

## LEGISLATIVE COUNCIL

Tuesday, November 1, 1977

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

## APPROPRIATION BILL (No. 2)

His Excellency the Governor, by message, intimated his assent to the Bill.

## OVERSEA STUDY TOUR

The **PRESIDENT** laid on the table the report on the oversea study tour from May 24 to July 9, 1977, by Mr. R. W. Groth, member for Salisbury in the House of Assembly.

## QUESTIONS

## SITTINGS AND BUSINESS

The **Hon. R. C. DeGARIS**: I ask the Minister of Health to give the Council any information he has about proposed sittings of the Council between now and Christmas time.

The **Hon. D. H. L. BANFIELD**: The position has not yet been finalised, but Parliament will sit until about the second or third week in December. The exact dates and times are not yet known. The Government will have to watch the progress made in the Chamber. As soon as I have any definite information, I will inform the Council.

## TRAFFIC LANES

The **Hon. F. T. BLEVINS**: I seek leave to make a short statement, prior to asking a question of the Minister of Lands, representing the Minister of Transport, regarding traffic lanes.

Leave granted.

The **Hon. F. T. BLEVINS**: In yesterday's *Advertiser*, there was a letter from a Mr. A. G. Browning of North Glenelg. In order to explain the question, I will read the letter, as follows:

Every morning unfortunately I have to drive to work along Burbridge Road and every morning unfortunately I come across inconsiderate, selfish, unyielding, road-hogging drivers travelling in the right-hand lane. Most times there are other drivers travelling in the left-hand lane about the same speed or slower which means all traffic behind these cars cannot pass in either lane. I realise these drivers are within the law in driving in either lane on a laned highway, but I would like to see the old law of driving as near as practicable to the left-hand side of the road encouraged. This would apply to all roads as such drivers only increase the hazards of driving by causing frustration to people who are forced into lane swapping in an effort to pass.

I think all honourable members in this place have been involved in this situation daily. It certainly is a very frustrating and dangerous situation, as Mr. Browning said in his letter. I assume that the remedy for this is some alteration to the traffic regulations. I wonder whether in the interests of people's tempers and safety—it is a pity that good manners alone will not do—the Minister would consider amending the regulations to force people to drive

in the left-hand lane, except when overtaking, as they do in most other countries of the world.

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

## TOURIST BUREAU

The **Hon. C. M. HILL**: I seek leave to make an explanation prior to asking the Minister of Tourism, Recreation and Sport a question about a major report issued by the Minister.

Leave granted.

The **Hon. C. M. HILL**: I read in this morning's *Advertiser* that the Minister has issued a report which recommends a major reorganisation of tourist management in this State. The report also states that there is a lack of efficiency within the Minister's department, namely, the South Australian Tourist Bureau.

Also, the report was prepared by a firm known as Urban Planning and Research Proprietary Limited. As the Minister has obviously issued a copy of this report to the press, does he intend to lay a copy of it on the table of Parliament or, alternatively, will he provide members of Parliament with copies of it? Secondly, can he indicate the approximate cost to the Government of the preparation of this report; and, thirdly, can he indicate whether the Government proposes to adopt the recommendations of the report or how will it go about the task of either accepting or rejecting the recommendations of this report?

The **Hon. T. M. CASEY**: In reply to the first part of the honourable member's question, copies will be made available to the Leader of the Opposition in both the Lower House and this Chamber. These copies will be delivered, I hope, today. Secondly, this was a study that was financed jointly by the Commonwealth and the State. Thirdly, the Government has already put in train the administration side of the report about the Tourist Bureau and has adopted the Tattersall report, which covered more comprehensively the administration side of the Tourist Bureau. This report will be a blue print for further development of the Tourist Bureau.

## PERSONAL EXPLANATION: MEMBER'S REMARKS

The **Hon. J. E. DUNFORD**: Mr. President, I seek your advice on a matter that appears at page 468 of *Hansard* of October 26, 1977. The advice I seek is that there was a deliberate lie told by the Hon. Mr. Dawkins on that page, and I want to redress that question—

The **PRESIDENT**: In that case, you had better seek leave of the Council to make a personal explanation.

The **Hon. J. E. DUNFORD**: I seek leave, Mr. President. Leave granted.

The **Hon. J. E. DUNFORD**: During the course of the debate in my support of the Appropriation Bill, the Hon. Mr. Cameron interjected and said:

The Hon. Mr. Dunford is carrying on about some forgotten dispute on Kangaroo Island in which he obviously did the wrong thing and suffered the consequences. However, he did not have to pay much himself: the taxpayers paid it for him.

The **Hon. Mr. Dawkins** said, "He got a nice Volvo out of it." In Parliamentary debate, we always expect criticism to be levelled at both the Opposition and the Government. Sometimes there is rudeness and this is expressed in Parliamentary debate, but we do not expect deliberate lies

to be told by somebody. If he has something to say, he should say it outside the Chamber. I challenge the honourable member to say it outside, so I can take libel action.

*Members interjecting:*

**The Hon. J. E. DUNFORD:** The honourable member is a liar and a bludger.

**The PRESIDENT:** Order!

**The Hon. J. E. DUNFORD:** I have just called him a liar and a bludger; that's not bad.

**The Hon. M. B. DAWKINS:** I ask the honourable member to withdraw those words and apologise.

*Members interjecting:*

**The Hon. J. E. Dunford:** A liar and a bludger—that's what you are.

**The PRESIDENT:** Order! The Hon. Mr. Dawkins has objected to the use of the words "liar and bludger".

**The Hon. N. K. Foster:** Of course he would. He sits there and will not even retract.

**The Hon. M. B. DAWKINS:** I ask the Hon. Mr. Dunford to withdraw those words.

**The PRESIDENT:** I ask the honourable member to withdraw those words.

**The Hon. J. E. DUNFORD:** I will not withdraw, because I believe them to be true.

**The PRESIDENT:** Then I will have to be in the position of naming the honourable member if he refuses to withdraw.

**The Hon. N. K. FOSTER:** I rise on a point of order. I am reluctant to do so because of the fact—

**The PRESIDENT:** The Hon. Mr. Foster is rising on a point of order; I will hear him in silence.

**The Hon. N. K. FOSTER:** I cannot talk if you tell me to shut up as well.

**THE PRESIDENT:** I said that I would hear the honourable member. What is the point of order?

**The Hon. N. K. FOSTER:** I am reluctant to rise on this point of order, as I realise the invidious position that you, Sir, are now in.

