

LEGISLATIVE COUNCIL

Tuesday, August 16, 1977

The DEPUTY PRESIDENT (Hon. R. A. Geddes) took the Chair at 2.15 p.m. and read prayers.

ASSENT TO BILLS

His Excellency the Lieutenant-Governor, by message, intimated his assent to the following Bills:

Motor Fuel Rationing (Temporary Provisions),
Statutes Amendment (Narcotic and Psychotropic Drugs and Justices).

QUESTIONS

STATUTES CONSOLIDATION

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation before asking the Minister of Health a question about the consolidation of the South Australian Statutes.

Leave granted.

The Hon. R. C. DeGARIS: The following notice from the Attorney-General's office has been placed in members' boxes:

Printing of the new consolidation of the South Australian Statutes, 1837-1975, has commenced and the first two volumes have now been completed. The third volume is expected to be finished towards the end of the year.

Sufficient sets of the new consolidation will be supplied to Parliament to enable ready access to members of both Houses.

It is also proposed to supply a set to each House of Assembly electorate office. This is being done on the firm understanding that these sets are to remain at the electorate offices for use by the member for the time being. Arrangements will of course be made to supply annual volumes so that a complete set of Statutes will at all times be available at each electorate office.

In regard to the Legislative Council, can the Minister of Health inform me whether a set of the new consolidation will be available to each honourable member; or, what will be the arrangement with regard to access of honourable members of this Council to the new consolidation of the South Australian Statutes?

The Hon. D. H. L. BANFIELD: I will seek information from the Attorney-General on this matter and bring down a reply.

SAMCOR

The Hon. F. T. BLEVINS: I direct my question, which concerns the operation of Samcor, to the Minister of Agriculture. It is now just over 12 months since the consulting firm of P. A. Consulting Services Proprietary Limited did a review of the operation of Samcor. Can the Minister say whether the recommendations of the report have been accepted and, if so, what improvements have resulted?

The Hon. B. A. CHATTERTON: The Samcor Board has accepted many recommendations that have improved the effectiveness and efficiency of Samcor. I have asked Mr. Harwood, the Regional Director of P. A. Consulting Services, to make a short report on the implementation of the recommendations of the previous review. I thought

it would be a useful exercise to make a short report on those recommendations—in fact, really a schedule listing the recommendations and the improvements that have been introduced by Samcor, and the effectiveness of the improvements.

SECURITY

The Hon. A. M. WHYTE: I seek leave to make a short statement before asking the Minister of Health a question about the security of this building.

Leave granted.

The Hon. A. M. WHYTE: A week or so ago, publicity was given to the fact that the back door of Parliament House was causing me some trouble to undo. While I was in conversation with the Minister of Works, he pointed out that alterations would probably cost a considerable sum of money, but today I received a telephone call from a representative of Wormald Securities, the company that installed this card system for the Government, telling me that, having noticed my plight, the company would be very pleased to rectify the problem free of charge, provided I could get the necessary permission of the Minister of Works. Will the Minister of Health (I may be addressing this question to the wrong Minister) discuss this matter with his colleague?

The Hon. T. M. Casey: I represent the Minister of Works.

The Hon. A. M. WHYTE: Perhaps it could be a Government matter but, whichever Minister takes my message to the appropriate Minister, I should be grateful if he would bring back an answer on this matter.

The Hon. D. H. L. BANFIELD: I shall be happy to bring this matter to the notice of the Minister of Works.

COOBER PEDY

The Hon. J. E. DUNFORD: I seek leave to make a short statement before directing a question to the Minister of Lands, representing the Minister of Transport.

Leave granted.

The Hon. J. E. DUNFORD: While I was recently in Coober Pedy, there was an article in the newspaper stating that the Liberals, if they were returned to power (we certainly hope they will not be), would spend \$200 000 on Coober Pedy airport. I was there for two days and there was a lot of laughter about \$200 000 being spent at Coober Pedy. In fact, most of the residents thought it was a snide way of trying to buy their support and their votes; that is what they are saying.

The Hon. N. K. Foster: Have they advocated what they are going to do for Kangaroo Island?

The DEPUTY PRESIDENT: Order! The honourable member cannot debate the question.

The Hon. J. E. DUNFORD: However, be that as it may, I did not completely agree with them. The Liberal Party has been consistent in promising things but not always giving people what it promised. When the Liberal Party gives the people something, it usually ends up costing them more in hidden charges than it was initially thought it would cost when the promise was made.

The DEPUTY PRESIDENT: Would the honourable member ask his question?

The Hon. J. E. DUNFORD: I ask my question for that reason: I am concerned that, if \$200 000 was spent at Coober Pedy, the people there could incur more costs about which they knew nothing. Although Mr. Tonkin may know about it, he has not told the Coober

Pedy residents of such a cost. Will the Minister say, if the airport was operated in accordance with D.C.A. standards, what landing costs would be incurred by aeroplanes landing at Coober Pedy? When I was at Coober Pedy, aeroplanes were landing there sometimes every hour. Secondly, what sort of improvement to the Coober Pedy airport would occur if \$200 000 was spent there? The local residents are saying that one would not be able to build a reasonable toilet there at that price.

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

ADOPTION

The Hon. JESSIE COOPER: I understand that the Minister of Health has received from the Minister of Community Welfare a reply to my recent question regarding an adoption of children register.

The Hon. D. H. L. BANFIELD: My colleague the Minister of Community Welfare has advised me that the situation as stated in the quotation from the *Advertiser* report of August 1, 1977, is correct and that the scheme is entirely voluntary. No party will be contacted unless that person has applied in writing for the inclusion of his name in the register.

WINE GRAPES

The Hon. M. B. DAWKINS: On August 4, I asked the Minister of Agriculture a question regarding wine grapes and the planting of the less popular varieties. He was good enough to explain that he would examine a proposition that appeared to be viable, and I thank the Minister for that. However, he did not answer the main thrust of my question, that is, whether he had taken up the matter at the recent Agricultural Council meeting and, if he did not, whether he would do so at the first opportunity. Would the Minister be kind enough to answer those questions?

The Hon. B. A. CHATTERTON: I did take up at Agricultural Council the plight of the wine industry and, in fact, had my department prepare an agenda item for the consideration of the meeting, which was held in Alice Springs. The main thrust of the submission to the council was the urgent need to increase the demand for wine grapes. It was suggested that this could best be done by relieving some of the tax imposed on brandy. Indeed, that was the main purpose of the submission. It is well known that brandy sales have dropped over the past five years; indeed, sales are slightly less than half what they were five years ago. The major difference in the situation that obtains now compared to that which obtained when the increased excise was first introduced is that the whole industry is in a depressed situation. When the brandy excise was first increased, the rest of the wine industry could easily absorb the surplus of grapes that was created. However, that is not the situation at present, when there is obviously a surplus of red wine grapes. A number of wineries have announced that they will either reduce their intake of or take no red wine grapes from the coming vintage. In light of this impending crisis, I took up the matter of the Agricultural Council meeting. The Federal Minister for Primary Industry (Hon. I. Sinclair) said that, although he was aware of the grave situation facing the wine industry, he was unable to make any specific promise that any help would be given to relieve the tax on brandy.

