LEGISLATIVE COUNCIL

Tuesday 29 November 1983

The PRESIDENT (Hon. A.M. Whyte) took the Chair at 2.15 p.m. and read prayers.

ASSENT TO BILLS

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

Historic Shipwrecks Act Amendment,
Land Tax Act Amendment,
Licensing Act Amendment (No. 2),
Lottery and Gaming Act Amendment,
Statutes Repeal (Health),
Tertiary Education Authority Act Amendment.

DARLINGTON TO WATTLE PARK WATER SUPPLY

The PRESIDENT laid on the table the following report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Darlington to Wattle Park Water Supply Reorganisation.

PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. C.J. Sumner):
Pursuant to Statute—
Acts Republication Act, 1967—Schedule of Alterations made by the Commissioner of Statute Revision to the Workers Compensation Act, 1971.
History Trust of South Australia—Report, 1981-82.
Local and District Criminal Courts Act, 1926—Local Court Rules.
Pay-roll Tax Act, 1971—Regulations—Exemption and Refund Scheme.
Planning Act, 1982—Planning Appeal Tribunal Rules—Costs.
Superannuation Act, 1974—Regulations—Elections, Higher Duties and Investment Trust.

By the Minister of Consumer Affairs (Hon. C.J. Sumner):
Pursuant to Statute—
Trade Standards Act, 1979—Solid Chlorine Compounds.

By the Minister of Health (Hon. J.R. Cornwall):
Pursuant to Statute—
Fees Regulation Act, 1972—Local Government Officers Certificate Fee.
Food and Drugs Act, 1908—Regulations—
Coffee Standards.
Soft Drink Standards and Food Contamination.
Thickened Cream.
Health Act, 1935—Regulations—Construction of Swimming Pools.
Hospitals Act, 1934—Regulations—Long Stay Patient Fees.
Local Government Act, 1934—Indenture between the Corporation of the City of Adelaide and William Sparr in respect of the Weir Restaurant.
Commissioners of Charitable Funds—Report, 1982-83.
South Australian Health Commission Act, 1975—Regulations—
Long Stay Patient Fees.
Nursing Home Long Stay Patient Fees.
South Australian Psychological Board—Report, 1982-83.
City of Adelaide—By-law No. 10—Street Traders.
City of Glenelg—By-law No. 1—Bathing and controlling the Foreshore.
Town of Thebarton—By-law No. 46—Lodging Houses.
District Council of Kimba—By-law No. 26—Amendments to By-laws.
District Council of Victor Harbor—By-law No. 34—Keeping of Dogs.

By the Minister of Agriculture (Hon. Frank Blevins):
By Command—
South Australian Egg Board—Report, 1982-83.
Pursuant to Statute—
Harbors Act, 1936—Regulations—
Port MacDonnell Boat Haven Fees.
Robe Boat Haven Fees.
North Arm Fishing Haven Fees.
Marine Act, 1936—Regulations—Survey and Equipment of Fishing Vessels Fees.
Vertebrate Pests Control Authority—Report, 1981-82.

MINISTERIAL STATEMENT: SECURITY OF WATER SUPPLY SYSTEMS

The Hon. FRANK BLEVINS (Minister of Agriculture): I seek leave to make a statement.

Leave granted.

The Hon. FRANK BLEVINS: Following the Ash Wednesday bushfires on 16 February 1983 it was decided that the Engineering and Water Supply Department should compile an internal departmental report into the security of water supply systems in the event of a major bushfire in South Australia. This report, entitled 'Report On the Investigation into the Review of the Security of Water Supply Systems in the Event of a Major Bushfire', has now been completed and I wish to make its findings known to the members of this Council. However, before I do so, I would like to acquaint honourable members with some of the background, circumstances and reasons that have led to these conclusions.

1. *Responsibilities of the Engineering and Water Supply Department Under the Waterworks Act.*

The Department, as a water supply authority, is required by the Waterworks Act, 1932-1975, to provide a water supply for normal domestic, industrial, commercial and stock consumption. In the event that it would be impossible to maintain a water supply under all circumstances, the Act states in section 31 (1):

> The Minister shall, in each water district, unless prevented by unusual drought or other unavoidable cause or accident, distribute to all persons entitled thereto under this Act, a constant supply of water in the manner prescribed under this Act.

Therefore, under the provision of the Act, the Department is only obliged to supply water for normal (I repeat, 'normal'), requirements where it be used for consumption or fire fighting. It is the opinion of the Department's legal officer that the demand placed on a water system during a bushfire of the intensity and magnitude of that experienced on Ash Wednesday last February could not be considered normal and, consequently, the Department's legal responsibilities were fully met.

2. *Major Fire Risk Areas.*

Historically, the majority of bushfires have occurred in the southern half of the State and to some extent in the Eyre region. Among these, the most serious bushfires have been experienced in the Adelaide Hills and the south-east regions of South Australia. The report examined pumping stations in 100 locations throughout the State and applied fire risk ratings to each one of them ranging from low to medium to high. There are considered to be 21 pumping stations in high fire-risk areas, 12 in medium risk areas and 67 in the low risk category. Among the 21 pumping stations in high fire-risk areas, Beachport and Robe already have fixed emergency power generators, Millbrook and Clarendon are too large to provide emergency power, and Lucindale and Penola can be adequately serviced by mobile emergency power.

During the bushfires on 16 February 1983, although a number of water supplies were affected due to electricity blackouts, only four of them experienced total power failures.

This fact highlights, not an inadequacy in water supplies, but a major reliance on continued electric power supplies in the event of bushfires. It must be said that ETSA's operational policies are aimed at minimising power outages during bushfires. However, it must also be understood that some outages, such as flashovers due to ionisation, inevitably occur due to the effects of bushfires. The report's main finding was that each of the water supply systems which failed did provide a normal standard of supply in respect of security; namely, more than four hours supply at the average flow on the day of peak demand following a failure of power. Therefore, the failures at Mount Osmond, Houghton, Tarpeena and Kalangadoo could only be attributed to the exceptional circumstances of excessive water demands and prolonged power failures.

3. *Options Available to Improve Water Supply Security.*

The report concluded that security of water supplies depends on:

(a) The capacity of mains;

(b) The volume of storage in tanks; and

(c) The continuity of pumping.

Of these options, only the pumping component lends itself to an improvement in increasing security of water supplies on an economic basis. However, this cost is still a major consideration in pursuing this option.

To provide fixed emergency power generators at the six pumping stations affected by recent bushfires and at four other stations of high priority, plus five mobile units to cover the other 17 stations in high and medium risk areas, would require capital costs of about $1 270 000 and $285 000 in on-going annual costs.

A full coverage of fixed emergency power at the 15 pumping stations in high fire-risk areas and the provision of six mobile emergency power units to cover two pumping stations in high fire-risk areas (Lucindale and Penola) and nine pumping stations in medium risk areas would cost about $2 250 000, with on-going annual costs of $470 000.

It has been assessed in the report that only a very small number of homes may have been saved on 16 February 1983, mostly during mopping up after the passage of the fire front, if water supplies had been maintained. The expenditure mentioned would make supply more secure, but would not guarantee supply in conditions of extreme water usage, and the issue must be addressed under these extreme and exceptional conditions.

The spending of these vast amounts of moneys is, therefore, not justified on a cost-effective basis. This is clearly supported by a statement made by the Director of the Country Fire Services, who said:

> The provision of emergency power units to secure water supplies as suggested in this report would be of little or no help during or after a major bushfire, and certainly this system would not be a cost-effective fire protection strategy for which the community should be asked to pay. Funds of this order could achieve far greater protection and provide real benefit to the community if expended in other ways, such as:
> - Fire-fighting equipment;
> - Aggressive advertising campaigns to sell the principles of bushfire safety and survival to the community; and
> - Scientific designation of the State into relative fire hazard zones.

For all these reasons, which have been carefully examined and rationalised, the Government cannot justify this expenditure to provide emergency power at water supply pumping stations to marginally improve the security of existing supplies during major bushfires.

4. *Alternative Actions being taken by the Department.*

Nevertheless, the Minister of Water Resources states that adequate measures are in hand. These include:

(a) A review of the landscaping of pumping station sites to provide fire protection to each station, while meeting environmental requirements and promoting low-cost maintenance;

(b) A review of the possibility of providing fire plugs on major pipelines in areas of fire risk for C.F.S. and local government fire-fighting purposes; and

(c) A review and update of standing procedures for operations personnel during the bushfire season, including standing authorities for requesting community announcements to be made by the media to maximise the effectiveness of currently available water supplies.

5. *Major Measures to Combat Bushfires.*

As previously mentioned, the spending of vast amounts of money to increase security of water supplies is not justified on a cost-effective basis. However, funds can be and are being spent to maximise fire protection, fire-fighting and public awareness of bushfires in this State. This year, the C.F.S. has a total budget of $3.7 million, which is a 31 per cent increase over 1982-83. The funds include State Government subsidies for the purchase of fire-fighting equipment by local government councils.

In 1983-84 the Department of Agriculture has allocated $35 000 to the C.F.S. for fire research and $82 000 for the training of personnel. This year the Department of Agriculture has also allocated $86 000 for a public awareness campaign on the hazards of bushfires. The allocation is almost double that of the previous year. In addition, the C.F.S., the Public Service Board and a private consultancy firm are carrying out a study into the standards of fire cover for the State. The aim of the study is to identify the highest fire-risk zones and determine equipment needs accordingly. This study is expected to be completed in about three months. I seek leave to table the report to which I referred in my Ministerial statement.

Leave granted.

QUESTIONS

BUSHFIRES

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Minister of Agriculture a question about bushfires.

Leave granted.

The Hon. M.B. CAMERON: I suppose it is not usual to respond immediately to a statement made by a Minister in this Council by asking a question. Nevertheless, because of the circumstances relating to that statement, I believe it is necessary that I do so. I can only express some disappointment and anger at what was contained in the statement, from which I wish to quote.

The PRESIDENT: Provided the quote relates to the question.

The Hon. M.B. CAMERON: It does relate to the question. On page 5 of his statement the Minister said:

> The spending of these vast amounts of moneys are, therefore, not justified on a cost-effective basis.

Later in his statement the Minister said the following in relation to alternative actions being taken by the department:

> *(a)* a review of the landscaping of pumping-station sites to provide fire protection to each station, while meeting environmental requirements and promoting low-cost maintenance;
>
> *(b)* a review of the possibility of providing fire plugs on major pipelines in areas of fire risk for C.F.S. and local government fire-fighting purposes; and
>
> *(c)* a review and update of standing procedures for operations personnel during the bushfire season, including standing authorities for requesting community announcements to be made by the media to maximise the effectiveness of currently available water supplies.

Therefore, my questions to the Minister are as follows:

1. What on earth is the use of having landscaping around pumping stations when the pumps have ceased to work?

2. What is the purpose of fire plugs being put in major pipelines when the pumps have ceased to work because the power has failed?

3. What is the purpose of a review and update of standing procedures, including community announcements to be made by the media to maximise the effectiveness of currently available water supplies, when pumps have ceased to work?

4. Will the Minister take this report back and ask for it to be reviewed so that some purposeful action comes from the Government in relation to water supplies, particularly in the forest towns of the South-East, which have a particular problem during the fire season and which face an enormous problem in the present fire season, one far worse than last year, because of the enormous growth of grass that has occurred around those townships?

The Hon. FRANK BLEVINS: My specific response to the four questions asked by the Hon. Mr Cameron is that I will take those questions to the Minister of Water Resources and bring back a reply, because the questions should properly have been addressed to that Minister. I also request that people read the report and the Ministerial statement and, after carefully assessing both, if they have any comment (and I am sure that there will be) then the proper time to make it is after that considered assessment of the report and the Ministerial statement. I point out that one organisation has studied the report. I will quote from the Ministerial statement at page 5. The Hon. Mr Cameron quoted the following portion in the explanation of his question:

> The spending of these vast amounts of moneys are, therefore, not justified on a cost-effective basis.

I quote, also, what followed in the Ministerial statement, as follows:

> This is clearly supported by a statement made by the Director of the Country Fire Services, who said:
>
> > The provision of emergency power units to secure water supplies as suggested in this report would be of little or no help during or after a major bushfire and certainly this system would not be a cost-effective fire protection strategy for which the community should be asked to pay. Funds of this order could achieve far greater protection and provide real benefit to the community if expended in other ways, such as: . . .

The Director then went on to list some of the matters that the Hon. Mr Cameron has queried with the Minister of Water Resources.

I hope that people will read the report and the Ministerial statement carefully. Certainly, the specific questions asked by the Hon. Mr Cameron will be referred to the Minister of Water Resources, and I will bring back a reply.

BARMES REPORT

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Health a question about the Barmes Report.

Leave granted.

The Hon. J.C. BURDETT: On 16 August I asked the Minister to make available the statistical data used by Dr Barmes in the preparation of his report into the School Dental Service in South Australia. That question was followed up by a question on 23 September, in reply to which the Minister stated that he would consider seeking this information from Dr Barmes. On 8 November, after still not having received any information, I asked a subsequent question in which I sought a variety of data, including the standard deviation of all the averages or means in the subsection 3 'oral disease data'.

In reply, the Minister stated that his officers had written to Dr Barmes and sought the information requested and that, when it was relayed to him, he would make it available. On 15 November I asked the Minister whether he had a reply on the dental service in this regard, and in his reply the Minister stated:

> The South Australian Dental Service wrote to Dr Barmes on 13 October 1983 with a request on my behalf to provide the standard deviations sought by the honourable member. As I advised the honourable member on 8 November, as soon as I have received that information from Dr Barmes, I shall forward it to him.

I emphasise that that answer was given on 15 November. Subsequently, I have seen a letter from the Chief Executive Officer of the South Australian Dental Service, Dr Dale Gerke, also dated 15 November, and in the reply the Chief Executive Officer stated:

> Dr Barmes' letter in response, with the information regarding standard deviations, was received in Adelaide on 9 November.

The reply to me was on 15 November. He went on to say:

> All of the information provided by Dr Barmes has been forwarded through the Health Commission to the Minister of Health and should, in due course, be presented to Parliament where the question arose.

Can the Minister explain why, when the information was received in Adelaide on 9 November and subsequently forwarded to him prior to 15 November, in his answer to me on 15 November he did not inform the Council that the information had already been received, and can the Minister now make that information available to me or at least give me an assurance that the information will be provided to the Council, where it was requested, before the Council rises for the Christmas break next week?

The Hon. J.R. CORNWALL: This appears to be another chapter in the on-going saga of the Clayton's complaint—a complaint about the School Dental Service when you really do not have a complaint at all. That information arrived about a week ago and, on recollection, it has been across my desk. I asked that it be retyped and tabulated in a form that would be suitable for tabling in the House. That is the simple answer to the great complaint from the Hon. Mr Burdett.

Certainly, I will be delighted to table the information or to seek leave to have it inserted in *Hansard* as soon as it is available to me personally. That will most certainly be before the House rises for the Christmas recess. There was not and never has been any dark or sinister conspiracy to withhold the information. The fact is that there is an alleged discrepancy of some five or six days which can easily be accounted for. As the honourable member, having been a Minister for a brief period, would well know, these matters take a little while.

Pushing papers between departments, divisions and the Minister's office certainly takes days and sometimes, despite the very best efforts of everyone concerned, can take weeks. However, there is certainly no sinister or devious plot to hide the information from the Parliament. I will be delighted to bring down the information as soon as I have it, and I give an absolute assurance that that will be before the end of next week.

CASINO INQUIRY

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question about the casino inquiry.

Leave granted.

The Hon. K.T. GRIFFIN: Last week there appeared in Adelaide newspapers reports of the proceedings before the casino inquiry. One of the reports indicated that the Super-

intendent of Licensed Premises believed that the Casino Act was defective in that it did not provide for adequate controls to be placed on an operator and that the Casino Supervisory Authority itself imposes detailed conditions relating to the granting of a licence in order to provide that control. Another report indicated that the Lotteries Commission submitted that the inquiry should be concerned with the casino site only and not with the operator, because the Lotteries Commission is the holder of the licence under the Act and it has the right to appoint the operator.

In view of the newspaper reports that I have mentioned, my questions are as follows:

1. Does the Attorney-General agree that the Casino Act is defective in that it does not allow for adequate controls on the operator of a casino as to the conduct of the casino? If he does agree, what action does the Government propose to take to remedy those defects?

2. Has the Lotteries Commission been given a direction by the Minister responsible or the Government to submit that the Authority should inquire into the casino site only and not into the credentials of the proposed operators and their capacity to conduct a casino, and that the inquiry should not nominate the operator?

3. If that direction has not been given, does the Government support the view that the Lotteries Commission has submitted to the inquiry?

The Hon. C.J. SUMNER: The Superintendent of Licensed Premises has certain responsibilities under the legislation that appoints him. In the exercise of those responsibilities, the Superintendent has a permanent presence before the casino inquiry and, I understand, is assisting the inquiry in its deliberations by providing a considerable amount of information. I have not studied the Superintendent's submission, so I am not in a position to provide an answer to the honourable member's question in relation to the Superintendent of Licensed Premises. However, I will examine the submission and the statement that is alleged to have been made.

In relation to the Lotteries Commission, I understand (although I am not the responsible Minister) that no direction is given by the Minister. Indeed, I am not sure whether the Minister has the authority to give a direction to the Lotteries Commission, in any event. The Lotteries Commission is an independent statutory authority, and I believe that it would act in accordance with its charter, as laid down by the Act, in making a submission to the inquiry on what it saw as the situation. I do not believe that there was any Ministerial direction but, as I am not the Minister responsible, I cannot answer with certainty. As I have said, I do not believe that the Minister responsible is in a position to give a direction, in any event. However, I will have inquiries made about that matter, also.

The Hon. K.T. GRIFFIN: The Attorney has not answered my third question: if the Minister responsible did not give a direction, does the Government support the view submitted to the inquiry by the Lotteries Commission?

The Hon. C.J. SUMNER: Obviously, I am not in a position to answer that question in view of what I have just said. I will have some inquiries made with a view to providing further information.

PINE PLANTATIONS

The Hon. B.A. CHATTERTON: Does the Attorney-General have a reply to the question that I asked on 9 November about pine plantations?

The Hon. C.J. SUMNER: Officers from the Corporate Affairs Commission have had preliminary inquiries made about this matter and have ascertained that Pinelands Pty Ltd is presently marketing a pine tree investment scheme which may involve the offering to the public of 'prescribed interests' contrary to Division 6 of Part IV of the Companies (South Australia) Code. Pinelands Pty Ltd has entered into an agreement with Green Triangle Tree Farmers Pty Ltd for maintenance of the pine plantation. An investigation is proceeding and further information will be provided.

SAMCOR

The Hon. H.P.K. DUNN: I seek leave to make a brief explanation before asking the Minister of Agriculture a question about the closure of Samcor operations at Port Lincoln.

Leave granted.

The Hon. H.P.K. DUNN: Last week the Manager of Samcor operations in Port Lincoln, Mr Hubbard, announced that the Samcor meatworks at Port Lincoln would close from 12 December until 6 February. The local newspaper stated:

> Port Lincoln's Samcor meatworks will cease operations on 15 December and there is no guarantee the works will re-open on the projected starting date of 6 February. The decision to close the works was announced to a hushed meeting of about 100 employees on Wednesday morning.

The report continued:

> The closure decision will also bring about a halt to livestock sales in Port Lincoln after 12 December. Livestock markets will not resume until the meatworks begin operations again. Mr Hubbard said he had discussed the decision to cease operations with the Board of Samcor. The Minister of Agriculture, Mr Blevins, was also fully aware of the situation. Mr Hubbard said it was his decision to call a stop to operations.
>
> He said the longer the works kept operating with a limited local kill, the longer it would lose money, and the worse the situation would become.

Why must a local kill to supply Port Lincoln alone cause a loss of the magnitude indicated by Mr Hubbard? The article also states:

> Housewives in Port Lincoln will soon be paying higher prices for meat at their butcher shops.

It is reasonable to presume that, if meat is not killed in the area, it will have to come from further afield, such as Port Pirie or Adelaide. However, Mr Boridge of Port Lincoln is quoted in the article, as follows:

> We were assured then that if we bought at the local market and used the abattoir, it would always be there.

That statement was made in the 1960s. To compound the issue, the article also states:

> 'If we buy stock locally, we have to pay freight to Pirie, kill it, and pay freight back which will be extra cost to customers. If we take meat from Adelaide, we take what we get which would very likely be second grade meat,' he said.

How are the butchers in Port Lincoln expected to be supplied with fresh red meat? Has Samcor tried to implement other means to supply meat to local butchers during the busy Christmas and tourist periods?

The Hon. FRANK BLEVINS: I thank the honourable member for his question. I am sure that all members appreciate Samcor's predicament: it is trying to keep open the Port Lincoln works in the face of very seriously declining stock numbers to enable the meatworks operation to continue, if not profitably, with the least amount of loss. I point out that Samcor is a statutory authority which was given a particular brief in 1981 to operate as near commercially as practicable. Since that time Samcor has done a remarkable job.

I am not churlish: I congratulate the previous Government and the previous Minister on the steps that they took to bring Samcor operations back into some kind of financial order. Since that time the Gepps Cross works has prospered

reasonably well. Of course, there is always room for improvement, and the improvements that have occurred at Gepps Cross have been a credit to all concerned.

The position at Port Lincoln is not so favourable. The employees and management have tried to do their best to see that the works continue to operate, and they have had a great deal of success as well. However, there are some inherent problems in the Port Lincoln abattoir which we will never really overcome. We are attempting to manage a facility which has some very real and inherent problems and with which, frankly, I do not know how we can cope.

One method devised by management to minimise the loss on this occasion has been the decision to close the works for about seven weeks. Certainly, I can assure everyone in Port Lincoln, as I have already done, that the works will reopen. True, it may not reopen on 6 February, which is the target date, but it will reopen as soon as sufficient stock is available. This is not a surreptitious means of closing down the works, because my understanding from Samcor is that it is only regulating what has happened, in effect, anyway. The fact is that very little stock goes through the works at that time of year. According to Peter Hubbard, the Manager at Port Lincoln, the works were losing about $30 000 to $40 000 per week. That is the expected weekly loss during that period: $30 000 to $40 000 a week.

It is a courageous and obviously a difficult decision for management to make in closing down the works. I believe that it is the correct one and is a decision which, in the long term, will be in the interest of the Port Lincoln works remaining open. While we will not save the full $30 000 or $40 000, there will certainly be a considerable saving in having the works virtually closed down completely.

Both the Samcor management and I appreciate that this will cause difficulties in some areas. However, these difficulties can be overstated and, whilst I am not critical of the butchers who support the Samcor works, some preliminary costings have been provided by Samcor which I would be happy to make available to the Council. These costings show that the degree of extra expense to butchers will not be as high as many people imagine. Obviously, the stock can be killed at other meat works, which are licensed for local killing only, which means that there will be a considerable saving in meat inspection charges, and so on.

An interesting part of the article in the *Port Lincoln Times* to which the Hon. Mr Dunn referred was the comment made by supermarkets. The comment attributed to the Coles chain was that it would not affect that company at all because it had three semi-trailers coming from Adelaide each week, anyway, and the change would not make any difference. Whilst there was no comment from the manager of Woolworths in that report, I have been subsequently advised that Woolworths does not use the abattoir, anyway, and does not get its meat there. I do not know whether or not that is correct but, if it is the case, and Port Lincoln consumers are buying their meat through supermarkets that do not use the abattoir, that is part of the problem. I do not know how to get around that. The Hon. Mr Dunn quoted from the Port Lincoln report to the effect that a guarantee was given about 20 years ago that the abattoir would always be retained if they used it.

I was not around the place 20 years ago and I do not quite know what that guarantee means. But, the fact is that, if we are to say that everyone who buys meat in Port Lincoln must buy meat killed through the Port Lincoln abattoir, that is a debate that I am not interested in entering into, and I do not think that the Hon. Mr Dunn would be interested in doing so, either. If the honourable member is suggesting that we should keep the works open with a possible $30 000 or $40 000 loss of taxpayers' money each week for those butchers who prefer to use those works, again, it is a horrendous loss to the taxpayer for the benefit of a small number of people.

I appreciate that it is a severe problem, and I am not sure that it is not an insoluble problem. The Samcor management is concerned about the Port Lincoln works and is doing everything that it can along with the Government to ensure that the works stays open on a longer term basis if it is at all possible.

I believe that about a seven-week close-down will assist (I cannot say that it will guarantee it) in ensuring that the works stays open in the longer term. Really, we have to get the works operating on the basis of what the market requires. If at times the market does not require the works to be open to any degree and it is costing the taxpayers $30 000 to $40 000 a week to keep it open, I am afraid that we are moving into the world of fantasy, which is not in the long-term interest of the Port Lincoln abattoir.

GOVERNMENT CHARGES TO INDEPENDENT SCHOOLS

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Leader of the Government in this Council, representing the Treasurer, a question about Government charges to independent schools.

Leave granted.

The Hon. L.H. DAVIS: This year the State Government has increased the operating costs of many independent schools in South Australia by removing concessions which have previously been available for the price of water. As from 1 July 1983 water used by independent schools will be charged for at the normal price and not at 75 per cent of the normal price, as in the past. Certainly, this charge also applies in Government schools, but this is effectively only a book entry which has no direct impact on the cost of education to parents with children at those State schools.

I have contacted a number of independent and Catholic schools, and the impact of the withdrawal of this concession on water has been dramatic. College A had a budget of $28 500 for water in calendar year 1983, and has budgeted for $45 000 in calendar year 1984, an increase of $16 500, or a massive 58 per cent, and that is without any increase in water usage. College B had a budget of $37 000 for water in the calendar year 1983 and has budgeted for $52 000 in 1984, an increase of 41 per cent. College C, a much smaller college, had an increase in water charges in the 1983 budget figure of $4 200 to the 1984 budget estimate of $7 700, an increase of 67 per cent. College D had an increase of 43 per cent in water charges.

Furthermore, the Treasurer (Hon. J.C. Bannon) has decided that interest rates on loans made pursuant to the Student Hostels (Advances) Act, 1961, are to be adjusted upwards from the present rate of 5.5 per cent by 2 per cent per annum until they reach the maximum amount charged by the State Bank for housing loans (presently 12.5 per cent).

This has been a valuable scheme which has provided long-term low-interest loans to assist independent schools with boarders. My preliminary examination suggests that by removing this subsidy South Australia is now possibly the only State in Australia that does not provide some assistance with accommodation of this nature. Honourable members would perhaps be aware that all the independent and Catholic schools in South Australia operating boarding houses incur a loss on that operation. They do so presumably because they—

The PRESIDENT: Is the honourable member quoting from anything?

The Hon. L.H. DAVIS: I am not quoting from anything.

The PRESIDENT: Please keep the explanation to the point.

The Hon. L.H. DAVIS: These boarding houses operate at a loss because it gives people in outlying areas a chance to send their children to boarding schools if that is their choice. The rising cost of operating boarding schools has resulted in Rostrevor College taking the decision to close its boarding house.

The removal of this independent school subsidy will impose a further burden on independent and Catholic schools that are operating boarding houses. The State Government appears to be following the Federal Government in discriminating against independent schools. Increased water rates and withdrawal of independent school subsidies will obviously increase fees in the 1984 year; it will not penalise the wealthy parents, but the many parents who battle to exercise their freedom of choice. Indeed, one prominent college—

The Hon. ANNE LEVY: I raise a point of order, Mr President. I believe that the questioner is commenting and giving opinions rather than explaining the question.

The PRESIDENT: I think that the honourable member's explanation is somewhat answering his own question. I ask him to conclude his explanation as quickly as possible and come to the point.

The Hon. L.H. DAVIS: One prominent college recently surveyed parents and discovered that with over 60 per cent of children both parents were working. Will the Government review these two discriminatory decisions, given the adverse impact that they will have on operating costs and therefore on fees in independent schools?

The Hon. C.J. SUMNER: I dispute that any discriminatory action has been taken by the Government, but I will have the matters raised by the honourable member referred to the Treasurer and bring back a reply.

EDUCATION DEPARTMENT REORGANISATION

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Agriculture, representing the Minister of Education, a question about Education Department reorganisation.

Leave granted.

The Hon. ANNE LEVY: It was announced some time ago that the structure and organisation of the Education Department was being altered so that it would come under a more corporate structure, although I realise that a number of details relating to this new departmental structure have not yet been finalised. Under the old system, the top policy making body within the Department was the Executive Policy Committee, and the Equal Opportunity Officer was a member of this senior committee. She was the only woman on that committee, and I am sure that everyone would agree that she contributed fully to its work and brought a most useful and responsible approach to its deliberations.

I understand that the proposed new system will have a corporate team at is apex and that membership of this corporate team has not yet been finalised. Will the Minister ensure that the Equal Opportunity Officer is a part of this senior corporate team so that her voice can continue to be heard at the highest levels in the Department of Education, as I am sure that there would be major repercussions from many women's groups in the education community if the sole woman's voice at this senior level were removed?

The Hon. FRANK BLEVINS: I will direct that question to my colleague in another place and bring back a reply.

SOLAR HEATING

The Hon. K.L. MILNE: Has the Minister of Agriculture a reply to my question of 16 November 1983 on solar heating?

The Hon. FRANK BLEVINS: In response to the honourable member's question the Minister of Mines and Energy has advised me as follows:

There are no extra charges applied to consumers who install solar water heaters with electric boosting. Domestic consumers may choose two tariffs for electricity used for such booster supplies: the normal domestic tariff 'M' or the supplementary off-peak water heating tariff 'K'. Tariff 'K' rates are about half those that would usually apply under tariff 'M'. However, tariff 'K' is available only during restricted off-peak hours and requires a separate meter and time switch to be installed for this purpose. To ensure that the fixed costs involved in providing this equipment are recovered at all levels of consumption, the tariff incorporates a minimum charge (not an extra charge) which is absorbed as consumption increases. Tariff 'K' was introduced especially to encourage the installation of solar water heaters. Prior to the introduction of the tariff there was no off-peak tariff available for solar heating booster supplies.