**The PRESIDENT:** What is the honourable member's point of order?

**The Hon. N. K. FOSTER:** I refer to the Standing Order under which the Hon. Mr. Dunford was permitted to stand in this place and to quote the true and proper report of the proceedings of that day, as reported by *Hansard*, containing the passage to which he objected. Although Standing Orders are not as specific as they should be regarding this matter, I think that you, Sir, occupying the Chair, should have called on the Hon. Mr. Dawkins, even at that late stage, to dissociate himself from the statement referred to by the Hon. Mr. Dunford, and I regret that you did not do so.

*Members interjecting:*

**The PRESIDENT:** Order! The Hon. Mr. Dunford obtained leave to make a personal explanation, in which, as I understood it, he refuted the statement made by the Hon. Mr. Dawkins last week, and indicated that there was no truth whatsoever in that statement. That is as far as the matter ought to go. People can draw their own inferences—

**The Hon. J. E. Dunford:** He should apologise.

**The Hon. J. R. Cornwall:** If he was any sort of a man at all, he would.

**The PRESIDENT:** Order! I am sorry but I cannot direct the Hon. Mr. Dawkins regarding what he should do. People will be left to draw their own inferences from the personal explanation made by the Hon. Mr. Dunford. That does not give the Hon. Mr. Dunford the right in this Council deliberately to call the Hon. Mr. Dawkins a liar

and a bludger, and I call upon the Hon. Mr. Dunford to withdraw those remarks.

**The Hon. J. E. DUNFORD:** I will do so, subject to the Hon. Mr. Dawkins withdrawing the remark he made about me, when he suggested that I had done something wrong and that there had been a conspiracy, under which I had gained something, in relation to the Kangaroo Island matter. If the honourable member will withdraw that remark, I will withdraw what I said.

**The PRESIDENT:** That is up to the Hon. Mr. Dawkins. I do not know whether the Hon. Mr. Dawkins wishes to withdraw or qualify his statement. It seems to me—

**The Hon. N. K. Foster:** Mr. President, Burdett just advised him not to do it.

**The PRESIDENT:** Order! I will name the Hon. Mr. Foster if he continues to interject.

**The Hon. N. K. Foster:** O.K., do it. This is a disgrace!

**The PRESIDENT:** I did not hear what the Hon. Mr. Burdett said.

**The Hon. N. K. Foster:** He told him not to do it.

**The PRESIDENT:** I warn the Hon. Mr. Foster for the first time.

**The Hon. N. K. Foster:** Good.

**The PRESIDENT:** In the circumstances, I must call on the Hon. Mr. Dunford to withdraw those unparliamentary remarks.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. J. E. DUNFORD:** I have made it clear where I stand. This person has in the Parliament told lies about me, to which I object strongly. I have challenged him to say what he said outside this place, or in the press. In relation to those remarks, I will say here and outside that he is a liar and a bludger. However, I will withdraw those remarks provided that the Hon. Mr. Dawkins withdraws the remarks that he made about me; that is the only way in which I will do so.

**The PRESIDENT:** I do not know how far we will get with this *contretemps*. Does the Hon. Mr. Dawkins wish to say anything at this stage?

**The Hon. N. K. Foster:** He is still shaking his head.

**The PRESIDENT:** Order! In the circumstances, I shall call once more on the Hon. Mr. Dunford to withdraw those personal remarks.

**The Hon. J. E. DUNFORD:** During the course of the Kangaroo Island dispute, in which this person has suggested that I made gains, I received death threats, and people on the other side of the Chamber called me an animal. Everyone knows about the Kangaroo Island dispute, and I am proud of everything that I did in relation to that dispute. This matter has affected my family and my standing in the community. If I am wrong, and I have lied to this Parliament, I will stand up like a man and say so. However, this man has deliberately lied, and I would not be half a man if I apologised for what I said about him without his withdrawing what he said about me. He is still, as far as I am concerned, a low, lying bludger.

**The PRESIDENT:** I do not know why the honourable member did not raise his objection when the Hon. Mr. Dawkins made the remark.

**The Hon. J. E. DUNFORD:** I will tell you why. I thought he would be man enough to withdraw it.

**The PRESIDENT:** I think this is a very unfortunate position. I would invite the Hon. Mr. Dawkins to make some sort of explanation, because it seems to me, on reading *Hansard*, that there was no justification for making that remark in the context in which he made it. I think the offending words were that the Hon. Mr. Dunford got a nice Volvo out of it.

**The Hon. M. B. DAWKINS:** If it has offended him, I

will withdraw that statement. We all know that the Government paid certain costs that were really obligatory elsewhere and, in that context, one could assume that what I said last week was correct.

**The Hon. F. T. Blevins:** No, one couldn't.

**The PRESIDENT:** Order! Let the Hon. Mr. Dawkins make his statement.

**The Hon. M. B. DAWKINS:** If it offends the honourable member, I will withdraw the statement.

**The PRESIDENT:** Perhaps, in those circumstances, the Hon. Mr. Dunford may withdraw his personal reflection on the honourable member.

**The Hon. J. E. DUNFORD:** He said "if it offended" me. Of course it offended me greatly. Otherwise, I would not have called him a lying bludger. I am prepared to withdraw those words.

#### FISHING AUTHORITIES

**The Hon. A. M. WHYTE:** I seek leave to make a statement prior to asking a question of the Minister of Fisheries about the transfer of the value of lobster pots.

Leave granted.

**The Hon. A. M. WHYTE:** The Minister would be aware that lobster authorities are often transferred at a price commensurate with the number of pots involved and that some value is placed upon each allocation. In the case in question, an authority holder whose 36 ft. vessel was lost at sea and who subsequently had a 46-pot allocation has decided to replace his vessel with a 27 ft. craft. This means that his appropriate allocation would be for 37 pots. This would mean that there would be nine pots surplus, and it is the desire of this fisherman to sell these to another authority holder. The Minister would be aware that, upon transfer of licences, values are placed on the pots and goodwill, and records in the department would verify this fact. In the event of an authority holder wishing to relinquish business as a lobster fisherman, the capital he has invested in entering the industry would be lost if no monetary value can be placed on the pot allocation.