FIRE SERVICE TELEPHONES

The Hon. J. R. CORNWALL: I seek leave to make a short statement prior to directing a question to the Minister of Agriculture regarding concessions for the use of Telecom lines by the Country Fire Service organisation.

Leave granted.

The Hon. J. R. CORNWALL: I have been constantly made aware of the considerable problem that the Country Fire Service organisation faced when the concessions for the use of Telecom lines were originally withdrawn and, like many other members on this side, I have been consistently contacted by many people. I believe that the Federal Government has now made a grant to cover the value of the concession. Can the Minister tell the Council how this grant will be distributed?

The Hon. B. A. CHATTERTON: The financial year 1974-75 was the most recent year for which concessions on telephone services were granted to fire brigades, which included what was then the Emergency Fire Service organisation in South Australia. Following very strong protest by the State Government and the E.F.S. organisation, the Commonwealth made available \$45 000, representing the value of the concessions in 1974-75 adjusted, by provision for inflation, to the equivalent value for 1975-76. However, it has proved difficult to decide an equitable method of distributing the E.F.S. portion of this amount to district councils and the E.F.S. organisation, as the value of the concession for each individual council was not known. At the request of the South Australian Treasury, and after considerable delay, Telecom has made available a list of councils and C.F.S. organisations, setting out the value of the concessions granted for 1974-75. At about the same time, Telecom sent letters to all district councils stating that State Governments had received grants in recognition of the protection afforded by fire brigades to all Government property and advising that remaining concessions on Telecom lines would be withdrawn from July 1, 1977. Whilst the information provided by Telecom would appear to enable an equitable distribution to be made, there are other factors to be taken into consideration. In some instances, councils do not pay all E.F.S. maintenance costs. They make a grant to the E.F.S. organisation that meets only part of the cost. Council expenditure is subsidised, but E.F.S. expenditure that is not covered by council grant is not. These factors are undergoing close scrutiny to ensure that each organisation receives its fair share of the lump sum payment made by the Federal Government.

ANIMAL CARE CLINIC

The Hon. C. M. HILL: I seek leave to ask a question of the Minister of Health.

Leave granted.

The Hon. C. M. HILL: My question relates to the possibility of an animal care clinic being established in Adelaide. Representations have been made to me that an approach has been made to the Government, through the Minister, to establish an animal care clinic in Adelaide. A strong case has been made out regarding the need for the service that would be provided by such a clinic. It has been said that pensioners and other people of limited means cannot afford to have their pets, such as dogs and cats, treated in a veterinary surgeon's rooms and, therefore, such a service would be of benefit to such owners of pets. Also, among the facilities available would be an animal pick-up service. The service, too, would

help to co-ordinate the work of various organisations involved in this general activity at present. Has the Minister considered a plan to establish an animal care clinic in Adelaide and, if so, can he say whether the Government proposes to proceed with such a scheme?

The Hon. D. H. L. BANFIELD: Consideration is still being given to this matter.

RAILWAY DEFICIT

The Hon. R. C. DeGARIS: Has the Minister of Health a reply to my recent question concerning the railway deficit?

The Hon. D. H. L. BANFIELD: Clause 6 of the Railways (Transfer Agreement) Act provides that, until arrangements for the transfer of the non-metropolitan railways to the Commonwealth are finalised, the State authorities will continue to operate those railways. Therefore, it is not correct to say that the Rail Division of the State Transport Authority is responsible for metropolitan railways only. The deficit figure quoted by the honourable member was for both metropolitan and non-metropolitan operations. That part of the deficit attributable to non-metropolitan operations will, of course, be recouped from the Commonwealth.

FESTIVAL THEATRE DAMAGE

The Hon. C. M. HILL: Has the Minister of Health been able to verify or refute the recent claim made to me which I raised in this Chamber by way of a question concerning possible damage to the Festival Centre by a pop group performing during the recent Come Out Festival?

The Hon. D. H. L. BANFIELD: The honourable member's informant was way out, like much of the information that the honourable member gives to this Council. The fact is that no rock group was billeted at the Festival Centre during the Come Out Festival.

CHARITABLE ORGANISATIONS

The Hon. R. C. DeGARIS: Has the Chief Secretary a reply to the question I asked about charitable organisations?

The Hon. D. H. L. BANFIELD: There is no current or comprehensive list of benevolent institutions or benevolent societies which are accepted at present as being exempted from the payment of succession duties in South Australia. The question whether any bequest is exempt from duty depends on the terms under which that bequest is made and the objects of the organisation at the date of death of the deceased person concerned. Therefore, it is necessary for the Succession Duties Office to investigate each claim for an exemption from duty under the provisions of clause 6 of the second schedule of the Succession Duties Act when the estate is submitted to the office for assessment of duty to determine whether the bequest is exempt from duty under the Act.

USED CAR BUYERS

The Hon. R. C. DeGARIS: Has the Minister of Health a reply to my recent question concerning used car buyers?

The Hon. D. H. L. BANFIELD: It is planned to introduce a Bill to amend the Second-hand Motor Vehicles

Act during the current session of Parliament and the problem of "private sales" being made by backyard dealers is to be dealt with in the legislation. However, it is not the Government's intention to legislate to require licensed dealers to operate from lavish premises. The intention of the legislation in this area will be to ensure that buyers of used cars from dealers will be made aware of the fact that they are in fact trading with a dealer and that, therefore, the warranty provisions of the Act apply.

S.G.I.C.

The Hon. R. C. DeGARIS: Has the Minister of Health a reply to my recent question concerning the State Government Insurance Commission?

The Hon. D. H. L. BANFIELD: The S.G.I.C. contributes to the South Australian Superannuation Fund on the same basis as all other employing authorities, that is, it pays to the fund in any year its share of the payments actually made by the fund in that year in respect of former employees. When the arrangement was made in 1975 whereby staff of the S.G.I.C. would be eligible to contribute to the fund, it was agreed that the commission would build up reserves which were adequate, by actuarial standards, to meet the employer's share of benefits paid to former employees. The Public Actuary at that time indicated the initial reserve which should be established and, pending a full actuarial review, a provisional contribution to reserves was established equal to 20 per cent of the salaries paid to members. It has not been possible to carry out the full actuarial review as yet, and the Public Actuary has confirmed that, in the meantime, it is reasonable to continue contributions to reserves on the same provisional basis.

ROAD MAINTENANCE

The Hon. C. M. HILL: Can the Minister of Lands, representing the Minister of Transport, say whether the Highways Department is now requiring local government to maintain class 4 roads in country areas and, if it is, is one of the reasons given by the Minister of Transport for this change that the Commonwealth Government is now funding local government through the Local Government Grants Commission and that, therefore, local government will not in future be assisted by the Highways Department in maintaining class 4 roads, as has been the case in the past?

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

PREMIER'S PRIZE

The Hon. C. M. HILL: I recently asked the Minister of Health to ascertain whether the Premier's award of \$1 000 for productivity this year is a personal donation or a charge on taxpayers' funds. Has the Minister a reply?