DINGOES

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Agriculture a question about the keeping of dingoes in the domestic environment.

Leave granted.

The Hon. DIANA LAIDLAW: Channel 10 ran a news story last week about a dingo called Panama Max—a pet raised by its owner, Kevin Hillary, since its birth three years ago. The dog lives in a domesticated environment in Campbelltown. I understand that the Minister has just written to the owner, refusing him exemption to keep the dog under the Vertebrate Pests Act. Will the Minister advise why he has sentenced to death this dingo that is living in a metropolitan suburban home? What danger is it to sheep? (This, I understand, was the reason given by the Minister in his letter to the owner.)

The Hon. FRANK BLEVINS: That is a quite extraordinary explanation to a question as to why I 'sentenced this dingo to death'. My suspicion is that the person who brought this dingo into a restricted area knew full well the restrictions which applied to dingoes in this State. If we want to talk in terms of sentencing animals to death—and I certainly did not choose to—I would have thought that if anyone sentenced that animal to death it was the owner who, knowing what the law was, deliberately brought the animal into a restricted area knowing full well what would happen.

My information is that Mr Hillary was well aware of the law when he brought that animal into the metropolitan area. There are very good and sound reasons why dingoes are not permitted south of the dog fence. If the Hon. Miss Laidlaw wants a lecture on why, I will be happy to give her one. I suggest that she has some discussion with her colleagues who attempt to raise livestock in the agricultural areas of this State, and I am sure that she will be made aware very quickly.

The two basic reasons were as I stated in my letter to Mr Hillary: that it has been a very long-standing requirement that no dingoes are permitted south of the dog fence. It has cost primary producers in this State millions of dollars to attempt to keep dingoes on the northern side of that fence. They do not pay millions of dollars out for fun; they pay millions of dollars out because they say (and all the evidence shows that they are quite correct) that dingoes are a threat to the livestock industry. I am not saying that there is any livestock in Campbelltown, but where does one draw the

line? Either one is going to have dingoes below the fence or one is not. Once one says that they are all right in Campbelltown, one has some real problems: those problems were sorted out and the arguments won and lost many years ago. There is also an environmental question. Environmentalists are very strong in saying that they do not want the dingo incorporated into our domestic scene south of the dog fence.

They see the dingo as a pure, native animal with certain characteristics which may not appeal to us but which, nevertheless, are the characteristics of the dingo. They are not something that we may find particularly pleasant, but it is Australia's dog and has those characteristics. It is an offence in Campbelltown to mate these dogs. However, if one were to start breeding part-dingo dogs, then, inevitably, that would dilute the genetic characteristics of the breed. Environmentalists are totally opposed to that happening, and so am I. The question is a serious one, but I do not appreciate the tone in which it was delivered—that I am sentencing the dog to death. The requirements of the law are there. If members of the Liberal Party are suggesting that dingoes should be allowed south of the dog fence then let them come out straight away and say so and we will take the matter from there.

The Hon. DIANA LAIDLAW: I have a supplementary question. I understand that the—

The Hon. ANNE LEVY: I rise on a point of order, Mr President. Supplementary questions do not allow for any explanation.

The PRESIDENT: I have not yet heard an explanation. The Hon. Miss Laidlaw.

The Hon. DIANA LAIDLAW: Will the Minister of Agriculture say whether or not it is correct that the dingo under discussion is to be put to death tomorrow? Will the Minister grant a reprieve from that sentence while the matter is resolved—for instance, to ascertain whether or not arrangements can be made for the dingo to be sent away?

An honourable member: Give it to Murray Hill.

The Hon. C.M. Hill: I'll take it, too.

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: It is suggested that we give the dingo to the Hon. Murray Hill. The owner of the dingo is aware that if he can find somewhere for the dingo to go (such as a research institution) we would look at that situation. I have had my Department consider the matter to ascertain whether or not we could find somewhere appropriate for it to go, but that has been found to be impossible.

The Hon. H.P.K. Dunn: Nobody wants it.

The Hon. FRANK BLEVINS: That is right, the zoos and institutions do not want this animal. The result will be that the law will be complied with.

The Hon. C.M. Hill: They haven't looked far enough.

The Hon. FRANK BLEVINS: The Hon. Mr Hill says they have not looked far enough. I will release the dog into the Hon. Mr Hill's custody for 48 hours for him to find somewhere for it to go. By the same token, I will notify the Hon. Mr Dunn, and other livestock producers in this State—

The Hon. C.M. Hill: You give it to me and I'll have Dr Cornwall work on it. It won't be any trouble then!

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: I stress that my information is that the owner of this dingo knew exactly what he was doing when he brought or bred it below the dog fence, so the law, as I have stated, will be complied with.

USE OF 'ETHNIC'

The Hon. M.S. FELEPPA: I seek leave to make a brief explanation before asking the Minister of Ethnic Affairs a question about the word 'ethnic'.

Leave granted.

The Hon. M.S. FELEPPA: During the weekend of 18-20 November the Greek Welfare Conference was held in Adelaide. Several groups raised the matter of the word 'ethnic' at that conference because they would like this word phased out. They consider that the word 'ethnic' is gradually becoming an offensive term to many people who have resided in this country for decades, and to their children. I have contacted a number of key persons of migrant origin since that conference was held and they have told me that they would certainly be in favour of the word 'ethnic' being replaced with a more appropriate term. They also suggested that the South Australian Ethnic Affairs Commission should be called the South Australian Commission for Community Relations. Will the Minister consider the suggestion relating to this word put forward by these people representing various groups in our community?

The Hon. C.J. SUMNER: I understand the significance of the matter to which the honourable member refers. The name by which certain groups in the community are known, particularly people from migrant communities, goes through changes over a period of time. Initially, people who came from overseas were referred to as 'migrants'. Objection was taken to that word because it was felt that there are people born in Australia of an ethnic minority background who are not migrants.

The Hon. C.M. Hill: You've changed your mind since I raised this question.

The Hon. C.J. SUMNER: No. These people are not migrants in that sense, but are of ethnic minority origin who may wish to participate in the community taking their right to policies in support of multi-culturalism. The word 'migrant' fell out of favour and people preferred to use 'ethnic' or 'ethnic minority'. Strictly speaking, the word 'ethnic' is not a correct description. Usually, when referring to this area I refer to 'ethnic minority groups', which is the correct use, I believe, of the word 'ethnic'. Whereas that was fashionable some years ago as an improvement on the word 'migrant' and as being a concept which more accurately reflected what ethnic affairs policies were all about, that word also is now going out of fashion. I have always felt that the notion of a description such as 'community relations' was preferable and did more accurately describe what such bodies as the Ethnic Affairs Commission were on about. Indeed, this was recognised in 1975 by the former Whitlam Labor Government which, when introducing the Federal Racial Discrimination Act, included in it the title of 'Commissioner for Community Relations' who was, of course, Mr Grassby. It was his duty to foster good relations between communities in Australia irrespective of country of origin, and their race or ethnic origin. I should say that the Ethnic Affairs Commission Act was introduced by a Liberal Government following a pattern set in New South Wales where an Ethnic Affairs Commission was established. There is now an Ethnic Affairs Commission in Victoria. They have not, to date, changed their name.

So, personally, I have no objection, and indeed I think it is a suggestion that deserves very close examination and discussion within the community. I am certainly pleased that the honourable member has raised this matter. I am happy to put that proposition to public debate amongst ethnic minority communities.

The Hon. C.M. Hill: It has been debated publicly. The matter went to the ethnic communities after I raised it last year.

The Hon. C.J. SUMNER: The honourable member interjects, after having introduced the Ethnic Affairs Commission Bill into this Parliament. Two years ago the honourable member introduced a Bill—

The Hon. C.M. Hill: Last year I said it was time to change the name, and you said it was—

The PRESIDENT: Order! We will not debate that matter.

The Hon. C.J. SUMNER: The honourable member forgets that he introduced the Bill, and he entitled the Act which is now part of our law and the amendments to which we will be debating later.

The Hon. C.M. Hill: And which you supported.

The Hon. C.J. SUMNER: All I am saying is that the Hon. Mr Feleppa's suggestion deserves very serious consideration. I believe that the concept could be supported and I have supported it in the past. Certainly, I am happy, now that the honourable member has raised the matter, to initiate discussion and debate among ethnic communities and the general community, and should the opinion be that such a change is warranted, I am perfectly happy to respond to such a proposition.

PATIENT CONFIDENTIALITY

The Hon. R.I. LUCAS: Has the Minister of Health a reply to a question I asked on 16 November about the confidentiality of patient records?

The Hon. J.R. CORNWALL: Following the question by the Hon. Mr Lucas, I initiated urgent inquiries into the matters raised. I will deal first with general procedures relating to the distribution of computer printout information. Within the South Australian Health Commission itself the position is quite clear. Section 64 (1) of the South Australian Health Commission Act provides a penalty of up to $2 000 or six months imprisonment for any officer or employee of the Commission, an incorporated hospital or incorporated health centre who divulges personal information relating to any patient. On 26 May 1983 a written policy was circulated to all branch heads within the Commission's central office stating, *inter alia:*

> Information relating to individual recipients of health services must not be released unless there is approval in writing from the person concerned.

All computer printouts that identify individuals generated by the Commission's central processing facility, the B5900, are returned to the hospital concerned. Only production records are retained in the computing division, which do not include individual details. Printouts generated by development work in the computing division are bagged and shredded. Honourable members will recall that the Tonkin Goverment scrapped the committee on privacy which was set up under the previous Labor administration. The Bannon Government, of course, has re-established that committee under the auspices of the Attorney-General, thereby meeting an election commitment. The committee, I am informed, is close to finalising its report on privacy issues, including information relating to patients in health institutions.

On 21 June 1983, pending the wider examination by the privacy committee, the Data Processing Board circulated a statement on interim principles for use in all South Australian Government agencies. The statement specifies that 'The destruction or culling of files, whether manual or computer-based, should be covered by consistent, clearly described and authorised policies.' This advice was relayed to all relevant bodies in the health area, including the Medical Administrator Advisory Committee, on which all the metropolitan hospitals are represented. At my request, the Health Commission has now, as a matter of urgency, asked all former Government hospitals to provide a copy of their policies for the destruction or culling of files, whether manual or computer-based. These include all those larger hospitals in South Australia which might have computers in use.

Investigations have identified the hospital concerned in an incident which led to computer printout material being taken to a northern suburbs primary school. However, I do not believe it is necessary for me to name the hospital which does have a policy requiring each department to administer an administrative instruction on confidentiality of patient data. At the same time, the Administrator of the hospital concerned has advised the Health Commission that the hospital also has a procedure which allows for computer printout paper of a non-confidential nature to be collected and re-used. On this occasion, due to what is described as a 'human error', confidential material was incorporated into scribble pads. It is believed that an employee took some of this material to use at home and that his child may have taken it to school.

The hospital's administrative instruction setting out the Board's policy on confidentiality has been re-issued so as to prevent a recurrence of this incident. At my instruction, the Health Commission will review the policies on confidential material, whether manual or computer-based, operated by individual hospitals. In the meantime, the Health Commission is again specifically drawing to the attention of hospitals and health services the interim principles set out by the Data Processing Board. I am deeply concerned that, despite the earlier circulation of the interim principles to hospitals, this incident took place and I have asked the Health Commission to take steps to try to ensure such a breakdown cannot happen again.

TAFE SCHOLARSHIPS

The Hon. ANNE LEVY: Has the Minister of Agriculture a reply to a question I asked on 10 November about TAFE scholarships?

The Hon. FRANK BLEVINS: It is unfortunate that, due to a typing error which passed undetected, the gender of one of the eight persons awarded a TAFE release time scholarship for 1984 was incorrect. The Minister of Education informs me that, of the eight scholarships awarded, two went to women staff members, these being Ms Bridgman-Lee, and Ms Kershaw. The ratio of women to men awarded release time scholarships is thus 2:6 while that of women to men employed under the Further Education Act (the eligible group) is approximately 1:4. On these figures the representation is favourable to women, and similarly the ratio is favourable in terms of the actual time for which the people are to be released, being of the order of 1:3.5.

The Department of TAFE is engaged in a significant planning exercise which will produce a planning document in 1984 outlining, among other things, the Department's priorities and its planning and management processes. It is expected that, after Government approval, this document will be available throughout the Department and to all interested persons. The scholarships, which are offered annually, are publicised through the Department's fortnightly bulletin (which is known to be the principal vehicle for such notices), the education gazette, and by formal and informal networks which are initiated by staff development officers in particular. As the Department has an active staff development policy, managers and others are well aware of the need to bring such opportunities to the attention of all staff members. In addition, the Department's active equal opportunity policy and practices have influenced management and staff to ensure that all categories of staff have an equal opportunity to participate in such programmes.

QUESTION TIME

The PRESIDENT: Before calling on Orders of the Day, I wish to say something regarding Question Time and the length of explanations. Many members would be aware that in some Parliaments there is no provision for explanations to questions and that in the other House of this Parliament a question is asked first and an explanation to that question is given so that the Presiding Officer has the opportunity to determine whether the explanation is related to the question. That procedure has not been introduced into this Council. Sometimes I believe that it may be necessary to take that action, but I appeal to the fairmindedness of members. Explanations should not be a speech to be recorded in *Hansard:* they should be as brief as possible to allow courtesy to other members who wish to ask questions.

The Hon. M.B. Cameron: What about replies?

The PRESIDENT: I cannot influence replies.

POWERS OF ATTORNEY AND AGENCY BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to provide for general powers of attorney and enduring powers of attorney; and to make other provision relating to powers of attorney and agency. Read a first time.

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

That this Bill be now read a second time.

It is part of a package of legislation which results from recommendations of the South Australian Law Reform Committee's 47th Report dealing with powers of attorney. A power of attorney is a formal instrument by which one person empowers another to represent him, or act in his stead, for certain purposes. This Bill deals with powers of attorney generally and makes provision for the creation of enduring powers of attorney.

The new provisions relating to enduring powers of attorney warrant particular mention. As the law stands at present, upon the donor of a power becoming incapable by reason of mental illness, the power of attorney lapses. There is often uncertainty as to when a person's mental incapacity is such that the power of attorney is automatically revoked. If an attorney continues to act pursuant to a power which has been revoked by the operation of law, he may find himself personally liable to third parties for actions performed in an attempt to serve the welfare of the donor of the power.

Often a person executes a power of attorney with the wish and intention that the person whom he has chosen will step in and safeguard his assets should he become unwell or infirm. However, that wish or intention is defeated as a power of attorney is in law revoked by the subsequent mental incapacity of the donor. The English Law Commission in its Report of 1970 recognised this dilemma, as follows:

> It is clear that in a great many cases attorneys continue to act notwithstanding that their donors have become incapable and that, indeed, in so doing they perform a valuable service.

The report went on to say:

> Nevertheless, in so acting, the attorneys run a considerable risk, since technically they have no legal authority or effective protection if their acts are subsequently challenged. In any event, it cannot be desirable that common practice is so much at variance with the requirements of the law.

The creation of an enduring power of attorney covers these problems. An enduring power of attorney is a power by which a donor designates another his attorney in fact and the writing contains words to the effect that the power is not to be affected by the subsequent disability or incapacity of the donor, or that the power shall become effective upon the disability or incapacity of the donor. The words used in the power show the intent of the donor that the authority conferred shall remain exercisable notwithstanding the donor's subsequent incapacity. Other States have also recognised the need to provide for enduring powers of attorney. Victoria, New South Wales and the Northern Territory now have powers of attorney legislation.

The Bill enables the creation of a general power of attorney using a statutory form or any other form of general power. The Bill provides that a general power of attorney which is in or to the effect of the form set out in the schedule, can give authority for an attorney, subject to any conditions, limitations or exclusions, to do on behalf of the donor anything that he can lawfully do by an attorney. The attorney would, for example, generally have the ability to employ agents and do other things through agents, but the attorney could not authorise or perform anything illegal. The attorney could not, of course, make the will of the donor. Also, as is specifically provided for in clause 5 (4), the attorney cannot exercise any of the donor's powers as trustee or personal representative. Nothing in the Bill prevents the creation of a power of attorney for a specific purpose.

The Bill also provides specific protection for an agent and third party for acts done after the principal's death or incapacity. At present any agency relationship whether created by power of attorney or not terminates on the death or incapacity of the principal or, in the case of a power of attorney, the donor of the power. The Bill adopts the changes recommended by the Law Reform Committee to ameliorate the harsh consequences of the common law rules. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 provides a definition of 'enduring power of attorney'. Clause 4 provides that the measure is to apply to a power of attorney, or other power to act as an agent, of which the law of the State is the proper law, or which arises by virtue of a transaction of which the law of the State is the proper law.

Clause 5 provides for the creation of a general power of attorney by deed in the form set out in the schedule or in a form to the same effect but expressed to be made in pursuance of this provision. The general power operates to confer on the donee authority to do on behalf of the donor all that the donor can lawfully do by an attorney. This is subject, however, to any conditions, limitations or exclusions set out in the deed creating the power. The general power does not operate to confer authority to perform functions that the donor has as a trustee or personal representative.

Clause 6 provides for the creation and effect of an enduring power of attorney. Under the clause, an enduring power of attorney may be created by deed expressed to be made in pursuance of this provision or containing words indicating an intention that the authority conferred is to be exercisable notwithstanding any subsequent legal incapacity of the donor, or in the event of the donor's subsequent legal incapacity. Such a power of attorney, will by virtue of the provision, not be subject to the existing rule at common law under which a power or any authority to act as an agent terminates upon the donor ceasing to have the mental capacity to look after his own affairs. Under the clause, a deed is not effective to create an enduring power of attorney unless the attesting witness, or one of them, is a person authorised by law to

take affidavits (that is, a member of the Judiciary or a legal practitioner or a person specially appointed by the Governor). The deed must, in addition, have endorsed on it, or annexed to it, an acceptance in the form or to the effect of the second schedule executed by the person appointed to be donee of the power. This requirement for an acceptance by the donee is designed to bring to the attention of the donee the duties that he will be assuming as donee of an enduring power by virtue of clauses 7, 8 and 9 of the measure.

Clause 7 provides that the donee of an enduring power of attorney must, during any period of legal incapacity of the donor, exercise his powers as attorney with reasonable diligence to protect the interests of the donor and shall, if he fails to do so, be liable to compensate the donor for loss occasioned by the failure. This provision is designed to place the donee during any period for which the donor is unable to look after his own affairs under a similar duty to that which would apply if he were a trustee of the donor.

Clause 8 provides that the donee of an enduring power of attorney shall, if he fails to keep and preserve accurate records and accounts of all dealings and transactions made in pursuance of the power, be guilty of an offence and liable to a penalty (recoverable summarily) of an amount not exceeding one thousand dollars. This provision also assimilates the position of the donee to that of a trustee under Part VA of the Trustee Act.

Clause 9 provides that the donee of an enduring power of attorney may not renounce the power during any period of legal incapacity of the donor without the leave of the Supreme Court. This provision is a ncessary corollary of the imposition by clause 7 of a positive duty on the donee to properly manage the donor's affairs during any period for which the donor is mentally incapacitated.

Clause 10 provides that where the administration of the estate or a part of the estate of the donor of an enduring power of attorney is vested in another person as committee, administrator under the Mental Health Act, 1976, or manager under the Aged and Infirm Persons' Property Act, 1940, the donee is to be accountable to the other person as if the other person were the donor and the other person shall have the same power to vary or revoke the power as the donor would have if he were competent and not incapacitated.

Clause 11 empowers the Supreme Court, on the application of a person who in the opinion of the Court has a proper interest in the matter, during a period of legal incapacity of the donor of an enduring power of attorney, to require the production and auditing of accounts and records kept by the donee of dealings and transactions made in pursuance of the power or to revoke or vary the terms of the power or appoint a substitute donee of the power. The Court may, upon the application of the donee of an enduring power, give advice and directions as to the exercise of the power or the construction of its terms. Any such order may be made subject to such terms and conditions as the Court thinks fit.

Clause 12 provides protection for an agent or a third party in respect of certain acts done after the death or legal incapacity of the principal. At common law, where a person who has authorised an agent to act on his behalf dies or becomes legally incapacitated the agency terminates, and any transaction entered into by the agent is void as against the principal or his estate and the agent may be personally liable to the other party to the transaction. Under the clause, a person who acts in good faith in the purported exercise of authority as an agent after termination of the authority by the death or legal incapacity of the principal does not, by reason of the termination, incur any liability in respect of the act if it was done without knowledge of the principal's death or incapacity. The clause provides that, where a person enters into a transaction in the purported exercise of authority as an agent after termination of the authority by the death or legal incapacity of the principal and the other party to the transaction enters into it in good faith and without knowledge of the principal's death or incapacity, the transaction is, as between the principal and the other party, as effective as if the authority had not been terminated by the principal's death or incapacity. The clause provides that, where probate or letters of administration have been granted to a person as attorney for some other person, the provisions of the clause apply in relation to transactions entered into by the attorney as if the authority conferred by the grant had been conferred by the power of attorney. The clause applies to acts done or transactions entered into after the commencement of the measure whether the agent's authority was conferred before or after that commencement. The provisions of the clause are not to affect the operation section 160 of the Real Property Act or section 35 of the Registration of Deeds Act, these being sections which ensure the validity of instruments executed under a registered power of attorney before registration of revocation of the power or registration of the death of the donor.

Clause 13 is a provision designed to overcome a rule applying in relation to the construction of deeds under which an agent who signs a deed in his own name is taken to be personally bound by the deed even though it is apparent that he was acting on behalf of his principal. The clause provides that, where an agent executes a deed in his own name, but it is apparent from the deed as executed that the agent was acting on behalf of his principal, the agent is not by reason only of the manner in which he executed the deed personally liable upon the deed and the deed has effect as if the agent had executed it in the name of his principal. The clause is to apply to deeds executed after the commencement of the measure whether the agent's authority was conferred before or after that commencement.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

LAW OF PROPERTY ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Law of Property Act, 1936. Read a first time.

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

That this Bill be now read a second time.

This amendment to the Law of Property Act is part of the package of four Bills designed to implement the recommendations of the South Australian Law Reform Committee concerning powers of attorney. The Committee recommended that section 1 of the English Powers of Attorney Act should not be adopted. However, there is one aspect of that section which has been further considered. This is set out by the English Law Commission in paragraph 28 of its report of 7 August 1970, as follows:

> There is, however, one matter, mentioned in paragraphs 26 and 27 of the Law Society's Memorandum, which it is appropriate to deal with here. It relates to the person who is of perfectly sound mind but physically incapable of executing any document because of paralysis or other serious bodily injury. Section 9 of the Wills Act, 1837, has long enabled a person to execute a will by having it signed for him in his presence and by his direction in the presence of attesting witnesses. But at present there is no power enabling a power of attorney to be executed in this way, with the result that a patient who, for example, is in an iron lung, cannot give a power of attorney just when he needs to. We accordingly recommend that it should be provided that a power of attorney may be effectively executed by some other person in the presence of the donor and by his direction and in the presence of two or more attesting witnesses. In effect this will apply the same rule as that in the Wills Act and enable the patient to take steps to

administer his affairs during his life and not merely after his death.

In view of the fact that execution by amanuensis appears to be of doubtful legal effect, it would seem to be advisable to follow the recommendation of the English Law Commission in order to avoid the situation referred to by the English Law Commission.

There does, however, seem to be little point in limiting the application of such a provision just to powers of attorney since the circumstances of a particular case may be such that it is only necessary to execute a single deed by amanuensis. Accordingly, the amendment to the Law of Property Act provides for execution of a deed by amanuensis and that such execution must be witnessed by a person authorised to take affidavits. Section 8 of the Wills Act presently provides for execution of a will by amanuensis. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 41 of the principal Act which sets out the manner in which deeds are to be executed and witnessed. The clause inserts a new provision under which a deed may be executed by a person on behalf of another either where the person has been authorised to do so by another deed, such as a power of attorney, or where the person is acting by direction and in the presence of the other person. Under the clause, where a deed is executed after the commencement of the measure by direction and in the presence of a party to the deed, the attesting witness, or at least one of them, must be a person authorised by law to take affidavits.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

TRUSTEE ACT AMENDMENT BILL (No. 2)

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Trustee Act, 1936. Read a first time.

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

That this Bill be now read a second time.

This Bill to amend the Trustee Act is part of the package of four Bills prepared to implement the proposals of the South Australian Law Reform Committee regarding powers of attorney. The Law Reform Committee considered section 9 of the English Powers of Attorney Act concerning trustees' powers of delegation to be an improvement on the existing section 17 of the Trustee Act, and recommended its adoption. This Bill gives effect to that recommendation. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 substitutes for existing section 17 of the principal Act a new section dealing with the power of delegation of trustees. Existing section 17 provides for delegation by a trustee but only in circumstances where the trustee is, or is about to be, absent from the State. Under the proposed new section, a trustee may, whatever the circumstances, unless expressly prohibited by the instrument creating the trust, by power of attorney created by deed, delegate to a person or persons residing in the State all or any of his powers, authorities and discretions as trustee whether vested in him alone or jointly with any other person or persons. The persons who may be donees of a power under the proposed new section include a trustee company but not (unless a trustee company) the only other co-trustee of the donor of the power. A power of attorney under the proposed new section must come into operation within six months after the giving of the power and terminate within 12 months after coming into operation.

The donor must, within seven days after giving a power under the proposed new section, give written notice of the power to each person (if any) who has power to appoint a new trustee and to each of the other trustees (if any). The notice must specify the date on which the power comes into operation and its duration, the donee of the power, the reason why the power is given, and where only some are delegated, the powers, authorities and discretions delegated by the power. Failure to comply with these notice requirements is not to invalidate anything done in pursuance of the power. The proposed new section provides that everything done pursuant to the power has effect as if done by the donor and that the donee, in exercising the power, is to be regarded as a trustee. The donor and donee of a power of attorney under the proposed new section are to be severally and jointly liable for an act or default of the donee. The proposed new section is not to limit or affect a power to appoint a new trustee in place of a trustee who has given a power of attorney or any power of the Supreme Court to make any order in relation to the trustee.

Clause 4 provides for the repeal of section 34 of the principal Act which provides for the protection of a trustee for acts done under a power of attorney after the death or incapacity of the donor of the power. The repeal of this provision is consequential upon the enactment of clause 12 of the Powers of Attorney and Agency Bill which provides for the same matter but in relation to agents of all kinds (including trustees acting under a power of attorney).

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

EVIDENCE ACT AMENDMENT BILL (No. 3)

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Evidence Act, 1929. Read a first time.

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

That this Bill be now read a second time.

This Bill to amend the Evidence Act is one of the package of four prepared to implement the recommendations of the South Australian Law Reform Committee's Report on powers of attorney. The Law Reform Committee recommended the adoption of section 3 (1)-(4) of the English Powers of Attorney Act which deals with the proof of original documents by copies. The Law Reform Committee stated in its report:

> We draw your attention to the utility of such a section in the wide context of the law of evidence but to consider this further here would be outside the terms of our remit.

As the committee points out, if such a provision is appropriate in relation to powers of attorney it should also apply to other instruments and documents. This amendment to the Evidence Act follows the English provision but applies to all documents. The proposed subsection (5) ensures that an original document can still be called for if necessary. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 inserts in the principal Act a new section 45c providing that a certified facsimile copy of an original document is admissible as evidence of the contents of the original document. The copy must, under the proposed new section, bear upon it a certificate signed by a person authorised by law to take affidavits to the effect that the original consists of a specified number of pages and that the copy is a true and complete copy of the original and, where the original consists of more than one page, a certificate signed by that person on each page of the copy to the effect that it is a true and complete copy of the corresponding page of the original. Such a certified facsimile copy of a former copy of an original document is also to be admissible as evidence of the original if the former copy would have been admissible in evidence. No proof is to be required of the identity or status of a person certifying as to the accuracy of such a copy unless the court considers that, in the circumstances, there are special reasons why such proof should be required. The proposed new section is not to affect any other method of proof authorised by law and is not to prevent a court from requiring the original of a document if it thinks that it is necessary or desirable to do so. The proposed new section provides that if a person signs a certificate under the provision knowing it to be false, the person is to be guilty of an indictable offence and liable to be imprisoned for a term not exceeding two years.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

SELECT COMMITTEE ON LOCAL GOVERNMENT BOUNDARIES OF TOWNS OF MOONTA, WALLAROO AND DISTRICT COUNCIL OF KADINA

The Hon. G.L. BRUCE brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Ordered that report be printed.

WRONGS ACT AMENDMENT BILL

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

PIPELINES AUTHORITY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 November. Page 1873.)

The Hon. M.B. CAMERON (Leader of the Opposition): The Opposition opposes the Bill as it presently stands. We believe that the extension to the operations of the Pipelines Authority, which this Bill proposes, is unnecessary and, more significantly, undesirable. The key to the Government's intention in introducing this Bill can be found in the brief second reading explanation made by the Minister of Agriculture.

The PRESIDENT: Order! It seems pointless if I have to draw members' attention to the fact that it is almost impossible to hear speakers in this Chamber from time to time. There is plenty of room out in the lobbies, which were designed for politicians to do their discussing. The Hon. Mr Cameron.