The unfortunate owner of the vessel that was lost at sea desires to recoup what his licence indicates he is able to recoup by way of lessening the number of pots he will fish and selling to another authorised licence holder. As the Minister also knows, today is the commencement of the lobster fishing season, and I ask him whether he has a reply regarding the possibilities of this gentleman's selling.

**The Hon. B. A. CHATTERTON:** I will check the details of the case that the honourable member has raised and find out the situation. There are certain provisions whereby pots can be transferred to a licence holder.

#### CLASSIFICATION OF PUBLICATIONS ACT

**The Hon. J. C. BURDETT:** I seek leave to make a brief explanation prior to directing a question to the Minister of Health, representing the Premier, about the Classification of Publications Act.

Leave granted.

**The Hon. J. C. BURDETT:** On July 19, I asked a question of the Premier concerning the Classification of Publications Act. I asked whether the Government would consider amending the Act to delete the requirement that lists of classifications be published in the daily press. On July 28, I received a reply saying that legislation would be introduced in the session to do that. Of course, that session was brought to a sudden halt. When is it intended to introduce amending legislation to remove the need for

the publication of classification lists of restricted publications in the press?

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

#### AEROSOL CANS

**The Hon. C. J. SUMNER:** I seek leave to make a short statement prior to directing a question to the Minister of Health, representing the Minister for the Environment, in respect of aerosol cans.

Leave granted.

**The Hon. C. J. SUMNER:** Much concern has been expressed lately about the effects of fluoro-carbons on the ozone layer of the earth's atmosphere. Fluoro-carbons comprise the gas used to power aerosol cans. A report in today's *Advertiser* indicates that the Food and Drug Administration of the United States Government requires that a warning be included on cans powered by fluoro-carbons saying that in using such cans there may be a danger to the atmosphere. First, is the Minister aware of this report; secondly, has his department investigated the allegation upon which the Food and Drug Administration acted; and, thirdly, does he believe that a similar action is warranted in South Australia?

**The Hon. D. H. L. BANFIELD:** I shall raise this question with my colleague.

#### LOCAL GOVERNMENT FUNDS

**The Hon. C. M. HILL:** I ask leave to direct a question to the Minister of Health, representing the Premier, in regard to State funds for local government.

Leave granted.

**The Hon. C. M. HILL:** It is reported in today's press that His Excellency the Governor yesterday opened a conference on local government and, amongst other things, the report of his comments states:

Local government had a real responsibility in the area of social welfare, the Governor (Mr. Keith Seaman) said yesterday . . . Funding for such projects must, of course, come to a significant degree from the Federal Government, but the actual supervision and refinement of welfare and similar projects should properly rest with a suitably approved local authority . . . Mr. Seaman said local government had a real responsibility in the realms of health and welfare, youth activities and senior citizens centres, domiciliary services and provision for the aged and handicapped.

When the legislation establishing the Local Government Grants Commission was passed by this Council an Opposition amendment was accepted by the Government to the effect that the State Treasury as well as the Commonwealth Government could allocate funds for this fund which, in turn, is allocated among councils in South Australia for their various activities, including activities in the social welfare area. So far, the only funding that has been made for distribution by the Local Government Grants Commission has been Commonwealth money. I am not sure of the current practice in New South Wales, because there has been a change of Government there.

**The Hon. N. K. Foster:** It has been a change for the better, especially for local government.

**The PRESIDENT:** Order! Interjections are out of order, and I ask the Hon. Mr. Hill to ignore them, please.

**The Hon. C. M. HILL:** In New South Wales, before the change of Government, that State made an allocation into the fund, which was distributed by the New South Wales Local Government Grants Commission. So, councils in

that State could obtain funds for matters referred to by the Governor, and that money would come from both Federal and State sources. In view of the fact that the machinery exists in this State, will the Minister refer this matter to the Premier to see whether the Government will consider, as a matter of policy, making annual untied contributions to this fund, so that a larger sum can be allocated by the Local Government Grants Commission for such purposes as have been referred to by His Excellency?

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

#### RAILWAY EMPLOYEES' SUPERANNUATION

**The Hon. J. C. BURDETT:** I seek leave to make a brief explanation before asking a question of the Minister of Health, representing the Premier, about railway employees' superannuation.

Leave granted.

**The Hon. J. C. BURDETT:** In 1975 and 1976 I asked several times what would be the situation as regards superannuation for railwaymen employed by the South Australian Government who had been transferred to the Commonwealth. It was well known that the South Australian superannuation scheme was better than was the Commonwealth scheme. I certainly did not receive a reply in the Council to my questions; I was merely told that the matter was being considered. What is the situation as regards superannuation for South Australian railwaymen who were previously employed by the South Australian Railways and are now employed by the Commonwealth Railways?

**The Hon. D. H. L. BANFIELD:** The Minister of Transport is at present negotiating this matter.

**The Hon. J. C. Burdett:** After more than two years!

**The Hon. D. H. L. BANFIELD:** My colleague is trying to help the railwaymen. I agree that it has been two years, but we have not had co-operation from the Fraser Government in accordance with the spirit of the agreement made with the Whitlam Government. I will seek the information for the honourable member.

#### HIGHWAY IMPACT STUDY

**The Hon. A. M. WHYTE:** In reply to a question I asked some time ago on the draft environmental impact study on the Stuart Highway, the Minister of Health said that he would seek a report. Actually, I wanted a reply. I am not sure which Minister should have answered my question; perhaps it should have been the Minister of Lands, representing the Minister of Transport. On October 26, I stated:

Some time ago I asked the Minister of Health, representing the Minister for the Environment, whether copies of the National Highways Draft Environmental Impact Study on the Stuart Highway would be made available for honourable members and for the public. We have not received any copies of that impact study, yet submissions supposedly close on October 30.

I asked for an extension of time, because those documents were not available. Following that request and following my asking the Minister to contact his colleague with a view to allowing further time for submissions to be made, I telephoned the Highways Department and found that no copies of the study are available either to the public or to honourable members. Since there is some urgency (the closing date for submissions was October 30), will the appropriate Minister ask his colleague for an extension of

time until the draft environmental impact study document can be made available to the public?

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

#### RAILWAY EMPLOYEES' SUPERANNUATION

**The Hon. R. C. DeGARIS:** Following the previous question asked of the Minister of Health, I ask the Minister: does he not now agree with the contention of the Legislative Council in July, 1975, that the railway transfer agreement should have contained fully specific superannuation entitlements, rather than going through as it did?