The Hon. D. H. L. BANFIELD: The donation of \$1 000 as a prize to be allocated by the Productivity Promotion Council is an official Government donation. The grant was requested by the council, and it was pointed out that in Victoria a similar grant is known as the Premier's Award. It is intended to follow the Victorian precedent in this State. I understand that Western Australia has also made a grant along the same lines,

CONTAMINATED FOODS

The Hon. N. K. FOSTER: Has the Minister of Health a reply to my recent question about contaminated foods?

The Hon. D. H. L. BANFIELD: The system of withdrawal of drugs is an agreed procedure between the Commonwealth, the States and industry and provides for recall of unsatisfactory substances rather than the institution of legal proceedings by the State authorities. A similar situation, though not formalised, exists with unsatisfactory foodstuffs. The costs of withdrawal and the loss of trade are considered to be a penalty to be borne by the organisation concerned. The basic factor applicable to both food and drugs is that the sale of either is an offence when not conforming to the standards of the Food and Drugs Act and the Health Act. Once either the Central Board or a local board of health is aware of the sale of substandard substances it can either prosecute for the sale of substandard food or drugs; seize and in certain circumstances destroy under the justice's authority, in which case costs are borne by the boards; or seize and take court proceedings likely to lead to an order for destruction, a penalty and costs incurred in the action. Additionally, the boards seek and almost invariably obtain the co-operation of the organisation concerned in securing the voluntary withdrawal of the substance concerned. The procedure followed in each instance is determined by the needs of the incident. There have been past instances where large quantities of food have been seized and destroyed. As withdrawal is in the present case well under control, there is no need to seek further co-operation from the media.

The Hon. N. K. FOSTER: I seek leave to make a brief explanation before asking the Minister of Health a question on the reply he has just given.

Leave granted.

The Hon. N. K. FOSTER: Such is the need to ensure absolute withdrawal of contaminated foodstuffs and/or drugs, I am still being given information, correct or otherwise, on the matter. One must heed the seriousness of such allegations. I am further led to believe that certain contaminated milk products and baby food, associated with the Nestles company, have not yet been completely withdrawn. I draw the Minister's attention to the following statement in the reply he has just given:

Additionally, the boards seek and almost invariably obtain the co-operation of the organisation concerned in securing the voluntary withdrawal of the substance concerned.

Can the Minister say whether the term "organisation" in that statement means "manufacturing company"? Is the Minister's department able to make a declaration, widely publicised, of the types of product that an offending company may be producing and is reluctant to withdraw or has not withdrawn from the market?

The Hon. D. H. L. BANFIELD: I do not think the department would be willing to make a declaration along those lines, but I assure the honourable member that the department has taken every step possible to ensure a complete withdrawal of these foodstuffs. Can the honourable member quote a specific case? I have discussed this matter with the department on several occasions. If there is any doubt in the honourable member's mind as to whether some of this baby food has not been withdrawn, we will be happy to search the appropriate premises. However, my office assures me that the food has all been withdrawn.

The Hon. N. K. FOSTER: I do not want to be unduly persistent at this moment, but I ask whether it would be prudent on the part of the department to demand from the

manufacturing company the lot numbers or batch numbers and then to ask the company whether over the period there has been a withdrawal of all stocks. The company should be willing to certify that such is the case and, if not, the department should be empowered and should accept the responsibility—

The Hon. R. C. DeGaris: The department is empowered.

The Hon. N. K. FOSTER: I am asking the question. The Leader was Minister of Health for years, and he did absolutely nothing about the matter.

The DEPUTY PRESIDENT: Order! The Hon. Mr. Foster should get on with his explanation of the question, and not debate it.

The Hon. N. K. FOSTER: I do not take lightly the privilege in this place of naming manufacturing companies, as I was forced to do in regard to a different kind of company only a few weeks ago. I am not able to reveal the sources of my information concerning retail outlets that may be severely dealt with by a manufacturer in connection with milk powder, baby food, etc. So, one has to be very careful; that is the unfortunate situation. Can the Minister say whether his department can ascertain the job numbers or batch numbers of powdered milk and baby food that were manufactured during the period when the food was under suspicion, and can the company be required to account for each item that may be in question?

The Hon. D. H. L. BANFIELD: I appreciate the honourable member's concern, which is no greater than my concern or the department's concern. The honourable member wants to ensure that all contaminated foodstuffs have been withdrawn. If we can take up this matter with the company concerned, we will endeavour to do so. If the honourable member believes that there is still some of this baby food or milk powder on the shelves of retail outlets and if he can say where we can locate these foodstuffs, the inquiry, which would otherwise take some weeks, will be facilitated. I will inquire into the matters raised by the honourable member.

PARLIAMENT HOUSE

The Hon. M. B. DAWKINS (on notice):

1. What quantity of the furniture which was formerly situated in the Strangers' Lounge in the House of Assembly has been sold?

2. What prices were obtained for such furniture and was it sold by auction or privately?

3. What use will be made of any remaining furniture from that source?

4. What quantity of the furniture which was formerly stored in the storeroom immediately below this Chamber has been sold?

5. What prices were obtained for such furniture and where was it sold?

6. What use will be made of any remaining furniture from this source?

The Hon. T. M. CASEY: The replies are as follows:

1. All of the furniture.

2. The furniture was sold by the Joint House Committee.

3. *Vide* 1.

4. The only items sold were either of low quality or damaged beyond repair.

5. Prices received for furniture sold at Public Buildings Department auction, under direction of the State Supply Division of the Department of Services and Supply, are as follows, and I seek leave to have inserted in *Hansard* without my reading it the following list of prices:

Leave granted.

