Speech:

1. We, the members of the Legislative Council, thank Your Excellency for the Speech with which you have been pleased to open Parliament.

2. We assure Your Excellency that we will give our best attention to all matters placed before us.

3. We earnestly join in Your Excellency's prayer for the Divine blessing on the proceedings of the session.

4. We join in Your Excellency's expression of regret at the premature vacation of the office of Governor of this State by Sir Douglas Nicholls and with Your Excellency wish him a long and happy retirement.

ADJOURNMENT

At 3.9 p.m. the Council adjourned until Tuesday, July 26, at 2.15 p.m.