**The Hon. D. H. L. BANFIELD:** Under the terms of the agreement, if the Governments had wanted to work together, they could have done it. Unfortunately for Australia, there was a change of Government and the new Government did not even want to go on with the agreement at all.

#### HEARING TESTS

**The Hon. J. C. BURDETT:** Has the Minister of Health had a reply to my question about hearing tests?

**The Hon. D. H. L. BANFIELD:** Although there is no current proposal for compulsory hearing tests, this does not mean that the Government has not been active in promoting hearing conservation programmes and noise abatement activities in places of Government employment. The provisions of regulation 49 of the Industrial Safety Code made pursuant to the Industrial Safety, Health and Welfare Act, 1972-1976, have applied since September 1, 1976, to all industrial premises, as defined in those regulations, whether they are privately owned or Government premises. For several years the Occupational Health Branch of the Department of Public Health has conducted regular hearing conservation programmes for employees in workshops of the following departments and instrumentality: Engineering and Water Supply Department; Public Buildings Department; Highways Department; Marine and Harbors Department; Woods and Forests Department; Electricity Trust of South Australia. Furthermore, in 1972 a Noise Control Section, comprising engineers and technical officers who are specialists in noise control, was created in the Department of Labour and Industry to advise management of Government departments on engineering means for reducing noise levels in those departments. The Noise Control Section has been responsible for quite significant reductions in the exposure of workers to noise in many of these work-places.

#### POTATO DISEASE

**The Hon. C. M. HILL:** I ask the Minister of Agriculture: is it a fact that the potato disease gangrene or phoma has been discovered by departmental officers in seed potatoes stored in the Adelaide Hills? If so, does the Government intend to provide any aid or advice to the industry as a result of this discovery?

**The Hon. B. A. CHATTERTON:** This disease has been discovered and I am expecting a full report from officers of my department.

## PUBLIC PURPOSES LOAN BILL

Adjourned debate on second reading.

(Continued from October 27. Page 527.)

**The Hon. R. C. DeGARIS (Leader of the Opposition):** I support the second reading of the Bill. As with the Budget papers, the papers dealing with information on the Loan Estimates appear to have a political content, more so than they should. However, I must admit that the political content is not so obvious in the Loan Estimate papers as it was in the Treasurer's papers relating to the Budget. The Loan Estimates this year provide for an estimated expenditure of \$259 000 000. This is a reduction on the Estimates for last year. The estimated expenditure can be arrived at in this way: the Loan Council allocation for South Australia this financial year amounts to \$186 900 000, of which I emphasise that \$124 600 000 is by way of loan subject to repayment, and \$62 300 000 is by way of capital grants; that is a higher content of capital grants than last year. Repayments and recoveries are estimated at \$59 500 000, making a total of \$247 000 000. To that can be added the surplus that has been accumulated in the Revenue Account and Loan Account, or to the net surplus between the two, making up the total estimated expenditure of \$259 000 000, and still leaving \$6 000 000 in reserve.

The semi-government programme for this year allocated to South Australia is \$53 100 000; that is an allocation of \$29 600 000 to the Electricity Trust, \$15 500 000 to the Housing Trust, \$3 000 000 to Samcor and \$5 000 000 to local government. One must emphasise here that the increase in the semi-government programme is an increase from \$46 000 000 to \$53 000 000, an increase of about 20 per cent. While the Loan funds for the State remain somewhat static, there is quite a substantial increase in the moneys available for the semi-government programmes. It is in this area that I believe there will be more growth in the future.

In other words, in regard to borrowings, local government and semi-government institutions will in the future have a bigger role to play as almost independent entities, rather than relying on the State for their Loan funds. Although the Loan Estimates are being held at last year's level, I do not think that in any way this should inflict any hardship upon the Government. I claimed in the Budget debate that the first task of all Governments, both Federal and State, is to bring the problem of inflation in Australia under control.

Unless that problem is controlled, there can be little hope of any economic recovery in Australia, because over the past three or four years the acid eating at the inside of the Australian economy has been inflation. Unless inflation is tackled with resolution, there is no hope of any economic recovery in Australia. I believe inflation is coming under control. There has been some argument here that we are looking at only one quarter, but I think that all the indicators show that the attack on inflation is having some measure of success, and to argue otherwise is to argue against the figures available to every member. The Government of this State, as I pointed out in my Budget speech, is making an allowance in its estimates for a 15 per cent inflation rate in South Australia. If that inflation rate is at 15 per cent, the papers will be quite accurate, but I believe that the inflation rate in the next 12 months will be well below 15 per cent. If one makes an adjustment from 15 per cent (as stated in the papers) to 10 per cent, one can see that the actual estimates will be a long way out.

I agree with the point made by the Hon. Mr. Whyte in his speech during the Budget debate that with reasonable

caution in State expenditure we should be able to follow the lead of Queensland, Victoria, Western Australia, and I believe now New South Wales, and make in this financial year a significant reduction in the impact of some of the more damaging forms of capital taxation being inflicted by the State Government. Already Queensland has abolished death duties; already the Victorian Government is phasing them out in three years, and the Western Australian Government has made a similar announcement. Also the New South Wales Premier, Mr. Wran, has made statements leading us to believe that that State will be following in this way. If inflation is brought under control and is below 10 per cent within the next 12 months, the estimates for both the Budget and the Loan Estimates will probably be some \$25 000 000 out.

The Government has looked at the whole of the inflation rate for 12 months ahead with an abundance of caution and, if the inflation rate in Australia comes down, as I am certain it will, in the next 12 months, it will be possible for this Government to make the same move as has been made in the Eastern States and Western Australia to lessen the impact of death duties in this State. I emphasise that the key issue here is the control of inflation. If there is no control of inflation and if it does not fall, there is no hope of that sort of impact being made on any capital taxation in this State. Right around South Australia—and all honourable members will agree with me here—

**The Hon. N. K. Foster:** Your own people did not agree with you over the weekend at your conference; I do not see why we should.

**The Hon. R. C. DeGARIS:** I am always amazed at the Hon. Mr. Foster's interjections. They are so relevant to the point!