Quantity	FURNITURE PRICES Description	Amount \$
One	2'6" x 20" single-drawer square leg table with bottom shelf	7
One	Stained table (4'5" x 2')	5
One	4'6" x 2'6" 4-drawer oak desk	30
One	5' x 2'6" 2-drawer polished desk	20
One	Maple polished table (5' x 3')	6
One	8'6" x 3' 6-leg polished cedar table	20
One	4' x 2' door polished wall fitting or cabinet	5
One	4-drawer brown inlaid leather desk 5' x 3'6" (1 drawer missing)	18
One	5' x 4' blackboard	1
One	5' x 3' 8-drawer polished desk	45
One	5' x 4' 2-drawer polished cupboard	18
One	Solid auto relovo model of Africa picture	1
One	3'8" x 2'11" framed map southern portion of South Australia	3
One	Typist brown leather armless swivel chair upholstered	2
One	Armed upholstered brown leather swivel chair	2
One	Armless red upholstered swivel chair with foot rest	2
One	Plastic 12" blue-bladed fan	2
One	7'6" x 6' panelled polished oak screen	1
One	12-shelved polished bookcase 9' x 5'	36
One	Wooden arm semi-upholstered swivel chair	21
One	Upholstered armless typists swivel chair	2
One	Upholstered armless typists swivel chair	2
One	Upholstered armless typists swivel chair	2
One	Upholstered armless typists swivel chair	2
One	Blondwood typists desk	50
One	Imperial typewriter 8/519-120	25
One	Imperial typewriter 1/27-9/99	25
One	F. C. Smith & Corona typewriter, no serial No.	20
One	Barlock typewriter 669050	20
One	Broken photo-copying machine 00590-764 BO	35
Two	Electric wall clocks	8
One	Swivel chair upholstered with arms	5
One	Swivel chair upholstered with arms	5
One	Upholstered swivel chair with arms	5
One	2-drawer desk 4'6" x 2'6"	16
One	Brown upholstered seat wooden arm swivel chair	10
One	Swivel chair upholstered seat wooden back and arms	10
One	4'4" x 2'6" blondwood 2-drawer desk	26
One	Upholstered red vinyl armchair	1
One	5' x 3' 2-drawer polished table	20
One	Brown leather swivel chair with arms	12
One	Brown leather swivel chair with arms	12
One	Semi-upholstered swivel chair brown leather with arms	12
One	Chair upholstered seat and back brown leather with wooden arms	12
One	4' x 2'6" 2-drawer polished desk	28
One	Chair semi-upholstered wooden arms	3
One	Semi-upholstered arm-back chair (seat missing)	3
One	2'6" high round umbrella stand	2
One	6' x 4' wall book holder, 3 shelves	20
One	Brown leather upholstered wooden arms swivel chair	15
One	Wooden swivel chair with arms	15
One	Wooden swivel chair with arms upholstered seat	15
One	Small cupboard with 6 doors ex-mess locker	11
One	4'6" x 2'6" polished table 2-drawer	12
One	5' x 5' clothes stand	3
One	Straight back wooden chair	2
One	4-drawer stumpy round leg oregon chest of drawers	10
One	Straight back wooden chair	2
One	2-arm high back cane chair	26
One	2-arm high back cane chair	26
One	Broken back small cedar chair	5
One	4'6" x 4'6" cedar cupboard 1 drawer 2 doors	11
One	3' x 2' small table, 1 drawer	7
One	9'6" x 5' 6-leg scullery table	14
One	4'6" x 2'8" polished table	8
One	4' x 2'6" lead-lined 4-wheel wood and ice truck	2

The Hon. T. M. CASEY: The remainder of the reply is as follows:

6. Remaining furniture will be repaired or restored for use in Parliament House.

VERTEBRATE PESTS ACT AMENDMENT BILL

The Hon. B. A. CHATTERTON (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Vertebrate Pests Act, 1975-1977. Read a first time.

The Hon. B. A. CHATTERTON: I move:

That this Bill be now read a second time.

This short Bill corrects a simple drafting error in the preceding amending Act, the Vertebrate Pests Act Amendment Act, 1977. That Act amended the principal Act by deleting the references to the permanent head of the Department of Lands and instead referring to the person holding or acting in an office determined by the Governor. This amendment enabled the administration of the Vertebrate Pests Act to be transferred to the Department of Agriculture and Fisheries but omitted to provide that the person holding or acting in the office determined by the Governor shall be the Chairman of the Vertebrate Pests Authority. This Bill corrects that omission. Clause 1 is formal. Clause 2 amends section 8 of the principal Act by providing that the person for the time being holding or acting in an office determined by the Governor shall be the Chairman of the authority.

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

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 3. Page 345.)

The Hon. C. J. SUMNER: I oppose this legislation on the ground that what it seeks to do is already covered by the existing law. The Bill is identical to that introduced and passed in this Council in the last session. I refer particularly to the exchange between myself and the Hon. Mr. Burdett during the Committee stage at pages 3357 to 3359 of last session's *Hansard*. Indeed, I assume from the comments of the President as Chairman during that debate at page 3359, where he said, "Personally, I have some doubts and reservations about the wording of this Bill . . ." that he may also have been of the same opinion as myself, that this Bill was not taking the existing law any further. The Government has made its position on child pornography clear. I detailed during the second reading debate on the previous Bill the action taken by the Premier to ensure that this material would not be produced and distributed in South Australia.

The Hon. C. M. Hill: That's a joke, too.

The Hon. C. J. SUMNER: That is not correct. I outlined the action the Premier took on the previous occasion and the action subsequently taken to prevent the production and distribution of this material.

The Hon. C. M. Hill: He said there was none of it in South Australia.

The Hon. C. J. SUMNER: I am coming to that. An immediate reference was made to the Classification of Publications Board so that this material would not be classified and, accordingly, would be subject to prosecution under section 33 of the Police Offences Act if sold or distributed in South Australia. The material not classified therefore attracted that penalty. It is proscribed by the law, despite what the Hon. Mr. DeGaris said. The Government is opposed to the production and distribution of child pornography in South Australia. It believes that this Bill does not carry the effective enforcement of the legislation any further.

The Hon. M. B. Cameron: Does this Bill reduce the age of consent?

The Hon. C. J. SUMNER: I am not sure what the Hon. Mr. Cameron means; he may like to read to me what the Premier said about this.

The Hon. M. B. Cameron: You haven't been listening to your Leader.

The Hon. C. J. SUMNER: I do not think the Premier has ever said it would reduce the age of consent.

The Hon. M. B. Cameron: You're joking!

Members interjecting:

The DEPUTY PRESIDENT: Order!

The Hon. C. J. SUMNER: Perhaps the honourable member would like to refer to me the precise statements that the Premier has made about this matter, and I shall then be in a position to answer him quite clearly; as he has not put them to me, I suggest that what he is saying is a misunderstanding—

The Hon. M. B. Cameron: Oh!

The Hon. C. J. SUMNER: —of what the Premier said about this legislation.

The Hon. J. C. Burdett: The same misunderstanding he intended everyone else to have.

The Hon. N. K. Foster: Mr. Deputy President, why don't you keep them quiet?

The DEPUTY PRESIDENT: Order!

The Hon. C. J. SUMNER: Honourable members on this side of the Chamber are behaving in their usual decorous manner, but honourable members opposite are behaving in an unruly, disorganised, and objectionable manner. I do not mind in the least; in fact, I welcome interjections from honourable members opposite because, as usual, in this matter as in most other matters, their interjections and objections to what I am saying are completely groundless. I like to have the pleasure of answering them.

I repeat that the Government is opposed to child pornography in South Australia and believes that this legislation does not carry the effective enforcement of the legislation any further. It is clear from what the Hon. Mr. Cameron has said that the proprietors of adult book and sex shops are fully aware that it is an offence to sell the material. The Hon. Mr. Cameron quoted a *This Day Tonight* interviewer who went to five shops, could not find any material in four of them, and in the fifth found some material was available; but the proprietor told the interviewer that strict laws prevented the sale of child pornography. That is what the proprietor of this shop told the interviewer—there were strict laws prohibiting the distribution and sale of this material.

The Hon. J. C. Burdett: Are the penalties strict?

The Hon. C. J. SUMNER: Further, the proprietor of this fifth shop, the only shop where any material was found, told the interviewer that the material was not

classified and that such material was now difficult to obtain. The shop proprietor was aware that he was breaking the law, a law that he described as "strict". How the Hon. Mr. Cameron can argue from this that the law is at fault amazes me. The question is one of detection, and what the honourable member is really doing, just as all members opposite are doing, is criticising the police. If that is their belief, let them come out and say so. However, they are not game to come out and criticise the police, because they know that the police are doing an excellent job in this area. Although the shop proprietor involved knew that he was breaking a strict law, he apparently decided to go ahead. In any event, the interviewer found only one shop that had this material available. The person concerned sold that material knowing that there were strict laws to counter such sales.

