HOUSE OF ASSEMBLY

Thursday 24 October 1985

The SPEAKER (Hon. T.M. McRae) took the Chair at 2 p.m. and read prayers.

PETITION: CLUB LIQUOR SALES

A petition signed by 168 residents of South Australia praying that the House legislate to allow clubs to purchase liquor from wholesale liquor outlets and provide for the sale to members of packaged liquor for consumption elsewhere was presented by Mr M.J. Evans.

Petition received.

QUESTION

The SPEAKER: I direct that the following answer to a question without notice be distributed and printed in *Hansard.*

DOG REGISTRATION

In reply to **Mr GREGORY** (29 August).

The Hon. G.F. KENEALLY: My colleague, the Minister of Local Government, has advised that it is proposed to amend the Dog Control Act to allow the use of nylon tags. The Dog Advisory Committee has been concerned for some time about the problems mentioned by the member and more particularly the tendency for the discs to wear and become unreadable. The committee would like hard wearing nylon tags similar to those used in Victoria, which can be easily clipped onto a dog's collar, used as the standard identification of dogs in South Australia. However, a Crown Law opinion indicates that the tags would not be considered as discs under the current requirements of the Dog Control Act. The Dog Advisory Committee recommended that an amendment be included in the proposed changes to the Act which would allow the nylon tags to be used. Their recommendations are currently being examined.

PAPER TABLED

The following paper was laid on the table:

By the Treasurer (Hon. J.C. Bannon)—

Pursuant to Statute—

State Government Insurance Commission—Auditor-General's Report, 1984-85.

OMBUDSMAN

The Hon. J.C. BANNON (Premier and Treasurer): I seek leave to make a statement.

Leave granted.

The Governor has today accepted the resignation of the Ombudsman, Ms Mary Beasley. The Government believes that Ms Beasley has adopted the proper course in resigning her position as Ombudsman. The office of Ombudsman is of vital importance to the people of this State. An Ombudsman cannot operate effectively in an atmosphere of continuing public controversy. By resigning, Ms Beasley has put that office and its importance to our State above personal considerations.

The Government believes that her resignation is the best course of action. However, it must be remembered that the Federal Attorney-General found that Ms Beasley had not breached any Commonwealth law. Following a direction from the Government, South Australia's own Solicitor-General made inquiries as to whether Ms Beasley's actions constituted misbehaviour for an Ombudsman as laid down in the legislation. The Solicitor-General found that Ms Beasley's actions did not constitute misbehaviour. However, the office of Ombudsman would have been compromised by continuing controversy.

The Government felt it was reasonable, in the light of Ms Beasley's previous experience and excellent record in the Public Service as a Commissioner for Equal Opportunity and Commissioner of the Public Service Board, that the Government accede to her request that she return to the Public Service. Ms Beasley will take up a position within the Public Service, at an appropriate level, as an Executive Assistant of the Public Service Board. In the light of Ms Beasley's resignation, the Government considers it unnecessary to make further inquiries in respect of the matter which has been debated in Parliament, and which led to her resignation from the Qantas Board.

The major concern of the Government was that the office of Ombudsman be free from public controversy. In the light of Ms Beasley's resignation, there is no point in pursuing inquiries any further. I advise the House that Mr G.D. Edwards, Senior Investigating Officer in the Ombudsman's Office, has been appointed Acting Ombudsman.

Mr OLSEN (Leader of the Opposition): I seek leave to make a statement.

Leave granted.

Mr OLSEN: The Opposition recognises that Ms Beasley's decision to resign the office of Ombudsman was correct and proper. It will ensure that the status and integrity of the office are maintained free of any continuing public controversy. This has been the Opposition's only objective at all times. The Ombudsman was in an untenable position. Public trust and confidence in this important and independent body had dissipated to a point where the office was unworkable. The Ombudsman's resignation was a result.

Had the Government acted last week to request her to stand aside and undertaken positive inquiries, this continuing public controversy and this result today could have been avoided. Our position has been consistent throughout. We were prepared to put a point of view where the Government was not. Our only objective was to protect the office and to press the Government to obtain all the facts and information that would allow a proper judgment to have been made—as it was the Government's responsibility to do.

The Opposition remains concerned that the Federal Government continues to refuse to provide all the information relevant to consideration of this matter. Because the Government has decided to transfer Ms Beasley to a senior position in the Public Service, it is imperative that the Government continues to press the Federal Government for this information. It is important to ensure that any cloud remaining is cleared up once and for all because the community has a right to expect those high standards of conduct by its senior public officials at all times. This will be as much in Ms Beasley's interest as anyone else's. In conformity with this view, my shadow Attorney-General has this afternoon communicated with the Attorney-General in the following terms, and I quote from Mr Griffin's letter as follows:

I have noted the Premier's public announcement that Ms Beasley has tendered her resignation from the office of Ombudsman, that she is to be appointed to the Public Service as an Executive

Assistant and that there is not to be an inquiry into the allegations relating to concessional Qantas airfares. The Opposition recognises that Ms Beasley's decision to resign was correct and proper.

We are concerned, however, that certain matters relating to overseas air travel have not been cleared up once and for all. It can only be in the best interests of Ms Beasley and the public that all the facts are obtained and that the Federal Government makes available all documents, papers and information relevant to allegations. Therefore, the Opposition is of the view that your Government continues to have a public duty to obtain all the facts and to require the Federal Government to cooperate.

MINISTERIAL STATEMENT: PARKS COMMUNITY CENTRE

The Hon. LYNN ARNOLD (Minister of Education): I seek leave to make a statement.

Leave granted.

The Hon. LYNN ARNOLD: I wish to inform the Parliament of an industrial dispute today at the Parks Community Centre. Of a total of 75 teaching and 17 ancillary staff, 14 teaching and nine ancillary staff members have reported for duty. With the exception of five teachers who have reported sick, the remainder are absent from the school, and will therefore forfeit a day's pay. The action arises from the annual teacher displacement procedure. I have advised the school and SAIT that I will suspend any further consideration of any cushioning of the displacements at the school until the strike is over.

Under the displacement procedure, staff from schools with falling enrolments are reallocated to schools with growing student numbers and into new program areas and areas where improvements need to be made. I have today announced the allocation of an additional 10.3 salaries to schools. This followed an Education Department review of proposed staffing levels for 1986 and subsequent recommendations to me. This review found that some schools would indeed suffer severe dislocation of programs because of the extent of teacher displacements.

As further recommendations are made to me about particularly serious consequences through displacement of teachers in other areas, these too will be considered. However, overall to enable schools to retain the same numbers of staff, when they have significantly fewer students, would be to relatively disadvantage schools with growing student numbers or static student numbers. Additionally, by removing staff from schools with falling enrolments, teaching positions are freed up, which can then be used to address new courses, improve existing programs and generally be spread around the entire education system. This of course means the advantage can be shared by all schools, rather than just some.

Certainly over the past few years the Government's policy of maintaining teacher numbers has meant significant gains in many aspects of the South Australian education system. In addition to drastic improvement in class sizes, the positions freed up by declining enrolments have been used to enable initiatives in (among others) the following areas: integration of the disabled in mainstream schools; additions to staffing in special schools; assistance to aborigines in non-aboriginal schools; improvements to primary school library staffing; creation of a junior primary library formula; and increases in advisory teachers.

Next year there will be further improvements in other important areas, as a result of staff plans presently being undertaken. These include: further improvements to primary and junior primary libraries; increased staffing for the Correspondence School; increased opportunities for language teaching; establishment of homework centres; improved senior secondary support for isolated schools; increased release time scholarships; development of computer focus schools; and supporting new subject areas.

Today I met with senior executive members of the South Australian Institute of Teachers to hear their concerns about the displacements proposed for 1986 and to discuss options. As a result of our discussions, and following upon talks I have had with departmental officers, I have approved the establishment of a joint Education Department-SAIT working party as soon as possible to report by April 1986 on the deployment of staff in South Australian primary and secondary schools. This working party will address such issues as: displacement procedures; effect on school curriculum offerings of major declines in student numbers; effect on class sizes of such declines; the question of the equitable distribution of resources between all schools, including those that are growing or maintaining their level of enrolments; and the matter of the allocation of negotiable staffing. This working party will make recommendations of alterations that could be made to existing processes as well as reporting on what new criteria could be developed in relation to those processes.