The Hon. M.B. CAMERON: And I should add that it is very odd indeed that, after the Minister of Mines and Energy in another place acknowledged that (in his own words)—

> the second reading speech does not contain a lot of information—

no attempt was made in this place to fully explain the Bill and the reasons behind it. Essentially, the Bill sets the scene for expanded activity by the South Australian Oil and Gas Corporation into areas outside our State. Instead of working to prove up South Australia's energy supplies, it will now become an entrepreneur in the market place extending its activities well beyond our borders. In other words, the tentacles of Government will be able to extend beyond their current areas of influence. Under present legislation the Pipelines Authority is prevented from holding an interest in any company which is not engaged in petroleum exploration or production within a prescribed area and, should a company in which the Authority is permitted to hold an interest cease its activities in the prescribed area, then the Authority is required to cease its holdings in that company. That prescribed area, as has been indicated, extends slightly to the north and west of South Australia and substantially to the south, that is 1 000 kilometres. In explaining the introduction of the Bill, the Minister of Agriculture condemned this situation. He said:

> It is undesirable for two reasons: first, it unduly restricts the ability of the Authority to hold interests in bodies corporate which operate entirely outside of the prescribed area and, secondly, it indirectly restricts the freedom of South Australian Oil and Gas Corporation, or other companies in which the Authority may wish to hold an interest in the future, to discontinue their activities within the prescribed area, if they so wish.

He went on:

> The amendment will allow the Authority, with the consent of the Minister, to hold an interest in a body corporate which has no involvement with activities situated within the prescribed area.

The Minister has, in his second reading explanation, indicated what the Pipelines Authority can and cannot do under the present legislation. What he fails to do is justify the need for a change.

The Government has presented no evidence whatsoever to warrant this amending Bill. It has not shown us any examples of where the South Australian community is losing out as a result of the present legislation. Instead, the Minister blandly asserts that the Act is 'restrictive'. We are not told why the Authority may wish to have extended holdings in other companies and in areas well beyond our State. In short, the Goverment has failed to justify the change. It has not backed up the need for change in either practical or philosophical terms. It appears that it is for philosophical reasons rather than reasons of direct advantage to South Australia that the Government is pursuing this amendment. The Government should come clean and say that it seeks to use the Pipelines Authority as a means of increasing Government involvement in the market place.

No matter how the Government may attempt to justify its moves, the history of Labor Government involvement in the market place in direct competition with private enterprise is not too successful. We all know only too well the burdens that unnecessary Government intervention has placed on the South Australian economy in the past. There is no need for me to remind honourable members of Monarto, the Land Commission, the Frozen Food Factory, and the Government Clothing Factory. Each of these endeavours cost the South Australian community millions—indeed tens of millions—of dollars. Yet, despite its forerunners having their fingers badly burnt, the new Labor Government intends to use taxpayers' funds to move into the market place—and a risky market place at that.

This is a matter for which the Government cannot claim to have had electoral support. At a time when our State

economy is depressed and the Premier is claiming that we are next to bankruptcy it would be folly to open the way for further losses involving a State Government body. Exploration is a high risk business. Private enterprise has the capital and the experience capable of carrying out exploration activity as efficiently as possible, given the high risks involved. That is experience which the State Government lacks and it is capital with which taxpayers can ill afford to part.

The history of the present Government in handling resources developments is so poor that we do not want a Government authority expanding its influence any further. We only have to think of uranium to know the sort of attitude that it has to resource development.

We have seen the Bannon Government, increasingly seen as the 'ostrich' in resource matters, wishing to put literally millions of dollars of assets, held by SAOG and built up over a number of years, at risk. There is no need for this foolhardy approach. The Government would be better confining its activities to areas in close association with South Australia and ensuring that companies had some greater assurance that the money and effort which they invested in resource exploration and development would guarantee them, as far as possible, some return.

However, action by this Government in burying the Honeymoon and Beverley mines, and the continuing furore and uncertainty within the A.L.P. over Roxby Downs and the whole uranium issue, have undermined investor confidence enormously. While these factors sap business confidence in this State we will not see a dramatic improvement in exploration activity. The Government should be devoting its attention to these important issues rather than spending taxpayers' valuable resources in such a risky way.

One wonders why the move has come at this time. We accept that at present there is a need to give South Australia full opportunity to have access to petroleum resources in the vicinity of our State and, accordingly, we would support an extension of the prescribed area to allow the Pipelines Authority and hence SAOG to expand its activities and interests into the Bass Strait region. That would be a direct expansion of existing areas in which SAOG can operate. In line with this view I will introduce an appropriate amendment in Committee.

Nevertheless, the general principle must remain that a valuable State asset should not be put at risk in this way by being given unrestrained opportunity to devote South Australian resources to risky exploration activity in any area of Australia or, for that matter, overseas. It is not the job of Government authorities or enterprises to take over activities which have quite satisfactorily been carried out in the past by private enterprise, and for that reason we see no justification for an expansion of the Pipelines Authority's influence beyond the limits which our amendment will prescribe. The Opposition supports the Bill at the second reading stage in order to move an amendment in Committee, but our final attitude will be determined by what happens then.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.
(Continued from 16 November. Page 1810.)

The Hon. M.B. CAMERON (Leader of the Opposition): The Opposition supports the Bill. The Bill seeks to rectify an anomaly which has existed for several years regarding concession for the registration of certain vehicles (particularly trucks) which operate on an interstate basis. Trucks operating across State borders have, under the Act, been able to obtain concessional registration fees. This has arisen principally because the Australian Constitution requires that trade between States be free and unrestrained.

The concessional registration fee for a vehicle registered solely for interstate trade has been a flat fee of $5. This is a substantial saving on normal registration costs and regrettably has given rise to the practice of some operators registering vehicles for interstate trade at a much lower cost, and then using those vehicles for intrastate work.

Given the significant registration savings, these operators have been able to undercut local operators. Hence a loophole has existed under the Act which warrants remedy. The extent of this practice is now so widespread that the Opposition endorses the Government's stand and I understand that, prior to the change of Government, proposals in line with this amendment were being drawn up for introduction into Parliament.

The use of the concessional registration has extended beyond interstate operators to cover a large number of operators within South Australia. These operators are breaching the Act. It has not been possible to take action against them because of deficiencies in the principal Act. Now operators will be liable to penalty and back payment of outstanding registration fees under the provision of this Bill.

The Opposition supports the imposition of sufficient deterrence to outlaw this practice and so remove the unfair competition that presently exists. The Opposition is pleased that the Government accepted an amendment to this Bill in another place to ensure that it would come into effect through proclamation, thus giving at least a month's notice to operators so that they have time in which they can comply with the law and so that there is sufficient time to educate transport operators about the changes. This is very necessary in view of the widespread nature of the practice; an immediate imposition of the new requirements would have caused considerable uncertainty and economic hardship which can be avoided by having a short warning period. We support the Bill.

Bill read a second time and taken through its remaining stages.

CLASSIFICATION OF PUBLICATIONS ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 10 November. Page 1686.)

The Hon. K.T. GRIFFIN: It is only in the past two to three years that moving pictures in the home, other than through network television, have become readily available at reasonable cost, with a wide range to choose from, and at times suitable to the home occupier. Of course, network television has been available in Australia for the past 25 years, but strict standards have always been imposed under Federal legislation because of the ready availability of television in the home and because of the power of that medium.

Until then, for those who wished to view films (either the latest films or those with restricted classification), a conscious decision had to be taken and the effort made to go to the theatre; where children were involved, special effort had to be made to take children to the theatre. Parents had reasonable control because of the information available about particular films and the well-established rating system of the Commonwealth Film Censorship Board.

Now, films of one's choice are readily available at an accessible price to people—films on cassette video tapes, to be viewed in the comfort of one's own home, without the interruption of commercials and at times suitable to the viewer.

A recent article in the *National Times* newspaper indicated that there are now 10 000 video cassette recorders selling every week in Australia. The article said that, where there are a million in Australia now, within 18 months that number will double. And the fact that video retail outlets are springing up right across the metropolitan area and in provincial centres bears witness to the ready accessibility to video cassette records. The cassettes are easy to handle, the recorders can easily be manipulated and the only special effort required is to go to the video outlet to buy or, more likely, hire a video cassette.

Where once those buying restricted printed material could, within a restricted publications area, thumb through category 2 pornographic or excessively violent material, now the video cassette can be acquired and, in the privacy of the home, what was once depicted in still photograph is now in the more powerful medium of moving pictures which can be freeze-framed, slowed in motion, accelerated, replayed, played out of context, and manipulated in ways that are limited only by the capacity of the video cassette recorder.

But, for the purchaser or the hirer, no information about the video cassette is required to be shown on the container or the cassette itself to give a guide to what is on the tape—not even the current film classification for public viewing or an indication that the tape is the same as the film of the same title which may have been classified by the Commonwealth Film Censor.

No law currently requires any assurance that what information is on the tape is accurate. There is nothing to prevent a 'G' rated video, for example, from having an 'M' rated trailer attached and there is nothing to require information of that sort to be included on the container. It is a matter of taking 'pot luck'. For parents, there is no 'consumer' oriented information required to be given on the cassette. There have been instances of parents showing a cassette within the family home only to be extraordinarily embarrassed to find that a trailer of a more limited rating had been spliced in without that being identified to the consumer.

There is no doubt from all the evidence that is available that video pornography (material with an excessive emphasis on sexual activity and violence) is now big business. The Costigan Royal Commission and other Australian Royal Commissions have all drawn conclusions that pornography is a lucrative area for organised crime and that substantial profits are made both legally and illegally by organised crime from pornography. It goes hand-in-hand with prostitution as a money-spinner for organised crime.

The recent *National Times* article to which I have already referred indicated that profits from home video porn sales topped more than $130 million in Australia in 1982; 10 per cent of that, a likely share for South Australia, amounts to $13 million profit in this State from pornographic videos alone.

It is in the light of the power of the television medium, the emphasis on cruel, sadistic, violent, depraved and degrading video material now available, the lack of information available to the purchasing or hiring public, and the lack of constraints upon the availability of material directly or indirectly to children that adequate controls must be placed upon the availability of this sort of material.

It is all very well to uphold the right of an adult person to see and read what he or she wishes, but that must be balanced against the community's right to be protected, and the community's right to express its judgment on those who make, participate in, and distribute video material depicting excessive violence and cruelty, sexual perversion and abuse, and depraved and degrading behaviour. At each stage—from production, to sale or hire, to showing—this sort of material degrades relationships between person and person and presents men and women as objects of abuse. No-one can legitimately argue that censorship of this sort of material impinges upon the liberty of the citizen or is a threat to democracy. There is just no logical link between political censorship and the control of base and abhorrent videos.

Members of the community have a right to expect that their members of Parliament will endeavour to achieve a proper balance. Because of this I wrote to the Attorney-General on 16 November expressing the view that a request ought to be made to the Commonwealth Attorney-General (Senator Evans) seeking approval for the Chief Commonwealth Film Censor to brief all members of the State Parliament on video pornography before the Bill relating to the classification of videos was debated. I presume from the fact that I have not received a reply from the Attorney-General that either he has not been able to do that or has not in fact pursued that request.

I hope that, at the appropriate time, the Attorney will be able to inform this Council of the result of his consideration of that letter and its requests.

The 12 November edition of the *Canberra Times* records that British members of Parliament were able to view some video material as a preliminary to considering a private member's Bill introduced into the House of Commons. The newspaper report states:

> British M.P.s emerged shocked and shaken from a special showing of video 'nasties' at the Commons last week.
>
> About 100 politicians attended the 20-minute screening, put on by the Obscene Publications Squad, in support of a private member's Bill to outlaw such films.
>
> But some lasted only a few minutes, and throughout the showing there was a constant stream of outgoing M.P.s, sickened by the scenes of sadistic sex, some involving children, maiming and mutilation.

The Hon. C.J. Sumner: We don't want to see this stuff.

The Hon. K.T. GRIFFIN: I do not want to see it, either. The report continues:

> Afterwards Mr Graham Bright, Tory M.P. and sponsor of the Bill to be introduced this week (as reported in last week's Golden Guide), said the screening had been arranged to show M.P.s that video 'nasties' were not just hotted-up 'Hammer horror films'.
>
> He told members before the screening what they were about to see and further warning of worse to come was given half-way through. Some of the films have already been banned and could only be seen because of Parliamentary privilege. Others are still on sale.

It was obvious that the screening in the House of Commons in the United Kingdom was designed to assist members to make up their mind about the private member's Bill that was later to be introduced. I hope that those members in this Parliament who have not been exposed to the sort of video material currently available have an opportunity to consider it and to debate this Bill in the light of their experiences. But perhaps that is not to be.

The Liberal Party has always had a genuine concern about the availability of pornography, and I refute unequivocally the claim by one Adelaide newspaper that we have only become involved for political purposes. Such a claim ignores the Liberals' concern and their public duty in Opposition as members of this Parliament, representing hundreds of thousands of South Australians. Such a claim also ignores the obligation on all members of Parliament to address the issues raised by the Bill that we are now debating and to seek the best possible solution to a problem of major proportions and of great concern to responsible South Australians.

Let me outline the action taken by the Liberal Government from 1979 to 1982.

1. The Liberal Government was responsible for ensuring that a censorship Ministers conference was held in 1981. Although the then Federal Attorney-General, Senator Durack, had been endeavouring to obtain a meeting of Ministers at my request, there was reluctance on the part of other State Ministers for such a conference. However, the conference was finally held in October 1981. As a result of that conference, it was agreed that the South Australian Classification of Publications Act would be used as model legislation for classifying printed publications if States wished to adopt it. However, the South Australian legislation was complicated for consumers and distributors, and it was felt that a rationalisation of the classifications would be appropriate.

2. Accordingly, in 1982 the Liberal Government successfully amended the Classification of Publications Act to reduce the number of categories of classification to two, namely, category 1 and category 2. At the Ministers conference it had been agreed that South Australia's legislation would be given about 12 months to see how it worked and then other States would be encouraged to adopt that legislation. Of course, it was also agreed that if there were States which preferred to allow, for example, only category 1 material to be available within the State that was still possible within the uniform scheme of classification of printed publications that the Ministers were seeking to implement.

In addition, penalties were substantially increased. Under the amendments made to the Classification of Publications Act by the Liberal Government, the following conditions attach to restricted publications:

A—Category 1

(a) not to be sold, delivered, exhibited or displayed to a minor (other than by a parent or guardian, or a person acting with the authority of a parent or guardian, of the minor); and

(b) not to be exhibited or displayed in a place to which the public has access (not being a restricted publications area) unless the publication is contained in a sealed package (which may be transparent).

B—Category 2

(a) not to be sold, delivered, or exhibited or displayed to a minor (otherwise than by a parent or guardian, or a person acting with the authority of a parent or guardian, of the minor);

(b) not to be sold by retail, or exhibited, displayed or delivered for or on sale by retail, except in a restricted publications area;

(c) not to be delivered to a person who has not made a direct request for the publication;

(d) not to be delivered to a person unless wrapped in plain opaque material;

(e) not to be advertised except in a restricted publications area by way of printed or written material delivered to a person at the written request of that person.

A restricted publications area is a specially constructed area in a shop where the greater proportion of the business is sale of publications or the sale of marital and/or sex aids provided that—

(a) the interior of such area cannot be seen from without and is equipped at each entrance with a gate or similar device capable of being fastened to exclude persons when such area is not in use; and

(b) a notice bearing the words 'Restricted Publications Area—persons under 18 years of age may not enter. The public are warned that some publications displayed herein may cause offence' is displayed prominently at all entrances to such area; and

(c) the person selling, displaying or exhibiting the restricted publications or the adult employed by him is in attendance in such areas at all times when the public are permitted access to that area.

3. The Liberal Government encouraged the Classification of Publications Board to tighten the standards with respect to printed publications, and that occurred.

4. With respect to videos, at the censorship Ministers conference at the end of 1981 it was agreed that the officers would examine mechanisms for dealing with videos. The Commonwealth through the Customs Office had some measure of control over imported videos, but that was not being adequately policed. In South Australia, some videos were classified by the Classification of Publications Board for sale. At the Commonwealth level any videos for public exhibition were classified by the Commonwealth Film Censorship Board. It was recognised that no regulation could completely control the availability of video tapes. However, it was also recognised that some constraints had to be placed on the availability of the material for sale or hire to the public. Officers were in fact working on this problem through 1982, but before a further conference of censorship Ministers could be arranged the State election intervened.

5. The Liberal Government also recognised that there was a possible difficulty, but only a 'possible' difficulty, with the Police Offences Act with respect to videos, and an amending Bill had been drafted and was ready for introduction at the time of the last State election. The Liberal Government's proposed amendment to section 33 put it beyond doubt that videos were in fact covered by that section.

Of course, there were other difficulties with the whole scheme of dealing with printed publications from the law enforcement point of view, but I do not intend to canvass them in this debate. The Labor Government now seeks to mirror the classification of printed publications scheme in a scheme for the classification of video tapes. The Liberal Party has considerable difficulty with that mere translation of a voluntary classification scheme for printed publications to video tapes, two totally different media of communication.

The scheme of the Classification of Publications Act is that the Classification of Publications Board determines a classification for printed material. The printed material may be classified as unrestricted, category 1 or category 2, or refused classification. Category 1 and category 2 have special conditions attached to their sale or distribution, as I have already mentioned.

A seller of printed material is not compelled to obtain classification of that material. He can make his own assessment as to the classification which the printed material would be given if submitted to the Board and may sell it according to the conditions which would attach to that classification. If, for example, the Vice Squad detects him selling an unclassified publication, the publication is sent to the Classification of Publications Board for classification. If the Board classifies the publication in a category for which the conditions of sale are no more limited than the conditions under which the seller was offering the publication for sale, no offence has been committed. However, if the Board assigns a classification for which the conditions are more limited than those which the seller has attached in his offering for sale of that publication an offence has been committed.

However, if the Board refuses a classification for the publication the police may commence a prosecution under the provisions of section 33 of the Police Offences Act alleging that the printed material is indecent or obscene. If that can be established, the seller is convicted and a penalty imposed by the court.

The Liberal Party has no desire to interfere with this system of dealing with printed material. The Government's proposal for dealing with videos treats videos in exactly the same way as printed publications—it ignores the substantial differences between the two forms of communication. A seller or hirer of videos may apply to have a particular video tape classified but need not do so. If the tape is classified, it must be sold subject to the conditions attaching to the particular category in which it is placed. But, the seller or hirer may resolve to sell or hire a particular unclassified video after making his own assessment of the category into which it is likely to be classified. If he is right, he commits no offence. If he is wrong, he commits an offence.

The Government does not propose compulsory classification; there is no guidance for consumers; there is no mandatory requirement to properly label a video tape; there is no requirement that a trailer from a more limited category should not be on the more general category; and the opportunities for abuse are significant. The defect in the Government's proposals is that it treats videos as printed material. It is well established that videos are a much more powerful medium than printed material. Standards apply to network television: videos are the same medium, but the same or similar standards are not imposed. It is quite well recognised in a variety of research publications—

The Hon. Anne Levy: There is a difference between the printed material in a delicatessen and similar material in a sex shop. Material in a delicatessen is readily available, while material in sex shops is not. Material screened on television is readily available to everyone.

The ACTING PRESIDENT (Hon. C.M. Hill): Order! The Hon. Miss Levy will have a chance to speak later.

The Hon. K.T. GRIFFIN: The relationship between television and the behaviour of individuals has been well recognised in many publications. The South Australian Council for Children's Films and Television picks up this difference in a recent paper when it says that video material is not like print material and requires different legislative treatment because:

(a) It cannot be perused before purchase as can books.

(b) The impact of filmed material is greater than print, and video material greater than cinema film, because—

(c) scenes can be viewed out of context through freeze-framing, repeats and slow-motion.

(d) video material is often viewed communally (usually only one v.t.r. per house) whereas print is usually viewed alone. Such group viewing can increase embarrassment and create awkwardness when material is not of the type anticipated.

(e) research evidence of the impact of televised violence on children is such that great care should be taken to avoid children's indiscriminate and repeated exposure to violence.

In no way can the power of videos be compared with the impact of printed material.

In the United Kingdom, the private member's Bill which has been in will require the British Film Censorship Board, which presently classifies videos or films for public exhibition, also to classify videos for sale or hire. It would be an offence under the British private member's Bill to sell or hire a video unless it had been classified. It would be an offence to exhibit such material to a minor.

The Liberal Party's proposals are clear. They are as follows:

1. That videos be treated differently from printed material—the law should require that all videos offered for sale or hire be classified and that it should be an offence to sell, hire or display videos that have not been classified or have been refused classification.

2. That the penalty for a breach of the Act in respect of videos be doubled to a $10 000 fine and six months imprisonment.

3. That a court be empowered to make orders against any person convicted of a breach of the Act suspending the right of that person to sell or hire classified videos, or preventing that person from selling or hiring classified videos. This restriction could be imposed for up to 12 months. (This is designed to put more pressure upon the retailer and distributor to ensure that material is classified and that, if it is classified, it is sold according to the conditions which the law prescribed for the sale or hire of that material. If someone flouts the law, the courts should be empowered to impose penalties where it hurts most, namely, in the restriction of the business of selling category 1 or category 2 videos and, if organised crime is involved, this is one way of getting to the profits).

4. That display or exhibition to children of a restricted video, or a video refused classification, be an offence without having to go through the process of proving that the 'refused classification' video was 'indecent or offensive'.

5. That the availability of the present 'M' rated films (for public exhibition) as unrestricted videos be strongly opposed and that 'X' rated material should not be available. (Under the Film Classification Act 'M' rated films contain material which is considered likely to disturb, harm or offend those under the age of 15 years. Why, then, should the material be readily available in an unrestricted category? 'X' rated material may contain some material which may presently be available in category 2 and would undoubtedly contain some material not presently available. The Liberal Party is anxious to keep the abhorrent material out of the system. While the Parliament cannot legislate for the standards which will be established, it can express its concern at the translation of film classifications for public exhibition to the video classifications for sale or hire. There is a great deal of concern about the proposals for standards referred to in the second reading explanation.)

It is important to recognise that in the Liberal Party's proposals for which amendments will be moved the aim is to attack the availability of material at the point of the distributor or retail outlet, not to invade the privacy of the private home. If the material is exhibited in what might be regarded as a public place or on a public occasion, the Film Classification Act will cover it, as will proposed section 33 of the Police Offences Act. The mere possession of the material is not something that the Liberal Party believes can be made the subject of an offence.

The South Australian Council for Children's Films and Television concurs in the compulsory classification proposals which the Opposition puts forward. It urges compulsory classification for the following reasons:

(a) It provides necessary consumer advice about likely content of videos. This has been seen to be necessary in the past with filmed materials as, unlike books, they cannot be perused to assess content.

(b) Prevents offence before it occurs.

(c) Lowers the likelihood of unclassified extreme and explicit material circulating through distribution outlets.

(d) It provides all parents with an indication of the suitability of all videos for children's viewing and aids avoidance of exposure of children to unsuitable material.

(e) Would detect the presence on tape of trailers for other films with higher classification. Such trailers may not be mentioned on the cassette cover.

That council says that the proposals fail to provide protection to children because:

(a) Lack of classification of 'M' type tapes may lead to children's exposure to material unsuitable for them.

(b) R certificate tapes will be able to be openly displayed in all outlets—though wrapped in plastic.

(c) Children and minors will have to choose titles suitable for them from amongst many R-rated titles displayed in the open access section alongside them. There is also some indication that X-rated video tape cassette covers could also be displayed in the open access section of a video outlet, without risk of prosecution. Thus, the titles would become known to children.

(d) Once out of the restricted hire/sale areas, tapes will undoubtedly fall into the hands of children.

(e) Video outlet proprietors have expressed concern at the need and cost of always having a staff member on duty in the X-rated section of their premises. This cost may lead to a lack of effective supervision of such areas.

Undoubtedly, the Attorney-General will raise two obstacles about the Liberal Party's compulsory classification proposal. They relate to the cost and to the concept of uniformity.

So far as the cost is concerned, the Ministers' conference in July of this year had an estimate of costs if compulsory classification were to be undertaken by the Commonwealth Film Censorship Board. This disregarded the fact that there would be an increase in the workload of the Commonwealth Censor even under the voluntary system. The cost was estimated to be about $145 000, which could be recovered by a fee of $30 per title for each of the 5 000 titles expected to be submitted for classification. That fee is inconsequential in the overall costs of the industry. In addition, because of the past record of the Commonwealth Film Censorship Board, there would not be unreasonable delays in the classifying process. The present service to the industry would be maintained with periods of two to four weeks maximum between submission by a distributor and classification. So, the costs can be recovered, and this is one occasion where the nature of the Government function and community demand warrants a charge.

It should be noted in this context that the 1982 Report of the Film Censorship Board showed that in that year the Board examined 5 309 video tapes out of a total of 22 126 films and videos, and examined a further 8 218 videos for television. Of these films and videos examined, 1 271 were classified for public exhibition. So far as uniformity is concerned, Queensland and Tasmania have not agreed to the voluntary classification system. If South Australia alone were to embark upon compulsory classification it would require the establishment of some facilities by the Classification of Publications Board to undertake this task. But a great deal of the work would continue to be done at the Commonwealth level.

A clear and unequivocal commitment by the Parliament of South Australia to compulsory classification will undoubtedly require the Commonwealth, New South Wales, Victoria and Western Australia to rethink their attitude to compulsory classification. But it is not just for Ministers representing the Executive to agree on a scheme and expect that the Parliaments will rubber stamp the Executive's decision. It is for the Parliament of South Australia to exercise a heavy responsibility to the people of South Australia if the Parliament holds strongly to a view, the Executive should rethink its position and acknowledge the desirability of compulsory classification. There is no doubt in my mind that this is what the majority of South Australians want. It is our duty to ensure that this is what passes the Parliament. If the Legislative Council accepts compulsory classification and the Government rejects it, which I hope it will not, there is no reason why the amendments to section 33 of the Police Offences Act proposed in another Bill, which we will be considering, should not be passed now and come into effect immediately. That amendment will clarify the law relating to indecent and offensive material and make it easier for law enforcement agencies to police an area of growing concern to the community of South Australia. The Opposition supports the second reading of this Bill so that in Committee it will have an opportunity to move amendments to propose a compulsory classification scheme for video tapes in South Australia.

The Hon. M.B. CAMERON (Leader of the Opposition): I support the views expressed by the Hon. Mr Griffin, and I will be interested to hear the Attorney's comments about this proposal. I have been slightly disturbed by the criticism of the Hon. Mr Griffin for supposedly not taking any steps during his time as Attorney-General.

The Hon. K.T. Griffin: I dealt with that.

The Hon. C.J. Sumner interjecting:

The PRESIDENT: Order!

The Hon. M.B. CAMERON: I believe that the Hon. Mr Griffin dealt with that effectively. What the people in the media and other people have been critical about, and which should be pointed out, is that there has been an enormous growth in the market for videos in the past 12 to 18 months. It surprised many people, and the need for some move has become even greater in the past 12 months.

The Hon. C.J. Sumner: He knew about it; he said that he knew about it.

The Hon. M.B. CAMERON: Not at this level. The Hon. Mr Griffin was attempting to take some action as he pointed out, and I believe that such criticism is absolutely unjustified. The important point is that we now have the chance to do something about it. Whatever we do we should see that it is effective. Certainly, we should not descend to the level of a debate across the floor in which extreme positions are taken, because I do not believe that any of us would fail to support a move to control the sale of some of the obnoxious material that I understand is available. I have not yet seen it, and I do not know that I want to. I doubt that I would enjoy it.

The Hon. C.J. Sumner: I am certainly not seeing it.

The Hon. J.C. Burdett: You should.

The Hon. M.B. CAMERON: I believe that people who are equivocal about the matter should see it. I know that within families in this State many people are extremely concerned about the material that is becoming very freely available. I am sure that it is having a dramatic effect on some of the crimes committed in this State. If people underestimate the feeling in the community about the need for some alteration or curbing of the distribution of this material, they are hiding their heads in the sand because there is an extreme amount of feeling by parents in South Australia about this material.

True, there will always be irresponsible parents who will not be concerned and who will allow access to material to which children should not be allowed access. The problem is that children do not always stay at home: they visit other people. When this material is in the homes of others, how can parents keep an eye on their children? One way that we can attempt to curb the exposure of such material is to introduce a system which will work and be effective and which will stop the spread of such material that is now occurring.

Recently I was advised of a couple of occasions by friends of mine who are parents and who sent their children to birthday parties where the parents involved did not provide proper supervision. My friends' children arrived home in a traumatised condition because of videos that they saw at

the birthday parties. It was not the fault of the parents, because the children concerned actually hired the videos. The videos were available to children who should not have access to them. There is a real need for strong measures to provide adequate restriction.

The Government's measures do not go far enough. I do not believe that anyone can argue against these videos being classified in exactly the same way in which films are classified. The Attorney argues across the floor, and I have no doubt that he will put this information forward that South Australia as a State cannot do it alone. I would be most disturbed if that were the case. I would be even more disturbed if other States could not see the common sense of that approach. They are films, they are exactly the same as ordinary films. We accept the film classification system in regard to showing films for general exhibition. Therefore, why can we not do the same for videos? Why are we not taking this step to ensure that that comes about? We ought to start in South Australia and get the system under way as soon as possible, because these videos are a blight on our society and on our young people.

The Hon. C.J. Sumner: Can we act as a compulsory censor for the whole of Australia?

The Hon. M.B. CAMERON: At least we should start something and show that we are dinkum about the matter. We should start and the feeling will then spread throughout Australia by concerned parents. If the Attorney does not believe that parents in Australia—not just South Australia will not eventually bring pressure to bear on politicians to ensure that this happens, he is hiding his head in the sand.

The Hon. C.J. Sumner: That is why I introduced the legislation: we are the first Government in Australia to do so. Griffin did not do it in three years.

The Hon. M.B. CAMERON: It is a pity that the Attorney is not going the whole way and is only going half way by not introducing a system that he really desires. The Attorney has young children, and I know that he is as concerned about their future as Opposition members are concerned about the future of our children, in the same way that other parents are concerned in this State. The sooner we get it under way, the better. I support the second reading in order to support the Hon. Mr Griffin's amendment in Committee.