Proposed new section 255a of the Criminal Law Consolidation Act makes it an offence to make, or take part in the making of, a photograph in which a person under, or apparently under, the age of 14 years appears to be engaged in an act of indecency. "Act of indecency" is then defined. I should like to read through each of the definitions in support of my contention that this proposal does not take the law further. The first matter that is defined as constituting an act of indecency is sexual intercourse. That would clearly be covered by the old carnal knowledge provisions in the Criminal Law Consolidation Act that have now been amended by the legislation that was passed last session. In a case involving a person under the age of 12 years, a penalty of life imprisonment is prescribed. It is a felony. If it involves a person over the age of 12 years, the term of imprisonment is a maximum of seven years.

The second aspect of the definition is indecent assault. It is presently covered by section 56 of the Criminal Law Consolidation Act. A term of imprisonment of five years is prescribed for a first offence, and a term of seven years imprisonment is prescribed for a second offence. The third aspect of the definition is masturbation. That, in many situations, would be covered by the indecent assault section. If it was not covered by that, it would be covered by the gross indecency section, that is, section 58 of the Criminal Law Consolidation Act, which prescribes for a first offence a penalty of two years imprisonment and, for a subsequent offence, a penalty of three years imprisonment.

The fourth aspect of the definition is an act of gross indecency. That also is covered by the present law, that is, section 58 of the Criminal Law Consolidation Act, to which I have just referred and which prescribes a penalty of two years imprisonment for a first offence and three years imprisonment for a subsequent offence. The final part of the definition relates to "the assumption or maintenance of any attitude or pose calculated to give prominence to sexual or excretory organs". I can only feel that it is this part of the definition upon which the Hon. Mr. Burdett relies as constituting an extension of the existing law.

In the Committee stages of the last debate, the Hon. Mr. Burdett considered that it was not intended to cover parents taking a fun nude photograph of a child, or photographs taken in legally constituted nudist camps, even if those photographs were full frontal photographs. Those two examples were put to the Hon. Mr. Burdett, who conceded that his legislation was not designed to cover those situations. He does not intend that a mere photograph would give prominence to sexual or excretory organs.

It is hard to envisage a situation where the maintaining of an attitude or pose giving prominence to sexual organs would not also be an act of gross indecency and, therefore, be caught by section 58, which proscribes such acts with or

in the presence of a person under the age of 16 years, or proscribes the incitement, procurement or attempt to procure such an act. As I have already said, a penalty of two years is prescribed for a first offence of this nature, and three years imprisonment is prescribed for a subsequent offence.

There is a further problem with the Bill which again indicates that it does not take the law any further; it does not state that consent shall not be a defence. This would leave open the argument based on the fact that similar offences specifically exclude consent as a defence and, therefore, as it is not mentioned here, Parliament intended consent to be a defence. In this context, it is worth mentioning that it is a criminal Statute that requires a strict construction. If the Crown had to prove that force was used before an offence under this proposed section could be involved, it would clearly be a weaker provision than that which already exists. The use of force in these circumstances would clearly constitute an indecent assault and attract the five-year penalty under section 56. This Bill proposes a penalty of only three years imprisonment.

The second thing that the Bill does is to increase the penalties for distribution currently prescribed under section 33 of the Police Offences Act. Again, the penalties are already substantial: there is an option of six months imprisonment.

I have referred to the interview on *This Day Tonight*. The proprietors of these shops obviously considered the law to be strict. Overall, as I think the President, as Chairman of Committees, conceded when giving his casting vote during the Committee debate on an identical Bill, to which I have referred, this Bill is a poor piece of legislation. It does not add significantly or usefully to the existing law, and I can only repeat what I said when the matter was being debated previously: that the Hon. Mr. Burdett is trying to score a political point. If he had any other aim in mind, it is clear that this particular legislation would not be before us. It is clear from what I have said that the existing provisions cover all the matters that the Hon. Mr. Burdett seeks to cover by this Bill.

In conclusion, I refer honourable members to the report of the Committee debate on the previous Bill. I quoted therein some of the penalties that were available to judges in relation to some of the offences with which people had been charged when they had been engaged in photographing children for the provision of this material. At that time, the Darling case was before the courts. Sentences had not been handed down, although the defendant had pleaded guilty to a large number of offences, including indecent assault and others, to which I referred in that debate. Subsequently, that defendant was sent to prison for, I think, four and a half years, and that penalty is in excess of that which the Hon. Mr. Burdett has provided.

The Hon. J. C. Burdett: But what did the judge say about this offence?

The Hon. C. J. SUMNER: What he said does not relate to what the honourable member has put in his Bill. In fact, his Bill does not do anything to correct what the judge said. The honourable member said that the judge had referred to some oddity in the provisions because the penalty for indecent assault was five years imprisonment, whereas that for procuring an act of gross indecency was only two years, but that situation is not covered by the honourable member's Bill.

The Hon. J. C. Burdett: It clearly is.

The Hon. C. J. SUMNER: It is covered under the honourable member's Bill only if prominence is given to the sexual or excretory organs.

The Hon. J. C. Burdett: An act of gross indecency.

The Hon. C. J. SUMNER: That has not been taken any further by the Bill.

The Hon. J. C. Burdett: But the penalty has been increased from 2 years to 3 years, or by 50 per cent.

The Hon. C. J. SUMNER: In the case to which I have referred, the man was sentenced to 4½ years imprisonment, so one must ask what the honourable member is on about. As I have pointed out, in that situation a penalty of 4½ years was imposed, which indicates to me and, I hope, to other members that the law provides for offences and provides penalties sufficient to deal with this problem. Given that that is the situation and given that this legislation does nothing effective or useful in expanding the law, I can only assume that the Hon. Mr. Burdett has again taken the opportunity to try to have a go at the Government, based purely on the fact that he wants to get some political capital that he feels will be useful for his colleagues who may be standing for election soon.

The Hon. M. B. DAWKINS: I support the Bill, and I regret very much the Government's opposition to it. I have said previously that a highly respected member of the Government Party stated that some of the best things are done when Governments and Oppositions work together, and I find it inexplicable that the Government opposes this Bill. I am convinced, despite the Government's argument, that the Bill is vitally necessary, and I am concerned about what is happening here. I have seen recent evidence of this. I also know what has happened in the United States, and that could happen here. I want to give examples of what is happening in the U.S. and I quote from a report from Times Wire Services in the *Los Angeles Times*. The report, based on a cable from Washington, is as follows:

Many adults who exploit youngsters for sex or pornography are pillars of their communities rather than "sick, dirty old men", law enforcement officials told a House subcommittee Wednesday. Los Angeles Police Sgt. Lloyd Martin and Robert Leonard, head of the National Association of District Attorneys, said that there "is a steady supply of runaway children for what is becoming a big business", and that the victims "are reluctant to turn in their exploiters". "A child who has been sexually abused will frequently turn to prostitution, pornography, narcotics or other criminal activity, or will be encouraged to engage in this activity by an abusing adult after having outlived his novelty as a sexual partner," Martin testified. "A 12-year-old boy in Los Angeles can earn \$1 000 a day. Most receive much less, and a pimp will retain 60 per cent of what is earned," Martin said.