QUESTION TIME

STATE BANK LENDING

Mr OLSEN: Will the Premier reconsider his refusal to initiate an inquiry into the State Bank's home lending practices? When I first proposed such an inquiry in the House on 10 October the Premier said that he did not believe it was justified. Since then, the bank has asked all borrowers who believe they have been misled about market rate loans to contact their branch manager to discuss their situation. However, this has only added to the concern and confusion of many borrowers.

I have been informed that borrowers who have taken this action have been offered an interest rate reduction of half a per cent, subject to their agreeing to sign a document acknowledging that they had agreed to a market rate home loan, when in fact many of them still claim that they had been led to believe they were obtaining a general home loan. In some cases, other conditions have been applied. In one case, my office has been contacted by a married woman who claims to have been told on approaching her bank manager that she would have to sign a document undertaking not to start a family for five years—that is the advice of the bank manager, I might add.

In another case a borrower has been offered an extension of the term of his loan to well beyond his planned retirement date. This will also result in an enormous increase in the total interest repayments he will have to make on the loan. In view of the continuing confusion and concern about the bank's practices in the provision of market rate loans, and the need to maintain the bank's credibility, will the Premier again consider whether it would be appropriate to appoint the Auditor-General, or some other suitable person, under section 25 of the State Bank Act to inquire into the matter so that it is resolved in the interests of borrowers and in the long term intests of the bank?

The Hon. J.C. BANNON: At this stage, that would only add to the confusion and concern. I suggest that the bank has moved very rapidly over the past couple of weeks to address this problem. A number of actions have been taken, publicly announced, and contact has been made with lenders. Of course, there are questions of confidentiality and the relationship between a borrower or depositor and a bank manager. People have been invited to discuss those matters. However, if instances such as those mentioned by the Leader of the Opposition can be validated I suggest that he ensures

that they come to the attention of the General Manager, who assures me that such matters will be dealt with expeditiously. So, at this stage, I think that nothing is to be gained—only more confusion—by holding some sort of general inquiry.

DUST PROBLEM

Mr KLUNDER: Can the Minister of Transport indicate whether any steps will be taken to reduce the dust problem that will arise this summer as a result of the mounds flanking the proposed O-Bahn track in the Windsor Gardens and Dernancourt area? Residents of the area, especially in the Willowbrook and Brookvale Roads area, have complained to me that large amounts of dust from those mounds made life difficult for them at various times last summer and have asked if it is possible to grow grass or ground cover on them to reduce the problem in the coming dry season.

The Hon. G.F. KENEALLY: I thank the honourable member for his question. I acknowledge that he raised this matter with me some months ago, probably as far back as six months ago. As a resident of Port Augusta, and knowing full well the difficulties of dust, particularly during construction stages—in the case of Port Augusta in the Housing Trust development—I certainly appreciate the problems that the residents of Windsor Gardens and Dernancourt faced last year. It is very easy to say that it is only a short term inconvenience because the construction work is worthwhile and of benefit to the community. That is so in this case, but it is difficult for the individual concerned to be tolerant.

I have instructed the project manager today to ensure that, during this summer, no dust nuisance is caused by these mounds and that ground cover must be sown. This is normally, as I understand it, a one-off situation, because it is anticipated that tree growth and natural growth will ensure that the dust problem does not occur again. I acknowledge the honourable member's concerns, and appreciate the difficulties that the residents in that area must have faced last year and are fearful of facing again this year. We will certainly do what we can to ensure that that does not take place.

ENTERTAINMENT TAX

The Hon. E.R. GOLDSWORTHY: Does the Premier still support the Federal Government's tax on business entertainment expenses? In the Premier's submission to the tax summit, he supported the introduction of this tax. However, it is already apparent that it is having a severe impact on the restaurant trade and jobs in South Australia. According to a survey by the Restaurant and Catering Association, a total of 360 jobs in South Australia have been lost in the month since this tax was imposed, and further job losses are based on estimates that there will be a downturn in the restaurant trade by 34 per cent in South Australia.

While the Premier has been virtually silent about this tax since it was introduced, his counterpart in Western Australia has revealed this week that he has made several strong representations to the Federal Treasurer on the basis that the tax fails to recognise that business entertainment expenses can be legitimately incurred. In view of the mounting opposition to the tax as its severe impact on employment and business becomes evident, I ask the Premier to detail to the House what specific representations he has made, if any, to the Federal Treasurer.

The Hon. J.C. BANNON: This of course is the subject of a private member's motion, on the Notice Paper, which covers that. In the debate no doubt these matters will be fully explored, but I point out that I have not been virtually silent about this. On the contrary, I have made a number of statements and indeed the quotation he reads from our submission to the national tax summit is quite selective, as has been pointed out on many occasions.

At all times I have been at pains to point out to the Federal Government that, whatever the merit of particular taxation regimen, particularly in stamping out avoidance or evasion of tax, one must always be concerned about the impacts that that might have on a particular industry and its effect on employment.

There is no question that there are adverse effects and fallout as a result of this impost—I have said so and I have made my point clear to the Federal Treasurer. However, at this stage I go on to say that it is still too early to see what the overall effect will be. There is no question that an initial, one might almost call a panic, reaction probably resulted in a more immediate and comprehensive effect than will be shown over time. There is no question of that. The same thing occurs when there are increases in imposts in any area, or price increases for commodities: the effect is always the same.

What is important to us is not the sudden short-term effect but, rather, the long-term effect on that industry and its structure. This is a matter of great concern to the Government, and I have made representations to and have discussed with the Federal Treasurer. At this stage the Federal Treasurer has constantly reaffirmed that the Federal Government is not prepared to alter its stance on this tax. It believes that the benefits flowing from it outweigh the disadvantages. I do not believe that that has been established, and I believe that we must continue to ensure that any tax, however desirable in its overall effect and however equitable, does not have major adverse effects on an industry that cannot absorb it.

ESCORT AGENCIES

Mr MAYES: Will the Deputy Premier urgently investigate and report to the House on allegations that minors are working in escort agencies in the Adelaide metropolitan area? I refer to the heading on the front page of today's *Advertiser* 'Teenagers working in "escort" trade'. If I may, I would like briefly to quote from that article, which I am sure has raised concerns in the minds of many members of the community, including people in my constituency. The article states:

> Boys and girls as young as 14 are working in most of Adelaide's escort agencies—and police say they are powerless to stop them.
>
> Some work during school hours, while others tell their parents they have an after-school job to hide their activities.
>
> The law related to prostitution in brothels or soliciting in the streets and it was very difficult to prove offences which took place in homes, hotels or motels.
>
> The sources said that while the number of children working as prostitutes was increasing noticeably, police could do very little but take down the children's names and addresses and lecture them about the problems of prostitution.
>
> After that, there was little option but to 'turn your back and walk away'.

I ask the Deputy Premier to urgently investigate this matter. I am sure that most members of Parliament and the community would be most concerned about it.

The Hon. D.J. HOPGOOD: I certainly share the concern of the honourable member. Having seen the press statement yesterday, I have already asked the Commissioner for a report, which is obviously not yet available for me to share with the House. In view of public statements that have been made over the past six months about the way in which the police recently have been quite effective in suppressing considerably this trade, I find it somewhat staggering that

it is now suggested that police officers are saying that they are powerless to act. The reports which I have received and which have been made public have stated that there has been a considerable suppression of prostitution in this city.

The use of children in this trade is particularly pernicious, and of course I would have thought that the law was perfectly adequate to deal with the situation. If the Commissioner establishes and reports to me appropriately that amendments need to be made to the Criminal Law Consolidation Act, this Government will act immediately to give the police power to be able to stamp out this sickening aspect of the traffic.

I simply point out to the honourable member in the House, without in any way trying to downgrade the concern for this, that the statement (which was unsourced) is quite at odds with statements which in the past 12 or even 18 months have come from police officers and which have suggested that a number of establishments that had been operating quite openly in the city had, as a result of police action, been closed down.

STATE RESCUE HELICOPTER

The Hon. D.C. WOTTON: What action will the Minister of Emergency Services take to ensure that the State rescue helicopter is fully operational before the peak summer season arrives? There is increasing concern about safety factors of the present State rescue helicopter. I understand that it is under-powered for its current use; that there have been equipment problems; and that on one occasion a near tragedy was averted solely due to a pilot's skill when the helicopter was forced towards a cliff face by wind gusts.

Concern has also been expressed about the number of personnel that can be carried in the event of an emergency medical evacuation. Further, the rescue winch, a very essential item of equipment, has now been withdrawn from use, on the recommendation of the manufacturer. This winch was used a number of times last summer in rescues of people at sea and from inaccessible areas. The loss of the winch means that the helicopter is not fully operational. I have been informed that the Government has received a number of warnings about these problems, but so far it has failed to take any action.