**The Hon. N. K. Foster:** You ought to talk.

**The PRESIDENT:** Order! I warn the honourable member.

**The Hon. R. C. DeGARIS:** I emphasise again that no reduction can be made in the area of capital taxation unless inflation is brought under control. Honourable members in this Chamber would know that right around South Australia a growing complaint is coming from people about capital taxation, by which I mean local government rating, water and sewerage rating, death and gift duties, and many forms of stamp duty, where the impact is on the ownership of something. It has nothing to do with the ability to pay but is a tax because somebody owns something. I know of many council areas where the impact of council and water and sewerage rates is reaching serious proportions. Unless inflation is brought under control, there can be no means of reducing the heavy burden in this capital taxation field.

I now make some comparisons between the Loan Estimates of this year and those of last year. I repeat that, although the Loan funds have not increased, except in the semi-government areas, there is no need for despondency by the Government about those Loan allocations. I will make a comparison between how the funds were allocated this year and last year.

The first is loans to producers, where last year the allocation was \$2 950 000 and this year it has been cut to \$1 300 000. The State Bank allocation goes up from \$2 800 000 to \$9 000 000. The allocation for fishing havens increases from \$1 200 000 to \$1 300 000. The allocation for afforestation is up from \$7 550 000 to \$8 000 000 and for waterworks and sewers the increase is from \$65 800 000 to \$69 860 000. For Government buildings, land and services, the allocation is up from \$111 400 000 to \$113 760 000. That includes the Flinders Medical Centre allocation which is reduced from \$12 640 000 to

\$9 100 000, a reduction one would expect with the work that has gone on at Flinders University. Secondly, the allocation for Royal Adelaide Hospital is reduced from \$4 270 000 to \$1 860 000, which is a reduction that can easily be accounted for. The allocation for the frozen food factory is down from \$6 000 000 to \$1 720 000. The allocation for Murray weirs, dams, locks, etc., is up from \$7 070 000 to \$8 285 000. For the Electricity Trust, the allocation is down from \$6 000 000 to nil, for Monarto it is down from \$1 400 000 to nil, and for the Land Commission it is down from \$1 900 000 to nil.

In allocating Loan funds, the Government has maintained its allocation for the areas that are important and has given reduced allocations in certain areas. That, in my opinion, adds nothing to the economic strength of South Australia. Loan funds of \$36 700 000 have been allocated to the Land Commission in South Australia in the two years 1975-76 and 1976-77. I am more than delighted to see that no public funds are allocated in these Loan Estimates to that particular public undertaking, because an allocation of nearly \$40 000 000 to the Land Commission in the last two years, where vast sums of money are tied up in land that is being developed and cannot be sold, must be costing the taxpayer a pretty penny in South Australia.

One has only to drive around the north and south of Adelaide to see some of the Land Commission's development where vast estates have been fully developed, roads and kerbs have been built, underground power has been installed, and so far there is not one house on those estates; thousands of blocks are being developed and one has only to see this to realise the way in which the Land Commission has developed this land outside any reasonable economic principle. I am delighted this year to see there is no allocation of Loan funds to the Land Commission because such allocation would add nothing to the economic strength of this State.

If honourable members have examined the Loan Estimates for the past two years, they will have seen that there have been substantial allocations for certain activities that could be said to be a waste of public funds. This means that, if those funds continue to be spent in that way, there will be a continuing drain on future resources without there being any long-term benefit to the South Australian community.

Although this year's allocations remain static, there is an absolute need for what I have said to occur if we are to make any worthwhile impact on inflation. However, it is possible for the Government to continue its worthwhile public undertakings without any difficulties.

Also, over the past two years there have been some large allocations of Loan funds to the Monarto Development Commission. I am indeed pleased to see that no more Loan funds are being allocated to it. What I have said in relation to the Land Commission applies just as much to the allocation of Loan funds for schemes such as Monarto, regarding which many millions of dollars are to be tied up probably for many years.

As honourable members know, if that type of scheme was undertaken by the private sector, those involved would be bankrupt within, say, five years. I am pleased to see that these schemes have been phased out of the Loan Estimates and that the Government is being forced to make its allocations in areas where they will have some impact on the recovery of the South Australian economy.

This year, no Loan funds have been allocated to the Electricity Trust of South Australia, although semi-Government borrowings have increased from \$46 000 000 to \$53 000 000. With E.T.S.A., there is a tax on electricity generation. The Government drags out of E.T.S.A.

millions of dollars a year that go into the public purse. I cannot see why it is not possible to finance the Loan programme from part of the trust's internal funds, instead of the Government's taking part of its resources from E.T.S.A.

We should also be able to finance E.T.S.A. capital works from State Government Insurance Commission funds. The Treasurer is keen to speak about the tens of millions of dollars that the State Government Insurance Commission has to invest in South Australia. In what better way could those funds be invested than in public works such as E.T.S.A.? There is no need for any reduction in the E.T.S.A. programme when these types of fund are available for borrowing by semi-Government authorities such as E.T.S.A.

The only other matter with which I wish to deal is that which I have raised three times previously. Does the Minister of Health know whether this matter has been taken up with the other State Governments and the Commonwealth Government? Although my contention may be wrong, nevertheless I believe this matter is so important that the States and the Commonwealth should at least be talking about it to ascertain whether there is any substance in the argument that I have advanced in the Council.

The Financial Agreement was reached in 1927. However, it seems (and this is also the view expressed in papers delivered by Bailey and Sawyer) that the Loan Council's powers will end between 1980 and 1985. What happens between 1980 and 1985 depends on the interpretation that may be placed on Part III of that agreement. The Financial Agreement, reached in 1927, could finish 53 years after the initial agreement or it might have to go an extra five years to cover the provisions of Part III.

If the contention of Bailey and Sawyer is correct, that is, that the Loan Council could lose all its powers in 1980, we will have a dramatic position regarding the whole of Federation by the end of 1980. Bailey and Sawyer have no doubt that by 1985 this position will be reached.

If there is a possibility that by 1980 the Loan Council will no longer exist and the Financial Agreement between the States and the Commonwealth is no longer valid, we will return to the position obtaining in pre-Federation days regarding fund raising and loan raising by the States and the Commonwealth. This is not a position that any State Government or the Commonwealth Government desires. It is therefore necessary for the States and the Commonwealth immediately to talk about this matter to see whether it has any validity and, if it has, to get on with the job of redrafting a new Financial Agreement between the States and the Commonwealth that can take over when the present one expires, if it does expire.

I point out that there is in the Parliamentary Library a research paper prepared by Mr. R. S. Gilbert, a research officer for the Centre for Research on Federal Financial Relations at the Australian National University in Canberra. That gentleman has not much doubt that by 1980 or 1985 a change will take place in the Financial Agreement that will need to be corrected.