The Hon. J.C. BURDETT: I, too, support the second reading for similar motives. The Bill deals with the difficult area of pornographic and violent publications, including video tapes. The real problem arises in regard to some of the terribly pornographic and violent video tapes which are presently available. I entered this Council through a by-election in 1973, and one of the first major issues which came before the Council shortly after I became a member was a Bill dealing with the principal Act and a Bill to amend the Film Classification Act. At that time I had a high degree of enthusiasm to do my duty, which still remains, and I wanted to know what it was all about. I made the point of ascertaining the nature of the quite revolting material that was available then, and of course the situation has become much worse since then.

At that time many people well informed on this subject told me from overseas experience that future emphasis would become less focused on grossly improper, indecent and explicit sexual depictions and more on gross and graphic representations of physical violence, sadism, masochism and plain revolting and savage cruelty, shown in the most explicit detail.

At that time, when I suggested this, I was howled down and told that this would not happen. Of course, it has happened, particularly in regard to video tapes. In regard to matters of this kind there is a difficulty: we must consider the rights of the adult, but we must also consider the appalling psychological damage which the worst of the video material can cause, particularly in regard to children. Video tapes shown in the sitting-room are shown in an extremely intimate atmosphere where they will have maximum impact. Parental control may or may not be available. It is inherently likely that children will, in many circumstances, have access to this material—so violent and explicit that, as has been said by the Hon. Mr Griffin, reasonable adults often cannot bear to see out a programme.

I support the second reading because the Bill goes some way towards meeting the present situation in regard to pornography and violent video tapes. If improper use of this material can be prosecuted under the Classification of Publications Act itself, this is much more clear cut and satisfactory than having to seek to prove a case under the Police Offences Act. I shall certainly support the amendments foreshadowed by the Hon. Mr Griffin and, in particular, his amendment making classification of video tapes compulsory.

In regard to publications in the ordinary sense of the word (namely, books, magazines and so on), compulsory classification is impracticable because of the bulk of the publications. In regard to video tapes I believe, as is apparently believed in the United Kingdom, that compulsory classification is practicable and is necessary in order to prevent the damage done by viewing the worst materials.

Some commentators in the press and elsewhere have blamed this kind of material for things like the Kelvin and Bell murders. Whether or not this can be substantiated, the nature of the material is such that such allegations are at least plausible. The Minister, in his second reading explanation, spoke of uniformity, and he has been doing so again by interjection across the floor. He spoke of uniformity between the States as being desirable. Other things being equal, so it is, but he acknowledged on page 1684 of *Hansard* that:

> The standards will not be quite uniform in that South Australia, Western Australia, Victoria and Tasmania will wish to continue refusal to classify certain material which is acceptable elsewhere.

That is fairly equivocal. It is acknowledging that four States will want to depart from the norm. This is an area where I suggest the important thing is to get it right rather than to be uniform. For these reasons I support the second reading so that I may also be able to give support to the amendments outlined by the Hon. Mr Griffin.

The Hon. L.H. DAVIS: I also support the second reading of this important measure, but indicate from the outset that I, too, support the amendments on file from the Hon. Mr Griffin. In discussing such a matter which impacts on the community, it is well to remember the history of censorship in Australia. There is perhaps no better publication which reviews the history of censorship in Australia than the book entitled *Obscenity, Blasphemy and Sedition* by Peter Coleman, which details 100 years of censorship in Australia.

For those who have bothered to read it (although it may now be rather dated, the last edition being some 10 years old), it really indicates how community attitudes have changed regarding what is decent and what is not decent. Many examples are given in the book which one can only read with some amusement. Indeed, only just before the Second World War Australia's first full-time censor, one William O'Reilly, frequently outlawed British films for the simple reason that they did not depict British life as accurately as Hollywood.

The man who succeeded Mr O'Reilly as chief film censor in 1942 was almost as repressive. He was a teetotaller and a professional public servant. In 1948, only 35 years ago,

he was banning all foreign horror movies on the ground that:

Horror films are neither entertaining nor cultural. They cater only for a small minority of the moronic type.

The same gentleman also banned shots of bikinis, as they were prohibited on Australian beaches. And too many kisses on the neck could not be permitted because 'audiences got tired of it'. That, of course, is less than 40 years ago. One remembers the famous case of Max Harris and the *Angry Penguins* in the early 1940s. But, community attitudes have changed from the situation where there were literally thousands of prohibited books on the Customs Department list; there are now just a handful. We live largely now in an uncensored society.

The development of censorship in Australia began a little more than 100 years ago with the emancipation of women, the growing spirit of nationalism evolving a bolder approach to literature, the development of the free-thinking movement, which had as central to its cause anti-royalist, anti-religious and pro-birth control sentiments. All these developments in Victorian Australia in the last quarter of the 19th century saw, first, Victoria in 1876 and then later all the other colonies through to Western Australia in 1902 passing Obscenity Acts.

So now we have come to 1983, with a Labor Government (having been in power for just one year in this State), under some attack for the way in which it has approached this legislation. There is no argument about the fact that video tapes need some control. The question seems to be whether that should be a voluntary measure or whether there should be some all-embracing classification of videos to ensure that children are properly protected from those videos which are not suitable.

There is no doubt that in the past 12 months there has been a veritable flood of R-rated movies on the commercial market. There has been an explosion in the number of video recorders in private homes: I understand that the penetration rate in the Australian market is as rapid as in any other Western country.

I am informed that one in five households now has a video recorder. That is a significant figure, one that is going to continue to increase quite dramatically because the video recorder is the largest selling single consumer item to come on the market since the advent of television or the dishwasher. It is highly acceptable to a society which has more leisure time and which seeks different ways to entertain itself. It is a novel, appealing and easy way of entertaining people. As the Hon. Mr Griffin has quite properly observed, it also has inherent dangers in it. I cannot accept the Attorney-General's proposition that one can draw a nexus between publications of printed material and video material.

The Hon. C.J. Sumner: That is what Mr Griffin said in 1981.

The Hon. L.H. DAVIS: There is a difference.

The Hon. C.J. Sumner: Mr Griffin did not think there was a difference in 1981.

The ACTING PRESIDENT (Hon. C.M. Hill): Order!

The Hon. L.H. DAVIS: There is an enormous difference between the impact of words or photos in a book and the visual impact of the televised form of story that is moving, in colour, lurid and leaves nothing to the imagination. We live in what was called in the 1970s a 'permissive society'. However, I do not believe that we should permit this sort of material to be distributed at will. I do not accept the proposition put forward by the Attorney-General that a voluntary system is satisfactory. He suggested in his second reading explanation that distributors will have the option of deciding whether or not they should submit video tapes and films for home use for prior assessment by the Film Censorship Board or regional staff appointed in various capitals. That, of course, would be very much a thread and patches approach.

I will quote something which may be of interest and may also surprise the Attorney-General—that is, a quotation made by Mrs Janet Strickland, head of the Commonwealth Film Censorship Board, as recorded in the *Age* of 18 August 1981, which states:

Looking at the quality of films, especially from America, Mrs Strickland is concerned by an increasingly realistic depiction of violence related to sex. She is prepared to believe that non-violent hardcore pornography may have a cathartic effect that does not cause damage; but she fears that when violence is used as a sexual 'turn-on' it could be 'potentially socially destructive . . . and in the absence of evidence to the contrary one has to be careful'.

We then come to the nub of the argument expressed so forcefully by the Hon. Mr Griffin. In fact, this has been said equally forcefully by the head of the Commonwealth Film Censorship Board, Mrs Strickland, two years ago in that article which, after stating that Mrs Strickland was also concerned about video cassettes for private use, recorded her as saying the following:

'There's a lot of illegal importation, copying, distribution and exhibition of hard core porn cassettes which a lot of people in the community believe we have passed,' she says. 'That's an irritation, because very few are submitted to us.'

'It seems to me a slight hiccup in the law which allows hard core to flourish fairly openly in this way while we're sitting here classifying films' . . . But some classification would at least give people an idea of what they were buying.

That, I think, is very much my view, that it seems irrelevant to try to line up the use of video tapes and films for home use with the classification of publications in book stalls and news stands. I do not find that a valid analogy. I am further encouraged by the view put in a response by the South Australian Council for Children's Films and Television which has circularised members of the Legislative Council expressing its concern for the children of South Australia and about the fact that children are being exposed more often to violence and pornographic material. It expresses a concern that the scheme is defective if there is no compulsory requirement to classify all video tapes. Does the Attorney-General really believe that a distributor is going to look at a tape and say, 'Yes, that has a small pornographic scene in it, but the rest of it is all right; I think that it will pass'? The distributor would be setting himself up as an arbitrary censor. When there are dollars involved, does the Attorney-General really think that that person is going to make a judgment which will err on the side of the conservative?

The Hon. R.J. Ritson: He'll err on the side of the dollars, won't he?

The Hon. L.H. DAVIS: He or she will certainly err on the side of the dollars. I think that it is most unfair to put the onus in this matter on the distributor and to set that distributor up as the censor to make the judgment as to whether or not a video tape or film should be referred to the Classification Board or to regional staff. I am not sure whether or not the Attorney-General is talking about the Film Censorship Board or the regional staff, or whether or not there would be any consistency in the approach or response to that request for classification. He presumably will have the opportunity to discuss this matter during the Committee stage of the Bill. I turn once again to the letter from the South Australian Council for Children's Films and Television Inc., which states:

The Attorney-General, Mr Sumner, has told us the caring parent will be responsible and always preview tapes before they are seen by the children! He believes that treating video tapes like publications is justifiable as it allows for convenient 'control' via the Classification of Publications Act. And he says the uniformity of the scheme agreed to by most States would be damaged if South Australia chose to change its system.

The Hon. C.J. Sumner: Mr Griffin had an opportunity to review the system.

The Hon. L.H. DAVIS: The Attorney-General interjects saying that the previous Attorney-General had an opportunity to review the system. That is not the point at issue now. The point at issue is whether or not the present Attorney-General, as Leader of the Government in this Chamber, is prepared to grasp the nettle and is prepared to recognise that in the past 12 months alone there has been a dramatic change in the number and severing of the tapes the subject of the present discussion. If we were debating this matter 12 months ago I suspect that many of us would not have the feeling that we have today.

The Hon. C.J. Sumner: Rubbish! The problem was known 12 months ago—it was known three years ago and Mr Griffin did nothing about it.

The Hon. L.H. DAVIS: The Attorney-General says, 'Rubbish'. In the past two months I have heard, for example, that it is possible to obtain for a sum just over $100 a film that is known in the trade as a snuff film, that is, a film or a video where one actually sees someone being killed. It is not an enactment: it is the real thing. I am not sure where they come from: the Attorney may know more about this than I know, but these films are available. These people may have been abducted for the purpose of the movie; alternatively, the films involve people who see it as some sort of kick and who get money in regard to some close friend or relative, in consideration for their agreeing to be killed, in a fairly tortured way generally, for the purpose of the film.

The Hon. C.J. Sumner: That is why the legislation has been brought in—by this Government, not by Griffin.

The Hon. L.H. DAVIS: To argue the merits and demerits of the previous Government's stance on this matter is to beg the question entirely. The Attorney-General has already admitted that the amendments of the previous Government meant that we were heading Australia in this field in any case, and the Opposition is seeking to amend the legislation to ensure that video tapes and films for home use have a classification. The South Australian Council for Children's Films and Television put the argument very well, as follows:

> The Film Censorship Board, with its existing facilities and with some extra staff members, could cope adequately with an estimated 5 000 video tape titles per year at a cost of $145 000 per year. A classification fee of around $30 per title (not per cassette) would more than cover this expense. The Film Censorship Board could use its extensive indexes, and the distributors and/or retailers could themselves ensure speedy processing in most cases: they could supply full documentation on each title, with a statutory declaration that the contents of the video cassette actually submitted for classification
> - would match all video cassettes issued with that title; and
> - (where applicable) exactly matched a film already given a cinema release classification. (This would have the added advantage of giving consumers some assurance they were actually receiving what they may have already seen in a cinema, and not a mutilated version.)

I believe that is a significant point. The council is advocating a consistent approach to video cassettes which have already been seen as films in a cinema and indeed have been given a cinema release classification. To give the Film Censorship Board that same power is a very sensible procedure. It is further stated:

> The lack of information about video tape content (due to absence of classifications) will promote irresponsibility by parents by making careful choice difficult. Adequate labelling of video tapes provides consumer protection, and is more likely to prevent exposure of children to potentially harmful material in the M category.

That argument, of course, makes a nonsense of the Attorney's argument. The Hon. Mr Sumner has told us that caring parents will be responsible and will always preview tapes before they are seen by their children. The fact is that, if a tape is not classified, because there will be lack of information about video tape content, parents will not necessarily have seen that film when it is picked up from the shop, and they will not be aware of its contents. Whereas 12 months ago there were not many video shops, now they are rapidly becoming common place. I was at a club in a provincial city recently and as I came through the entrance the first thing that I saw on the left was an enormous library not of books but of video tapes. People were buying videos just as they buy milk or chocolate at the local delicatessen.

There is the celebrated example of an outback town in Queensland with a population of 600 to 700 people in which there were two cinemas: one of those cinemas has now closed because of the impact of videos. However, in that town there are four video shops supplying 700 people with a large number of titles, no doubt. So to say that one can compare the impact of video tapes and films for home use with the impact of printed matter is quite a fatuous argument. It is common place today for one in five homes to have a video, and I am sure that in a year or two that number will be higher.

The Council for Children's Films and Television further stated:

> The proposal to treat video tapes like publications ignores their very real differences. Video material has a far more powerful impact even when simply played through. But it can also be freeze-framed, and played in slow motion, with scenes repeated out of context. The impact of such material—especially violent material—on children cannot be ignored. Video tapes cannot be thumbed through to assess content before purchase!

Again, that means that videos are very much different from printed matter. The final point made by the council is as follows:

> The uniformity of the scheme agreed to by most States lies in the application Australia-wide of uniform classification standards and labelling. Uniformity would not be threatened by South Australia requiring compulsory classification, nor by South Australia deciding not to allow 'X' category material to be available in the video sale/hire outlets.

In summary, I will restate the argument. First, I agree with the Hon. Mr Griffin's view that there should be a system of classification of video tapes and films for home use and that we should not rely on a voluntary assessment system. We should draw the distinction between, first, video films and tapes for home use and, secondly, publications. The Attorney-General has sought to use the voluntary system that presently exists in regard to publications as a justification for implementing a similar measure in relation to video tapes and films for home use. I have sought to demonstrate that video tapes and films for home use are much more insidious, not only in their visual impact but also because of the sheer weight of the number of these video films in the market place at present. There is unquestionably no control over their use. We must be realistic and say that whatever classification system may exist we will never prevent a black market in such video tapes and films, but that is another argument.

The whole thrust of Mr Griffin's amendments has been given credibility by the fact that the head of the Commonwealth Film Censorship Board, Mrs Strickland, some two years ago in an article in the *Age*, admitted that it seemed 'that there is a slight hiccup in the law that allows hardcore to flourish fairly openly in this way while we are sitting here classifying films'.

The Hon. R.J. RITSON secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 17 November Page 1920.)

The Hon. C.M. HILL: This short Bill proposes to remove industrial responsibility for harsh, unjust or unreasonable dismissal claims from the Local Government Act, and in lieu thereof invoke the operation of section 15 (1) *(e)* of the Industrial Conciliation and Arbitration Act. The Government proposes to do this by removing Parts IXA and IXAA from the Local Government Act. The Bill also makes several minor consequential adjustments.

The Local Government Act is one of only a few Acts that currently retain responsibility for this form of industrial determination. I understand that both the Municipal Officers' Association and the Local Government Association have requested that this action be taken. Up to that point the Bill seems to be quite reasonable, because it means that all council employees will be protected. If the measure goes through Parliament, council employees will come under the Industrial Conciliation and Arbitration Act. However, the Adelaide City Council has indicated that it is concerned that its industrial award will not rest easily, if at all, with the intentions of the Bill.

The Adelaide City Council is the largest local government body in this State, but it was not given sufficient notice or sufficient time to fully consider this proposal. I think that that should have occurred. I believe that either the Local Government Association (of which the Adelaide City Council is a member) or the Minister's office should have contacted the Adelaide City Council and informed it of the proposal being developed by the Minister. To stress this concern I will refer to copies of correspondence (to the best of my knowledge the correspondence was not intended to be confidential). In both a letter from the Minister of Local Government to the Town Clerk of the City of Adelaide and in a reply from the Town Clerk to the Hon. Mr Hemmings, the problem that will occur as a result of this Bill is highlighted.

I think that this Chamber has a duty to look closely at any problems that will arise as a result of this legislation. On 22 November, which was the day after the House of Assembly passed this measure, the Minister wrote to the Town Clerk. Incidentally, I believe that the Minister gave an undertaking in another place that he would inform the City of Adelaide accordingly. In fact, the Minister was carrying out a commitment that he gave during debate of the Bill. The letter is as follows:

Dear Mr Llewellyn-Smith,

In the House of Assembly on 17 November 1983 I introduced and secured passage of a Bill to amend the Local Government Act by deleting Parts IXA and IXAA relating to dismissal, suspension and reduction in status of clerks and other officers. The proposal to do so was put to me in a joint approval by the Local Government Association and the Municipal Officers' Association, on the basis that it would enable all council staff to have access to the provisions of section 15 (1) *(e)* of the S.A. Industrial Conciliation and Arbitration Act *Maczkowiack v. D.C. Blyth* No. 394 of 82 Industrial Court of S.A. sets out the difficulties repeal of Parts IXA and IXAA will overcome.

During debate in the House yesterday, it was put to me that the Government's action in repealing these Parts disadvantaged the Adelaide City Council in some way. I was somewhat surprised to hear this as it has not been raised by either your council, directly with me, or by the Local Government Association or the Municipal Officers' Association whose representative position I relied upon.

I understand from the debate that removal of the two Parts will leave staff of your council without the protection of section 15 (1) *(e)* of the S.A. Industrial and Arbitration Act which will be available to all staff of every other council in the State.

If this is so, I support moves to provide that protection as quickly as possible, and I have today written to the Municipal Officers' Association and the Local Government Association asking them to discuss with you inserting into the Adelaide City Council Award provisions based upon appointment and probation redundancy and termination and reinstatement provisions of the Municipal Officers (S.A.) General Conditions Award which will apply to all other councils when the Local Government Act amendment comes into force.

Obviously the Minister hoped that his letter would satisfy the Adelaide City Council. In his letter the Minister gave an undertaking that officers of the Adelaide City Council would in future be covered by section 15 (1) *(e)* of the Industrial Conciliation and Arbitration Act. Of course, that will also be the situation in regard to council employees elsewhere.

Employees of the Adelaide City Council work under the Special Municipal Officers Award. It appears from my investigations that that award rests upon sections of the Local Government Act which this Bill repeals. When this Bill proceeds through Parliament new arrangements will have to be made to protect Adelaide City Council employees. Instead of having their own award, which I believe is somewhat more advantageous, Adelaide City Council employees will come under the same category as council employees elsewhere and they will lose their special award. In fact, Adelaide City Council employees will lose what they believe to be an advantage. Hopefully, although it is not certain, the machinery will proceed and they will simply come under arbitration legislation comparable with that applying to employees elsewhere.

The City of Adelaide replied to the Minister's letter on 28 November—yesterday. The reply states:

Dear Mr Hemmings,

With regard to your letter of 22 November 1983, concerning the repeal of Parts IXA and IXAA of the Local Government Act, I would comment as follows:

1. Neither the Local Government Association nor the Municipal Officers' Association discussed the proposed repeal of these Parts with any officer of this Council.

   This is considered surprising in that the Adelaide City Council Award is the only award where such a repeal would have any significant effect, as appeal provisions in that award are specifically subject to the provisions of the Local Government Act.

2. The first intimation we had of the proposal was when we received for comment the amendment Bill and its accompanying explanatory notes, from which it was noted that Parts IXA and IXAA were currently before Cabinet for separate legislation.

   The earliest this council could consider the matter was on 21 November 1983, being the first council meeting after a review of the Bill but by which time the Bill had already been introduced and passed in the House of Assembly.

3. Parts IXA and IXAA have never at any time posed any difficulties in their application to this council, indeed their application in our award has contributed greatly in maintaining a harmonious industrial relations climate within our organisation by leaving no area of doubt between the provisions of our Federal award and any other provisions existing elsewhere.

   It should also be emphasised that the two Parts in question provide rights of appeal, one to the President of the Industrial Court and the other direct to the Minister of Local Government, both of which are substantial rights.

4. Until receipt of your letter of 22 November 1983 we were unaware of any valid reason to justify the repeal proposed and certainly none that would warrant separate legislation in advance of all other proposals in the Amendment Bill.

   A study of the case mentioned in your letter (that is, matter No. 394 of 1982, *Maczkowiack v. District Council of Blyth*, in the Industrial Court of South Australia) does not sway us to change our view that no valid reason exists. All the problems arising in that matter were of the making of the parties concerned, particularly the long standing efforts of the Municipal Officers Association to overcome the provisions contained in the Local Government Act and obtain provisions which they consider more suitable.

   Had the parties adhered to the provisions of the Local Government Act since the insertion of Parts IXA and IXAA into the Act, then no problems would have existed however unpalatable this may have been to the Municipal Officers Association.

5. The repeal of the above Parts will leave our award with no appeal provisions and, therefore, the Municipal Officers Association will be in a position where they can

attempt to have inserted into our Federal award provisions more to their liking.

It also means that they will have been able to achieve an industrial objective through the offices of the Minister of Local Government that they have been unable to achieve through the normal industrial processes.

6. We note from your letter that you have written to the Municipal Officers Association asking them to discuss with us the insertion into the Adelaide City Council Award the provisions appearing in the Municipal Officers (S.A.) General Conditions Award concerning appointment, probation, redundancy, termination and reinstatement.

Apart from observing that these are all industrial matters more correctly the province of the industrial courts, we would point out that it is these present conditions which are causing problems in the Municipal Officers (S.A.) General Conditions Award and not the provisions of Parts IXA and IXAA.

7. We further note from your letter that you support moves to provide protection for our staff; this being so, we would suggest that Parts IXA and IXAA of the principal Act have provided this protection for some considerable time and would continue to provide such protection with the minimum of industrial fuss, not only for our staff but probably for all staff in Local Government in South Australia.

As far as the Adelaide City Council is concerned, we would respectfully suggest that to change a situation which has shown, and can still achieve, a desirable purpose, would be contrary to good industrial relations and to the best interests of our staff.

I have to advise you that the council at its special meeting held on 23 November to consider the Bill to amend the Local Government Act resolved that it opposes the repeal of Parts IXA and IXAA of the Local Government Act, 1934, unless reasons can be advanced to show that it would not be detrimental to the operations of the Adelaide City Council.

Yours faithfully,
Michael Llewellyn-Smith, M.A.
(Town Clerk)

As a result of that correspondence, I am not being critical of anyone now in regard to this measure, except to say that it is surprising that the City Council was not informed earlier of the whole issue. I am not being critical of the M.O.A. but I believe that in this House of Review the matter should be further looked at because of the concern of Adelaide City Council, which may well be being treated unfairly by this measure. One alternative may be (I have not had time to talk this over with any industrial lawyer) for the two Parts that the Minister intends to repeal (thus assisting all other local government employees in this State) to be repealed as suggested and perhaps reinserted elsewhere in the Act relating specifically and only to Adelaide City Council.

That is simply one alternative which has crossed my mind and which I have not yet had time to fully consider. However, because of the need to satisfy this inquiry which has arisen at a relatively late hour from Adelaide City Council, this Council should consider this matter before it comes to vote on the second reading.

The Hon. J.C. BURDETT secured the adjournment of the debate.

STATUTES AMENDMENT (FLOOD MANAGEMENT) BILL

Adjourned debate on second reading.

(Continued from 17 November. Page 1923.)

The Hon. C.M. HILL: This Bill deals with flood mitigation. This has been a serious matter, especially since the floods in metropolitan Adelaide and on the fringe of metropolitan Adelaide in 1981. It is of particular concern in areas such as First Creek, which is commonly known as Waterfall Gully Creek, and other tributaries of the Torrens River such as Third, Fourth and Fifth Creeks, because it was in those vicinities that considerable damage occurred and risk to life and property was a serious issue in the 1981 flood.

The Government of the day looked at the matter and a committee was appointed to recommend changes to overcome the problems of flood. Soon after that committee's findings came down it was agreed that a Bill should be developed, amending both the Local Government Act and the Water Resources Act. That Bill did not proceed because of the last election. In May this year the present Government introduced the same thrust that was proposed in legislation, but it only affected the Water Resources Act and at that time the Local Government Association expressed concern and the Government withdrew that Bill. We now have before us a measure which amends—and quite properly so—both the Local Government Act and the Water Resources Act. The Bill's purpose is to overcome the risk to life and property that floods can cause. It gives special powers and control to local government bodies and makes them responsible for watercourses in the State. It deals with the question of interference to watercourses by private individuals. It involves requirements for individuals to remove obstructions from watercourses.

It gives amongst other powers the responsibility of local government to act in an emergency and powers of entry in such emergencies so that they can overcome obstructions within waterways and thereby cause free flow of streams which are in flood. That, of course, helps to overcome any of the problems.

I am concerned about only two points in the Bill, about which I propose to move amendments. These deal, first, with the question that an owner of a property who has a creek running through that property can be asked to pay the cost of removal of obstructions therein as a result of flooding when, of course, it is quite possible (and often is the case) that those obstructions were placed in the creek not by that person but by some other person upstream.

There are situations within metropolitan Adelaide, especially if one has a property which is on a bend in the watercourse or where the watercourse may enter into a culvert or under a street, where a great number of obstructions can gather through no fault of the owner, and the owner is asked to bear the cost of removal of those obstructions, which would seem very harsh indeed.

It may well be difficult for a council to ascertain who may have been responsible for such obstruction being placed in the watercourse further upstream, but it should not be the concern of the individual because we will see situations where some individuals will be forced to pay a lot of money for this watercourse clearance but a neighbour may not have to pay any money at all; yet neither would be at fault in relation to placing obstructions in the stream.

The Hon. Anne Levy: I know of cases where councils have put the obstructions in.

The Hon. C.M. HILL: I do not know that councils put obstructions in.

The Hon. Anne Levy: I can quote you one.

The Hon. C.M. HILL: The honourable member may have examples, and I will be pleased to hear from her if she has. It would be an even stronger point in my argument if an individual had to bear the cost where a council had placed the obstruction or rubbish that had been washed down by the floodwaters. It is another strong point for my proposal to be looked at very closely.

The second point at which the Council should consider amending the legislation is that a power is given to local government to compulsorily acquire property for the purposes of mitigating floodwaters. From my investigations, it would appear that under sections 407 to 415 of the Local

Government Act that power exists at present; so it would appear to be a duplication of such an authority. The procedure under the Local Government Act may well be a little lengthy as it stands, but I do not think that there is any mad haste in regard to local councils having to acquire property for flood mitigation purposes.

Usually, the acquisition of property, if it were planned and needed, would be a fairly long-term proposal put in train after the flooding had subsided with a view to ensuring that such flooding would not take place at a future date. When one deals with compulsory acquisition by any instrumentality (whether a Government department, a statutory body or a local council), it is a very sensitive subject from the point of view of the individual.

I do not oppose the principle that if acquisition is needed in the public interest it should take place, but there are questions as to what exactly is the public interest in these matters. Those questions certainly are dealt with in provisions dealing with compulsory acquisition, which I just mentioned, in the Local Government Act. So, I question whether or not it is necessary for such powers to be also included in the Bill before us.

In general principle I support the Bill. It is, in general terms, legislation which I believe very strongly is necessary, because everything possible should be done to ensure that dangerous situations do not occur in the future as they occurred in the past in some of these streams that pass through outer metropolitan Adelaide and the eastern suburbs of the city. I support the second reading.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

SOUTH AUSTRALIAN ETHNIC AFFAIRS COMMISSION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 November. Page 1920.)

The Hon. C.M. HILL: I support the second reading of this Bill, which is the first major measure in relation to the Act that has been introduced into the Parliament since the establishment of the Ethnic Affairs Commission. I had quite a deal to do with that procedure of establishing the Commission.

I preface my remarks by saying that the Commission has worked quite well since it was first established. Criticisms have been heard about its activities, but, generally speaking, in an area where there is a great deal of sensitivity and in which there will always be some controversy, the Commission, by its constitution and by the goodwill, responsible attitude and dedication of the Commissioners (particularly the Chairman) and of its staff, has been working quite well.

Its objective originally was simply to be a vehicle to assist members of migrant communities in South Australia who found some inequality because of difficulties under which they suffered (such as language and lack of knowledge of the environment, the social and economic structures and the cultural problems which they found different here), and in the general process of integration into the one Australian community—remaining diverse, as no doubt it will—migrants from all parts of the world undoubtedly have some problems and difficulties. The State provided this machinery in an effort to help them through those difficulties.

The constitution of the Commission, which I notice is being changed in the measure that is before us, was eight people, including the Chairman. There was criticism from time to time regarding how these people were chosen and the criteria that were considered when they were chosen, though some of it was rather mischievous. I do not know whether the approach that was adopted by the Government of which I was a Minister (recommended by me and accepted by that Government) has ever gone on the record. It was and is still the fairest approach possible to the issue of how the Government chooses the members of an Ethnic Affairs Commission. That approach, in broad terms, was that we took a regional base for that selection of Commissioners. We did not adhere to that in a strictly black and white way; we used some flexibility.

Nevertheless, regional approaches, in my view, are the fairest and most defensible approaches because, from time to time, no matter which Government is in office criticisms will be lodged about who has got a job as a commissioner. Also, other criticisms will be levelled along similar lines. The approach used was that we would split the world into the regions from which migrants came. We were to select one person from the Asian region, and one person from the southern Slovakian countries, the northern Slovakian countries, the central Germanic region of Europe, and the British Isles. We restricted the principle of regional selection because of the very high number of post-war migrants from Italy and Greece and said that we would select one representative with origins in Italy and one with origins in Greece.