The Hon. D.J. HOPGOOD: I apologise for not having a detailed report on this matter. I understood that I did have a detailed report that I could make available to the House. I do not have all the details in my mind. Some of the problems (and they are not as comprehensive as the honourable member indicates) have been brought to my attention, and the matter is being very actively pursued. I shall obtain a report and make it available to the House.

PIE CART

Mr GROOM: My question is directed to the Minister of Transport, representing the Minister of Tourism in another place. Will the Minister consider holding discussions with the Adelaide City Council with a view to seeking to persuade council to view favourably a recent application made by the proprietor of the Adelaide pie cart for a permanent extension of trading hours to 5 a.m., to coincide with the opening of the casino? The proprietor of the pie cart is a constituent of mine. Currently from Monday to Friday the pie cart trades from 6 p.m. to 1 a.m., and on Saturday and Sunday from 4 p.m. to 1 a.m.

The current situation is as a consequence of restrictions placed on the pie cart some years ago by the Adelaide City Council. My constituent is seeking an extension of trading hours to 5 a.m. A number of such applications for an extension have been made in the past but have been rejected by the Adelaide City Council. The latest controversy surrounded an application for an extension of trading hours for the Grand Prix period; that application was rejected and was then varied. However, that extension relates only to the period in which the Grand Prix will be held. After that time the pie cart must return to its present fixed trading hours.

Recently, the proprietor of the pie cart had a sample survey undertaken regarding the origin of customers. It involved a sample of 1 200 people and indicated that, in relation to the origin of customers, 80.8 per cent came from the Adelaide area, some 10 per cent came from the country areas of South Australia, while the tourist category, involving people from both interstate and overseas, included 9.2 per cent. With the great influx of interstate and overseas tourists into the area consequent upon the opening of the casino and the ASER related facilities and attractions, the proportion of tourists served by the pie cart could reasonably be expected to increase, and its prominence as a tourist feature will be enhanced.

As a consequence, though, of the stances taken previously by the Adelaide City Council, there is some lack of confidence by the supporters of the pie cart in council's ability to adequately appreciate the tourist potential of the pie cart, which is unique to South Australia. Accordingly, will the Minister of Tourism hold discussions with the Adelaide City Council to seek to avoid the fiasco that has occurred in the past in relation to this matter?

The Hon. G.F. KENEALLY: I shall be happy to refer this question to my colleague the Minister of Tourism. I commend the member for Hartley for his continuing representation of the interests of his constituents. Frankly, I am amazed that in 1985 we are still having difficulty over the pie cart in Adelaide.

The Hon. P.B. Arnold: A land mark.

The Hon. G.F. KENEALLY: As the member opposite says, it is one of the landmarks of our city, and one for which I think the citizens of Adelaide and South Australia have a very warm regard indeed. The figures quoted by the honourable member show that 9.2 per cent of the pie cart's customers come from another State or overseas, while another 10 per cent come from the country and are looking for the same sorts of tourist facilities as those required by interstate and overseas patrons.

So, at least 20 per cent of the customers come from outside the metropolitan area. As Minister of Tourism and of Local Government, I was at one time required to negotiate to try to achieve more sensible business hours for the pie cart. It has been a continuing battle. I will take up this matter with my colleague in the confident hope (I do not say that it is a forlorn hope) that Adelaide's pie cart will at last be given the recognition that it so sorely needs and that its customers will be given the service they require at the appropriate hours.

DRUG REHABILITATION UNIT

The Hon. TED CHAPMAN: Will the Premier investigate and report to Parliament on the action and involvement of his Minister of Health, or officers acting on the Minister's behalf, concerning, first, the Minister's recent purchase of a 30-hectare farmlet known as Croxton Park, which is located near Ashbourne in the district council area of Strathalbyn? Secondly, will he ask his colleague to identify specifically the terms and nature of the intended land use of that property under its new ownership? Thirdly, if it is for the

purpose reported in the *Advertiser* on 19 October 1985 (that is, a drug rehabilitation unit), will the Premier ask his colleague to say why an undertaking that was given on behalf of the Minister to the District Council of Strathalbyn in September regarding local consultation with adjacent residents has been breached? Finally, will the Premier ask his colleague to reconsider the decision to proceed with the project as reported, recognising that Fleurieu Peninsula is already saturated with institutions and rehabilitation centres of one form or another?

The *Advertiser* reports the Minister as having announced from Canberra last Friday that the Government had purchased the property for the purpose of establishing a drug rehabilitation centre as referred to above. The article further reports expressions of deep concern at the local residential level and, in particular, cites the District Clerk as claiming that no official application for the change of land use (currently that of farming) as required under the State Planning Act has yet been lodged nor, therefore, has there been any public participation as is required by private developers and the community at large. Fleurieu Peninsula, which embraces the region in question, is well known for its beauty, its climate and its attractions. In recent years there has been a significant influx of rehabilitation unit establishments in the area catering for a wide range of mentally and physically handicapped persons and others with a variety of health and fitness problems.

The residents of Fleurieu Peninsula generally, and those of the South Coast region in particular, recognise their responsibility to share with the community worthy organisations responsible for those unfortunate enough to be handicapped in our society. However, the clear message I receive from that area is that enough is enough, and they do not wish to become further saturated and an ever-growing location for the institutionalised and those requiring rehabilitation of one form or another. Statistics available to the Premier would, I am confident, support the position outlined to the House in this instance.

In September the Chairman and Secretary of the Alcohol and Drug Services Council, in the company of a solicitor, gave the Strathalbyn council an undertaking that discussion between those officers and the local residents of the Ashbourne area would occur before any public announcement was made. Reports from my constituents and the report of the District Clerk confirm that the consultation has not occurred. Leap-frogging the procedures and developing one law for the Government and one for the community at large in this respect has not been appreciated.

The Hon. G.F. KENEALLY: As the Minister representing the Minister of Health it is appropriate that I respond to the question. First, I reject the concept that there ought to be an investigation into the Minister's actions in this regard, but I will refer the question to my colleague for him to give a comprehensive reply to the points made by the member for Alexandra. I point out to the House that the Minister and the Government are seeking to secure a drug-free environment for people who suffer from narcotic abuse. One of the problems in the metropolitan area at the moment, at the property in Joslin, is that the people who suffer from narcotic abuse and who are getting treatment there have ready access to narcotics if they wish to avail themselves of such. So, it is essential to be able to establish for these people a drug-free environment.

The choice of the property that the Government has purchased is an appropriate choice. I point out to the honourable member that, because there is a change in use, such change will be subject to planning control. There will be an opportunity for the local community to express its view, and there will be an opportunity for appeal. If, in fact, that appeal is upheld, the Government will have to look elsewhere to establish a property for the treatment of those people who abuse narcotics. The honourable member has expressed his view that his electorate has, along with other areas of South Australia—

The Hon. D.C. Wotton interjecting:

The Hon. G.F. KENEALLY: Obviously the member for Murray does not agree with the community sharing the responsibility that exists within society in this regard. I accept the view of the member for Alexandra, however, that his electorate and community are prepared to play their part in that sharing. That is admirable, and I am sure that, once his community understands just exactly what is to take place at Ashbourne, it will be reassured, as I am sure the honourable member will be. I will ask my colleague the Minister of Health to give a comprehensive reply to the points mentioned by the honourable member.

SMALL BUSINESS COURSE

Ms LENEHAN: Will the Minister of Education tell the House what level of response he has received from industry and business about the new SSABSA accredited year 12 small business course? The reason for my question is twofold: first, as I have a large number of students in my electorate, this course will provide students undertaking the course with important skills for future jobs, whether self-employed or employed in small business. Secondly, for a number of years business and industry have called for more appropriate education to equip students for business and industry. I am therefore interested to know how the new course is being received by both industry and business.

The Hon. LYNN ARNOLD: I am pleased to announce that the reception to the new small business course launched by SSABSA on Monday in which I took part, has been very positive indeed. It is quite true that the community has always required of its education system the provision of relevant education meeting the needs of the economy and society in the years ahead. I believe we have had a dynamic and relevant education system in South Australia.

What took place on Monday was just part of that process showing itself up yet again. On that occasion three new year 12 subjects that will be in our schools in 1986 were launched, namely the small business management course, computing studies and basic word processing. That is in addition to the new technology studies course that I launched at Technology Park about a month ago—also a year 12 subject. The planning of these courses has not only involved educators within the department: it has involved teachers from the department and non-government schools and people from the business community in framing what this course, which is a very exciting one, should do. It is a full year course and is accredited at year 12 level.