As one example, reference is made to a boy of 14 years who was known as Joe. The report states:

Joe is 14 years old. He is one of thousands—no-one is really sure how many thousands—of boys and girls in the United States who are used as models—for sexually suggestive or sexually explicit hard-core photographs and films. Many of the children used in the pictures are street hustlers such as Joe. Runaways from all over the country. Or, like Joe, walkaways from parents or a parent who did not really care. But others live at home with their parents. Girls as young as three have been used as models with their parents' permission. The pictures, like the children, vary. They range in content from a photograph of a naked prepubescent girl grotesquely imitating a languid *Playboy*-type pose to explicit photographs of a grown man having sexual intercourse with a little girl of nine or 10 to pictures of a boy of nine orally copulating a grown man. And worse.

I also quote the comments of Dr. Judianne Densen-Gerber, of New York. She apparently is responsible for much of the recent publicity given to child pornography and the resultant pull-back of the material in many cities. A report states:

Dr. Densen-Gerber is President of Odyssey Institute, Inc., a private organisation concerned with various social problems. It operates drug rehabilitation programmes, among

other projects, and deals with young addicts, some of whom have been victims of child pornography. A psychiatrist and attorney, Dr. Densen-Gerber is a large, energetic and aggressive woman who frankly admits that she used the child pornography issue—calling news conferences and picketing bookstores—to get attention for her campaign to establish a presidential Cabinet-level post for the concerns of children. She insists that she is not against adult pornography and says she has in fact prescribed it to some of her patients who were having sexual problems.

I interpose there that it is obvious that this woman is anything but a reactionary or a conservative. The report continues:

But child pornography is another matter: "We can't look at it as adult sexuality," says Dr. Densen-Gerber. "It's terrifying to a child . . . The physical difference between a 200-pound male and a 60-pound or 40-pound little girl is frightening just in and of the physical weight. And we've got to understand that. And then you have . . . all the rest on the homosexual side of it—it's just wrong." Using children for sexual photographs, says Dr. Densen-Gerber, destroys their self-image besides exposing them to physical damage.

They are a few observations on what is going on in the U.S. today, and I have more cases here. I am sure (in fact, I have seen evidence of it) that some of these things are going on here at present.

The Hon. F. T. Blevins: Where did you see the evidence?

The Hon. M. B. DAWKINS: I have seen the evidence.

The Hon. F. T. Blevins: Where?

The Hon. M. B. DAWKINS: I have seen the evidence in this House.

The Hon. F. T. Blevins: Who distributed the photographs here?

The Hon. M. B. DAWKINS: No-one distributed them. I have not got them in my possession, but I could show them to the honourable member. If this Bill is so unnecessary, as the Government claims, and if the matter is already covered by legislation, as the Government also claims, why did the Premier get so worked up about the matter on television? Why did he make such a shocking statement about a wretchedly drafted Bill involving the Parliamentary Counsel appointed by this Government? Every member knows that a private member's Bill is presented as having been prepared by the private member concerned, and in this case printed on the Bill are the words, "Prepared by the Hon. Mr. J. C. Burdett, M.L.C."

We also know that any Bill that comes before this Parliament is drafted by Parliamentary Counsel and has to go through his hands. In describing this as a wretchedly drafted Bill, the Premier was making a shocking criticism of professional men who are members of the staff of this House. The Premier criticised a person with an additional degree that the honourable gentleman himself does not appear to hold. I think it is disgraceful that the Premier should go on television and talk about a wretchedly drafted Bill, because the Bill was drafted by a member of the Parliamentary Counsel staff. That was a shocking criticism of a professional person by a frustrated and arrogant little man.

These things are happening in America, as I have shown. They could happen here, and they are happening here. I am appalled at the Government's insensitivity, its lack of foresight and its lack of co-operation in something that should be done. I support the Bill.

The Hon. R. C. DeGARIS (Leader of the Opposition): I am somewhat surprised at the attitude of members of the Labor Party in this Council in relation to this Bill. So far, the only opposition has been—

The Hon. F. T. Blevins: Have you seen any of this material?

The DEPUTY PRESIDENT: Order! The Hon. Mr. DeGaris is speaking.

The Hon. F. T. Blevins: Does he know what he's talking about? Has he seen it?

The Hon. R. C. DeGARIS: I have seen the Bill. The only opposition to the Bill so far is on the basis that the point covered by the Bill is already covered in existing legislation. I believe that the Hon. Mr. Burdett has demonstrated time and again to this Council that that is not so.

The Hon. C. J. Sumner: How?

The Hon. R. C. DeGARIS: The Hon. Mr. Burdett has demonstrated that, and I am certain that in his reply he will give the answer that the Hon. Mr. Sumner seeks. I am sure, however, that the Hon. Mr. Sumner, like his Leader the Premier, will not accept such explanation, and will go on claiming that the Bill does things that it does not do. Indeed, they will not recognise that the Bill plugs a gap, which should be plugged, in our existing legislation. If Government members in this Council say that the Bill does nothing, why are they opposing it so drastically? The answer is clear—because the Bill cuts across an existing Australian Labor Party policy, and I will deal with that further a little later on.

This Bill is designed to create a specific offence of using children for the purpose of the manufacture of pornographic photographs, and selling, distributing or offering for sale such photographs. As that is what the Bill does, I am at a loss to understand the Government's opposition to it, as the Bill would be supported by an overwhelming number of people in South Australia.

The Government's attitude is to sweep the problem under the carpet claiming that a problem does not exist. Claims have been made that child pornography is effectively controlled by the classification of publications. That is nonsense, as stated not only by the Hon. Mr. Dawkins but also by media representatives, who moved around Adelaide not long ago and came back with an armload of child pornography of the vilest type.

The Hon. C. J. Sumner: One book!

The Hon. R. C. DeGARIS: One book, be blown—there was an armful of it! Honourable members know that as well as I do. Since last February until just recently child pornography was still freely available in Adelaide. Any honourable member who thinks for a moment that the problem does not exist is plainly turning a blind eye to the facts as they do exist. The Hon. Mr. Sumner went to some lengths to deny the remarks of his own Premier. The honourable member knows well what the Premier has said over the media regarding this Bill. I happen to have some transcripts here of those interviews and the channel 7 transcript of comments by Kevin Crease on the Premier's remarks is as follows:

Premier Dunstan today criticised the Opposition's proposed Bill on child pornography saying it would actually lower penalties. Mr. Dunstan said the Bill which had been introduced into the Legislative Council, was a poorly drafted attempt to play politics. It provides for a penalty of three years gaol for anyone who procures or takes part in acts of indecency for pornographic purposes. Mr. Dunstan says laws already in force provide for a five-year gaol term for indecent assault.