Selection of the Chairman was based upon a person who was the best person, in our view, for the job, irrespective of any other criteria. I think that that worked very well, and I place on record, because of the pending change, my appreciation of the job that the Chairman, Commissioners and staff have done, and thank them for the degree of commitment that they applied to their task.

We also developed a system of committees. It may not have been as comprehensive a group of committees as some people would like, but the Commission had to crawl before it walked if it was going to establish itself properly. Also, there was a great deal of work to do in many areas. I recall now that the following groups were established: Grants Commission within the ethnic affairs structure; Ethnic Affairs Facility Committee; Human Services Committee; Ethnic Difficulties Aged Council; Keeves Review Committee, which we formed because we were not satisfied that the Keeves Report had done enough in its review regarding ethnic education; and the Migrant Women's Advisory Committee. All those committees were working well. A great number of volunteers gave, and are still giving, service to those committees.

Initially, the Commission contacted various ethnic groups and communities and sought the names of volunteers who could be harnessed to do this work. The principle was that we wanted the ethnic people to take control of the whole operation because no person understands ethnic attitudes and the ethnic mind (if I can use that expression) better than the ethnic people themselves.

We saw, ultimately, that the hopes and aspirations which some communities had been advancing in recent times were ultimate goals. I refer particularly to the question of mainstreaming, the provision of services so that its delivery could be provided directly by instrumentalities and departments. It was an inevitable part of the evolution. It was the means by which the Commission ultimately might well reduce its activity and by which these people could be supplied with these services directly by the department concerned. I have always supported that principle, but it has been a question of the speed at which one hastens to such a change. I make no apology for the fact that my influence, if there was any, was that the Commission had to take steps slowly because I thought that that was the best way in which to build a foundation for future expansion and development.

I am now quite prepared to admit that the time has come for some change. There have been some fairly active people

in the ethnic affairs area who have been fairly forceful in their expressed desire for change. They were not, when I was involved in the administration of the Act, organised in a group to the degree that they now are. I refer particularly to the United Ethnic Council. As I have said before, times change and one must move with those changes. The Government, in keeping with its election promise, has held its review. I believe that the people who carried out that review did so to the best of their ability. However, their report did not, in my view, give sufficient credit to the existing Commission and its work.

I do not want to stress that matter too much at this stage. I have read the report. I depict its main thrust as being that it supports a more prominent role for the Commission within society generally and a higher public profile for the Commission. Whether that will be to the good of the ethnic people as individuals, frankly I do not know, but that was the thrust of the report that was developed from evidence given to those who prepared it and who carried out the investigation. It is a question now of our waiting to ascertain whether or not the people who receive these services will benefit as a result of any changes. I have always taken the view that a bipartisan approach regarding the question of ethnic affairs is the only one that political Parties—

The Hon. C.J. Sumner: That was not your attitude after the election when you were elected.

The Hon. C.M. HILL: There were circumstances at that time of which the Attorney should have been quite ashamed because he was in charge of the—

The Hon. C.J. Sumner: What happened?

The Hon. C.M. HILL: You had it filled up with politically motivated people.

The Hon. C.J. Sumner: That is arrant nonsense! What about your appointee to it?

The Hon. C.M. HILL: What about my appointee?

The Hon. C.J. Sumner: Don't get into the subject of appointees.

The Hon. C.M. HILL: To the Commission.

The Hon. C.J. Sumner: I have had the file out— I know what you did.

The Hon. C.M. HILL: I will tell you what we did—we appointed a Commissioner who, to the best of my knowledge, was not a member of a political Party.

The Hon. C.J. Sumner: Whom?

The Hon. C.M. HILL: The Chairman.

The Hon. C.J. Sumner: Did the selection committee recommend him?

The Hon. C.M. HILL: The selection committee did not recommend anyone, as I recall.

The Hon. C.J. Sumner: That is wrong.

The Hon. C.M. HILL: It is not wrong.

The Hon. K.T. Griffin: The Attorney knows the conventions about not going back through the files of previous Governments.

The Hon. C.J. Sumner: He accused me of doing something. After you got in, what you did in that ethnic affairs area was absolutely disgraceful.

The PRESIDENT: Order!

The Hon. C.M. HILL: I can go through—

The Hon. C.J. Sumner: He started it.

The PRESIDENT: Order! Let us get back to the Bill.

The Hon. C.M. HILL: I am making the point that I believe that a general bipartisan approach regarding ethnic affairs is the best approach and that in the selection of the personnel for the Commission to the best of my knowledge and, so far as my Party's politics were concerned, there was only one person out of the eight appointed who had been a member of the Party, and whether or not he was a member at that moment I do not know.

I chose that person because he is a very efficient officer and, what is more, we gave him the shortest term of the various terms that were given. Some people who were selected and whom I recommended I knew to be supporters of the Labor Party, but nevertheless that is history. I am making this point because I would like to join with the Government, as I am sure members on this side would like to join, in regard to this legislation to try to make the best possible changes. If we make mistakes, there could be a lot of trouble—for the Minister, for the Government and, what concerns me more, for the people who have to be served by this public authority.

I propose to move amendments, and I wish now to refer to the Bill. I notice that under clause 3 the new office of the Deputy Chairman will be appointed by the Governor. I do not know whether that will create any difficulties if a member of the Public Service wishes to apply, but I believe that that matter must be considered. I presume that the Minister might well be trying to avoid the question of appeal for any applicant who might want that task. It is rather unusual for a Governor's appointment to be associated with the office of a Deputy Chairman. I do not quibble seriously in that regard, but I believe that all these matters should be considered.

The Government proposes to increase the number of members on the Board from eight (including the Chairman) to 11, which will include the Chairman and the Deputy Chairman. I take very strong objection to the conditions that will apply to the selection of the nine members. The Bill requires the following:

(a) at least two shall be women and at least two shall be men;

(b) at least one shall be an officer of the Commission; and

(c) one shall be a person proposed for nomination as a member of the Commission by the United Trades and Labor Council.

The Hon. R.J. Ritson: Will that be George Apap?

The Hon. C.M. HILL: I had not thought of Mr Apap, but I suppose that he might be considered by the United Trades and Labor Council. That would be a matter for the Council to decide and for the Minister to either agree or ask for a further nomination to be submitted. The point I am making is that it is quite insulting to women in today's world for an Act to stipulate that, of a group of nine people (and that is what we are now dealing with, because of the 11 members one will be the Chairman and one will be the Deputy Chairman), at least two shall be women and at least two shall be men. Let us be quite frank: this provision will ensure that there will be at least two women on the Board, not at least two men. If a Government today cannot find appointees involving a reasonable number of women, it should be ashamed of itself. To provide such a condition in the Bill as a sop to womanhood is quite derogatory to the women's lobby. It is quite insulting. I spoke to one women member of Parliament today about the matter and she said that that provision is quite insulting. However, we can debate that matter in the Committee stage.

I oppose the provision that at least one member be an officer of the Commission. I believe that, if the Government wishes to introduce a form of employee involvement, it is entitled to do so, but I always prefer that that action should be initiated by the staff. If the staff want representation on the Board, they should approach the Minister. I believe that a prudent Minister should keep an office open in case that should happen. However, I disagree with the worker participation principle of the Government's imposing the structure upon the staff, who may not want to be involved. Of course, there is one very great danger, and that is that the person appointed will be confronted with a conflict of interest with which he will have to live. That person must be loyal to

the Board and deal with confidential matters, and so on, but he must be loyal to his masters, to his fellow staff members, who appointed him. I would prefer that that provision be left out of the Bill and that it be left entirely to the Government to do what it wishes.

The provision that one member of the Board shall be proposed by the United Trades and Labor Council is discrimination in the worst possible form. We are told that the reason for this provision is that most of the ethnics are workers, anyway. That is very insulting to a great number of migrant people who do not like to classify themselves as workers and who do not want any association with a union, a representative body or the U.T.L.C. There are a great number of such people, even professional people, from ethnic families and groups, including small businessmen, and, if the Government is to start putting tags on these people, it will have to include the Chamber of Commerce and Industry.

I note that one ethnic group in its submission stated that it should be able to propose a member of the committee, so where do we stop? I realise that the Government has a policy along these lines, but I really do not think that the mandate that the Government claims to have would have influenced many votes at the last election. The Council should consider that matter carefully. Under proposed new section 6 (4), the Government has removed the need for the Chairman to be the Chief Executive Officer. Those words have been taken out.

The Hon. C.J. Sumner: We are putting them back in again.

The Hon. C.M. HILL: I was going to do that myself, so I will not argue with that. We want to be as bipartisan as we can. I support the proposed new office of Deputy Chairman. However, it will cost a considerable sum, and it will involve new money, which I hope the Treasury can find. Only a few days ago the Minister stated that there would be little further expenditure.

In regard to this matter, the Minister stated that the executive staff of the Commission need another senior officer with administrative expertise of a very high order to help in the general day-to-day activity. I believe that the Deputy Chairman should be full time. In the second reading explanation the Minister stated that the Deputy Chairman would be full time, but this has not been provided in the Bill. The Bill states that the Chairman must be full time, but there is no provision in regard to the Deputy Chairman. There should be an amendment in that respect.

Clause 8 deals with the formulation of ethnic affairs policies, and I seek further explanation from the Minister. As I said earlier, I favour a trend towards departments handling their own ethnic affairs matters. However, the Bill states:

> Each Government department shall formulate a policy governing its relationship with the various ethnic groups in the community and the members of those groups.

How far into the policy making area does the Minister expect the departments to go? We do not want to see new sub-ethnic affairs commissions in every department. I would suggest that there should be adequate service delivery to migrants directly by departments. To set out policies that will ensure such service delivery to ethnic people is what I support.

I think that the policy question should be defined so that it does not expand too far and at the same time, achieves the Minister's aim. I notice that local government is being brought into the general area of the provision of information to the Commission. Local government will be asked to provide adequate services to ethnic people within local government areas. I totally support that. However, I am a little worried because the Commission may request information from local government and can stipulate a time when that information must be supplied. I saw Mr Hullick, Secretary of the Local Government Association, viewing the Minister from the Gallery when a local government Bill was before Parliament last week. I believe that local government will query this area of the legislation.

Has this area of the legislation been referred to local government for comment? I heard the Minister of Local Government swear black and blue at a meeting of the Local Government Association that all legislation affecting local government would be referred to it before Bills came before Parliament. I will take a side wager that this measure has not been referred to the Local Government Association. The Bill also mentions group rights.

I query the admission of ethnic groups and their rights into law. I believe that the individuals who make up such groups have individual rights. I do not know whether any other law refers to groups, apart from incorporated bodies. Groups such as professional ethnic groups who want recognition by various professional societies relative to their disciplines have no rights, but the individuals within such groups do have rights. I think that that part of the Bill should be amended.

In conclusion, I support the general thrust of the legislation. I hope that the Attorney is careful in his selection of new members of the Commission. I do not think that some of the Attorney's ethnic friends will be very happy with him. On the one hand the Attorney has said that he will increase the size of the Commission to achieve more representation; on the other hand, the Bill provides that one of the new members must be a member of the Trades and Labour Council and one must be a member of staff. Therefore, the Attorney is not adopting a reasonable approach. However, that could be achieved if the Attorney excluded the ridiculous provisions that I have mentioned.

The Hon. C.J. Sumner: Are you going to move to take them out?

The Hon. C.M. HILL: Yes, and I hope I have the Attorney's support. As I have said, I support the thrust of the Bill. I hope that a somewhat cautious approach is maintained by the Government of the day and by the Commission. I respect the pressures and the views of those people within ethnic communities who have been seeking change. I hope that through compromise and further discussions, as the Bill passes through Parliament, a measure can be fashioned that will be acceptable to them and to the Government: a measure that will assist the entire body of the large ethnic community in this State. I support the second reading.

The Hon. DIANA LAIDLAW secured the adjournment of the debate.

[Sitting suspended from 6.6 to 7.45 p.m.]

CLASSIFICATION OF PUBLICATIONS ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1996.)

The Hon. R.J. RITSON: I will be brief because much has been said about this matter and I merely want to canvass a few points in support of much of what has been said and in support of the position taken by the Hon. Mr Griffin, both in his second reading speech and in his foreshadowed amendment. The question of the effect of audio visual violence upon people who witness it is something that has been a matter of conjecture for some years. Certainly, it seems to stand to reason that people exposed to such

material would be affected by it and, indeed, that was the position taken by Mrs Strickland. In much more recent times scientific evidence has been adduced to demonstrate this more clearly. I will not go through the literature because I do not think that this is in dispute.

The matters that the Attorney has mentioned by way of interjection indicate that he accepts the recent scientific evidence. There is a desensitising of people who witness this material that makes them more easily accept violent behaviour in the community. The problem has been presented by some as a conflict between civil liberties on the one hand and social responsibility on the other hand. It is a little unfortunate that the few people who take the civil libertarian attitude in this issue appear not to understand fully the nature of the material about which we are talking.

Whatever one's personal, ethical, moral, religious attitudes may be, it is probably unwise in a democratic society to legislate purely to foster one or the other attitude for no other reason. Legislation needs to be based on a more general community good, and for that reason I do not believe that members on this side would wish to legislate to restrict people who choose to watch titillating erotica in the privacy of their own home. Whether we would wish to do this or not, we would not wish to restrict by legislation the rights of the individual to watch erotic material of sexual content, provided that it causes no harm to the community.

The problem is that there has emerged recently a generation of recorded audio visual material which, as other members have said, is of extremely violent and sado-masochistic quality; indeed, if what we are told about it is true, it is a direct product of major crime. So, the need to re-evaluate the law in this area is even more urgent, and we do support with some amendments the move taken by the Attorney, who has obviously responded to the more recent realisation of the growth of this dangerous material.

As I said, I am not talking about amusing erotica: I am talking about movies of torture, disembowelment, some of it real (not acted), and even if this material damaged only the person who watched it, we would have to question whether that would be permitted. The evidence is that some people in the community will have their mental health endangered by this material because of the peculiar vulnerabilities of certain people who, when their mental health is damaged, become a danger to the whole community by attempting to act out these fantasies in real life.

The great fear spreading throughout the community presently is that perhaps there are a few individuals who are acting out these fantasies in a brutal and criminal way and (without referring to specific cases) every South Australian knows exactly what I mean. The problems with voluntary classification are worth addressing, because the Hon. Mr Griffin has raised some very valid points. The voluntary classification system means that, if a person who is in the business of hiring or renting video material should make a mistake in his own assessment of the conditions under which he should sell it, there is a mechanism in the Attorney's Bill for this material to be checked and for the matter to be corrected with the force of law. But the material has still gone out and it does not matter if only a few copies of a movie have gone out before the matter is corrected by the law as provided for in the Attorney's Bill because, with modern copying facilities, once the material is out and circulating, it will definitely multiply with copying. So, I am much attracted to that aspect of the amendment foreshadowed by the Hon. Mr Griffin.

The Hon. C.J. Sumner: How will that make any difference to the problem of copying?

The Hon. R.J. RITSON: The Attorney may not have heard me correctly because, as a busy Minister, he was probably seeking advice on other matters when I made my point. The point is made by the Hon. Mr Griffin that, if classification is sought before the video is put on sale, if it is not suitable to be sold, it will not be sold.

If voluntary classification is applied by the vendor and complaints arise because the vendor in his own judgment has been more generous to the movie than the Classification Board would be, then under the Bill the matter can be corrected by law, but a number of copies would have already been sold. The film would be out.

The other difficulty that the Hon. Mr Griffin's amendment partly overcomes is the question of the tape for which classification is not sought because classification would probably be refused. In that instance a person circulating obscene or objectionable material under the Bill could be proceeded against under the Police Offences Act. But, the problem of marshalling the evidence and proving the case is somewhat more onerous on the part of the prosecuting authorities than merely—

The Hon. C.J. Sumner: That is not right. In fact, in many ways it is simpler. One does not have to go back and check previous classifications and prove that what was sold was unclassified. In terms of enforcement there is nothing in it.

The Hon. R.J. RITSON: If all films have to be classified but someone deliberately does not submit an item for classification because it is one of the nasties that would be refused classification, then surely the only element the Crown has to prove is that the person hired, exchanged or bartered something that was unclassified and, Q.E.D., the charge is made without the great difficulties that beset the law in interpreting decent community standards, with the many expert psychiatrists giving evidence regarding the gravity of corruption.

I know that that will not stop the clandestine circulation of this sort of material. I do not claim that the Hon. Mr Griffin's amendment would make everything squeaky clean. Theft is prohibited by law but there are 2 000 housebreakings each month. One expects certain people to break the law in the face of compulsory classification provisions.

The people I have consulted on this matter seem to feel that, in terms of prosecuting powers, it would be simpler to obtain a prosecution where people were apprehended with unclassified nasty movies, if it were this statutory offence rather than relying on the Police Offences Act. I support the second reading. There are recently published 1981-82 papers which demonstrate the connection between violence and violent behaviour and this type of material, which makes the matter more urgent. I congratulate the Attorney-General in responding to this later information. I commend the Bill to the Chamber and hope that the amendments will also be considered in due course.

The Hon. R.I. LUCAS: I support the second reading with a view to supporting the amendments foreshadowed by the Hon. Mr Griffin. I believe that he has adequately summarised the views of the many groups that oppose the provisions in this Bill. I support many of the views put forward by the Hon. Mr Griffin and will not repeat them. Censorship always raises controversy in the community; it always has, it does at the moment and it always will. This is a very difficult area with a necessary balance between the pure civil libertarians, who argue that adults should be able to see and read everything they wish and, on the other side, those who argue that pornographic material of any classification should not be available to the community. I feel that Parliament should come down somewhere in between, and where we draw the line is a critical question.

Personally, I cannot accept the pure civil libertarian view, as probably best put by Des Colquhoun on the front page of the *Advertiser* recently when he said that one could read and see virtually everything. The Hon. Mr Davis referred

to a recent trend, of which he did not give the origin but on my reading tells me it is South America, where 'snuff' films originated. Recently I have been told that the South-East Asian market is now moving into that lucrative form of video film. The Hon. Mr Davis has some figures on this matter, so his information is better than mine. But, for $100 one can obtain a film where one does not see simulated torture, pain and ultimately death, but sees the whole gory lot in its gruesome reality. Clearly, my first view is that that should not be available. Other material should also not be available in my view. I think that most people accept that terrorist type video—

The Hon. C.J. Sumner: They won't be available under this Bill.

The Hon. R.I. LUCAS: The Attorney should not get upset; I am not criticising him. I am making the point that the pure civil libertarian view cannot hold in our society. There are exceptions and I have listed two clear ones. There are other clear exceptions and my personal view would put extremely violent films or material into unacceptable categories.

I refer now to what is already available under present M and R film classifications. Mature is suitable for persons 15 years of age and over. The Hon. Mr Griffin referred to this material which is considered likely to disturb, harm or offend those under the age of 15 years. I will not go through the language, sex or other categories, but under 'violence', what is permitted 'may be strong, realistic and sometimes bloody, but not exploitive, relished, very cruel or very explicit, e.g., dismemberment or beheadings, limited to flashes only; sexual violence, e.g., rape, only if very discreet.' So, one can see flashes and a discreet rape under the M category at the moment.

Under the R category, suitable for 18 years of age and over and once again I will not go through the language, sex or other categories, but under 'violence' what is permitted is 'explicit depictions with some gratuitous and exploitive violence; decapitations, dismemberment, disembowelling, etc., if briefly shown; discreet sexual violence.' So, a good amount of violent material is already allowed. This is not to my personal taste but is obviously to the tastes of other people in the community. The point that I am making is that we are talking about material which is worse than material currently available. The violence I have described is currently available under the M and R ratings. The pure civil libertarian view would say that there are no exceptions. I believe that most people in our society would accept the first two, the 'snuff' films and the terrorist films. I have also heard other people refer to specific films that indicate how one goes about hard drug taking.

That might be in another category. The extremely violent films category I would see as being an exception. So, I cannot accept the pure civil libertarian view. There are exceptions; I have listed three. Some will have different views, some will have more exceptions; but the point I make very strongly is that we as a society have moved away from the pure civil libertarian view that Des Colquhoun and others will argue. The question is not whether we should move away from the civil libertarian view, but how far should we move away from it? Where do we draw the line, and where do we make that judgment?

My view is encapsulated very closely in a paragraph put by the Hon. Mr Griffin. I believe that adults should be able to see and read what they wish, subject to the proviso that in doing so the possibility of doing harm to others is not increased. So, it is clearly not a pure civil libertarian view. I accept that we have to make a judgment somewhere along the path as to what is and what is not acceptable in our South Australian community. In general, I believe that the present situation, with the range of materials which is legally (not illegally) available, is sufficient and ought to be sufficient for those who enjoy this type of material, whether it be violence, sex or whatever. So, I do not believe that there is a need to make available a wider range of this type of material, in particular the extremely hard-core pornographic material.

With that personal philosophical bent, I oppose the Attorney's proposals for a new X classification. It is not entirely clear exactly what would go into the Attorney's new X classification other than that it is quite clear that presently unclassified or legally unavailable material would be included in the new X classification.

The Hon. R.J. Ritson: Perhaps in Committee we may hear more about that.

The Hon. R.I. LUCAS: We may well explore that at a later stage. I support the views of the Hon. Mr Griffin, who argued that video is a more powerful medium than printed material and, in particular, some of the evidence that he cited from the South Australian Council for Children's Film and Television; I will not repeat it. I believe that video, as with television, is a more powerful medium than printed material and that the Hon. Mr Griffin has made a very persuasive case for treating video material in a different fashion from our current procedure for treating classification of printed material for publication. However, I accept that the Government's Bill, as it is proposed (or even if amended along the lines suggested by the Hon. Mr Griffin) will not resolve completely the situation of children having access to explicit sexual and violent material. This explicit material will still be accessible to children.

Some of the criticism from some groups about the proposals, and even some of the amendments that the Hon. Mr Griffin has proposed, are a little unfounded. I do not believe that we will be able to resolve that situation in its entirety. Currently, explicit material is available to children, and it will still be, even under the proposed Bill with amendments; first, legally by way of the present R classification (that is, R material that is left around the home will still be available for sight by children); secondly, explicit material could be available illegally, whether illegally imported through people bringing it back from overseas trips and evading Customs, or produced locally, including home movies. That sort of material cannot be controlled by Government or the Parliament.

The Hon. Mr Griffin has indicated in his speech the problems of tackling possession rather than, as is intended in this Bill, the sale or hire of video. So, I cannot see how the problem of children still having access to explicit material can be resolved. As I said, the Government Bill clearly will not solve it, and neither will the amendments. I guess that the only way that in part the problem can be resolved (and I stress 'in part') can be through greater parental control and responsibility. There are limitations, particularly with the tremendous peer group pressures that exist.

With young adults (not even young adults, but the 12 to 15-year-olds) one can envisage this sort of material being left in the home and a group of young lads getting together and saying, 'Right, we have this good video.' It would take a very strong young man of 13 years of age to say, 'I am not allowed to watch that sort of material' or 'I do not want to watch that sort of material.' The tendency will be, I am sure, that those children will go along with the group as they do with under-age drinking and drug taking. Really, this problem remains in that category. I cannot see how we as a Parliament can resolve that type of problem with our Bills. Nevertheless, it remains a very important problem.

I have some concern about the Attorney-General's proposal to allow M-rated material, with the G and PG-rated material, to be part of an unrestricted (to use the Attorney's phrase in the second reading explanation) class of video. From the Attorney's second reading explanation, it would appear—

and I seek clarification perhaps after the second reading or in Committee—that films that are available are classified under G, PG and M. If they become available on video that classification—in particular, the M—would be displayed on the video. The Attorney nods in agreement; so my understanding is clearly correct.

However, the problem that I have with the provision is what happens with material that is produced solely for the video market? That has not received a previous film classification, but would have attracted, say, an M category rating. I would be interested in Committee or in the Attorney's wrap-up of the second reading to hear whether there is anything else in the legislation that would provide consumers (in particular, parents with young children) with video information or guidance as to what material might be available in that sort of video cassette. I ask the Attorney that question specifically and also whether he sees that as a problem with the provision in his Bill.

I think it is important that families have some guidance to enable them to distinguish M-rated material from G and PG-rated material. This sort of material will be available in every video shop. I will list a personal experience. My father-in-law hired a video cassette, I forget the name—a dramatic film starring a fine actor, Elliott Gould. On the front cover of the cassette there was a photograph of Elliott Gould dressed as Father Christmas. My three-year-old son thought that that was terrific and wanted to look at the film with Father Christmas in it. Clearly one does not show one's three-year-old son that sort of material.

The film was a good dramatic one until about two-thirds of the way through, when suddenly Elliott Gould, for some strange reason that I cannot recall, went off the deep end and attacked a nice looking lady, ripped her about a bit and during the violent struggle and screaming kept ducking her head in a fish-pond for increasing lengths of time. While we were watching that happening our three-year-old son was not watching but was playing with his toys in the corner. However, we stopped the video at that time and left the film until he went to bed. It is impossible for a family man to ascertain in advance what a film is like that should have been given an M category rating, particularly if M category material is going to be mixed with material on Disneyland and the sorts of things in the G, PG and thus the unrestricted category.

I accept the Attorney-General's second reading explanation that if a video movie has a film classification it is covered. However, as a number of speakers have already indicated, there are already, and will increasingly be, films (perhaps cheapies, or perhaps expensively made films) produced solely for the video market. A family person looking to shop around needs some guidance as to the sort of material he or she is likely to find in the unrestricted classification put forward by the Attorney-General. From my reading of the Bill it is quite possible that the G, PG and M (general, parental guidance and mature) categories are going to be mixed together and that it will be impossible for a person to ascertain from the cover of a video cassette exactly what sort of material is in it. I will be exploring this matter, as I hope other members will be, during the Committee stages of the Bill.

The names on the covers of video cassettes are clearly not much guidance as to what is in them. Pornographic movies have an R category rating, but a similar problem could be experienced under the M category rating. For instance, there is a cartoon, *Fritz the Cat*, which is R rated but which could well have an M rating. If that sort of cartoon type material does not have a film classification and is made solely for the video market, which places it in the Attorney's unrestricted category when it should really have an M rating, there could be families hiring what they see as a cartoon about Fritz the Cat, which, I am assured—

The Hon. C.J. Sumner: No cat would have that sort of name—that would put them on the alert.

The Hon. R.I. LUCAS: Perhaps they would use that name in Germany. I raise this matter as a specific instance of a possible problem.

The Hon. C.J. Sumner: I have solved the problem—I do not have a video.

The Hon. R.I. LUCAS: I have a video, so I can speak with some authority. There are many other examples that I will not take time to explore. However, I have given the Attorney two examples and look forward to his answers to the questions I have put. I support the second reading but will support amendments to be moved by the Hon. Mr Griffin and seek further information on the questions I have put during the Committee stages of the Bill.

The Hon. H.P.K. DUNN: The previous speaker outlined exactly what this Bill is about, that is, determining what is in a video cassette. The Attorney said a moment ago that he does not have a video recorder. However, if he lived in an area such as mine where television reception comes and goes he would find that a video recorder is a great relief on weekends. However, if one does not know what one is getting on a video cassette, a weekend can go quite flat. The public is concerned about this Bill and has demonstrated that fact in letters to the media in the past few weeks. Not only have there been letters to the media but also people have written to members of Parliament. I am sure that the Attorney has received a number of letters about this matter. People from all walks of life are concerned about this matter. In fact, I went to my pigeon hole about five minutes ago and found a letter from a person which states:

> I wouldn't like to think that grandchildren of mine could be fed such rubbish so easily.

The person involved was referring to the pornography and violence that is so readily available on video cassettes. The operative words were 'so easily'. It is very easy to get these video cassettes which have a powerful effect on children. Children arrive at school and are asked whether they saw such and such a video on the weekend and, if they did not, they try to see it. If this Bill does not place some small restriction—

The Hon. C.J. Sumner: That is what it is designed to do.

The Hon. H.P.K. DUNN: I appreciate that.

The Hon. C.J. Sumner: It covers a couple of things, including violence, for the first time anywhere in Australia. It makes sure that the sort of action you want to take can be taken.

The Hon. H.P.K. DUNN: I am not denying that, but it does not go far enough. Videos are quite different; they have a much greater influence on individuals than does printed material because people can watch them so easily in their own homes. I am not worried about adults doing this because they control their own viewing. However, I am concerned about the young who are forced, because of peer group pressure, to watch things they do not wish to watch. I think that the Hon. Trevor Griffin mentioned that there is an education process required, which I believe is most important and which is the road that we must follow. In the meantime, the outside of video cassettes should have clearly marked on them what is in them. A bottle of strychnine from the chemist would be clearly labelled 'Poison', with directions as to what one should do if it is taken by accident.

The Hon. B.A. Chatterton: Should there be a cure for videos?

The Hon. H.P.K. DUNN: I am not suggesting that, but I suggest that the effect on a person should be known. Bizarre exploitation of people is undesirable. Condoning the sale of this material condones the making of these videos.

And we are not helping to stop exploitation of females, or exploitation of human life itself, when one talks about snuff films.

The Hon. C.J. Sumner: What are we not doing?

The Hon. H.P.K. DUNN: To restrain—

The Hon. C.J. Sumner: That is exactly what the legislation is about. At present snuff films cannot be controlled.

The Hon. H.P.K. DUNN: I am aware of that. I do not say that we want to be Draconian, but we should go far enough and take the legislation to a degree where information on films is provided. Films should be labelled, and labelled well. The South Australian Council for Children's Films and Television is concerned about this matter. The Attorney stated earlier that it was very difficult to go it alone, and he asked how South Australia could take action when the rest of the Commonwealth did not do so. However, we were told that we were leaders in Australia in regard to the health industry: we were told that we were leaders in the world in regard to social legislation 10 years ago. So, why cannot we lead the world in what is becoming a world wide problem and take it to that extreme? The excuse put forward is that there is a cost. The Council for Children's Films and Television stated:

> The Attorney-General, Mr Sumner, has told us the caring parents will be responsible and always preview tapes before they are seen by the children.