It asks students to take part in projects so that they can understand in a very practical way what small business management is all about. It is designed to help them set up their own small businesses, learn principles of business management, have the concept of financing a business, determine financial cash flows, and the like. At that launching were two students from Geranium Area School who detailed how they had gone through a similar program. They went to their school council and sought a loan from it in order to set up a poultry business in their school. They had to argue before the school council as though it were a bank manager saying, 'Yea' or 'Nay'. They had to get the project up and running, to fruition, and hopefully to make a profit (which they did). That is the sort of thing that has been going on in schools all around Australia, but it has not been

supported by having an accredited year 12 subject, which we now have.

I am certain that we will see many more of those examples taking place in our schools providing young people with the opportunity to know what it is to run a small business. They need an opportunity to know what entrepreneurship is all about and that that is a creditable thing to aim for and have as part of their skills. There is an entrepreneurship test on the back of the SSABSA accredited document through which people can go to determine what level of response they have to entrepreneurship. It is an interesting test which I commend to members of this House.

We estimate that next year about 50 schools will probably pick up this course. I certainly hope that beyond that, in years ahead, many more schools will pick it up. It is important that our education system address the needs of such things as small business. After all, 45 per cent of our gross domestic product is generated by small business and 60 000 people in South Australia are employed in small business.

It is a very important and exciting area. This new course will be one of four new courses in 1986 generated by the Senior Secondary Assessment Board of South Australia, a board which was established by this Government and provided with significant resources to revamp considerably year 12 subject offerings in South Australia. Therefore, we can assure parents in the community that we are providing a relevant education for our children.

TEACHER DISPLACEMENT

The Hon. MICHAEL WILSON: In the Minister of Education's statement today he said that an additional 10.2 salaries would be allocated to schools and, that as further recommendations are made to him about particular serious consequences through displacement of teachers in other areas, these too will be considered. Are those salaries to come from salaries that were to have been allocated to primary schools?

The Hon. LYNN ARNOLD: I advise that the process I am going through this year has happened in previous years whereby we examine displacement effects and try to determine whether some cushioning needs to take place. We set aside reserve salaries for that purpose and for other purposes. One of the other purposes for which reserved salaries are set aside is for sudden changes that take place in enrolments at the beginning of the school year. A school may end up with 50 more students than it estimated and we have not staffed it for that. However, we have reserves for that purpose. This is one of the purposes for which the reserve is set aside.

I mentioned during the Estimates Committee that there is a reserve in this year's staffing for 1986. I assure the honourable member that those salaries are not coming from things I have promised to primary schools in South Australia in 1986, especially as detailed in the Estimates Committee. These come from the reserve that has been set aside.

Also, there are five positions that were to have been used for staffing of reviews during 1985-86. I have determined that only one of those positions will be needed, on subsequent analysis. So, those four will be put into the general reserve. When I made my ministerial statement I pointed out that we are examining primary and secondary schools; there are displacements for primary schools which need to be examined as well. If significant effects are taking place on the structure of the school we will try to consider that. I think that the honourable member is trying to imply, or is at least asking, whether we will run down primary schools to meet this statement today. I am replying that that is not the case.

SECONDARY SCHOOL ALLOWANCES

Mr HAMILTON: Will the Minister of Education advise what steps he can take or has taken to address the problem of secondary allowances in schools? I was contacted yesterday by a deputy principal of a high school in my electorate who stated that year 11 students, whom the school considers to be *bona fide* students, do computing, a year 10 subject, which is allocated only in year 10: it is convenient to slot it into the year 10 timetabling. These students have been paid their secondary allowances. However, I was told that the Education Department has decided that they are not full-time year 11 students.

Further, this deputy principal advised that the Education Department is now calling for a refund of these moneys that have been paid to these students. I was advised that:

> This is going to be a big problem eventually, as they are *bona fide* year 11 students as far as the school is concerned.

The new system of individualised timetabling structures is going to affect a lot of people. Most of these students are from single parent homes, and that creates a financial problem within these families. Therefore, can the Minister say what action he has taken to seek redress of this very important matter with his federal colleague the Minister of Education?

The Hon. LYNN ARNOLD: First, I can indicate, in terms of the general principle of income support for young people, that South Australia has taken the national lead in this arena. Certainly at all meetings of youth Ministers we have pushed all the time that there should be a significant rationalisation of income support programs for young people, be they in education, training, or unemployed in the community. We are continuing to push that issue. We incorporate in the target area where rationalisation should take place the secondary assistance scheme that the honourable member referred to. That is part of the focus that we have raised on a number of occasions. I am pleased to note that the Federal Government this year has started to make some of the changes that we have been asking for ever since we have been in government.

In addition to that, there was another problem specifically drawn to my attention some time ago, and that is that students who are doing year 11 can get the SAS, the Secondary Assistance Scheme, but students who are in their eleventh year of schooling but not actually doing year 11 cannot get it. In other words, they may have failed a year or may have repeated a year by choice earlier on.

I raised that point with Senator Susan Ryan earlier, because it was an anomaly which I thought was unfair, and needed to be sorted out. We have not initially been successful in that context and I think basically the reason was that the whole area is under major review and decisions are in fact slowly coming out from the Federal Government, so I guess we might expect some answers about that later. I certainly stand by my view on that: a student in his or her eleventh year of schooling should be eligible for the funding that is there for a year 11 student, even if that student is not doing year 11 studies and may be doing only year 10 studies.

The honourable member raises another kind of anomaly. Many schools are trying to have timetabling or course structuring that is meeting the needs of individual students, so that some students are in fact doing year 10 subjects here and year 11 subjects there, and that is quite a legitimate way to go. I fully support that kind of educational development. I think it would be a great pity if those students lost out (as they are in fact year 11 students) because some of the subjects they are doing are regarded as year 10 subjects. I have taken up the matter with Susan Ryan already. To date we have not had success, but this is a new aspect which I will further take up with Susan Ryan and

push again further along this line. It has taken us some time to get responses on the income support for young people. We are starting to get them and I believe we will start to see some changes in this area also if we keep up our intercessions with the Federal Government.

CHILD-PARENT CENTRES

The Hon. H. ALLISON: Is the Minister of Education aware that representatives of parents and principals of schools were promised by the Premier in February this year that a decision on the relationships between child-parent centres within the Education Department and the Children's Services Office would be announced by 30 September? If so, would the Minister please tell the House what this decision was? If it has not been made, will it be made and announced before the election and can he guarantee that child-parent centres will not be transferred to the control of the Children's Services Office?

The Hon. LYNN ARNOLD: I am very happy to answer that question. I have had numerous discussions over a long period of time with various people who are concerned about child-parent centres. I recall that last year there was a discussion concerning a review that was to take place to look at this whole question as recommended by our consideration of the Murray Coleman report. It was suggested that December might be the month by which the review would be finished. It is certainly true that we thought that we could then bring it forward to an earlier date, and 30 September was consequently mentioned, not only by the Premier but also by me, on a number of occasions.

That review is in fact still meeting. It consists of people from the child-parent centre sector and from the CSO. I am advised that it should also consist of representatives of principals and parents and those who are involved in both sectors of preschooling, so I am awaiting the report of that committee.

I gather that the committee will report conjointly both to the Director of the Children's Services Office and to the Director-General of Education. The moment it reports, I will receive the report and make my decision about that matter. So, I give that undertaking, which I have given before. However, it would be quite inappropriate to give a decision now in anticipation of recommendations from a group that I have asked to advise me on this important matter. That group of people represents child-parent centres, kindergartens in the traditional Kindergarten Union mould, and other people. To show them the discourtesy of not taking into account their work on this matter I think would be quite inappropriate, and I am glad that the member for Torrens seems to agree with me in relation to this matter.

I have said at all times that the individual child-parent centres will remain in their school campuses. That has never been under debate. Their relationships with their school council and with their school principal will not change. Whatever the review recommendations might be, it will not change in the future, because the review is not addressing that principle. What the review is addressing is how to handle the cheques that are being paid to the teachers in the child-parent centres. For example, will the financial flow be the CSO making a large payment to the Education Department, which then progressively through the year, namely, once a fortnight, sends out a pay cheque to each one of the child-parent centre people, or could it be done directly by the CSO sending out the fortnightly cheques?