Although I raised this matter about two years ago, I do not know whether the State or Commonwealth Governments have studied the position. I point out that the Loan Estimates are for 1977-78 and that within two years the position outlined by Bailey and Sawyer could eventuate. It has been agreed by Mr. Gilbert, the research officer to whom I have referred, that the change in the Financial Agreement will take place between 1980 and 1985.

I ask the Minister to take up this matter with the Treasurer and to ask him whether there have been any

discussions on the matter. If this has not happened, will the Minister implement urgent discussions with the Commonwealth and the other States on the future of the Financial Agreement and of the Loan Council? No-one would wish to see us revert to the position obtaining before 1927 when the six States and the Commonwealth had to compete on the internal and overseas loan markets.

In supporting the second reading, I repeat that there is no increase in this year's Loan allocations; they have remained static. However, there is an increase of 18 per cent in the allocations being made to semi-government authorities and, with sensible use of those funds in areas of the economy that will benefit the State, there is no reason why the Government should not be reasonably satisfied with these allocations. There have been increases in areas that have needed them and, where allocations could be cut, they have been cut without any impact on the State's economic strength.

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

### CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

Adjourned debate on second reading.  
(Continued from October 26. Page 458.)

**The Hon. C. J. SUMNER:** This is the third time a measure similar to this Bill has come before the Council. On each occasion, the Bills have been presented in identical terms, and I do not wish to delay the Council for a long time in dealing with the matter now. My opposition and that of the Government generally has been stated previously, and I refer to the debates here on April 5 this year, (page 3111 of *Hansard*) and August 16 this year (page 439 of *Hansard*).

The Government's position has been stated clearly. The Premier stated it early, when it seemed that certain child pornography may be coming into South Australia. He acted through the conference of Commonwealth and State Ministers dealing with the introduction of this material and censorship generally, and he asked that the Federal Government draw the attention of the South Australian Government to any of this material that may enter this State. He then asked the Chairman of the Classification of Publications Board to refuse to classify this material, thus making it subject to section 33 of the Police Offences Act.

Therefore, the Government has expressed its opposition to the production and distribution of this material in South Australia, and has taken action to ensure that it is not available. The problem about this Bill is that, in my opinion, it does not take the law any further than exists at present. Of course, the Hon. Mr. Burdett is fully aware that many sections of the Criminal Law Consolidation Act, as well as section 33 of the Police Offences Act, can be used to deal with the production of child pornography. I have referred to these provisions previously and I do not wish to go through them in detail again today. That the Bill does not do what it sets out to do, Mr. President, I think was recognised by you when the matter was before the Council in April and when, in giving your casting vote in the debate then (page 3359 of *Hansard*), you said:

Personally, I have some doubts and reservations about the wording of this Bill.

**The Hon. R. C. DeGaris:** Do you agree with the Premier's statement on the Bill?

**The Hon. C. J. SUMNER:** What was that?

**The Hon. R. C. DeGaris:** He made it on television.

**The Hon. C. J. SUMNER:** It depends on the statement to which the Leader refers.

**The Hon. R. C. DeGaris:** He made quite a few.

**The Hon. C. J. SUMNER:** Perhaps the Leader would indicate what statement he is referring to and give me the precise quotation the Premier made on television. Then I will tell him whether or not I agree.

**The Hon. R. C. DeGaris:** It reduces the age of consent.

**The Hon. C. J. SUMNER:** It reduces the age of consent for this offence to 14 years. Generally, the age of consent is 17 years.

**The Hon. R. C. DeGaris:** You agree with the Premier, do you?

**The Hon. C. J. SUMNER:** I have not the details of what he said.

**The Hon. R. C. DeGaris:** You know what he said as well as I do.

**The Hon. C. J. SUMNER:** If the Leader gives me the statement in full, I will tell him whether I agree with him. He has not done that so far, and I do not intend to comment further. The Bill provides that, whereas generally offences of this kind apply to children under 17 years or 16 years, in this case they apply only to children under 14 years. I have previously stated the problems about the Bill. First, it does not contain any provision that consent will not be a defence, whereas significant and important provisions in the existing law (namely, those dealing with indecent assault, performing an act of gross indecency, or inciting or procuring an act of gross indecency) provide that the consent of the young person will be no defence. This Bill does not provide anything of that kind.

Therefore, probably, if the defence could prove that the young person consented to the act, the prosecution would fail. The next problem, which I explained at page 440 of *Hansard* of last session, deals with the final placitum of the Hon. Mr. Burdett's proposed definition of an indecent act. I think it is clear that the first four placita in his definition are covered by the existing law, and the Hon. Mr. Burdett would be hard-pressed to indicate anything else. The first placitum defines an act of indecency as sexual intercourse, indecent assault, masturbation, or an act of gross indecency, all of which would be covered by existing law, as I have said. Subsection (5) (e) of new section 255a is the provision on which the Hon. Mr. Burdett must be relying as an extension of the existing law. It defines an act of indecency as the assumption or maintenance of any attitude or pose calculated to give prominence to sexual or excretory organs.

It seems to me that that situation would be covered by section 58, dealing with gross indecency. It is hard to imagine a position where assumption or maintenance of the attitude or pose as described would not be covered in that way. Accordingly, it is difficult to see that this Bill takes the law any further. The Hon. Mr. Burdett has conceded that it is not intended to cover the situation of a full frontal nude photograph taken by a father as a fun photograph of his child, or to cover photographs taken at a legitimate nudist camp, for instance. If this is so, anything else that gave prominence to sexual or excretory organs would be likely to be covered by section 58. The Hon. Mr. Burdett, in his second reading explanation on this occasion, has tried to bolster up his case by rather extraordinary statements. In that explanation, which he gave on Wednesday, October 19, he stated:

However, the present law provides no offence at all for merely photographing children in pornographic situations.

That statement in some ways begs the question because, if it is a pornographic situation in which the photograph is

taken, it is likely to be covered by section 58, dealing with gross indecency.

The Hon. Mr. Burdett then relies on a rather fanciful situation to try to justify his position. He gets to a situation of people poking their heads over the back fence and, presumably, photographing children romping around in the nude in a swimming pool. All this to claim justification for the Bill. He states:

It is conceivable that a person might surreptitiously photograph children in pornographic circumstances unknown to the children concerned and, at the present time, the photographer would commit no crime at all.