The point is that in many pornographic situations, where photographs are taken, the question of indecent assault might never occur. That is the crucial point, and I am certain that that will be the point taken up by the Hon. Mr. Burdett regarding the comments of the Hon. Mr. Sumner. That indecent assault is already covered, we

agree. However, anyone can see a situation in relation to the production of pornography, the taking of photographs, where the whole question of indecent assault may never arise. Secondly, on SAS channel 10 the following report was given:

The State Government says it will not support a Bill proposed by Liberal M.L.C., John Burdett, to outlaw child pornography.

That is a good statement—the State Government will not support a Bill to outlaw child pornography! That report continues:

The Bill introduced yesterday is identical to a Bill before Parliament last year which lapsed at the end of the session. It is likely to suffer the same fate this year. The Government opposes the Bill because it says the existing Criminal Law Consolidation Act already provides tough penalties for child pornographers, which it says Mr. Burdett's legislation would in fact reduce. And according to Premier Dunstan there were still further dangers.

The Premier, referring to the Hon. Mr. Burdett's Bill, stated:

His Bill has been so badly drafted that, in fact, he reduces the age of consent in these matters from 17 years to 14 years.

That is the information asked for by the Hon. Mr. Sumner. I ask him to state in the Committee stage that he does not agree with his Premier on this statement. So far, he has agreed with all the other statements by the Premier, but he is not too sure about this one. Obviously, what the Premier is doing in this regard is deliberately misleading the South Australian public as to the Hon. Mr. Burdett's Bill. His statements have been misleading and are untrue. The Premier continued:

Under no circumstances could the Government involve itself in that kind of thing. In fact, this Bill is entirely unnecessary. The law covers the matter. We will prosecute anyone we can find involved in anything of this kind and this Bill, wretchedly drafted as it is, is simply a piece of porn politics and nothing more.

There is absolutely no truth in what the Premier has said in this regard. His attitude has been to deliberately mislead the South Australian public on the merit of this Bill. I refer to the three statements that have been made by the Premier on this matter. First, he said there is no child pornography in South Australia but, as I have indicated, one person from the media walked down the street in Adelaide not so long ago and bought an armful of it.

The Hon. C. J. Sumner: How long ago?

The Hon. R. C. DeGARIS: Not long ago.

The Hon. C. J. Sumner: How long ago?

The Hon. R. C. DeGARIS: I do not know.

The Hon. F. T. Blevins: How long ago?

The Hon. R. C. DeGARIS: I can say that it was this year. There was an armful of stuff.

The Hon. F. T. Blevins: Was it after the statement you've just read out was made?

The Hon. R. C. DeGARIS: This material was bought after the Premier made that statement.

The Hon. F. T. Blevins: You're a liar.

The Hon. R. C. DeGARIS: I object. I ask for a withdrawal and an apology.

The DEPUTY PRESIDENT: The Hon. Mr. Blevins has been asked to withdraw.

The Hon. F. T. Blevins: Withdraw what?

The DEPUTY PRESIDENT: That remark that the Hon. Mr. DeGaris is a liar.

The Hon. F. T. Blevins: Yes, certainly.

The Hon. R. C. DeGARIS: Is that a withdrawal, Mr. Deputy President?

The Hon. F. T. Blevins: I agree.

The DEPUTY PRESIDENT: Is that a withdrawal?

The Hon. F. T. Blevins: Yes.

The Hon. R. C. DeGARIS: Agree with what?

The Hon. F. T. Blevins: I agree.

The DEPUTY PRESIDENT: Does the Hon. Mr. Blevins agree to withdraw the term to which objection has been taken?

The Hon. F. T. Blevins: Absolutely.

The Hon. R. C. DeGARIS: Another untruth told by the Premier is that all matters in this Bill are already legislatively covered, but that is not so. The third thing that the Premier says is that the Bill reduces the age of consent, but that is also untrue. Let me examine the whole question of child pornography. The Hon. Mr. Dawkins has already referred to certain matters in this connection. Two psychiatrists in America, Dr. Shirley Van Ferney and Dr. Beverly Frankel, who specialise in adolescent problems, are concerned about the drift into child pornography in that country. An article on this matter states:

The current plague of pornography in the U.S. is creating a sexually deformed younger generation, warn two psychiatrists specialising in adolescent problems.

"Young people are having severe sexual problems as a direct result of the porn plague," declares Dr. Shirley Van Ferney. "They're being encouraged by this trash to experiment with all types of sexual activities which they are in no way mature enough to handle."

"The results are already obvious. We have an epidemic of pregnancy among adolescent girls. Venereal disease among young people has grown into a national tragedy. And young men are suffering from impotence, young women from frigidity, at an ever-growing rate."

Another authority, Dr. Beverly Frankel, said: "We are beginning to see the first crop of young adults who have been exposed to pornography in their growing-up years, and they have enormous sexual difficulties."

"Many of these young people can't perform at all. They've become involved in all types of deviant sexual activities—group sex, sado-masochism and bestiality. You name it, they've tried it."

"And because nothing they try is as satisfying as they've been led to believe by the pornographic material, they're in a state of sexual confusion," he said . . .

Said Dr. Van Ferney: "A parent today must take steps to help immunise his child against the potential difficulties the youngster will face because of exposure to porn." What can a concerned parent do? The psychiatrists offered these suggestions:

"Don't think that your child is too innocent or too young," advised Dr. Van Ferney. "Seven and eight-year-olds are getting their hands on the stuff."

"Have frank and open talks with your children about sex as they are growing up."

"Don't wait until they start asking questions."

"If you find your child has porno material hidden in his room, don't explode. This will cut off all possibility of good communication."

The psychiatrists go on with advice to parents about the porn plague in America, but that plague during the past two or three years has turned from the ordinary hard-core porn referred to by the two psychiatrists to the new exciting exploitation of children. The pornography trade can never afford to stay still: the novelties of yesterday are the "old hat" stuff of today. It is characteristic of perversity that novel stimuli are required to achieve gratification. For this and other reasons, the move to the exploitation of child pornography is to be expected, and our laws should be clear and absolute in their penalties for such promotion. In the early 1970's, child pornography began to appear in the sex shops of Copenhagen and California. Since then its growth has continued and its sale has been phenomenal.

There is no-one, even among those who defend the sale of pornographic material, who is willing to advocate the exploitation of children in pornographic publications. Yet in South Australia, when a Bill is before Parliament to strengthen the law in relation to the exploitation of children for pornographic purposes, the Premier and his Government refuse to accept the Bill. Further, the Premier, the chief spokesman, goes on television and radio programmes and promotes deliberate untruths about the Bill. His reasons for refusing to accept the Bill are fallacious. Indeed, if the Bill is read, every honourable member would know that those reasons are fallacious.

In the child pornography trade in America, the major production centres are New York and Los Angeles. The Hon. Mr. Dawkins has referred to police reports from Los Angeles. The Los Angeles police, in a report to investigators, estimate that about 30 000 young people under the age of 16 years are being sexually exploited in that city. This report refers to various forms of prostitution, with probably 20 000 young people under the age of 16 years being used for the production of pornographic publications and photographs. Such estimates probably lack some reliability, but they clearly point to a major problem.