Could child-parent centres be eligible to draw upon curriculum support and special services support within the CSO? At the moment, technically, that is not so. I have said already that I do not want to see a diminution of the support that they receive from within the Education Department in the curriculum support areas, for example, because there are quite significant and continuous educational programs that start at the child-parent centres and go into junior primary. Therefore, they need continued access to the advisers within the Education Department. I believe that they should have formal access to those curriculum advisers and special service people who are available from within the Children's Services Office. I look forward to a recommendation on that matter from the committee.

There are also other matters relating to the support of the child-parent centres in terms of helping them, and not in some kind of negative empire building way. It is nothing to do with that. The other matter (and this already applies) is that the Children's Services Office is responsible for advising me as to the location of new preschool facilities. That is already the case, and I believe that is quite appropriate. When I receive the recommendations from that committee, I will most certainly consider them and, at the earliest opportunity, I will make decisions and advise everyone accordingly.

TAPLEYS HILL ROAD BUS SERVICE

Mr FERGUSON: Can the Minister of Transport inform the House if he is prepared to investigate the establishment of a bus service between Grange Road and Trimmer Parade along Tapleys Hill Road? The section of the road about which I speak is only two kilometres in length, so we are not talking about a costly addition to the public transport system. I have had the advantage of viewing the original plans of Tapleys Hill Road which were laid down 35 years ago, and in which a trolley bus service was proposed for that section of the road. It seems incomprehensible that there has not been an opportunity to service with public transport that remaining section of a major road in my electorate.

Due to today's economic climate, the pensioners in the area are forced to shop at a supermarket, and that means that they have to walk not only the length of Tapleys Hill Road but also another two or three kilometres to get to their nearest supermarket, namely, Target. Further, people wanting to go to the Queen Elizabeth Hospital, in the other direction, either have to catch two buses or walk two kilometres. When people are ill they should not be forced to take these long walks. It would be advantageous to connect the bus services to Port Adelaide and to Glenelg.

I have been approached by a doctor who has a surgery in the area and who is very concerned about his patients and the fact that public transport is not readily available. From time to time the member for Albert Park has explained to the House the problems that his constituents have because of the lack of adequate bus services in the area. It would be an advantage for people in the Albert Park area to be able to use a connecting bus service which would take them to the Target shopping centre. For all those reasons, one can appreciate the need for a service of this nature.

The Hon. G.F. KENEALLY: I thank the honourable member for his question. I certainly appreciate the concern that he displays for the welfare of his constituents. I am also well aware that our colleague the member for Albert Park has a considerable interest in a bus service of the nature described. All members would understand that the basic thrust of the STA is to provide a service for commuters travelling between the suburban and inner suburban areas and the city. Our bus and train services are based on that concept. There is very little suburb to suburb movement within the STA system—that is not to say that there is none, but there is little movement in that respect.

The honourable member has brought this matter to the attention of the House at an opportune time, because currently the STA is reviewing its services and developing new rosters, if you like, and the matter of frequency of services is being looked at. This is in relation to the Salisbury interchange and the opening of the O-Bahn service next year. So, it is an opportune time. I shall ask the STA to investigate the honourable member's proposition, and I will bring back a report to him as quickly as possible.

SMITHFIELD PLAINS HIGH SCHOOL

Mr MEIER: Despite the general assurances that have been given to the House in past days and earlier today, will the Minister of Education take urgent action to ensure that proposed staff cuts of 4.1 teachers at Smithfield Plains High School will be reassessed forthwith? A constituent of mine from Virginia has contacted me, expressing concern that the proposed staff cut at Smithfield Plains High School next year could jeopardise her daughter's chances of studying matriculation at that school in 1986.

On contacting the school to confirm the information conveyed to me, I was informed that the implications of the 4.1 staff cut are very serious. Such a reduction approximates to a 10 per cent cut in the school's teaching contingent, yet student numbers will only have decreased from 530 to 500 students—closer to a 5 per cent drop. The staff spokesperson informed me that the school may not be able to offer certain matriculation subjects including Mathematics I and Mathematics II next year. There will be an increase in year 8 and year 9 class numbers at the school at a time when the Government says it wants to reduce class sizes.

A participation and equity program conducted at the school over the past two years has led to a proposed new curriculum format for next year. This two year program will have been a waste of money if the cuts occur because the school will not be able to staff the new proposals and cater for the special needs of the school. Additionally, the same staff member informed me that 66 teachers in the Central Northern Region will be displaced next year. These facts are serious and, despite the Minister's earlier assurance that he will analyse the situation after he receives a report from the Education Department, I ask him to take urgent action in the case of Smithfield Plains High School.

The Hon. LYNN ARNOLD: I will try to be as brief as possible, as I do not want the member for Glenelg to be too upset. In the question asked by the member for Goyder there is an unusual use of the word 'despite'. I have given assurances in this place on Tuesday of this week, yesterday, and again in my ministerial statement today. However, I will repeat the following paragraph from that statement:

> As further recommendations are made to me about particularly serious consequences through the displacement of teachers in other areas, these too will be considered.

So, the word 'despite' seems odd in that context. I will certainly look at this situation, as I will look at other situations. The honourable member has raised significant facts in his explanation to the question when he identifies a drop of only 30 students. That needs further looking at. As I indicated previously, this situation has had a cushioning effect on the displacement of teachers in previous years and again this year.

I have already made decisions about that and I have announced those decisions in a press statement today. I have said that so far that has had an impact cost of 10.2 salaries. I will no doubt make further announcements in respect of further recommendations that I receive from the department. I have accepted all the recommendations that have been put to me by officers of the Education Department with respect to displacement effects, except in the instance that is well known, as is the reason why it has not yet been accepted.

I will not act on that recommendation until appropriate courses of action are followed. The assurances that I gave on Tuesday, yesterday and again today comply with the assurances that I have given over a long period (indeed, over the previous three years). Those assurances stand: we will do whatever we can to minimise the impact on curriculum where an inordinate number of staff is proposed for displacement in any school in South Australia.

LYELL McEWIN HOSPITAL

Mr M.J. EVANS: Will the Minister of Transport ask his colleague the Minister of Health to give an undertaking that stage II of the redevelopment of the Lyell McEwin Hospital will be included in the current three-year capital works program for the South Australian Health Commission? There is serious concern among health professionals in the Northern Region that stage II of this important project is not to be included in the three-year capital works program. These same professionals assure me that the effectiveness of Stage I, which is currently nearing completion, depends on the immediate commencement of stage II. Accordingly, I ask the Minister of Transport to obtain from his colleague an urgent commitment to the immediate construction of stage II following the completion of stage I.

The Hon. G.F. KENEALLY: I thank the honourable member for his question. I will refer it to my colleague and ask him for the urgent reply that the honourable member seeks.

SEWAGE DISPOSAL

The Hon. P.B. ARNOLD: Will the Minister of Water Resources say what action the Government has taken to oppose the application that has been lodged by the City of Wodonga with the Victorian Environment Protection Authority to increase its discharge of sewage effluent into the River Murray? If no action has been taken, why not?

The Hon. J.W. SLATER: I will seek the information required by the honourable member and advise him accordingly.

OMBUDSMAN

Mr S.G. EVANS: Will the Premier say whether the Government will introduce legislation to amend the Ombudsman Act so as to allow greater participation of Parliament in the appointment of the Ombudsman and in the review of such appointment? I ask this question because I believe it is important that the matter be raised at present while there is no incumbent in the office of Ombudsman. In seeking to give Parliament extra participation, I point out that Parliament does not appoint the Ombudsman whereas, if we had the New Zealand system of at least reviewing the Ombudsman's office after each parliamentary term, that person could reapply if he or she wished to do so.

More importantly, the office is one of Parliament, yet Parliament at present has no say in the appointment. It would be possible, under the circumstances that I have outlined, for Parliament to have a say in the appointment either by secret ballot or by consultation between parliamentary representatives of major and minor Parties and independent members, who could discuss such an appoint-

ment. Will the Premier consider this suggestion now while we have the opportunity with no incumbent in that position?

The Hon. J.C. BANNON: I think that this matter was discussed when the legislation was introduced originally and the position established. Since then, there have been three incumbents of the position: first, a former Clerk of this House; secondly, a former head of the Department of the Premier and former Director of the Department of Industrial Development (he was appointed by the previous Government); and, thirdly, Ms Beasley who, at the time of her appointment, was a Commissioner on the Public Service Board.

Despite the controversy that has surrounded the position over the past few days, no-one has questioned, in any of those three instances, the qualifications or abilities of those persons. In the case of Ms Beasley, the situation could not have been solved by the procedure described by the honourable member. If it had taken place, it would have, in view of the extraordinary attitude of members opposite, made it even more difficult to resolve the situation. While I note the honourable member's suggestion, which is worth considering, I suggest that there is no established procedure or immediate way in which I can see it applying.