I believe that that is naive. Children can obtain tapes and view them when parents are perhaps not available. To say that one can control what children do—

The Hon. C.J. Sumner: They can do that under your legislation.

The Hon. H.P.K. DUNN: Fine, but to state that they can do that is naive. If there are restrictions, if information is provided on the video cover in relation to the contents of the film, parents can either put the film away or not buy it or bring it home. There is no way that one can determine the content of videos from information provided in a magazine advertising them. Perhaps the answer is to charge for the first classification. A small charge of, say, $30 for each one would cure the problem. It would not be very difficult to print the classification on the cover. I have received information from people who are concerned about this matter, primarily from people who have children or who deal with children. A kindergarten in my own town has highlighted what I have been saying. Mrs G. L. Ramsey of St Pauls Kindergarten, Cleve, states:

> Parents are already finding it difficult to know whether their children are being exposed to M and R rated video material, and what is more, any child can hire any video.

That would still happen anyway. It is further stated:

> All hirers and buyers need consistent and impartial information marked clearly on the containers.

That is the basis of the argument, and that action must be taken. I support the Hon. Mr Griffin's request for an amendment to provide for the compulsory classification of all video tapes for hire or sale. That would cure a great many of the problems. Not only are parents of children concerned but also British MPs, who have been viewing some of these video nasties, are concerned. An article in the *Canberra Times* of Saturday 12 November 1983 stated:

> British MPs emerged shocked and shaken from a special showing of video 'nasties' at the Commons last week. About 100 politicians attended the 20-minute screening, put on by the Obscene Publications Squad, in support of a private member's Bill to outlaw such films. But some lasted only a few minutes and throughout the showing there was a constant stream of outgoing MPs, sickened by the scenes of sadistic sex, some involving children, maiming and mutilation.

That demonstrates very clearly that concern is widespread across the community, but there is concern primarily in regard to children. I do not believe that any of us could say that this is affecting him more than anyone else. There is increasing public concern and I reiterate that the visual impact of these videos is much more widespread than the impact of printed material. I have some pleasure in supporting the second reading and I look forward to supporting the amendments that the Hon. Trevor Griffin will bring forward at a later date.

The Hon. I. GILFILLAN: I would like to congratulate the Government on taking the initiative and bringing in this legislation. The Government deserves that bouquet. It appears that the Government is feeling a little offended that it has not received proper recognition, but I emphasise that we acknowledge that the Government took the initiative and that its motive and that of the Attorney in particular in bringing in this measure has our wholehearted support.

Without repeating what has been said by previous speakers, I would like to make several points, in particular in regard to some of the aspects that have been the subject of public debate and discussion. It is essential that arrangements be made for members of Parliament to view a selection of this material. In spite of the reluctance of many of us to actually see it and in spite of the fact that a lot of material may not be readily available for children to see if the legislation or amended legislation comes into effect, I have deliberated and I consider that, if we have not seen excerpts from this material, we will be left very ignorant of the potential impact on other members of our society. Therefore, I urge the Attorney, if he can, to grant authority to some organisation to conduct a viewing, perhaps in Parliament House. When I mentioned this matter to one of the members of the media, he said that there should be a camera to film MPs coming out after the viewing, so obviously it is expected that we would be shocked - and I am sure that we would be shocked.

The Hon. B.A. Chatterton: I am already convinced that they are nasty.

The Hon. I. GILFILLAN: The honourable member says that he is convinced, but I do not know that other people's opinions are valid. I do not know that we can trust that. I believe that we have a higher responsibility than just taking someone else's word for it. We need to have the experience of knowing what sort of material is involved. We do not have to expose ourselves to a series of it over any period, but we ought to be aware of the sort of material that is circulating, particularly the sort of material that is available commercially in South Australia. Someone who could possibly come and help us in organising some sort of viewing of material as well as dealing with this problem is Janet Strickland, Chief Censor of the Commonwealth Film Censorship Board. She has been quoted and referred to extensively in this debate.

I have had several telephone conversations with her over the past couple of days and can verify that the attitude that other members have attributed to her is her attitude, and she states that it is the considered opinion of the Commonwealth Film Censorship Board. I would like to refer to a couple of paragraphs which emphasise the attitude of the board. Also, I encourage the Government to take serious note of the board's opinion. I realise that the Attorney has previously heard these opinions and has had a chance to debate and discuss them, but I am certainly not convinced that the board does not have the right attitude.

I believe that the board is putting forward the most effective means of getting proper classification. First, I refer to a paragraph of an address given by Janet Strickland in New South Wales in 1983 to a council of women (unfortunately I do not have with me the exact location, as this is a draft of that speech). She states:

It is important to remember that although we examine all imported films and videotapes which are submitted to us— on entry into Australia, we only classify films for cinema and television—we do not classify videotapes for sale/hire, as current State laws do not require them to be classified unless they are to be exhibited in public.

She then goes on to make this point:

Of course, in this day and age, defining 'public exhibition' is something of a problem, as technological advances have raced ahead of legislative change.

Public exhibition may well cover the viewing of material in a private home. She continues:

Now, as I see it, film censorship is merely another one of those limits whereby elected Governments have promulgated laws which restrict, to some extent, the rights of an individual to see, hear and read whatever he or she wishes, if that material is likely to be grossly offensive or harmful.

That, then, is the philosophical basis for the current censorship laws, and it is in that light that the Film Censorship Board believes that it would be highly desirable for the present classification system for films to be extended to cover video tapes, tapes for sale/hire.

She goes on to describe their proposed system.

The Hon. L.H. Davis: What is Janet Strickland's view?

The Hon. I. GILFILLAN: This is it—I am quoting her speech. I think that this is an appropriate paragraph (it may not be directly pertinent to the argument); she states:

If the Film Censorship Board's proposal were implemented, it would mean that both Commonwealth law and each States' law, would need to be amended—

I believe the Attorney is conscious of that and has responded with a practical awareness of some of the difficulties that South Australia would face if it were to go it alone. She continues:

. . . and the States' laws, if amended, would require that all videotapes for sale/hire must be classified by the Film Censorship Board before they could be legally sold or hired.

Also, I would like to refer in detail to the board's proposals. I refer to the Film Censorship Board's proposal for the treatment of videotapes/videodiscs for sale/hire, outlining both the existing situation and the implications for its proposed system. The proposal provides:

State Registration Fees: The Film Censorship Board collects registration fees on behalf of State Governments. The total amount in 1981 was $135 861. The total fees collected are disbursed monthly in each State.

Proposed Situation:

(i) That two additional projectionists be appointed. This would allow for the total screening capacity of the Film Censorship Board to be increased by 50 hours to 200 hours per week. All eight theatres, already constructed and equipped, could then be fully utilised.

(ii) That two additional full-time Board members be appointed in conjunction with the increased screening capacity.

(iii) That part-time Board members be appointed to perform registration and classification functions in interstate offices. This would remove the current legislative impediment against classification by deputy censors, and reduce time between application and decision, as well as reduce interstate freight/cartage costs.

(iv) That proposed State-based legislation for the classification of film/videotape/videodisc include a fee payable, either by item or on the basis of running time, which would be collected by the Film Censorship Board and disbursed, either in whole or part, to the States.

(v) That part of fees already collected and/or fees which may be collected are retained by the Commonwealth to offset the costs of providing censorship/classification services.

(vi) That if proposals relating to fees on the classification of film/videotape/videodisc for sale/hire are adopted, the feasibility of establishing a cashier position at the Film Censorship Board be examined.

That is the complete package in that document. It offers a practical opportunity for South Australia if it is forced into a position to go it alone to follow this example and to ask the Commonwealth Film Censorship Board to extract fees so that there is not a substantial net loss.

The Hon. C.J. Sumner: They will not do it.

The Hon. I. GILFILLAN: Why not?

The Hon. C.J. Sumner: Because they are not instructed to do so.

The Hon. I. GILFILLAN: They are willing to classify all material submitted to the board. As I understand it, the board is willing to classify all material. If the problem is that the Federal Government will not legislate in regard to the extra fee, the State Government can extract the fee.

The Hon. C.J. Sumner: They will not do it.

The Hon. I. GILFILLAN: Janet Strickland says that the board will.

The Hon. C.J. Sumner: It will not. She does not say that the board will classify: she says that the board will examine.

The Hon. I. GILFILLAN: The board is not asked to classify for the States. I do not see any practical obstacle.

The Hon. C.J. Sumner: The board does not even look at the stuff at the moment.

The Hon. I. GILFILLAN: I have discussed with Janet Strickland what the board does. Certain categories do not require intense scrutiny and are not reviewed. It is a value judgment. That sort of approach will not upset me.

The Hon. C.J. Sumner: That's the system you want.

The Hon. I. GILFILLAN: The Attorney can be cynical, but it is a practical way of offering an effective classification system. It will be unfortunate if the Government does not take it seriously.

The Hon. C.J. Sumner: How can we do it?

The Hon. I. GILFILLAN: I have just suggested a pattern.

The Hon. C.J. Sumner: They have not the time or the staff to do it.

Members interjecting:

The Hon. I. GILFILLAN: I am glad to have so many answerers. It is a great help, although I cannot hear the comments. What is the problem?

The Hon. C.J. Sumner: It will not do it.

The Hon. I. GILFILLAN: Why do you not ask Janet Strickland? She has offered to come today, immediately, for consultation. The Government is unwilling.

The Hon. C.J. Sumner: You can ask her—I could not care less.

Members interjecting:

The PRESIDENT: Order!

The Hon. I. GILFILLAN: Where there is a will there is a way, and there appears to be a shortage of will on the left hand side of the Chamber. I accept that the Attorney-General sees very substantial objections to the practical implication of the justification for pushing compulory classifications. There are two sides to the argument. If we, as a Parliament, feel strongly that compulsory classification is a better option, we should be taking legislative steps to get to that point as soon as possible. I am prepared to make this concession in good faith to the Government. What it has put before us now is an improvement, and it may well be a reasonable first step. However, all we are getting is this block off—the statement that this movement towards compulsory classification is not worthy of consideration. I find that somewhat frustrating—

The Hon. C.J. Sumner: I did not say that.

The Hon. I. GILFILLAN: The Attorney said, looking at ways and means of getting it, that it is not on—that you cannot do it; no-one is going to do it.

The Hon. C.J. Sumner: In South Australia.

The PRESIDENT: Order! If the Attorney-General wishes to take part in this debate he should resume his seat.

The Hon. I. GILFILLAN: From my point of view, the two main arguments for compulsory classification are consumer justice and expectation of proper identification of the product that they intend to buy. That may sound a rather simple and trite reason compared with the powerful

motivated arguments that many previous speakers have put regarding protecting the morals of society, children, and so on. I am not making any contradictory argument to that, but I believe that we can get a very wide base for support, including the civil libertarians.

I have had informal discussions with representatives from civil liberties organisations and, although they disagree with a lot of the motivation, the interpretation from groups such as the children's film and television and the Catholic parents group—and I was able to have all these people at one gathering to discuss it—was that they were unanimous in wanting compulsory classification and had no objection to it. They do not see classification as an infringement of civil liberties. I think that it is a pity—

The Hon. Anne Levy: There is a difference between saying that they want it and saying that they do not object to it.

The Hon. I. GILFILLAN: Perhaps if I put the two phrases in one sentence it would tidy it up. I understand from the two representatives to whom I spoke that they were in favour of compulsory classification. I will quote from a statement given to me today by the State President of The South Australian Video Retailers Association, which states:

1. That all video films should be classified both from within Australian and overseas origin.
2. The Australian Film Classification Board should be expanded to view all material available on video cassettes.

No-one, except the Attorney-General, has approached me and said that they do not want compulsory classification. I feel that it is a very unfortunate denial of what is a strident public demand for compulsory classification. Even if it is difficult to implement, I think that it is important for the credibility of those who wish to achieve the proper reform and to restrict the use that we ensure that every effort is made to have compulsory classification.

One of the other incidental advantages for compulsory classification is that it makes more effective the work of the Vice Squad and police involved in working in this situation. It removes some of the onus from the police in obtaining prosecutions.

There are a couple of other minor points that I would like to add to my remarks at this second reading stage. The Democrats believe that there is justification for more than just the classification detail being obliged to be put on video material, because we believe it is reasonable for an accurate description of the contents of any of this video material to be available to prospective clients. It is rather in the form of catalogues. I say this in a passing reference as I do not believe that it will be dealt with in legislation with which we will be dealing in the near future. I think that it is a reasonable extension of what I think is fair marking of a product; because of the very nature of the product, which is difficult to determine, it is very hard, other than taking someone else's word for it or actually digesting the commodity, for one to know what it is that one is buying. So, we feel that cataloguing of accurate descriptions of video tapes is an extra requirement that should be imposed on retailers of video material.

The Democrats support the second reading and will study with interest the points that arise from the Hon. Mr Griffin's amendments. As I understand it, those amendments will go towards compulsory classification. With that in mind, we will support the amendments, which will be moving in that direction.

The Hon. ANNE LEVY: I support the second reading. I rise to make a few points concerning the legislation where I think that members opposite have either misunderstood or are not actually aware of the consequences of the Bill. I agree that legislation is necessary. When members opposite quote horrific examples that have occurred in the community I can only agree that this points to legislation being required. We also know that at the moment there is no legislation regarding classification or sale of video material. While I hold strongly to the view that adults should be able to see and read what they wish, I also believe that people should not have unsolicited material that they find offensive put before them or people in their charge.

The Hon. K.T. Griffin: The Classification of Publications Act does not cover videos at the present time.

The Hon. ANNE LEVY: Not to the extent that this legislation does. There is argument as to the extent to which it does cover video material. One thing which the legislation before us does, and which has not been covered in the previous legislation, is to include violence *per se* as a criterion for classification. This has not been the case in the past. Material has been classified only where the violence content also had a sexual content. So, the Classifications Board could classify the unpleasant material, the restricted or X category, on the basis of its sexual content, but it has not been able to do this purely on a violence content. It has not been part of the Board's terms of reference.

The Hon. K.T. Griffin: Amendments were passed last year.

The Hon. C.J. Sumner: Why didn't you introduce this when you passed the legislation last year?

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: There is considerable evidence that violent material can have an effect on individuals who watch it. I refer members to the book entitled *Sex, Violence and the Media* written by Eysenck and Nies.

They have done extensive work—admittedly in the United Kingdom, not in Australia—but I do not imagine that the type of material or the individuals watching it would be very different in this country from the United Kingdom. Eysenck and Nies conclude that violence; particularly, can affect people who watch it. There is much less concern about sexual material being portrayed. They feel that the effects of this on watchers is very much more difficult to establish—if it can be established at all—but their evidence certainly suggests that violence can be much more harmful to individuals than the portrayal of any sexual material.

The Hon. R.J. Ritson: You would admit that sado-masochism has a sexual connotation.

The Hon. ANNE LEVY: Sado-masochism surely involves violence.

The Hon. R.J. Ritson: Yes, but I am saying that it is also sexual.

The Hon. ANNE LEVY: Of course; quite a number of things that are violent are also sexual.

The Hon. R.J. Ritson: Not in the copulative sense, but in the deeper sense.

The Hon. ANNE LEVY: In the sexual sense; they involve sexuality and sexual behaviour, whereas it is possible to have material that is quite violent but in no way sexual.

The Hon. R.J. Ritson: Some people would argue that, too.

The Hon. ANNE LEVY: I suggest that the honourable member read Eysenck and Nies on this matter. Certainly, their conclusion was that the violence was of more potentially damaging effect than any sexual content. In fact, from their work one could almost say that there is no case for censoring or classifying any material on sexual grounds if it has no violent content.

The Hon. R.J. Ritson: What if it exploits women?

The Hon. ANNE LEVY: That is not what they were talking about.

The Hon. R.J. Ritson: But you were very much against a magazine with a pin-up in a garage.

The PRESIDENT: Order!

The Hon. ANNE LEVY: I may be against such things, but that does not mean that I would censor or prohibit them from people who are misguided enough to want them. There is a difference between guidance and censorship. I am very glad that members opposite are taking the view that what happens in people's private homes is not a matter for the law and that it is the responsibility of parents to supervise their children and what material comes into their hands. The dreadful case which the Hon. Mr Cameron spoke about—

The Hon. L.H. Davis: Do you expect to watch a 1½ hour movie and check the content? That doesn't happen.

The PRESIDENT: Order!

The Hon. ANNE LEVY: The case of which the Hon. Mr Cameron spoke, of a child viewing most unsuitable material at a friend's home, was, I discover, unsuitable material that was brought by another child. Under the legislation before us, individuals under the age of 18 will not be able to obtain this material. So, that type of material will not arise; only adults will be able to obtain more explicit material. What happens in people's private homes must be the responsibility of people who live there. Parents do have responsibilities with regard to their children, and this is one area where the State cannot take over that responsibility from the parents.

People keep talking about voluntary versus compulsory classification as if whether material is classified entirely at the whim of the seller or hirer. Not sufficient emphasis is being given to the fact that it will be very much in the distributor's or seller's interests to have material classified which could in any way offend anybody because if people purchase any material that is not classified and are offended by it they will, I am sure, see that prosecutions are initiated in a very short time. Proprietors of video shops do not want prosecutions. If anything could in any way be doubtful, they themselves would want to get it classified so that they avoided prosecution; provided that they then sold it according to the restrictions placed on the classification that it received, they would then avoid prosecution.

However, to suggest that all material be classified would be a great waste of time, effort and money. The majority of video material does not require classification because, if it were classified, it would receive a G classification. Videos on how to grow Australian native plants and on Margaret Fulton's cooking classes do not require classification: it would be a great waste of time and money for people to have to sit and look at these before assigning them a G classification.

The Hon. L.H. Davis: But films don't operate quite like that, do they?

The Hon. ANNE LEVY: Films are nowhere near as numerous as videos.

The Hon. C.J. Sumner: And they are for public exhibition.

The Hon. ANNE LEVY: And they are for public exhibition, not for private exhibition.

The Hon. Diana Laidlaw: You are saying that consumers do not have the right to see what they are purchasing or hiring.

The Hon. ANNE LEVY: I am not saying that at all, but if I go into a video shop and see *The Sound of Music* I expect to see something which is either identical or similar to the film of that name. I will purchase it (or not purchase it in my case) under those conditions as being classification G. If someone should purchase it, take it home and find that it is something totally different from what they had expected, they would then go straight to the police and prosecutions would be launched immediately.

The Hon. L.H. Davis: They would not have to watch Margaret Fulton's cooking lessons.

The Hon. ANNE LEVY: If one has compulsory classification they will have to watch Margaret Fulton's cooking lessons, because compulsory classification means classification of everything, and that means that everything must be watched and have a classification put on it.

The Hon. R.I. Lucas: Just put it on fast forward; one would not have to see it.

The Hon. ANNE LEVY: I suggest that fast forward will not indicate what language is being used. In fast forward there is no sound, and all sorts of language could be used that could result in a change of classification. If everything has to be classified everything has to be watched—not on fast forward—but the vast majority of it will have a G classification given to it and it will be a complete waste of time and resources to force someone to classify, as I say, Margaret Fulton's cooking lessons.

A voluntary classification measure will mean that the distributors of Margaret Fulton's cooking lessons do not have to send that to be classified. Somebody's time does not have to be taken up in classifying that material, and Margaret Fulton's cooking lessons do not need to have a classification placed on them.

The Hon. L.H. Davis: Why do you think Mrs Strickland, the Chief Censor, herself thinks that there should be a classification system for video movies?

The Hon. ANNE LEVY: There is such a thing as people trying to build their own empires. This is not uncommon in many areas of the bureaucracy, as I am sure many members opposite would agree. I suggest to honourable members that, under a compulsory classification procedure, Margaret Fulton's cookery classes would have to be classified and someone would have to look at them to classify them as G. The majority of video material is certainly in the G category. It is hard to know exactly what proportion it is, but I have heard estimates that at least 60 per cent of all video material could be classified as G, and some people say that as much as 90 per cent of that material could be classified G.

Certainly, the majority of all video films would be classified G, and it would be very wasteful of time, effort and resources to have to classify that material. Do not get me wrong: if one says that there is compulsory classification, no discretion is allowed and Margaret Fulton's cookery classes will have to be classified in the same way as the hardest pornography. It seems to me that it is totally unreasonable to expect resources to be provided by any Government, either State or Federal, to do this.

The Hon. L.H. Davis: It is only $30 a title, which is absolute peanuts.

The Hon. ANNE LEVY: If there are extra resources in the community, I can think of many better ways of spending that money to the benefit of Australian society than having people watch Margaret Fulton's cookery classes on video in order to give them a G classification. I should hasten to add that I have nothing against Margaret Fulton or her cookery classes; I enjoy them enormously.

The Hon. K.T. Griffin: It is already classified.

The Hon. L.H. Davis: Are you saying we shouldn't classify films for public exhibition because—

The PRESIDENT: Order! Interjectors have had a pretty good run and will now cease interjecting.

The Hon. ANNE LEVY: Thank you, Mr President. Somebody, I think the Hon. Mr Davis (forgive me if I am wrong), suggested that video films are different from publications in that one cannot flick through them before deciding whether or not to purchase them. I agree that one cannot flick through a video film before deciding whether or not to purchase it. However, I suggest that whoever made that remark has not visited many sex shops, where I am sure the person would find that the publications for sale cannot be flicked through before one decides whether or not to buy them. They are sealed in plastic bags and one can see

nothing except the front cover before purchasing them. Therefore, in like manner one cannot sample before purchase, and in that respect the situation is no different from that of video films.

I will not at this stage discuss the amendments circulated. They were not available during the week's break. I received them about four hours ago and I have not had time to study them in detail. I reiterate that the principles on which this legislation (as, indeed, all such legislation) should be based is that adults should be free to see and read what they wish while they and those in their care should not be offended by unsolicited material. The voluntary classification scheme, so-called, before us in this legislation will cope quite adequately with all the examples raised by members as requiring attention. I suggest that when this measure becomes law the horrifying examples being given will all disappear as this legislation will cope with them perfectly adequately. If they do not, one can always have a further look at them. I predict that the abuses that have been brought forward will be catered for by this legislation.

The Hon. R.J. Ritson: You said 'all disappear'. Are you still as absolute about that?

The Hon. ANNE LEVY: As much as one can ever be. The examples quoted would not have occurred had this legislation been enforced, they are a result of a lack of legislation at the moment. This scheme will certainly cope with all the hard core pornographic material available, which is what people are worried about, and will do that without wasting resources on trivial and harmless material which constitutes such a large part of the video film market. I support the second reading.

The Hon. C.J. SUMNER (Attorney-General): I suppose the only thing that one can say is that at least honourable members opposite are prepared to support the second reading of this Bill, although from the criticisms that they have raised one wonders why they are bothering to go that far. I would like to reiterate the situation with respect to this legislation. First, it is the first legislation in Australia that has made any attempt to come to grips with the question of excessively violent and pornographic video films. It is the first legislation in Australia which ensures that video films are covered by the Police Offences Act. It is the first legislation in Australia which ensures that violence is one of the matters to be taken into consideration under section 33 of the Police Offences Act as well as indecency and obscenity.

The legislation also makes it quite clear that not only the sale but also the hire of video material is covered. In light of that, Mr President, I am sure you can understand that I feel some cynicism about the Opposition's attitude. The fact is that, despite it being the first legislation of its kind in Australia, the Opposition has determined, in quite a two-faced manner (while exhibiting double standards which I do not think I have seen in this Council in recent times) to be politically opportunist in its attitude to the Bill despite the fact that this legislation is the first of its kind to bring any control over video films in this State or, indeed, anywhere else in Australia. Let me illustrate.

The Hon. K.T. Griffin: The Classification of Publications Act covered videos.

The Hon. C.J. SUMNER: Clearly it did, and the legislation was introduced by the Hon. Mr Griffin, but he did not have the gumption to go ahead and amend the Police Offences Act to include violence. The honourable member did nothing: he did not have the gumption to come into the Council and add criteria to section 33 of the Police Offences Act, and he knows that. He came in with an amendment to the Classification of Publications Act in regard to videos. Let us consider why I believe that I have good grounds for cynicism on this point. Let us discuss one other matter that has already been debated in this Council relating to child pornography. Griffin had it pointed out to him in late 1981 when in Government that there were defects in certain aspects of the child pornography law. That was pointed out by Mr Liddy, a magistrate. Mr Griffin's response was to do absolutely nothing, until on 20 July 1983 Mr Liddy heard a similar case that raised similar problems. He had this to say:

> Some 12 months or more ago I drew to the attention of the previous Government—

that is, Mr Griffin—

> the inadequacies of the legislation in relation to a community welfare worker who took similar photographs of a young boy. I understand that the Police Department supported my views on the issue. The then Government, however—

The PRESIDENT: Order! I ask the Attorney-General to stay within the bounds of the Bill, and unless he can show some relevance for the argument—

The Hon. C.J. SUMNER: I intend to do that. The argument is that, in terms of action in this general area of pornography, the Hon. Mr Griffin as Attorney-General did nothing.

The PRESIDENT: Order! The Attorney has made that point.

The Hon. C.J. SUMNER: I understand the point you are making, Mr President, and I will not abuse the provisions. I want to finish the quote. In July this year Mr Liddy said:

> The then Government, however, had other priorities in the law and order field, such as the appointment of the then member for Mitcham to the Supreme Court.

The Hon. Frank Blevins: Who said that?

The Hon. C.J. SUMNER: Mr Liddy, a magistrate, in commenting on the lack of action by the Hon. Mr Griffin in relation to legislation dealing with child pornography.

The PRESIDENT: Order! The Attorney must get back to the point of the Bill. It has nothing to do with anyone's incompetence or ability.

The Hon. C.J. SUMNER: Mr Liddy stated:

> It is clear that the matter was not rectified.

The Hon. L.H. DAVIS: I rise on a point of order. The point has already been made with some force and some clarity, and what the Attorney is reading into *Hansard* has nothing to do with the reply to the second reading debate on the Classification of Publications Act Amendment Bill.

The PRESIDENT: I ask the Attorney to return to the Bill. He is not accepting the point at all, because he is continuing to—

The Hon. C.J. SUMNER: I accept it. What I wish to put to you, Mr President, is that although this is not what you might call directly relevant to the provisions of this Bill, it is clearly relevant in determining the attitude of the Opposition to the general issue. The fact is that in regard to that topic for well over 12 months members opposite did nothing. Griffin did nothing, and his attitude—

The PRESIDENT: Order! The Attorney is now repeating himself.

The Hon. C.J. SUMNER: His attitude in relation to that matter, which was fixed up finally by this Government in its legislation, was exactly his attitude in relation to the measure that is before the Council at present. Let us have a look at this gentleman opposite—Mr Griffin. What do we see? I thought that Mr Liddy's suggestion about Griffin's preoccupation with appointing Mr Millhouse to the bench was very apposite. I thought he described the matter admirably. Let me also indicate what else this new-found white knight crusader on behalf of the kids of South Australia had to say in October 1981. In an article in the *News* of 27 October 1981 it was stated:

> . . . we have the beginnings of a massive problem on our hands.

Action by Attorney-General Griffin—nil! Further it was stated:

> . . . there is no intent at this stage to change the laws to affect home viewing, where admission is not charged.

Again, what is the honourable member doing in his amendment to this Bill? Even more importantly, it was stated:

> In the short term at least it seems appropriate to classify video material in the same way that print material is classified under the Classification of Publications Act.

That was what Mr Griffin stated in October 1981. What does this Bill that I have introduced do? It does exactly what Mr Griffin said should be done in October 1981, and he asks me not to be cynical and not to consider that honourable members opposite are politically opportunistic!

The Hon. L.H. Davis: You couldn't say videos were the problem then that they are now.

The Hon. C.J. SUMNER: Mr Griffin said, 'We have the beginnings of a massive problem on our hands.' Action by Griffin—nil!

The PRESIDENT: Order!

The Hon. C.J. SUMNER: He went on to say that the same classification system should be introduced for videos as applied to publications. Action by Griffin—again nil! There was no action whatsoever. He further stated:

> . . . In this area we will be looking at tightening amendments to the Act before Christmas.

That was in October 1981. Action to November 1982—nil! Furthermore, in October 1981 it was stated:

> One major problem in policing pornography, particularly the wave of video cassettes—

and note that Mr Griffin said 'the wave'—

> is the system of censorship of publications which varies from State to State. It is vital—

and this is Griffin in 1981—

> that we iron out the inconsistencies which still exist in the film and print areas.

Mr Griffin said that there were inconsistencies between the film and print areas but now, when the Bill comes to this place, when he thinks it is politically opportunistic to do so, he will move amendments to my Bill when he knows that there is inconsistency between print and videos. The honourable member comes into this place and talks about differences between the States in regard to classification of films and videos despite having said in 1981 that there was a major problem in regard to the differences between the States on this issue.

The Hon. L.H. Davis: Were you saying anything about videos in 1981?

The PRESIDENT: Order!

The Hon. C.J. SUMNER: That was Griffin on censorship in 1981.

The PRESIDENT: Order! The Attorney knows very well that he is tempting fate. If he keeps on, it will turn into a personal attack. Further, this is not relevant to the debate.

The Hon. C.J. SUMNER: I agree, but it is just that the headline stated 'Griffin—our censorship plans'.

The Hon. L.H. Davis: That is not what you said.

The Hon. C.J. SUMNER: I said that what happened was that Griffin in 1981 had plans and did nothing. The fact is that on all those points I have outlined clearly he identified the problems in relation to videos, clearly he knew about the problems in relation to the Police Offences Act regarding violence, clearly he wanted a uniform system throughout Australia, clearly he wanted the print system we already had in existence transferred to print and video—he said all that in 1981, and now he comes into this place and repudiates all of it.