He further states:

. . . if there is any doubt in this area, it should be cleared up by passing this Bill.

Clearly, if taking the photographs involved an act of gross indecency, it would be caught by the existing law, as the photographer would be either committing the offence or aiding or abetting in the commission of it. It is odd that the honourable member has to come down finally, as a justification for his measure, on this surreptitious photographer taking photographs of children in pornographic circumstances.

It is difficult to see how this surreptitious photographer could find children in such pornographic circumstances to enable him to take a photograph. I do not know whether the honourable member believes that the intending surreptitious photographer would be using his movie camera over a back fence when the children are playing in a swimming pool without their clothes on, but it seems that the honourable member has almost reached that absurd situation as a final justification for his Bill, when his previous justification has been destroyed by Government spokesmen from this side of the Chamber who have indicated that the Bill does not take the matter any further, except in respect of penalties.

Further, the Hon. Mr. Burdett has not presented to the Council any evidence of prosecutions that have failed because of an inadequacy of the law. It has been pointed out previously that the prosecutions that have been taken in respect of indecent assault have been successful and heavy penalties have applied. Perhaps the honourable member knows of prosecutions that have not been successful. If he knows of such prosecutions he should present them to this Council because, at present, he is presenting a theoretical situation only. So far every prosecution in respect of child pornography has been successful and heavy penalties have been imposed.

Finally, I refer to the comment made by the Hon. Mr. Cameron in the previous debate on the earlier Bill in August, 1977. The honourable member quoted an interview conducted by a *This Day Tonight* reporter with the owner of a sex shop, and I refer to the *Hansard* report (August 16, 1977, page 440) of my comments on that interview, as follows:

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.

Of course, shopkeepers who have dealt with this material in the past are now aware that penalties apply, they are aware that the material is difficult to obtain and they are aware that, if they sell it, they will be breaking the law. This is a police problem, one of detection. If members opposite have any information concerning the availability of such material in Adelaide, let them come forward and present this evidence to the police so that appropriate action can be taken.

These people are aware that, if they sell this material, they will be breaking the law and subject to strict penalties. I emphasise that it is a matter of detection, and it is up to honourable members to bring such material to the attention of the police. No material has been brought to the attention of the police and, certainly, honourable members opposite have not produced such evidence in this Council. Further, there is no evidence that prosecutions have failed because of any gaps in the law. Finally, we believe that the Bill, with its defects, does not take the existing law any further and, accordingly, there is no reason for it to be supported by this Council.

**The Hon. J. C. BURDETT:** First, I reply briefly to the rather extraordinary speech of the Hon. Mr. Blevins, who stated:

The matter of penalties has been referred to. In his second reading explanation, the Hon. Mr. Burdett referred to the Government's policy speech, in which the Premier stated that the Government would examine the whole range of penalties in this area to ascertain whether any amendments were necessary. The Government is already doing this, and the Attorney-General intends to issue a statement regarding the review of penalties. I assume that this statement will be released later today.

I then interjected, and the Hon. Mr. Blevins stated:

The text of that statement will be as follows:

I do not know where or how the Minister released the statement, but it certainly was not made, according to *Hansard*, in the House of Assembly last Wednesday, and that is what I assumed the honourable member meant. I assume he was referring to a Ministerial statement. It was quoted as such and reported as such in *Hansard*. It is set in from the margin indicating that the Hon. Mr. Blevins was quoting from a Ministerial statement. My search through *Hansard* indicates that the statement was not made in the House of Assembly on Wednesday or Thursday.

Whether or not it was even made today I have no means of knowing. What the Hon. Mr. Blevins's means of information was I do not know. I do not know whether he has extra-sensory perception, whether the Minister changed his mind or whether the statement was a figment of the honourable member's imagination. However, I do consider it to be an insult to this Council to be told of a supposed Ministerial statement in this way.

**The Hon. F. T. Blevins:** Who said it was a Ministerial statement?

**The Hon. J. C. BURDETT:** The honourable member stated:

The Government is already doing this, and the Attorney-General intends to issue a statement regarding the review of penalties. I assume that this statement will be released later today.

There is no way that the Minister's statement has come to my notice. Certainly, it was not made in the House of Assembly, and, if it was, I do not know how or when it was made. If it was simply a Ministerial statement made to the Hon. Mr. Blevins, I still say it was an insult to the Attorney-General to make it in that way. If he wanted to make a statement, he should have made it in the House of



Assembly, so that we could be assured that it was properly made and properly recorded. Honourable members respect the office of a Minister of the Crown and, if a statement made by a Minister is a Ministerial statement properly made to Parliament and properly recorded, we would give it much more consideration, whether or not we agreed with it. *Hansard* correctly interpreted what the Hon. Mr. Blevins said by printing it as a quotation alleged to have been made by the Attorney-General. If it was a personal statement made to the Hon. Mr. Blevins, I point out that many personal statements are made to many honourable members.

If the Attorney-General really considers this matter important (and he said that he did so consider it) and if he really regards child pornography as repugnant, why does he not go to the small amount of trouble of making a Ministerial statement in the proper place and having it properly recorded in *Hansard*? In any event, it is obvious that the Ministerial statement, if it was made, was made simply as a matter of convenience at that time, and it was made simply to combat this Bill. Assuming that the Ministerial statement was made by the Attorney-General, I am pleased to see that the Government is slowly coming to the correct viewpoint. The Government may eventually get around to approving this Bill completely. In the first part of his alleged statement, the Attorney-General says:

As announced in the election policy the Government intends to review the penalties prescribed in the Criminal Law Consolidation Act and the Police Offences Act. There will be a sharp increase in the fines for offences relating to child pornography.

In that part of the statement, only fines are referred to—not imprisonment. The point of this Bill is that fines are not adequate for many of these offences, and imprisonment will apply in regard to the sale, distribution, and offering for sale of pornographic material as well as for the other offences. I am pleased that for the first time, as far as I am aware, we have an official reference by the Attorney-General (if official it is) to child pornography. The statement in the Labor Party's policy speech related only to pornography generally. While all pornographic material ought to be, at the very least, controlled, child pornography has become a specific offence needing specific legislative treatment. Later in his statement, the Attorney-General says:

The use of children in pornography is totally repugnant to this Government, and persons engaging in it will face considerable terms of imprisonment and very heavy fines.