FROZEN FOOD COMPANY

Mr MAYES: Has the Minister of Community Welfare, representing the Attorney-General, a reply to the question that I asked several months ago concerning the activities of frozen food companies in South Australia?

The Hon. G.J. CRAFTER: The Minister of Consumer Affairs advises that only one frozen food company appears to be selling domestic appliances at the present time. That company is Permanent Pantry International Pty Ltd, a Sydney based company trading as 'Valley Pride' in South Australia. The appliances sold by this company appear to be grossly over-priced. For example, the company sells a microwave oven for $699, when a slightly larger model can be readily purchased elsewhere for $488. The prices the firm charges for frozen food were found to be around 38 per cent higher than a survey of retail market prices for the same items.

Certain of the company's business practices give rise for concern. In addition to the apparently excessive prices charged for food and domestic appliances, the company charges consumers a $200 'establishment fee' for which no tangible benefit can be perceived. Also, the self styled food order 'menus' used by Valley Pride may mislead consumers. There seems to be a disproportionate increase in the quantity of frozen vegetables included in some menus in proportion to the frozen meats when the different menus are compared. However, there was no evidence that the food supplied was of a poor quality. Without exception, consumers contacted during the investigation praised the quality of the food supplied.

Likewise, no evidence was found to indicate that the rates of interest being charged on these consumer credit contracts were excessive by current market standards. The institutions providing credit through the three main frozen food operators are all licensed credit providers and are well-known companies. No frozen food company was found to be involved in the collection of overdue credit contract instalments. Such action is the responsibility of the credit provider concerned. Some instances of breaches of the Door to Door Sales Act 1971 were uncovered in the course of the investigation and these will be followed up in due course.

The Commissioner of Consumer Affairs has suggested that consumers should think very carefully before committing themselves to any contract for the supply of frozen food—particularly if incentives are offered by way of 'free' gifts or if there are electrical appliances included in the deal. Consumers should shop around and compare prices for appliances and for frozen food. They may find that it is possible to purchase equivalent products at prices considerably lower than those charged by frozen food companies.

Credit, when used wisely, can be a useful means of acquiring goods now, at today's prices, and paying for them over a period. However, there is seldom any justification for borrowing money to pay in advance for future supplies of food. By the time credit charges are added to the cost, this will inevitably prove to be an extremely expensive way to buy food—particularly when compared to buying from butchers and supermarkets as and when required. Also, as with any large payment in advance, there is always the risk that the company which has received the consumers' money will not be around to fulfil the obligations during the whole period of the contract.

ANZAC HIGHWAY TRAFFIC

Mr MATHWIN: Will the Minister of Transport investigate the advantage in temporarily blocking off right-hand turns and crossovers intersecting the Anzac Highway (with the exception of those where traffic lights are in operation) in an effort to lessen the ever growing delays and safety problems occurring, particularly with heavy traffic going easterly to the city or westerly from the city during peak hours periods? The Minister would be well aware of the ever growing problem as a result of the build-up of heavy traffic on Anzac Highway, and in the mornings it extends even as far west as Grey Street. This is dangerous and constitutes a safety problem. The Minister will also know that Anzac Highway in this area has three lanes, and the inside lane does not see the cars crossing over, which is causing some frustration and, indeed, accidents.

I am sure the Minister would agree that one way to stop this would be to have the police temporarily block off the right-hand turns with witches hats, removing them after peak hour periods, and allowing right-hand turns only at roads and junctions at which traffic signals are provided. I am sure this would alleviate safety problems and ease the snail pace progress which causes upset and frustration to people going to and from work and their places of business.

The Hon. G.F. KENEALLY: I travel along Anzac Highway twice a day on my way to work. I am not sure that the problem is as acute as the honourable member suggests, and I do not agree with his suggestion that we should block off right-hand turns on Anzac Highway. However, as the honourable member has raised the question, as with all questions asked in terms of traffic flow and safety, I will have the suggestion investigated by my department. If, in fact, the answer to the problem perceived by the honourable member is as simple as he suggests, such remedies will be put in place. I do not believe that the suggestion is necessarily a useful one. I have heard this matter canvassed on radio; as obviously the honourable member has, too. The department is aware of this problem and has looked at it before; I will ask it to look at it again and will bring down a report for the honourable member.

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

LIQUOR LICENSING ACT AMENDMENT BILL (No. 2)

The Legislative Council intimated that it had agreed to the House of Assembly's amendments.

GROUND WATER (BORDER AGREEMENT) BILL

The Hon. J.W. SLATER (Minister of Water Resources) obtained leave and introduced a Bill for an Act to approve and provide for carrying out an agreement for the management of ground water adjacent to the border of South Australia and Victoria; to make related amendments to the Water Resources Act 1976; and for other purposes. Read a first time.

The Hon. J.W. SLATER: I move:

That this Bill be now read a second time.

The purpose of this Bill is to approve and ratify an agreement made between the States of South Australia and Victoria which provides for a coordinated management strategy for the underground water resources in the vicinity of the Victorian and South Australian borders. The agreement is set out as a schedule to the Bill. As some members will know, an examination of ground water resources along the border was commenced some years ago. This stemmed from a South Australian request that a mechanism for the legal sharing of the resource be arranged. In most areas adjacent to the border underground water is the only reliable water source and the agencies of both States responsible for these resources had been concerned that unregulated large scale withdrawals could compete with existing private and urban supplies, perhaps to a point where continuity of supply could not be assured. As well, because there is at present no provision for consideration of the potential effects of such withdrawals across the border, new and large-scale uses of ground water in one State could adversely affect established uses in the other.

Projections of existing and possible development of the resources in the border area have confirmed the advisability of joint management and sharing of the resources between the two States. The management strategy, which is the subject of the agreement, was evolved by a joint committee representing the agencies concerned. These agencies are: the Engineering and Water Supply Department, South Australia; the Rural Water Commission of Victoria; the Department of Mines and Energy, South Australia; and the Office of Minerals and Energy, Victoria. The joint committee, with the aid of Professor S.D. Clark, Harrison Moore Professor of Law at Melbourne University, prepared a report incorporating a draft agreement and relevant supporting legislation.

The joint committee investigated several possible institutional arrangements for sharing and managing the resource adjacent to the border. It concluded that the most appropriate one was for an inter-State agreement to ensure protection to existing underground water users and facilitate the future use of that resource. Such an agreement forms the schedule to the Bill now before the House. The agreement is expressed to operate in both States within a distance of 20 km from the border along the total length of the border. This strip of border land, which is defined in the agreement as the 'designated area', is thus 40 km wide.

The joint committee's investigations have disclosed that the volume of the underground water resources within the designated area is such that existing ground water uses can safely continue and there is opportunity for expanded use in most areas with no significant adverse implications over the next century. The proposed policy is to divide the resource equally between the two States. For South Australia, the proposal will make available of the order of 137 000 ML per annum for agricultural, industrial and urban purposes, in addition to the present use of about 35 000 ML per annum. Whilst not quantified by the joint committee's investigation, the assured future availability of this resource has obvious potential economic benefits to the community. I seek leave to have the explanation of the scheme of agreement and formal clauses inserted in *Hansard* without my reading them.

Leave granted.

Explanation of Scheme of Agreement and Clauses

Before dealing with the Bill proper, I would now like to explain, generally, the scheme of the agreement. The first two clauses provide definitions of various terms which take account of the different terminology of the South Australian Water Resources Act 1976 and the Victorian Groundwater Act 1969 and apply the usual interpretation provisions. Clauses 3 to 19 are closely based on the provisions of the River Murray Waters Agreement signed by the Premier, the Prime Minister and the Premiers of Victoria and New South Wales on 1 October 1982. Within this group clauses 6 to 8 provide for the appointment, by the responsible Minister in each State, of two members and one deputy member to a review committee, which has the general oversight of the management plan. The remaining clauses in this group deal with formal procedural matters such as terms, powers, and remuneration of members, meeting procedure, and delegation.

Clauses 20 to 23 are again closely based on clauses in the River Murray Waters Agreement. They empower the Review Committee to coordinate studies of the use, control, protection, management or administration of groundwater within the designated area; to make recommendations to contracting Governments on such matters; and to review and recommend alterations to the agreement. Each Government binds itself to furnish the Review Committee with all necessary information for its functions. For the purposes of the management plan the designated area is divided into 11 segments or zones in each State, a total of 22 zones.