As the Hon. Mr. Dawkins said, this problem attracted world wide attention as a result of the publicity of Dr. Densen-Gerber. Her publicity led to wide media coverage in *Time*, *Newsweek*, and *Reader's Digest*. Even the feminist magazine *MS* (which term the Premier's Department directs us to pronounce in a certain way) made it a cover story, while the Los Angeles *Times* devoted several feature pages to the topic under the heading "Children—a big profit item for smut producers". It has also been reported that some parents have actively collaborated, hiring out their children for pornographic publications. Children as young as three years old are being used. Some cases on the Los Angeles police files show that drugging is involved before the pornographic material is produced. Even in this State magazines featuring child pornography which cost less than \$1 to produce are on sale for between \$15 and \$20. Some of the material purchased in Adelaide this year had a price tag of \$12 or \$15, whereas the cost of production would have been about \$1.

The Hon. C. J. Sumner: Was that before or after the Premier's reference to the Classification of Publications Board?

The Hon. R. C. DeGARIS: All I can say is that this material was purchased after the Premier said that there was none available; that is the point. If child pornography was an isolated phenomenon, one might quickly reach a consensus against it, but it is entangled with a whole web of related issues, including civil liberties, freedom of expression, control of prostitution, sex crimes, and movements to facilitate sexual expression among young children. How often have we heard the Premier say that everyone should have the right to read what he wants to read? This is the absolutist position.

The Premier has advocated time and time again (and no member opposite can deny it) the absolutist position in regard to civil liberties, but civil libertarians around the world are beginning to question that right in connection with the preparation and distribution of child pornography. Many who argued with conviction that literature and art should be free from legal sanctions are now acknowledging that a time has been reached for supporting specific legislation. Even the girls at the Festival Theatre revolted at the thought of putting a photographic exhibition on

display which was basically a display of young children photographed in pornographic positions. That happened in South Australia in the last few days.

Aggressive sex crimes grew notably with the appearance of aggressive pornographic material. No-one can deny that. It is reasonable to assume that the phenomenal growth of child pornography will be associated with a tremendous increase in child molestation. There is a growing Parliamentary concern about the growth of child pornography in Great Britain and in the United States, at both State and Federal levels.

The Hon. C. J. Sumner: Do you think that is why the Premier took the attitude he did several months ago?

The Hon. R. C. DeGARIS: Let me now quote, for the benefit of some honourable members of this Council, the views of Susan Brownmiller, who says:

Pornography, like rape, is a male invention designed to dehumanise women, to reduce the female to an object of sexual access, not to free sensuality from moralistic or parental inhibition.

That is Susan Brownmiller's opinion; let us take that point on pornography one further stage into the area of total depravity, where children are used for seduction. As regards a judgment in Great Britain, David Holbrook reports, "Can anyone still say porn does no harm?" There follows a long article dealing with the way in which the whole matter of pornography is treated.

I refer now to the United Nations Treaty Series No. 710 entitled "International Convention for the Suppression of the Circulation of and Traffic in Obscene Publications", etc. It was registered *ex officio* on February 2, 1950. The parties to the convention included Afghanistan, Albania, Australia, Belgium, Burma, Canada, China, Czechoslovakia, Denmark, Egypt, Finland, Guatemala, and so on, finishing with Yugoslavia. Article 1 states:

The High Contracting Parties agree to take all measures to discover, prosecute and punish any person engaged in committing any of the following offences, and accordingly agree that it shall be a punishable offence:

(1) For purposes of or by way of trade or for distribution or public exhibition to make or produce or have in possession obscene writings, drawings, prints, paintings, printed matter, pictures, posters, emblems, photographs, cinematograph films or any other obscene objects;

and so it goes on. Australia is a signatory to that Convention No. 710 of the United Nations Treaty Series.

The Hon. F. T. Blevins: Would the Hon. Mr. Burdett be bound by that? If the honourable member was distributing pornography in this State, would it be in contravention of the United Nations convention?

The Hon. R. C. DeGARIS: I ignore that interjection as being irrelevant to the point before the Council.

The Hon. F. T. Blevins: No, it is not; I just asked.

The Hon. R. C. DeGARIS: The United Nations convention in regard to pornography still stands, but we seem to have forgotten that we are a signatory to the United Nations Treaty Series No. 710. Very well—we accept that, but can anyone show me where the use of young children for producing pornography should not be legislated against? I should like to be informed, because not only are we a signatory to the United Nations convention but also we should be doing everything possible to ensure that this sort of material attracts the heaviest possible penalty in this State.

The Hon. A. M. WHYTE: I support this measure and question the attitude adopted by honourable members opposite. It completely mystifies me that here we have legislation that every honourable member opposite knows very well strengthens the hand of the police.

The Hon. C. J. Sumner: It does not.

The Hon. A. M. WHYTE: I have listened with considerable interest to the learned legal man opposite and the exchange of views between him and the Hon. Mr. Burdett. I have also read the Premier's statement with regard to the legislation and, as I say, I am completely astounded. Surely there is no-one in this Parliament who would support in any way anyone who would sink low enough to earn a living by child pornography. Any appropriate measure that we can take should surely be taken.

The Premier portrays himself as one of the legal experts of all time. He condemns this legislation but at no time has he attempted to say what is wrong with it. I am sure the Hon. Mr. Burdett would be prepared to accept amendments if the Premier thought he could in any way improve this Bill; but nowhere has he attempted to make such a move. He has gone out to criticise and condemn. If we look at the Bill, we see the suggestion he makes of its lowering the age of consent is completely ridiculous. There is no suggestion in this legislation of an attempt to lower the age of consent. It provides a measure of protection for children who presently are being exploited in this State—at least the literature, if we like to call it that, or the publications, if we like to call them that, are obtainable in South Australia, and honourable members opposite know that very well.

The Hon. Anne Levy: They are not.

The Hon. N. K. Foster: Are they lawfully available?

The Hon. A. M. WHYTE: We know they are not lawfully available.

The Hon. N. K. Foster: There has been an implication all through that we on this side of the Chamber condone it as being lawful, which is quite wrong.

The Hon. A. M. WHYTE: Plainly to me, you are putting your signatures to a situation in which you consider there is nothing to condemn in child pornography. The Bill has nothing to do with the lowering of the age of consent or any of the red herrings that have been thrown across its path.

The Hon. N. K. Foster: The red herrings have come from your side.

The Hon. A. M. WHYTE: There has been every opportunity for honourable members opposite or the Premier himself to make suggestions that I am sure the Hon. Mr. Burdett would be pleased to have, but there has been this complete opposition to the Bill. I question the motives of those members who are opposing this legislation, because it can do nothing but strengthen the hands of the police in taking the necessary steps to apprehend and bring to justice people who exploit the youth of this nation.

I will not repeat the quotations made by the Hon. Mr. Dawkins, who made a very good speech on this matter, or the words of the Hon. Mr. DeGaris, who has gathered together a fine collection of modern material portraying the dangers of this foul practice. I have risen merely to let the nation know that I will fully support any legislation that will bring to apprehension and justice people who exploit the children of this country in this way.

The Hon. N. K. FOSTER secured the adjournment of the debate.

ADJOURNMENT

At 3.51 p.m. the Council adjourned until Wednesday, August 17, at 2.15 p.m.