I merely indicate to the Council that this is the first legislation of its kind. I have reason for considerable cynicism about the attitude adopted by members opposite. After having done nothing for three years the Opposition has decided to support at least some action. I indicate in response to much of the misunderstanding that has been deliberately fostered by honourable members opposite or their supporters that and assert this without any compunction that the film *Black and Blue* which has been touted as being an example of the sort of material that might be available if this Bill goes through, could not be sold under the Bill.

The Hon. R.I. Lucas: Who said it would?

The Hon. C.J. SUMNER: The indications—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: You have done nothing to try to get any sense or reason into the situation. The other problem that I wish to point out is that the attempt to impose a compulsory system on the Government of South Australia places the whole scheme, which has been developed nationally, at risk.

The Hon. K.T. Griffin: It has not been developed nationally—Queensland and Tasmania will not join.

The Hon. C.J. SUMNER: The latest indication is that Queensland and Tasmania will join the system that has been agreed to. We just cannot go it alone on this issue in South Australia. We just cannot act as censor, as video censor and classifier for the whole of Australia. It is just not practical for us to do it; we do not have the facilities.

The Hon. R.J. Ritson: What did Janet Strickland say when she discussed it with you?

The Hon. C.J. SUMNER: I had a half day with her at a conference. She had a certain point of view.

The Hon. R.J. Ritson: When?

The Hon. C.J. SUMNER: In July.

The Hon. K.T. Griffin: That was four months ago.

The Hon. C.J. SUMNER: The arguments put by Janet Strickland in July are what she is putting now: there is no difference. I understand her proposition. Unless the Commonwealth and other States are involved, I do not know what we can do. This system is agreed. If a compulsory system is imposed on South Australia, then I can say only that it cannot be done—you will have nothing.

Also, I ask honourable members to examine what compulsory classification will really achieve. I do not believe that it achieves much more than will be achieved under my Bill. Those videos that are films either for exhibition as films or for television will have a classification on them, G, PG, or M. True, not every video will have a classification outside of category 1 or 2, the R and X areas, but those videos R or X will be classified because the trade will simply ensure that they go to the Classification of Publications Board (initially the Chief Censor of the Australian Film Censorship Board) for classification into category 1 or 2. Some videos will still not have a classification. Many are purely innocent: cricket, soccer, home gardening, walks through the Himalayas.

The Hon. R.I. Lucas: There will be many in that category.

The Hon. C.J. SUMNER: There will be some small area in category 1 or 2.

The Hon. R.I. Lucas: How do you work it out?

The Hon. C.J. SUMNER: Those R or X films will almost certainly be classified. If they are not classified and are then sold they will be the subject of prosecution.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order! I hope the Hon. Mr Lucas will be satisfied with the Attorney's answers because he should ask those questions in Committee.

The Hon. C.J. SUMNER: It is a matter of weighing up the additional resources needed for classification codes as against the benefits that will ensue. There would be some areas where many videos could be made available or bought without any clear indication, but beyond the X and R

classifications that would not be particularly difficult for people to cope with. Honourable members must weigh up the costs, particularly when looking at it from South Australia's point of view. The indications that I have had are that, if South Australia were forced to introduce this system, it would cost about $700 000, if we were going to do the job properly. It is difficult to estimate what would be the cost.

The Hon. R.I. Lucas: Janet Strickland suggested $150 000.

The Hon. C.J. SUMNER: If South Australia had to pick up the whole classification for Australia, one estimate is $700 000. It could involve the classification of all films in the Film Corporation library. What do you do about that? Do we classify them? They are made available to the public. What about videos in libraries? Do they all have classifications? Should they all be classified G, PG or M? There are other estimates which I am happy to explore. Honourable members may want Janet Strickland here, but I am willing to make Mr John Holland of the Premier's Department available to discuss the matter with honourable members. I suspect that he has had as much experience in this area as Janet Strickland. He has been the person in the South Australian Public Service involved in censorship matters for many years and, if honourable members have any questions, he could attempt to answer them. Certainly, I am most willing to make him freely available to anyone for such discussion. If such a system is imposed on South Australia there will be a substantial cost. We will have to employ people to implement the scheme. We will have to purchase equipment, and I do not see how in South Australia we can act as a national censor and classifier of all videos that come to Australia.

The Hon. K.T. Griffin: That suggests that Gareth Evans will dig in his toes and not co-operate at all, that he will not make any other facilities or records of the Commonwealth available.

The Hon. C.J. SUMNER: Obviously, some records will be made available because the Commonwealth Film Censor has placed classification on some of them, but not on all videos by any means. That is the problem.

The Hon. K.T. Griffin: A substantial number.

The Hon. C.J. SUMNER: That is not true. Many vidoes are not classified. When the Hon. Mr Gilfillan said that Janet Strickland viewed all those videos, he was wrong. What the speech said is this:

> It is important to remember that although we examine all imported films—

so, it applies only to imported films; that is the first qualification—

> and video tapes which are submitted to us—on entry into Australia, we only classify films for cinema and television—we do not classify video tapes for sale/hire, as current State laws do not require them to be classified unless they are to be exhibited in public.

But, when Mrs Strickland says that they examine all imported films it does not mean that they view every imported film that comes in. What it means, as I understand it, is that they list them and make a register so that there is a list to see what the titles are.

The Hon. I. Gilfillan: Ask her over and you can ask her yourself.

The Hon. C.J. SUMNER: I do not need to.

The Hon. I. Gilfillan: They do have an examination. It is only a matter of request. They can classify it. They do not have to review the whole thing right through.

The Hon. C.J. SUMNER: The honourable member says that it is a matter of request. If we made the request it would not mean that Mrs Strickland would automatically examine the list. She may do it if given the extra staff to do it.

The Hon. I. Gilfillan: I think that common sense should be used. We do not want to review every gardening or cooking thing right through.

The Hon. C.J. SUMNER: That is the point. How is one going to classify it into G, PG or M, unless one has a look at it, and carries out some kind of viewing? If one is not going to view them in order to put a classification on them, what is the point of the system? Mrs Strickland does not look at all the material that is imported into Australia. That is what I am saying.

The other thing that needs to be pointed out, while everyone is quoting Mrs Strickland (and this is in the same speech that the Hon. Mr Gilfillan referred to), is as follows:

> That, then, is the philosophical basis for the current censorship laws, and it is in this light that the Film Censorship Board believes that it would be highly desirable for the present classification system for films to be extended to cover video tapes for sale/hire. Our proposed classification system would be similar to the existing cinema classifications, but would allow for an additional category, an X classification, that would encompass, for example, hard core pornography which now openly, but illegally, circulates.

So, Mrs Strickland is not suggesting that X classification should be banned. In other words, the only real substantial difference between the system she is proposing and the system that is incorporated in this Bill is that her system would classify all videos; that is, essentially, the difference. That being the difference, then one has to say, 'What can we do in order to classify all videos?'

Under this legislation, one would still get X classification, as Mrs Stickland wants. One would still get R classification, which is consistent with what she wants. What one would not necessarily get is a classification between G and M. Some people might wish to submit things they consider satisfactory to M for classification in order to be assured of protection if they sold or hired the videos. So, you are now imposing on South Australia the obligation to act as censors for the whole of Australia for that one particular point. Simply, South Australia is not in a position to do it. If this is imposed on us then I do not see how we can usefully carry it out. If honourable members pass this legislation it may be that further discussions can be held with the Commonwealth to see whether or not they are prepared to enter into a compulsory classification system. If this Chamber wishes to express that point of view then I am happy to take that view to the Federal Government. The President can write a letter to the Federal Attorney-General and I can take that letter to him.

By imposing on us an obligation which in realistic terms we cannot meet, all that members are doing is creating a situation which will not, in the long run, fulfil the aims they desire. I have attempted to answer most of the queries. There were a number raised—for instance, what the position is in relation to trailers. If it is an X trailer, then the video will be classified X; in other words, the classification of the video will be in accordance with the worst part of it. So, if there is an X trailer and a G film, the whole video will be classified X.

Reference was made to 'snuff' films. I am not quite sure why that was brought into the debate because it is clear that the legislation I have introduced would be adequate to deal with the distribution of that material. It would be refused classification or subject to prosecution.

To conclude, all that I can do is repeat that, even if I saw the validity in every argument members opposite have put forward, the fact is that this is part of a nationally agreed scheme. Anything that is imposed on South Australia without the co-operation of the other States and Commonwealth cannot work in South Australia. If honourable members want an X classification I suggest that they do it in another way, support the Bill, which is a significant advance in the control of videos: support the Bill and the intentions

of the Government. If members wish to take the matter of compulsory classification any further I suggest they can do that. I am happy to convey their views to the Federal Government. Let us get this off the ground and underway now, so that at least in South Australia there is some degree of control over the videos.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Classification of publications.'

The Hon. DIANA LAIDLAW: I seek from the Attorney an explanation of why the classification of videos is being dealt with under the Classification of Publications Act and not under the Film Classification Act. I understand that some small amendments would be involved, but I see no reason why videos could not be classified under the Film Classification Act.

The Hon. C.J. SUMNER: The Film Classification Act deals with the classification of films for public exhibition; the Classification of Publications Act deals with the classification of material for private sale and ultimately for private use. The scheme of the legislation, as the Hon. Mr Griffin supported in 1981 and has now decided to renege on, is to incorporate video material into the categories which currently apply to print material. That is why the amendments are to the Classification of Publications Act.

The Hon. DIANA LAIDLAW: I suppose that an amendment could have been introduced to the Film Classification Act so that it could apply to private viewing. I only stress this point because so many of the concerns of members on this side would have been overcome if the matter had been dealt with under the Film Classification Act.

The Hon. C.J. SUMNER: I do not believe that it would have overcome the problems unless we were going to have a compulsory system. Honourable members opposite want a compulsory system. Whether it is done through the Film Classification Act or through the Classification of Publications Act seems to me to be neither here nor there. The Classification of Publications Act was chosen because this move essentially deals with the private sale or viewing of material, just as that Act deals with the private sale of print material. It seems more logical to fit it into that system.

I suppose that one could have come up with a scheme that would have dealt with it under the Film Classification Act, but at present videos can be classified under the Classification of Publications Act, which was introduced, as the Hon. Mr Griffin said, last year. This really expands on it. One might ask the question why this was not done last year when the Hon. Mr Griffin could have done it.

The Hon. K.T. GRIFFIN: I will tell why it was not done last year. If the Attorney-General had bothered to listen to my second reading speech he would have found out, as he would have if he had also read his own (but more particularly listened to the second reading debate when the Bill to amend this Act was introduced last year). The fact is that, at the October 1981 Ministerial conference, a uniform scheme with respect to print publications was agreed. It was agreed that South Australia would make changes to its legislation that would reflect that agreement for uniformity, and that South Australia's legislation would then become model legislation. It would be given 12 months to see whether there were any problems with it; then other States would be at liberty to pick it up with a view ultimately to uniformity in the classification of printed publications.

I also indicated in my second reading speech on this Bill that in October 1981 the Ministers agreed that officers would examine what ought to be done and the options for what ought to be done with respect to videos. The officers were sent away to do some work. After that meeting (more particularly in 1982 as I understand it) the officers from the States and the Commonwealth were examining this question of video classification and, as I said also at the second reading stage, if the State election had not intervened—and the Commonwealth seemed to be preoccupied with its own areas of concern—it is most likely that early in 1983 there would have been a further Ministerial conference to reach a consensus on what ought to be done with videos.

It is all very well for the Attorney-General to start casting around for some basis for criticising me in order to get the public off his back about his attitude to the classification of videos. The fact is that the Ministerial conference, desiring to achieve some measure of uniformity in the consideration of videos, set its officers to work to see what the options were and to bring back some recommendations. That included, also, discussions with the Chief Commonwealth Film Censor.

It might well be that the results of the deliberations of Ministers would have been different because the Ministers meeting in October 1981 were very significantly different from the Ministers meeting in July 1983. In 1981 there was just the beginning of a possible problem with videos; the number of videos that were available in October 1981 was miniscule compared with that now available—both recorders and cassettes. Two years have passed. It is all very well to refer back to what could have been said in 1981, but one is entitled to take into account changed circumstances.

The Hon. C.J. Sumner: Change of mind. You are in Opposition now.

The Hon. K.T. GRIFFIN: No; I have firmed up my view as to what should be done. As I said, the composition of the Ministerial meeting in July 1983 was quite different from the composition of the Ministerial meeting in October 1981. In October 1981 there was only one Labor Censorship Minister, and he was from New South Wales (it was not the Attorney-General, but I think the Police Minister); in July 1983 there were only two Liberal Ministers responsible for censorship. So, there has been quite a dramatic change. They are the reasons why this matter was not brought up before the election of November 1982.

The Hon. L.H. DAVIS: I want to reaffirm the point that was made at the second reading stage, again by the Hon. Mr Griffin. This clause is an appropriate one at which to make this point. Two years ago only 10 per cent (in round terms) of households had video cassette recorders. Now, in 1983, apparently almost 25 per cent (almost one in four) of households have video cassette recorders.

The Hon. C.J. Sumner: A 15 per cent increase in videos with nothing to control them!

The Hon. L.H. DAVIS: The Hon. Mr Sumner makes the point—and he is leading with his chin when he makes that remark—that we have had a 15 per cent increase in video recorder sales in the past two years. That is a 150 per cent increase—an increase from 10 per cent of the market to 25 per cent of the market. The point that the Hon. Mr Sumner did not give me a chance to make is that by far the greatest part of that increase has come in the past 12 months. It has mushroomed during that period. Indeed, in 1983-84 video cassette recorder sales are expected to exceed television set sales for the first time, and Australia-wide in 1983-84 the industry expects 500 000 to 600 000 video cassette recorders to be sold. That is greater than the car market Australia-wide. That gives some perspective to the argument and adds force to the Hon. Mr Griffin's argument.

The number of sets in households has roughly doubled in the past 12 months Australia-wide, and South Australia, from what I can see, is not out of the mainstream of Australia-wide trends. There has been an increase not only in the number of sets in households but also in the number of R rated and other video cassettes available. That is why

we are focusing attention on the need to classify these cassettes. In 1981 the then Attorney-General (Hon. K.T. Griffin) correctly predicted this trend and said, 'We have the beginnings of a problem.'

The Hon. C.J. Sumner: 'A massive problem'.

The Hon. L.H. DAVIS: Yes, a massive problem. He was absolutely correct. My view of the role of Parliament is that it should not be leading the community in these matters; rather that it should be observing trends and then acting in a correct and an appropriate way as those trends develop. We are in a far better position to make a judgment in November 1983 about the impact of video films for private use than we were in 1981; let us not make any mistake about that.

The CHAIRMAN: Before the Hon. Mr Lucas speaks, I point out that so far no-one has said much about clause 5, except the Hon. Miss Laidlaw, who asked some questions about it. Therefore, let us return to the clause.

The Hon. R.I. LUCAS: I believe that the questions I am about to ask relate to this clause. However, if they do not I will take advice and put them again under another clause. As this clause relates to classification of publications, the point I want to pursue was raised during the second reading debate and relates to the classification of G, PG and M rated video movies. I refer to the range of material not classified by way of a film classification but produced solely for the video market.

I think that the Attorney conceded in his wrap-up of the second reading debate that this was a weakness (perhaps a major one, but I guess in his view only a minor one) in this provision. I will not repeat all the arguments as to why I see this as a major weakness in the Bill, but the Attorney in his wrap-up said that the R and X rated materials in the classification categories 1 and 2 would be covered—that is, the family man would be aware of the material that he was purchasing if he bought category 1 or 2, or R or X rated material.

He conceded that, if a family man bought the unrestricted G, PG or M material—the material not classified by way of a film classification—he would be buying films with no advisory classification produced to a budget for the video market, a burgeoning market of films produced solely for the video market. I accept the Attorney's argument about R and X rated movies and will not return to that. However, I wish to talk about the range of material that would attract an M category rating if it had been a film for public exhibition. I have said what I think the Attorney said and the *Hansard* record will show whether or not I am correct.

However, the Attorney suggested that material in this category would not be particularly difficult for a family to accept. He said that the family man would be aware of R and X rated material and that PG and M rated material would not be particularly difficult for him to accept. I will pursue that point because I believe that certain families (and I am not speaking for myself) would find it difficult to do this if they were not aware of the distinction between the general and mature categories. I repeat for the Attorney the guidelines laid down for censoring films. For the M (mature) category it is as follows:

> Material which is considered likely to disturb, harm or offend those under the age of 15 years. While most adult themes may be dealt with, the degree of explicitness and exploitiveness of treatment will determine whether they can be accommodated in this classification.
>
> Language: No word or phrase is proscribed—

I repeat that no word or phrase is proscribed, so under this category it lists the four letter words used. I will not repeat them but to a number of the words some people would take great exception. However, they are permitted under this rating. The guideline continues:

> Sex: Implied sexual activity, but no 'full length' depictions of intercourse. Implications of fellatio, cunnilingus, masturbation, etc., may be depicted, if visually discreet.

This is the sort of material that the Attorney suggested would not be particularly difficult for the family man to accept. The classification continues:

> Violence: May be strong, realistic and sometimes bloody, but not exploitive, relished, very cruel or very explicit, e.g., dismemberment or beheadings, limited to flashes only; sexual violence, e.g., rape, only if very discreet.
>
> Other: Drug abuse depictions, if not advocatory.

This is the point that I am making. The Attorney is suggesting that this would not be particularly easy for the family man to accept. If an adult over 18 years of age chooses to watch such films that, as I have said before, I have no problems with. However, the family person who goes along to buy something which is going to be in the Attorney's unrestricted classification and which includes this M rated type of material will find no classification on it. The film censoring guideline for PG (parental guidance recommended) is as follows:

> Material will be found in this classification which would be considered to be too strong for unsupervised viewing by children.
>
> While adult themes may be dealt with they should be handled in a way that would not cause distress or harm to children in a family viewing situation.
>
> Language: Some infrequent crude language—

I will not repeat those words—

> Sex: Discreet verbal and/or visual suggestions of, and references to, intercourse and discussions about, for example, menstruation, masturbation, labour and childbirth; visuals of occasional full frontal nudity and head-and-shoulders shots of implied intercourse. (No implications of, for example, oral-genital sex or homosexual sex activity.)
>
> Violence: Discreet and sporadic depictions, but if continuous (e.g. kung-fu films) should be inexplicit and/or stylified.
>
> Other: mild supernatural and/or 'horror' themes.
>
> informational drug references.

I repeat that adults who want to watch P.G. or M material may do so, they can go right ahead, but this range of material will be included in the unrestricted category together with Disneyland films and, as the Hon. Ms Levy would want to tell us, Margaret Fulton cooking lessons, test cricket, and football—that sort of thing. It would involve general classifications. In this unrestricted area, there would be not only the general area referred to by the Hon. Ms Levy but also the P.G. category and the mature audience category. There is nothing in the Attorney's suggestion that would give me as a parent of a young family (and I am sure that the Attorney as a parent of a young family—

The Hon. C.J. Sumner: I'm not worried.

The Hon. R.I. LUCAS: The Attorney does not have a video, but I have. It would give no family man any sort of guidelines as to the sort of material that might be contained under the unrestricted classification. The Attorney has conceded that this is a weakness in his legislation, so I guess he cannot offer much more. I will not pursue this matter, other than say that I disagree quite strongly with the Attorney's suggestion that material that is available in the M category (and the Attorney refers to the M and P.G. categories) would not be seen to be particularly detrimental by some families. I am sure that some families could sit down and watch this type of material: they could be very adult and trendy about it, and there would be no problem at all. However, some families would like guidelines because they do not believe that their children should be able to see that sort of material.

I accept that the Attorney is not prepared to support the amendments that will solve this problem because he believes it will cost too much. Those amendments will be moved by the Hon. Mr Griffin under clause 9. However, I believe that the Attorney should take heed of the fact that I think he is quite wrong in suggesting that many families would find it

particularly difficult if this sort of material under category M was available in the unrestricted area.

The Hon. C.J. SUMNER: There are some general points of difference, but there is only one major difference between the two schemes, despite all that has been said. All I can say is that M category films or television programmes that have already been classified all have certain categories shown on the videos sold for classification, such as M, P.G. or G. My advice is that the amount of material which would be M but which would not otherwise have been classified is not very great.

The Hon. L.H. Davis: But you are not sure.

The Hon. C.J. SUMNER: We would be forced to classify masses and masses of other material under clause 9. However, I believe that the Attorney should take heed of the fact that I think he is quite wrong in suggesting that that does not need classification. It is pointless to classify that material, and that is the point of the argument. Why should we establish a massive bureaucracy to classify Don Bradman's famous cricketing moments? I concede that a certain number of videos could be but will not be classified M, although it is probably worth saying that some of those classified M could face trouble under the new provisions of the Police Offences Act. It may be that some people will submit them for classification to, say, the X category.

What the honourable member says is basically correct. It is a matter of weighing up the balance and deciding whether we should have that sort of massive bureaucracy with a system of classification as opposed to knowing that there will be some material that will not be marked. Quite frankly, if I was in the position of buying videos (and I do not believe that I will be in that position in the immediate future, because I have other priorities in my personal household expenditure and it certainly does not allow for a video—

The Hon. L.H. Davis: After f.i.d., you certainly won't.

The CHAIRMAN: Order!

The Hon. C.J. SUMNER: If people got out and spent money, the economy would be booming—we cannot have it both ways. If I were to buy a video, and if I felt there was some doubt about a film, I would not show it to my kids until I had seen it. It is as simple as that. I would have thought that that was what any responsible parent would do.

The Hon. L.H. Davis: But you don't really think that a parent will sit down for two hours and watch a whole film that may show sex or violence?

The Hon. C.J. SUMNER: If I thought there was anything inappropriate in a film, either I would be there when the kids watched it or I would watch it myself and then let the kids watch it. If the film was not appropriate, I would lock it away. The problem is that we cannot legislate for parental irresponsibility. It is impossible to do that.

The Hon. L.H. Davis: But you can make the job easier.

The Hon. C.J. SUMNER: Well, I agree with that, and that is what the legislation does. However, I concede it is a legitimate point of difference—I believe that it is the only substantial point of difference between the two schemes.

Clause passed.

Clauses 6 to 8 passed.

Clause 9—'Offences.'

The Hon. K.T. GRIFFIN: I move:

Page 3, after line 32—Insert paragraphs as follows:

(ab) by inserting in subsection (1) after the passage 'restricted publication' the passage '(other than a video-tape)';

(ac) by inserting after subsection (1) the following subsections:

(1a) A person who sells, delivers or displays a publication, being a video-tape—

(a) that is not classified under this Act (whether by reason that the video-tape has not been considered for classification or that a classification assigned to it has been revoked); or

(b) in contravention of a condition imposed under this Act,

shall be guilty of an offence and liable to a penalty not exceeding ten thousand dollars or imprisonment for six months.

(1b) A court convicting a person of an offence against subsection (1a) may, in addition to imposing any other penalty in respect of the offence, order that the person shall not engage in the sale of video-tapes for a period not exceeding twelve months specified in the order and a person who fails to comply with such an order shall be guilty of an offence and liable to a penalty not exceeding ten thousand dollars or imprisonment for six months.

(1c) For the purposes of subsection (1a) *(a)* and (1b), 'sell' and 'sale' have the meanings assigned to the terms by section 4 but include to sell or sale otherwise than by retail.

This is the amendment to the Act that provides for the difference between the classification of print material and the classification of video material. The amendments to clause 9 seek to establish compulsory classification of video tapes. If a person sells, delivers or displays a publication, being a video tape, that is not classified or in contravention of a condition imposed under the Act, there is an offence. In addition to a penalty of $10 000 or imprisonment for six months, there is power for the court to make orders in respect of the person—

The Hon. C.J. Sumner: Are you moving the amendments together?

The Hon. K.T. GRIFFIN: I will speak to them all. In conjunction with that, the court has the power to impose an additional penalty on a convicted person: it can make an order that the person shall not engage in the sale of restricted video tapes for a period not exceeding 12 months specified in the order.

This is designed to get to the person making the profit out of the illegal sale and to make it a sufficient deterrent so that the person engaging in this area of selling, hiring or distributing videos is less likely to be encouraged to break the law. In my view the deterrent imposed by this clause should be a substantial deterrent because it hits at the profits made from the sale of restricted videos.

The Attorney made some criticism of the concept of compulsory classification and has said that, if it is passed, the State will not be able to handle it. Only at the end of his reply, after he had got rid of his abuse, did he suggest that he might be willing to take up the matter with the Commonwealth Attorney-General. I would have thought that he could have taken it up, or offered to take it up, at a much earlier stage. I recognise that it would be desirable to have the concurrence of the Commonwealth Attorney-General—

The Hon. C.J. Sumner: It would be necessary.

The Hon. K.T. GRIFFIN: I believe it would be desirable to have the concurrence of the Commonwealth Attorney-General. However, I suspect that if we merely accept an undertaking from the Attorney to take it up, knowing the Commonwealth Attorney, he will merely say that it is not on, and that will be the end of it. I believe strongly that this Parliament ought to express a strong view in favour of compulsory classification and not leave it merely for this Parliament to be a rubber stamp for the decision of a majority of Ministers on issues such as this. Already the Commonwealth Film Censorship Board undertakes a programme not only of classification of films and videos but also registration. The present situation is as follows:

In the six months 1 December 1982 to 31 May 1983, the following numbers of titles were received for examination under the following headings:

1. Cinema Classification	1 242
2. Television Classification	5 979
3. Film/Videotape for Sale/Hire	1 805
4. Film/Videotape for other than Cinema, Television or Sale/Hire	4 522
5. Requests for opinion under Regulation 4A of the Customs (Prohibited Imports) Regulations	1 216
	14 764

Half the titles received for examination were required to be classified, either for the cinema, which is public exhibition, or television, which is public exhibition.

The Hon. C.J. Sumner: They will have classifications on them under this legislation.

The Hon. K.T. GRIFFIN: I am not arguing about that. I am saying that already a substantial amount of the work in respect of compulsory classification is already done by the Commonwealth Film Censorship Board. As I understand it, already a number of films and video tapes are registered or classified without screening. The position is as follows:

When an applicant submits a cinema title in an alternative format (for example a 16 mm reduction print of a 35 mm print of a title which has been previously classified) and the application is accompanied by a statutory declaration attesting that the copy is identical to the original importation, the title will not be screened prior to registration.

Television titles may be classified on the basis of a title having been previously classified by the Board or on the basis of a responsible officer of a metropolitan television station viewing the title. The latter basis is used mostly for title of a sporting or religious nature. News items are not submitted for censorship and material imported by the Special Broadcasting Service is rarely screened and never classified.

In the six months 1 December 1982 to 31 May 1983, 33.25 per cent of television titles were classified without screening. (14.15 per cent on the basis of previous records and 19.1 per cent on an undertaking basis).

Videotapes for sale/hire are predominantly drawn from titles available on the traditional cinema and television market. The Board is therefore able to utilise existing cinema and television records to determine whether such a title may be suitable for registration. Videotapes which do not fall into this category of material (i.e. sporting, gardening, cookery or instructional titles) are registered on the basis of their supporting documentation. In the six months, 1 December 1982 to 31 May 1983, 75.18 per cent of videotape for sale/hire applications received for registration were registered without screening. (72.02 per cent on the basis of previous records and 3.16 per cent on the basis of supporting documentation only.)

It is clear that a significant amount of the work involved in classification is already done by the Commonwealth. If there were to be compulsory classification in South Australia it would not place the sort of burden on the State that the Attorney suggests. Much of the work is already done and, if the Commonwealth says that it is unwilling to make available records for the purposes of enabling classification to be made in South Australia, that is an irresponsible attitude of the Commonwealth. In fact, the Commonwealth should be co-operative.

If there were to be a voluntary system of classification, the Chief Commonwealth Film Censor and the Commonwealth Film Censorship Board would be undertaking additional work, anyway. Presumably, that information would also be available to the State authorities in South Australia. In my view it is not proper to suggest that compulsory classification in this State, if we were the only State, would be an impossible task or an excessively expensive task. The work is largely done at Commonwealth level and, in the light of the Ministers' decision, one presumes that the Commonwealth already has a system which deals with voluntary classification, which will mean an increase in the volume of work at the Commonwealth level anyway.

I still believe that a compulsory classification system in South Australia is feasible and that it is within the capacity of South Australia to accommodate it. If there were compulsory classification in South Australia I would suggest that that in itself would be a clear indication to the Commonwealth and other States, which have currently agreed to voluntary classification, that some review of the Ministers' decision ought to be made.

This compulsory classification system in South Australia would be an added incentive for that review. So, I strongly believe that compulsory classification is the course we must follow. A number of consequences flow from compulsory classification. One is that it will facilitate prosecution for breaches of the Act. Under a voluntary system, any prosecutions will largely be dependent on the Police Offences Act, where the police to prosecute need to establish that a particular video was indecent or offensive; under compulsory classification, that is eliminated. If a video tape is refused classification and is still sold or hired, the fact that it is sold or hired is, in itself, an offence. If a video is classified and is sold contrary to the conditions attached to it, that again is an offence and, if the material is not classified and is sold or hired, then that, too, is an offence. It facilitates the law enforcement agencies' task in dealing with a very difficult problem which is rampant in the community.

The Hon. C.J. SUMNER: If I were mischievous I would accept this amendment. This amendment does not do what the Hon. Mr Griffin suggested it does. In fact, it goes absolutely no way toward achieving the objectives he has outlined. It is utterly useless from the point of view—

The Hon. K.T. Griffin: You explain it, then.

The Hon. C.J. SUMNER: It is simply defective.

The Hon. K.T. Griffin: You tell me where you think it is defective.