Clauses 24 to 26 state the management plan and provide means for applying appropriate management prescriptions to the various zones in each State. The legislation of each State is to be applied to all existing or future wells, except domestic and stock wells, within the zones in that State. No permits are to be granted or renewed within those zones, except in accordance with the management prescription set out in clause 26. In brief, this requires wells to be cased, where appropriate, and prevents further development when the permissible annual volume, or rate of draw-down, has been exceeded. Wells for other than stock and domestic purposes may be constructed within one kilometre of the State border only with the consent of the Review Committee.

Clause 27 obliges each State to prepare an annual report for the purposes of the Review Committee. Clause 28 requires the Review Committee to review the management plan for each zone at not more than five year intervals. It has power to make adjustments to minor aspects of the management plan on its own motion. It may recommend more important changes to the Ministers of both States. These more important changes are the establishment or alteration of permissible levels of salinity and the alteration of the permissible rate of draw-down in any zone. Such more important changes can only occur if both Ministers are in agreement.

Clause 29 gives the Review Committee power to declare restrictions in relation to any zone as the optimum level of development for that zone is approached or exceeded. The effect is not to prevent all future development, but to require all further development to be referred to the Review Committee for comment, before it proceeds. A compulsory cooling-off time of 30 days is also included before the Minister grants any permit in a zone subject to restrictions. In addition, if the Minister decides to grant a permit against the recommendations of the Review Committee he is obliged forthwith to notify the Minister of the other contracting State in order to allow that State to decide whether to exercise the right of appeal given to it.

Clause 30 provides that the Review Committee shall report annually to each contracting Government. Clause 31 requires publication of decisions taken by the Review Committee, or by the relevant Minister, with respect to the management prescriptions embodied in the management plan.

I turn now to the provisions of the Bill, generally, as distinct from the agreement which is its schedule. The proposed legislation provides that the day-to-day execution of the management plan should rest with the licensing authorities of the respective States. In other words, no interstate executive body is needed to implement the management plan. This arrangement contrasts with other interstate agreements such as the River Murray Waters Agreement which provide for executive bodies. One advantage of such an arrangement is that no additional costs to Government are anticipated as the proposal will form part of the general management of the State's underground water resources. The main advantages of the agreement are that it:

(a) commits each State to legislative action to require licensing authorities and appellate bodies to abide by the agreement and the management plan embodied therein:

(b) assumes that the licensing authorities in each State will remain responsible for administering the management plan in zones within that State;

(c) requires interstate consultation between the licensing authorities before granting permits for the construction or use of wells, other than domestic and stock wells, in certain defined circumstances: or in order to change details of the management plan;

(d) provides for the joint imposition of restrictions within any zone, after which interstate consultation becomes obligatory before further development is allowed in that zone; and

(e) provides for the regular review, with a view to amendment, of the management plan and the agreement by means of a Review Committee.

In summary, I state that the Government believes this agreement provides a realistic and equitable framework for inter-governmental cooperation in the development of long-term strategies for protecting and harvesting the groundwater resource in the border area. As with any agreement, this one depends on the goodwill of the contracting parties—events so far confirm that this will be forthcoming.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 provides that the Act is to bind the Crown.

Clause 4 is the interpretation section.

Clause 5 approves the agreement.

Clause 6 relates to the appointment of two members and one deputy to the Review Committee constituted under the agreement.

Clause 7 makes provision for the remuneration of members of the committee.

Clause 8 confirms the powers of the Minister under the Act and the agreement.

Clause 9 confirms the powers of the committee.

Clause 10 allows members of the committee and other persons authorised by the committee to enter lands and to have access to any bore situated on those lands.

Clause 11 allows the acquisition of land by the Minister under the Land Acquisition Act 1969 for the purposes of the agreement. A similar provision is contained in the Water Resources Act 1976.

Clause 12 provides for the establishment and maintenance of observation bores.

Clause 13 requires the Minister to submit to the Parliament a copy of the annual report received from the committee.

Clause 14 provides for consequential amendments to the Water Resources Act 1976.

The first schedule contains the amendments to the Water Resources Act 1976. The amendments are designed to prevent the Minister issuing certain licences and permits where to do so would be contrary to the agreement and also provide a right of appeal (given to the Victorian Government) in the event that a licence or permit is granted in contravention of the agreement.

The second schedule contains the agreement.

The Hon. P.B. ARNOLD secured the adjournment of the debate.

PARKS COMMUNITY CENTRE ACT AMENDMENT BILL

Second reading.

The Hon. G.F. KENEALLY (Minister of Transport): I move:

That this Bill be now read a second time.

I seek leave to have the explanation of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The Parks Community Centre Act 1981 was brought into operation in January 1982. Since that time the board of management has been able to assess the operation of the provisions of the Act. A small subcommittee of the board was formed in 1983 to recommend any changes that might improve the administration of the Act. The amendments in this Bill largely reflect recommendations of the board of management of the centre.

The scope for representation on the board for staff members is to be widened to include any person employed at the centre. In addition, membership is being increased to 13, with the additional member being nominated by the Minister of Ethnic Affairs. This will ensure that the views of the ethnic community, which is very large in the area served by the Parks, can be adequately voiced at board level. Provision is also made for the appointment of a deputy chairman and the clause relating to the occurrence of a vacancy is to be altered.

Furthermore, the community centre occupies some land on the northern side of Cowan Street. Vacant land to the south of Cowan Street is also under the board's care and control. However, this vacant land is not required by the board and it may be that other instrumentalities might have a use for the area. The Crown Solicitor has advised that the centre only has statutory power to dispose of land that is vested in it after the commencement of the principal Act. The amendment will therefore provide for the title of the

land to be vested in the name of the centre and will revise the powers of disposal, subject to ministerial approval.

Clauses 1 and 2 are formal.

Clause 3 amends the definition of 'member of the staff' to make it clear that any person employed at the centre, whether employed by the Government, a council or a private organisation is eligible to vote for the staff representative to the board of management.

Clause 4 increases the membership of the board from 12 to 13. The extra member will be a nominee of the Minister of Ethnic Affairs. Provision is also made for the appointment of a deputy chairman, after consultation by the Minister with the board.

Clause 5 is consequential upon the decision to appoint a deputy chairman from the membership of the board.

Clause 6 provides that an appointed member vacates his office if his nomination is withdrawn by the person or authority who nominated him for appointment to the board.

Clause 7 provides that the deputy chairman will preside at meetings of the board in the absence of the chairman.

Clause 8 gives the centre the power to both acquire and dispose of land, with the prior approval of the Minister.

Clause 9 vests in the centre all the land that currently comprises the premises of the centre. This statutory vesting is exempt from stamp duty and registration fees.

The Hon. B.C. EASTICK secured the adjournment of the debate.

BLOOD CONTAMINANTS BILL

Second reading.

The Hon. G.F. KENEALLY (Minister of Transport): I move:

That this Bill be now read a second time.

I seek leave to have the explanation of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The purpose of this short Bill is to indemnify approved suppliers of blood and blood products in relation to diseases transmitted by transfusion.

The May 1985 Australian Health Ministers Conference received a report from a working party which had been established to examine the implications of AIDS (Acquired Immune Deficiency Syndrome) transmitted by blood transfusion. The major issue which the working party had to consider was advice from the Red Cross Society that it was unlikely to gain liability cover against the transmission of AIDS by blood transfusion. In most States, the insurance cover expired at the end of June 1985. The working party proposed that each State and Territory introduce specific legislation, based on a draft Commonwealth ordinance, to provide the Red Cross Society, and others involved in the supply of blood to patients, with immunity from civil or criminal liability under certain circumstances.

The Bill before honourable members today therefore provides immunity from liability for the Red Cross Society and other approved suppliers of blood or blood products (e.g. a hospital or other body approved by the South Australian Health Commission).

Such immunity, however, will apply only under specific circumstances, namely, where the body or person relying upon it has adhered to procedures established in the Bill. These procedures include making of a declaration by the donor (i.e. a declaration as to their suitability to be a blood donor); undertaking of specific testing methods (i.e. approved by the Health Commission) in relation to blood taken to ascertain the presence or otherwise of a prescribed contaminant (i.e. the virus HTLV III or any other prescribed organism or substance); issuing of a certificate by the supplier to the effect that the approved blood tests did not indicate the presence of a prescribed contaminant.

The Bill does not, therefore, provide a blanket indemnity to Red Cross (or other approved supplier) and will only apply where the supplier has acted properly and taken the reasonable precautions established by the legislation. The legislation is to be retrospective to 1 July 1985.