It is not clear whether that is intended to relate to offences under section 33 of the Police Offences Act, nor is it clear whether the Government intends to impose any penalty of imprisonment in regard to the selling, offering for sale, or distributing of child pornography. One of the few things that members on both sides have agreed to is that, if we stop the sale, it is very likely that we will stop the whole offence. The Bill provides for a specific offence: taking, making, selling, offering for sale, and distributing photographs of children in pornographic situations. If the Government really finds such abuse of children repugnant, why on earth does it not support this Bill?

**The Hon. C. J. Sumner:** The Bill does not do anything.

**The Hon. J. C. BURDETT:** It does many things. The only penalty in the Police Offences Act is a \$200 fine or six months imprisonment, and there is no suggestion from the Government that that will be substantially increased. In all the debates on this matter there has been no suggestion as to any harm done by this Bill, which certainly strengthens the penalties and also makes a provision in regard to the taking of photographs. In his statement, the Attorney-General also refers again to a penalty of four years

imprisonment imposed on a person for indecent assault where, in addition to the indecent assault, the person took pornographic photographs of the young person involved. For a third time the Government has omitted to mention Mr. Justice Sangster's statement that, if indecent assault had not been involved and, therefore, procurement of an act of gross indecency was all that was involved, the maximum penalty would be only two years imprisonment. This Bill increases that penalty by 50 per cent to three years—a substantial increase.

Mr. Justice Sangster said that the question of penalties was one for Parliament, not for him, and this is why I have taken up this matter. The Hon. Mr. Blevins said that a further report was due from the Mitchell committee within the next couple of months, and I believe that that is the case. It was suggested that we should wait until then. In all three sessions when this Bill has been debated, the Government has sought to delay the matter. On the first occasion, the Government refused a request to debate the Bill; on the second occasion the Premier made an untrue statement outside Parliament that the Bill lowered the age of consent. We now find the astonishing reference to the Mitchell committee report, and the suggestion is made that we should wait for the final report. The terms of reference were in regard to the criminal law, the substantive law, criminal investigation and procedures, court procedures and penal methods. There is no guarantee that the final report will contain anything about matters pertaining to this Bill. In fact, some persons who sought to make submissions to the Mitchell committee on the effect of pornography were told that the committee would not consider the matter, that it had nothing to do with pornography, and that their submissions would not be received.

**The Hon. C. J. Sumner:** Who were they?

**The Hon. J. C. BURDETT:** I do not wish to name them. I can tell the honourable member. The person who sought to make submissions to the committee was told that that was not an area into which it was inquiring. It is ridiculous now to postpone consideration of the Bill. On the first occasion the Council passed the Bill on your casting vote, Mr. President. As the Hon. Mr. Sumner has pointed out, you expressed some reservations, but gave your vote so that the House of Assembly might consider the matter. There is no reason at this stage why the Council should change from its former position. At least the Bill should be passed to enable the House of Assembly to consider the matter. It has been suggested that the police can stop any sale of pornographic material which is not classified. I have spoken with the police. They say they are completely mystified by the constant changes in classifications. They do not know whether publications are classified or not.

**The Hon. F. T. Blevins:** Has the honourable member made that statement to the Minister?

**The Hon. J. C. BURDETT:** No, I have not. The Minister is quite capable of inquiring from the police himself.

**The Hon. F. T. Blevins:** Have police made that statement to the Minister?

**The Hon. J. C. BURDETT:** Not so far as I am aware.

**The Hon. F. T. Blevins:** Why not?

**The Hon. J. C. BURDETT:** I do not know if it has been made or not, but it is relevant for me to say that I have spoken to the police. I have been told that they are mystified.

**The Hon. F. T. Blevins:** Who is "the police"? Men on point duty, or the Commissioner?

**The Hon. J. C. BURDETT:** I have spoken to members of the South Australian Police Force. I do not intend to name them. They say that, so far as they are concerned, it

is pointless to try to enforce the Classification of Publications Act because they do not know whether particular publications have been classified or not.

**The Hon. C. J. Sumner:** Don't the publications have a stamp on them when they are sold?

**The Hon. J. C. BURDETT:** Yes, but is the stamp properly imposed? The honourable member has raised a very good point. The stamp is placed on the publications by the booksellers, if they receive the authority from the Classification of Publications Board. They have to state the authority. It is not easy for the police to establish whether a publication is authorised or not. In my second reading explanation, I referred to other Parliaments taking action to put in specific pieces of legislation, prohibitions and controls over child pornography. In 1953, when the Police Offences Act came in, the offence did not exist. There was practically no child pornography. There certainly is now. It is a growing evil. Other Parliaments have found the need to pass specific legislation to deal with this; the latest to do this was the United States Senate, where a Bill relating specifically to child pornography was introduced.

The Government has done everything possible to delay this Bill. Two sessions ago it was suggested that the Government should do nothing, that the Bill should be defeated. Arguments were raised against the Bill. That was as far as we went. On the second occasion, the Premier untruthfully said that the Bill reduced the age of consent. Now we are told that, because the Mitchell committee is bringing in its report, we should wait and see what it will do. The Government will probably do something else. I draw the conclusion that the Government intends to do nothing, and that it does not care about this matter.

Referring to the Hon. Mr. Sumner's speech, the position is that, in the case of the present law, the mere photographing of a child in pornographic situations is not an offence; if it is it is at least in doubt. Why not put it beyond that? There is value in specific legislation. There is no question of age of consent in this Bill. There is an absolute offence committed if photographs are taken, if they are sold, if they are offered or distributed for sale. The Government has been guilty of extraordinarily twisting facts. Let us get on with this Bill and let the House of Assembly consider it and vote on it.

The Council divided on the second reading:

**Ayes (9)**—The Hons. J. C. Burdett (teller), J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

**Noes (9)**—The Hons. D. H. L. Banfield, F. T. Blevins, T. M. Casey, B. A. Chatterton (teller), J. R. Cornwall, C. W. Creedon, N. K. Foster, Anne Levy, and C. J. Sumner.

**Pair—Aye**—The Hon. M. B. Cameron. **No**—The Hon. J. E. Dunford.

**The PRESIDENT:** There are 9 Ayes and 9 Noes. So that the Bill may be considered by the Committee, I give my casting vote to the Ayes.

Second reading thus carried.

Bill taken through Committee without amendment. Committee's report adopted.

#### ADJOURNMENT

At 4.3 p.m. the Council adjourned until Wednesday, November 2, at 2.15 p.m.