The Hon. C.J. SUMNER: The amendment moved by the honourable member does not compel anyone to classify between G, PG, and M. All it says is that one must classify in accordance with the Act. What does the Act say? The Act says category 1, category 2 or unclassified. I could accept the amendment and nothing would be achieved. What the Hon. Mr Griffin has come forward with has done nothing. It is a pointless amendment. What has he been spruiking about for the last day? This amendment does not achieve what members opposite have been saying it should achieve. The honourable member should go back and check the situation. Nothing in the amendment will require classification into G, PG or M. So, if I were mischievous, I would accept the amendment.

The Hon. R.I. Lucas: But you are not mischievous, are you?

The Hon. C.J. SUMNER: I am not mischievous. I have pointed out that the Hon. Mr Griffin has placed on file an amendment which does not do anything to advance his particular cause.

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: The whole argument has been, and the difference was pointed out by the Hon. Mr Lucas, that basically the difference between the scheme I introduced and the scheme members opposite want is that the scheme members opposite want will cope with G, PG and M, whereas my scheme copes with category 1 and category 2 and with R and X. So, the only point of difference between the two schemes is whether or not videos are classified.

The Hon. R.J. Ritson: You are muddying the waters.

The Hon. C.J. SUMNER: The difference was pointed out by the Hon. Mr Lucas. I can see that. The point is what is categorised as G, PG or M. That is the basic difference. My legislation copes with the bottom end of the scale quite adequately.

The Hon. R.J. Ritson: But not compulsory?

The Hon. C.J. SUMNER: It does not matter whether or not it is compulsory. The bottom end of the scale is sold without a classification or, if it has been put forward and refused classification, it will be subject to prosecution. That is clear.

The Hon. K.T. Griffin: It may not be, not under your amendment.

The Hon. C.J. SUMNER: It will be, if it is submitted to the Board.

The Hon. J.C. Burdett: It may not be submitted to the Board.

The Hon. C.J. SUMNER: If it is not and it is material that would be in category 1 or category 2 if it were submitted to the Board, it would be prosecuted. Members opposite know that as well as I do.

The Hon. L.H. Davis: How will it be prosecuted?

The Hon. C.J. SUMNER: Under the Police Offences Act.

The Hon. L.H. Davis: It might be out for six weeks or six months.

The Hon. C.J. SUMNER: If someone is going to sell something illegally, they are going to sell it illegally under your legislation just as easily as they are under the legislation I have put forward. All I am saying is that, basically, the difference between the two is in the classification of G, PG and M. The Hon. Mr Griffin's amendment does not even deal with that topic. So, what is the difference? It is not going to assist. The Hon. Mr Lucas was very worried about that. The Hon. Mr Griffin's amendment does not cope with it at all. It talks about classifications under the present Classification of Publications Act which he knows is category 1 and category 2, or refusal of classification. So, it does not achieve what the honourable member hopes. If that is what he wants to do he may wish to adjoin and fix it up. If that is really what he wants, there is no substantial difference between the legislation I want to introduce and the amendment that the honourable member has on file. It would be mischievous if I accepted the amendment and left it at that. It will not achieve what the honourable member wants it to achieve, as he well knows. If he wishes to do something about it, that is his business. It does not do what Opposition members claim they want it to be doing.

I return to the question of compulsory classification. The Hon. Mr Griffin has attempted to make light of the problems which were stated in establishing a bureau. If South Australia were the only State to do it, not only would we, in effect, be acting as the censor for the whole of Australia, in the sense that it would be the distributor in South Australia that would be classified, but we may also find that we are doing other States' work for them—that we would be establishing a bureaucracy. We would be paying the costs of classification of all these videos which then might be used in the Australian Capital Territory, Northern Territory and Tasmania, all over the country, without any contribution from them at all. That is why I say that the system has to be done on a national basis. In this sort of area it really is going back to the bad old days if we are to start doing 'one-off' efforts in censorship.

The Hon. K.T. Griffin: Why?

The Hon. C.J. SUMNER: The Hon. Mr Griffin in 1981 pointed out the discrepancy between State legislation. He said that it was a major problem. He said that one of the major problems is the system of censorship of publications which varies from State to State; so he wants uniformity. This provides uniformity because it is based on a decision taken at a Ministerial meeting. I really believe that there would be considerable difficulties in doing what members opposite want to do in this State alone without the co-operation of the Commonwealth.

The information that I have is that in the commercial field there are currently about 5 000 video titles per year coming to Australia; world production is 8 000. Increasingly, these include golf, tennis, cooking, etc.—documentaries which are becoming popular. Only 1 200 are classified cinema films. The balance were spot checked for doubtful cases before being registered or classified.

The Film Classification Board admitted that it would need two full-time and five part-time censors, two technicians and four support staff to do compulsory classifications which involved 20 per cent being screened, 50 per cent being judged on title and 30 per cent spot checked.

Spot checking, however, is useful only if looking for R material, and the distinction between P, PG and M could not be made by a spot check method. To do a reasonable job a greater percentage would need to be screened or spot checked: say, 50 per cent screened, 30 per cent spot checked and 20 per cent on title only. This would mean screening about 30 per cent more than those already done in the Film Classification Board. That is on the basis of the Commonwealth's doing the compulsory classification. On the basis of 50 per cent being screened, 25 per cent spot checked and 25 per cent on title only, one would need 20 extra people; that is 20 per cent extra people in an already existing bureaucracy. How will we cope in South Australia with establishing a bureaucracy that we do not have, adding 20 people and adding 20 extra staff to do it?

The Hon. R.J. Ritson: You charge, and it is an impost on the $1.3 million profit on porn—a 10 per cent penalty on hard core porn.

The Hon. C.J. SUMNER: The honourable member is a simple soul. He would tax the submisson of all videos, presumably, including the cricket and home games.

The Hon. R.J. Ritson: You just explained that you can do that on title only.

The Hon. C.J. SUMNER: They will all be paying and the cost is presumably passed on some way. Those figures that I have given are for material which comes into Australia. It does not account for Australian-made video tapes, which are an unknown quantity. That is the sort of difficulty if one is going to get into a compulsory system without the Commonwealth. If honourable members have a proposition to put about how they think that we in South Australia can do it with those sorts of figures and problems, I would be very interested in hearing it.

The estimates really cannot be given with any certainty, but would honourable members opposite require, for instance, a complete classification of all the material currently held in the South Australian Film Corporation Library? Would it require classification of all material that is currently hired out? That would mean screening it all and putting tickets on it. Or, would it be some kind of modified system? Again, honourable members opposite do not seem to have any answers to that, but the estimate that I have is that for a completely thorough system in South Australia the cost could be as high as $702 000. If we meet a reasonable standard, again involving classification of all that material currently hired out from existing bodies such as the South Australian Film Corporation, another estimate is approximately $600 000. If one wants a minimum alternative that would give the State Film Library and places like that an exemption one could perhaps get something like $200 000—just for salaries; one would also have to rent accommodation and purchase a large number of sets of equipment.

The Hon. R.J. Ritson: Is that a 'one off' thing to catch up with the backlog or is that on the number of new titles per annum?

The Hon. C.J. SUMNER: The larger figure is to catch up with that material already being hired out and to place a category on it, including the material in the State Film Library. It might be said that we do not have to do that, but honourable members opposite have not come up with any proposition as to how the State could do it without the co-operation of the Commonwealth or the other States. The basis of our legislation is that the Commonwealth will co-operate and will do the censorship classification material that is submitted to it of the X and R categories. What will not be done is the classification of everything, which is what honourable members opposite want.

So, I still find it difficult to see, unless honourable members have some bright idea or are prepared to put something to me, what can be sensibly done in South Australia. I believe that in this respect the Bill is quite adequate and, certainly, if one takes into account that the Hon. Mr Griffin's amendment does nothing in terms of G, PG and M, then the differences between members opposite and members on this side really disappear.

The Hon. I. GILFILLAN: I think that the Attorney deliberately paints the blackest picture concerning the loading to cover compulsory classification demands. He started off at $750 000 and shrunk to $200 000. He advises us to consult Mr John Holland, which we were fortunate enough to do. On the argument that I have here, Mr Holland quoted the cost to South Australia of the compulsory system as possibly $200 000 to $400 000, at least initially because of the backlog. In other words, there seems to be a certain amount of flexibility, at least in terms of the figures being pushed around.

The other thing which has not been touched on is the cost of the voluntary system. If the public demands classification of all material and if that is what the vendors then respond to, there will be a flood of stuff put up to be classified.

The Hon. C.J. Sumner: No.

The Hon. I. GILFILLAN: Why not.

The Hon. C.J. Sumner: Because that will all be done by the Commonwealth. It has agreed to do that.

The Hon. I. GILFILLAN: That could also be done in this way. The cost seems to me to be very indeterminate, and there has been little effort to look at this document. The films and video tapes classified when screening are on page 3 of this document that we seem to be using, 'The Film Censorship Board's proposal for the treatment of video tapes/video discs for sale/hire, outlining both the existing situation and the implications for its proposed system'. They have here points *(a), (b)* and *(c). Point (a)* states:

> When an applicant submits a cinema title in an alternative format (for example, a 16 mm reduction print of a 35 mm print of a title which has been previously classified) and the application is accompanied by a statutory declaration attesting that the copy is identical to the original importation, the title will not be screened prior to registration.

So they already accept statutory declarations. Point *(b)* states in part:

> Television titles may be classified on the basis of a title having been previously classified by the Board or on the basis of a responsible officer of a metropolitan television station viewing the title. The latter basis is used mostly for titles of a sporting or religious nature. News items are not submitted for censorship and material imported by the Special Broadcasting Service is rarely screened and never classified.

Point *(c)* states:

> Videotapes for sale/hire are predominantly drawn from titles available on the traditional cinema and television market. The Board is therefore able to utilise existing cinema and television records to determine whether such a title may be suitable for registration. Videotapes which do not fall into this category of material (i.e., sporting, gardening, cookery or instructional titles) are registered on the basis of their supporting documentation.

I think that the matter has been inflated out of all proportion in an attempt to defend a certain position. I believe, also, that South Australia is well justified in persevering in this matter in response to the massive demand for such perseverance from a majority of residents in this State and I think that the Government is very short-sighted if it does not respond to that demand.

The Hon. C.J. Sumner: This amendment does not deal with what the honourable member is talking about.

The Hon. I. GILFILLAN: I believe that the point the Attorney raised illustrated satisfactorily that the Hon. Mr Griffin's amendment does embrace what I was convinced we were going for. I would like to hear that explained in due course.

The Hon. L.H. DAVIS: I wish to elaborate on a point made by the Hon. Mr Gilfillan. I think that on the one hand the Attorney is saying that video tapes and films for home use should be submitted by distributors for prior assessment by the Film Censorship Board or regional staff in various capital cities, in this case in Adelaide. The alternative view expressed is that all material should be classified. When one notes what the Hon. Mr Griffin has said about 75 per cent of that material being picked up automatically and registered by title, and that we are talking about sporting, gardening, news or other programmes, the differences largely disappear when one is talking specifically about the cost of implementing the programme proposed by him. Will the Attorney-General say what he estimates the difference would be between the scheme suggested by the Hon. Mr Griffin and distributors being scared by the legislation into submitting video tapes and films for home use to the Film Censorship Board for assessment? I suspect that the difference is not very great in real terms.

Furthermore, the point has already been made by the Hon. Mr Gilfillan and myself that the Chief Censor has advocated such classification, believing that it is incongruous to allow video tapes and films for home use to escape classification when films are being classified. I do not believe that the Attorney-General is being candid when he states that the scheme suggested by the Hon. Mr Griffin cannot be implemented. If the Attorney were a person of goodwill, I believe that he could implement this scheme. Mrs Janet Strickland, head of the Commonwealth Film Censorship Board, has indicated her support for this proposal. I believe that if the Attorney accepts this amendment he will find that it is possible to implement it even if, in the short term, South Australia has to go it alone. I am confident that, in time, other States will join with South Australia in implementing a compulsory classification system for video tapes and films for home use.

The Hon. R.I. LUCAS: The Hon. Mr Gilfillan referred to estimates made by Mr John Holland. The Attorney referred earlier in the debate to Mr Holland's expertise. His words, if I recall them correctly, were that he has at least as much experience as Janet Strickland. Mr Gilfillan quoted him as suggesting that the cost of compulsory classification would be $200 000.

The Hon. I. Gilfillan: And maybe $400 000 to catch up with the backlog.

The Hon. R.I. LUCAS: And maybe $400 000 to catch up with the backlog, so the estimate was around $200 000. Earlier in the debate (once again I am going on memory), I am sure that the Attorney gave an estimated figure of $700 000. I take it that that estimate did not come from Mr Holland.

The Hon. C.J. Sumner: I explained that.

The Hon. R.I. LUCAS: Will the Attorney-General say who provided that estimated figure of $700 000?

The Hon. C.J. SUMNER: All the estimates that I have given were provided by Mr Holland. I said that one cannot

estimate with any degree of accuracy how much it will cost, and that the cost depends on how much classifying, and how much actual screening, is done. I am sorry that the honourable member may not have been in the Chamber at the time, but I explained the situation in considerable detail only a few minutes ago. I said that one estimate of $700 000 was based on classifying everything and screening everything.

The Hon. R.I. Lucas: The Attorney didn't say that it was Mr Holland's estimate.

The Hon. C.J. SUMNER: I can assure the honourable member that all my figures have come from Mr Holland and that there are a number of options, one of which I indicated before would cost as little as $200 000. If one wants a Volkswagen system of classification, which might not be adequate for what the honourable member wants, it will cost $200 000. If one wants a really thorough examination of all video films in South Australia including those held by film libraries and the like, and if one wants to properly screen all material, the estimated cost is $700 000. There are varying estimates, depending on what one does, from that figure downwards.

The Hon. R.J. Ritson: I am very impressed by Mr Gilfillan's explanation about how to minimise costs.

The Hon. C.J. SUMNER: There may be ways to minimise the cost, and I am not suggesting that there are not. However, I would be interested to know how honourable members opposite suggest that that be done. If they can come up with some sort of concrete proposal, perhaps it can be costed. The Hon. Mr Lucas was apparently not listening when I indicated that, on the basis of material coming in at the moment, and to enable a thorough classifying job to be done, the Commonwealth Censorship Branch of the Attorney-General's Department in Canberra estimates that an additional 20 people would be required. That includes classifying not Australian made video tapes but imported material only. I do not claim any particular expertise (and I suspect that Mr Holland does not do so, either) in the precise number of resources that have to be put into this exercise, because we do not quite know what would be involved. All we can do is make a number of estimates on the basis of differing systems.

One argument is that if one wants a thorough-going system the cost could be as high as $700 000, but perhaps less. Another estimate, as the Hon. Mr Gilfillan has pointed out, is a cost of $200 000.

That is the annual running cost, but there would be capital costs, equipment would have to be purchased, and we would have to employ people. The problem is that other States would refer material to us for classification, and in effect we would become the Commonwealth censor.

The Hon. K.T. Griffin: Well, make them pay for it.

The Hon. C.J. SUMNER: It is interesting that honourable members are now talking about taxing. That is a novel approach, in the light of their previous attitude. This is a Commonwealth matter. The issue must be tackled nationally, as far as I am concerned. It really would be completely unsatisfactory if one State in the Commonwealth picked up the whole apparatus for providing classification for those videos that are not classified.

The Hon. K.T. GRIFFIN: The Attorney-General can forget about the libraries, because under the regulations the following is stated:

> The State Library of South Australia and the classes of libraries set out in the Second Schedule hereto are exempted from all the provisions of the Act and these regulations in respect of the distribution, delivery, exhibition or other dealing with restricted publications provided that the State Librarian or librarian in charge, as the case may be, has notified the Board by certificate in writing that a system has been installed in the library so that restricted publications will not be distributed, delivered, exhibited or issued to any minors.

That is the point I want to make.

The Hon. Diana Laidlaw: That is relevant to the cost.

The Hon. K.T. GRIFFIN: Yes. The Attorney sought to suggest that there is no difference in substance between his proposal and the proposal contained in my amendment. The fact is that there is a marked difference between the two proposals.

The Hon. C.J. Sumner: But your amendment will not require—

The Hon. K.T. GRIFFIN: I will explain it to the Attorney, and he can ask questions later. In the second reading debate I said that we really have no power to include the standards in the Act. The second reading explanation indicated that the standards for videos would be set by regulation and that the present proposal is to transpose the advisory classification for films into particular categories for the purposes of classifying videos for sale or hire. I accept that the standards in that context would be set by regulation, and I also said—

The Hon. C.J. Sumner: The only classifications are the three—

The Hon. K.T. GRIFFIN: Just a minute. I also said that I believe very strongly that those films and videos that might bear an advisory classification of M should be in category 1 and not in the restricted group of videos, and that the new X rating should not be included at all. I recognise that the setting of standards under the scheme in the Classification of Publications Act, or even under the Film Classifications Act, is really a matter for either the Classification of Publications Board or the Film Censorship Board.

I proceeded to make a very strong plea based on all the recommendations made to me and on my own concern that the standards should be tighter than those that the Attorney has suggested would be applied under his voluntary scheme by transposing the advisory classification of films for exhibition to videos under the Classification of Publications Act. I know that my amendment will not require the G, PG, M, R or X ratings to be ascribed to any particular video. A large number of videos will already bear that advisory classification because they have been classified for the purposes of public exhibition, but a large number will not be classified.

However, if the Attorney-General accepts a tightening of the standards, so that what might ordinarily be M classifications will automatically be included in category 1, to a very large extent that overcomes the problem. The significant difference between my proposal and the Attorney's proposal is that there is no compulsion on any seller or hirer of videos to submit for classification.

If material is submitted compulsorily, as my amendments would provide, the Board will have to make a decision that either the video is to be unrestricted (and that in a sense is a classification or a category 1 or category 2) or refused classification. That would be compulsory, not voluntary, as the Attorney is suggesting.

The Hon. C.J. Sumner: It does not give any guidance to parents about M, PG, or G.

The Hon. K.T. GRIFFIN: But if the Classification of Publications Board or the Commonwealth Film Censorship Board were to take any notice of the strongly expressed views that those which would ordinarily be in the M category should be in category 1, the problem raised by the Hon. Rob Lucas would be overcome. Under the regulations the Government has power to make a regulation that requires the content of the video to be accurately described on the label. Again, there is no reason why that cannot be done, and I hope that something like that will be done, but it is very difficult to put standards into the Statutes.

The Hon. C.J. Sumner: I am suggesting you do, because it doesn't cover what the Hon. Mr Gilfillan, the Hon. Mr Lucas, and other members want.

The Hon. K.T. GRIFFIN: Maybe there is a divergence or a misunderstanding. If there is a genuine desire to have G, PG, or M noted on the label, whether they are previously classified films, I am happy to ask the Attorney to report progress. I suggest a compulsory system of classification and, provided that the standards are set by the Board in a way that will reflect the views which have been expressed and which put those items that are essentially G and PG into the unrestricted category, M into category 1, R into category 2, or some other lap between category 1 and category 2, and there is a refused classification area, it largely accommodates my desire to see compulsory classification.

The Hon. I. GILFILLAN: Is it possible to further amend Mr Griffin's amendment so that classification comes into line with film classification? Although the compulsory aspect has my support, it only goes part of the way. The position will be confusing. I see no point in going to this effort if at the end we will not have something which the public is already part-way educated to identify. Is that the position?

The Hon. K.T. GRIFFIN: Certainly, it is possible and, because of that view, I ask the Attorney to report progress.

The Hon. C.J. SUMNER: It is most unfortunate that the Hon. Mr Griffin did not give sufficient thought to his amendment. I suppose we should have just accepted the amendment and gone our way. It now appears that the Hon. Mr Griffin has had second thoughts, that there is a major defect in the amendment which does not achieve what it should, so the honourable member wants to go and get into a huddle with his advisers and work out a new amendment. I suspect that if the South Australian Film and Television Association knew what the Hon. Mr Griffin was moving, it would have been horrified. Its members were here earlier today and left, and this is what the honourable member has got up to. G, PG or M was not to be marked on any of the material that would be classified under the suggestion of the Hon. Mr Griffin. Now that I have done him a favour and pointed it out—

The Hon. Diana Laidlaw: You are not interested in the view of the majority of South Australians.

The Hon. C.J. SUMNER: I am interested, which is why I introduced the first legislation of its kind in Australia, after several years of inaction by the Hon. Mr Griffin. The Hon. Mr Griffin now wishes to revamp his amendment because it is inadequate, and I cannot be ungentlemanly and refuse such a request.

Progress reported; Committee to sit again.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 4)

Adjourned debate on second reading.

(Continued from 9 November. Page 1540.)

The Hon. K.T. GRIFFIN: The Opposition supports this Bill. It results from some difficulties experienced by S.G.I.C., which is the only insurer for third party bodily injury arising out of motor vehicle accidents in this State. This matter came to me as Attorney-General and I referred it to the Law Reform Committee for investigation and report. That report is now published in the Law Reform Committee's sixty-third report.

The Bill seeks in certain limited circumstances to give S.G.I.C., as insurer, the right to apply to the court for leave to join as a party to proceedings where there is a conflict between the insured person and the insurer. Under the Bill S.G.I.C. will have to seek leave from the Supreme Court, and the court will have to be satisfied that there is an actual or potential conflict of interest between the insurer and the insured in regard to the presentation of the defence. Also, S.G.I.C. will have to establish that the defence proposed by S.G.I.C. in regard to the actual or potential conflict is, in the circumstances, not merely speculative. There are protections for the insured person in the event that S.G.I.C. resolves to apply to the court for leave to be joined as a defendant.

In the event that S.G.I.C. is joined as a defendant, the insured person will be separately represented, and the insured person is entitled to be represented by counsel of his choice; his costs will be paid by S.G.I.C. unless, in the opinion of the court, there is special reason for ordering otherwise. In the event that S.G.I.C. is joined as a party, it leaves the insurer free to cross-examine the insured person in respect of any matter where the reliability of the defendant is an issue.

The second reading explanation refers to two instances where the conflict could arise; for example, where there is an allegation of conspiracy, such as where the occupants of a car claim falsely that the person who was not the driver was in fact driving. The object of that sort of conspiracy is really to allow the real driver to obtain damages for his injuries when, in fact, he was the negligent party.

That may occur when, for example, a driver is seriously injured and his passengers sustain only minor injury. The second reading explanation also pointed out that in a recent Supreme Court case a person sustained injuries in a collision between two cars; that person was a passenger in one car and there was evidence that both that person and the driver of the vehicle in which he was a passenger had taken drugs and, if it could have been shown that the driver was under the influence of drugs and alcohol to the knowledge of the person making the claim, the damages would have been much less.

The opportunity for the S.G.I.C. to cross-examine must, in my view, be made available because, under the present arrangements in South Australia, it is the insured person who is the defendant and the S.G.I.C. acts for the insured. So, obviously it is an impossible task for the S.G.I.C., as the law stands presently, to both act for the insured and cross-examine.

So, the Bill remedies some of the difficulties. I gather from the second reading explanation that the S.G.I.C. supports the proposal. Certainly, the Law Reform Committee is not averse to the proposition. Accordingly, I am pleased to be able to support the Bill.

Bill read a second time and taken through its remaining stages.

TRUSTEE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued on 16 November. Page 1810.)

The Hon. K.T. GRIFFIN: The Opposition supports the Bill. It is a relatively minor amendment which seeks to amend the definition of 'securities', which are authorised trustee investments. Those securities relate to the indebtedness of the Commonwealth Government or a Government of a State or Territory and to the indebtedness of local government councils. The object of the Bill is to widen the definition of 'securities' to mean any document which evidences indebtedness by any one of those bodies. As the indebtedness is guaranteed by a Government or a council it is appropriate to agree to that widening of the meaning of 'securities'.

The Hon. L.H. DAVIS: I, too, support the Bill. It is a simple matter of broadening the definition of 'securities' to take into account the expansion of the capital market and the introduction of new securities and promissory notes which are, in particular, mentioned in this broadened definition of 'securities'. It is pertinent to note that this is the first amendment to the Trustee Act since it received some substantial amendment in 1980. At that time the then Attorney-General, the Hon. Mr Griffin, introduced substantial amendments, the major amendment in practical terms being to trustee securities as defined in section 5. The amendments of 1980 enabled trustees, whether trustee companies or individuals acting as trustees on behalf of other people, to invest in a much broader range of securities than had previously been possible.

Before 1980 the list of trustee investments in South Australia was very narrow and, in broad terms, was restricted to Government and semi-governmental securities, together with land. However, in 1980 the broader definition of trustee investments enabled investment in shares, debentures and deposits, as well as common funds of trustee companies. There were, quite naturally, certain restrictions put on the shares and debentures which could be eligible for trustee investment status in South Australia. As this amendment to section 4 is now before us it seems appropriate to look at the operation of the Trustee Act Amendment Act of 1980 and the appropriateness of those amendments to trustee investments.

I am pleased to advise honourable members that those people who deal with this very practical matter on a daily basis, notably the trustee companies—Elder's Trustee, Executor Trustee, Bagot's Executor and Farmers' Co-operative Executors, as well as the Public Trustee—are pleased with the operation of section 5 relating to trustee investments. However, there was one anomaly which I flagged at the time those amendments were introduced, and it remains an anomaly. It seems appropriate to correct the anomaly. Therefore, at this second reading stage I advise that I will seek an instruction from the Council to the Committee to consider an amendment to section 5 of the principal Act relating to authorised investments. It is a simple proposition that section 5 (1) *(e)* provides for investments in debentures issued by a company.

That is later qualified by subsection (2) and (3), which have created an anomaly in the sense that, if a company has its shares listed on the Stock Exchange and if it has a paid-up capital of more than $4 million and has paid a dividend in each of the 10 years immediately preceding, its debenture stock will qualify as a trustee investment. However, a number of major finance companies do not have their shares listed on the Stock Exchange, including Custom Credit, Esanda, F.C.A., and the C.B.F.C. (a fully owned subsidiary of the Commonwealth Bank). It seems inappropriate that these companies should not be classed as trustee investments in South Australia, and yet much smaller companies, simply by virtue of the fact that they have shares listed on the Stock Exchange, qualify as trustee investments.

To underline the point, A.G.C., which is about 80 per cent owned by Westpac Banking Corporation and which acquired General Credits in the merger with the C.B.A., has recorded a profit of $87.3 million for the year ended 30 September 1983; indeed, it is the 17th largest company in Australia in terms of market capitalisation. The second largest finance company in Australia is Esanda, which recorded a profit of nearly $39 million in the year to 30 September 1983; it is not a trustee investment by virtue of section 5.

The third largest finance company in Australia is Custom Credit Corporation, which is a fully owned subsidiary of the National Australia Bank and which recorded a profit of approximately $34 million in the year to 30 September 1983. The fourth largest finance company in Australia is the C.B.F.C., which is, as I have said, a fully owned subsidiary of the Commonwealth Bank, and its latest profit for the most recent financial year was in the vicinity of $14 million.

The fifth largest company, a fully owned subsidiary of the A.N.Z. Banking Corporation, as was the case with Esanda (the second largest finance company), is Finance Corporation of Australia, which was until recent times a fully owned subsidiary of the Bank of Adelaide. F.C.A. has now recovered its former glory and reported a profit of $13.7 million in the financial year to 30 September 1983.

So, there are four finance companies which have enormous profits, financial stability and a high reputation in capital markets, along with N.B.A. Properties (which is a fully owned subsidiary of the National Bank), but which do not qualify as trustee investments. Yet, as I mentioned, smaller companies which qualify for trustee investment status, not by virtue of their size or their parent company's backing, but simply because their shares are listed on the Stock Exchange Mercantile Credits with a profit of $5.4 million, Alliance Holdings with a profit of $4.8 million and Standard Chartered with a profit of $3.2 million—are much smaller finance companies than those five which I have already mentioned and which do not qualify for trustee investment status. That is not to say that those smaller companies are not financially stable; they are and, indeed, they have never at any stage given their debenture holders any fears whatsoever.

I think that it is a prudent time to correct an anomaly which is well recognised by the trustee companies and the finance companies themselves. It is a very practical proposition that an Act such as this, which has such a general application, should reflect accurately the intention of the Legislature. I suggest that at the time this was passed back in 1980 it was not the intention to exclude Esanda, Custom Credit, C.B.F.C. and F.C.A. deliberately (because those first two, for example, rank among the largest 100 companies for size), as the trustee investments would offer more real security than many other securities which qualify under the terms of section 5.

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

SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 November. Page 1921.)

The Hon. M.B. CAMERON (Leader of the Opposition): The Opposition supports this Bill. As the Attorney-General indicated in his second reading explanation, at present section 31 of the Savings Bank of South Australia Act restricts the power of the Bank to grant unsecured loans or secured loans where the amount of the loan exceeds the value of the security and limits the amount of an unsecured loan to a prescribed maximum of $15 000. Additionally, the difference between the value of security and the amount of the secured loan must not be greater than the prescribed maximum; that is $15 000.

Quite obviously, in today's business world a prescribed maximum of $15 000 is very limiting. It places considerable restrictions on the activity of the Savings Bank to deal with and appropriately service business enterprises. Notwithstanding the fact that the Savings Bank of South Australia and the State Bank are to be merged, we agree that it is appropriate that the restrictions contained within section 31

should be removed. The Savings Bank of South Australia will have at least another six months during which it will operate as a separate entity, and it should be given the opportunity to do this in a commercially sensible way.

The Australian financial market is changing rapidly, and we must ensure that the Savings Bank of South Australia is given the flexibility necessary to enable it to match services offered by other financial institutions. The Savings Bank of South Australia has expanded its interests into the field of merchant banking and is set to expand its activities in the national corporate area. Accordingly, it is entirely appropriate that the very restrictive lending controls contained in section 31 be lifted, and for that reason the Opposition supports the Bill.

Bill read a second time and taken through its remaining stages.

ADJOURNMENT

At 11.36 p.m. the Council adjourned until Wednesday 30 November at 2.15 p.m.