Clause 1 is formal.

Clause 2 provides that the measure is deemed to have had effect from the first day of July 1985.

Clause 3 provides for the interpretation of expressions used in the measure. Of special significance are the following definitions:

'approved blood test'—a test of blood, using a method and equipment approved by the Commission, for the presence of a prescribed contaminant

'approved supplier'—the Society or a hospital or other body approved by the Commission

'blood product' or 'product'—includes any extract or derivative of blood

'donor'—a person who gives blood for the purposes of transfusion

'prescribed contaminant'—the virus HTLV III or any other substance or organism declared by the Commission to be a prescribed contaminant.

For the purposes of the measure, blood is given or taken for the purpose of transfusion if the blood or any product of the blood is to be used for transfusion.

Clause 4 subclause (1) sets out the steps that an approved supplier must take in relation to blood taken from a person for the purpose of transfusion:

(a) the blood shall not be taken unless the donor has signed a declaration in a form approved by the Commission;

(b) the approved blood tests must be conducted as soon as practicable after the blood is taken;

(c) where a test indicates the presence of any prescribed contaminant, the blood and any product of the blood must be disposed of in a manner approved by the Commission;

(d) where the tests do not indicate the presence of any prescribed contaminant, the supplier must issue a certificate certifying that the tests did not indicate the presence of any prescribed contaminant.

Subclause (2) provides that an approved supplier shall not supply blood or a blood product for transfusion unless—

(a) the blood was taken from a donor by the supplier or the blood product was manufactured from blood taken from a donor by the supplier; or

(b) the blood or blood product was acquired from a source approved by the Commission.

Under subclause (3) where an approved supplier has reasonable cause to believe that blood or blood product supplied by the supplier may be contaminated by a prescribed contaminant, the supplier must take all reasonable steps to ensure that the blood or blood product is not used for the purpose of transfusion.

Clause 5 provides in subclause (1) that, subject to the clause, where—

(a) a prescribed contaminant, or disease attributable to a prescribed contaminant, is transmitted by reason of the transfusion of blood or blood product; and

(b) the blood or blood product was supplied for the purpose of transfusion by an approved supplier,

no civil or criminal liability in respect of the transmission of the contaminant or disease attaches to a donor, the supplier or a person who carried out the transfusion.

Subclause (2)—a donor who knowingly makes a false declaration under the measure is not protected by this clause.

Subclause (3)—an approved supplier who fails to observe a requirement of the measure in relation to blood or blood product or blood from which a blood product is manufactured is not entitled to the protection of this clause in relation to that blood or blood product.

The Hon. JENNIFER ADAMSON secured the adjournment of the debate.

EVIDENCE ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 9 October. Page 1221.)

The Hon. H. ALLISON (Mount Gambier): This Bill comes as a complete surprise, emanating as it does from the Government after the Liberal Party, on four occasions in the preceding five years, has attempted to enact legislation abolishing completely the use of the unsworn statement in evidence. Obviously, the Government has sniffed the air and sensed that the strength of the women's lobby in South Australia has increased tremendously.

Members of the Government cannot fail to have been impressed by the fact that the Liberal Party has submitted thousands of signatures on petitions in support of its own legislation and, of course, paralleling this legislation I have on file a private member's Bill which emanated from the Legislative Council originally under the name of the Hon. K.T. Griffin, and which, in its own right, sought to abolish the use of the unsworn statement.

Therefore, the Government appears to have been triggered off into a flurry of activity, probably as a pre-election ploy, to convince the women's lobby that it does think sufficiently highly of it to do something—at last about this pressing matter. Of course, the issue that most women have had in mind when we have tried to debate this Bill and pass it through both Houses on previous occasions has been the simple fact that female victims in rape cases almost invariably, on bringing a rape allegation to trial, have been the subject of very rigorous cross-examination while the alleged perpetrator of an offence has been able to avoid any form of cross-examination simply by making an unsworn statement.

Defendants have that right to make an unsworn statement, but it has been pointed out that generally defendants who make an unsworn statement have tended to be convicted more than go free. However, even so, the very fact that one has the victim of an alleged rape subjected to tremendous trauma and the alleged perpetrator of the offence is able to avoid cross-examination, seems to have been an anomaly in the judicial system which at least the Government has gone part way towards redressing.

I say 'part way' because, although the legislation before us at the moment does what the Liberal Party would want it to do—abolish use of the unsworn statement—nevertheless the Minister has on file an amendment which he made available to members showing quite clearly that he does intend to reinstate the legislation, if the House will permit, to the original form as it appeared in the other place. Of course, the original form allows for use of an unsworn statement with leave of a judge. On this side of the House we have always been firm advocates of total abolition.

I am sure that all members will agree that the debate about use of the unsworn statement has been extremely long. *Hansard* over the past few years is full of arguments for and against the use of that statement. Correspondence files of many members are at least several inches thick with representations from a wide range of people within the community. I do not propose to speak at great length. I am quite sure that members have made themselves *au fait* with the argument, but I point out to the Minister that there has been a massive showing of strength from men and women across South Australia over the past few years asking not for partial abolition of use of the unsworn statement, but for complete abolition.

As I said, my legislation, introduced as a private member's Bill, goes the whole way and provides for complete abolition of the use of that statement. The report on law reform by Ngaire Naffin, of the Premier's Department, released earlier this year, made passing reference to the unsworn statement, but the fact is that the greatest single reform in the law relating to rape which will do more than anything else to redress any imbalance is the total abolition of the unsworn statement.

The Liberal Party is committed to reform of the law of rape generally, including grading of the crime of rape—and I will refer to that in legislation which is the next item on the Notice Paper—the fixing of a maximum penalty as opposed to the present life penalty and a number of other changes. I noticed in a report on sexual abuse of children that the Minister released only a few weeks ago that the whole question of counselling and re-education of sexual offenders was drawn to the notice of readers of that report. One of the major problems still remaining is whether sexual offenders are able to be rehabilitated. There is very little evidence in that report that any of the rehabilitative measures undertaken over the years in Western countries have been successful.

That is another issue that I will take up in the following Bill, which is an amendment to the criminal legislation. For the time being, let me say that we are strongly in favour of total abolition of the use of the unsworn statement. We support the legislation as it currently stands and will resist the Minister's proposed amendment to reinstate the legislation in a milder amended form where use of the unsworn statement is still permitted with permission of a member of the Judiciary.

Mr MATHWIN (Glenelg): I, like my colleague from Mount Gambier, support the Bill. We believe that it has been a long time getting here. The matter has been debated in this House a number of times since I have been in this place. I have been honestly disappointed that it has not been supported previously by the Labor Party. Some members of the Labor Party have attended meetings of various organisations—particularly Victims of Crime—and have listened to cases and seen people who have been involved and who have been embarrassed and hurt considerably—some permanently—because of people using this method of giving evidence, yet they still refrain from supporting abolition of the unsworn statement.

The Government's intention to put provisions in there is not palatable to me. I believe that it is correct to abolish the unsworn statement. If we look at the history of the whole situation, we see that it originally came about in the United Kingdom in the early 1800s, when people commited for trial were illiterate and had somebody to write or read a statement for them. I understand that, and I believe that that was quite fair and reasonable. I have no argument with that situation. However, in this day and age, although we must admit to our horror that perhaps some people cannot read or write, they are given the legal assistance which they deserve and which they must have. The people representing them are able to do the job for them, as it were: that is the

rough layman's way of saying it, although it may be embarrassing to some legal people. However those legal persons protect them in the courts. That happens now, but in the early days it did not.

I agree with the way in which it was originally formed, but in this day and age there is no need at all for the unsworn statement to be used. It is all very well for the Minister who will be handling the Bill and who is a legal practitioner to say that the judge warns the jury that this is an unsworn statement and that they should not really take heed of it. But, once the muck has been spread—excuse my French—a little sticks on the victim, unfortunately, who is usually a female.

I have attended a few cases, in one of which a young lady was unfortunately the victim of a shocking rape at the old Hilton Hotel at Hilton. She was grabbed from a carpark as she was helping people load band instruments into a van. She was grabbed with the words, 'You'll do,' and was taken away in a van. From memory, four men and a woman took her to a flat, and it was after five in the morning by the time the police found out where she was. During that time, shocking atrocities were committed on this 17 or 18 year old girl.

In their defence, one of these people used an unsworn statement. The implication was made by others that the girl had enjoyed the whole sequence of events, thought that it was all right and did not worry about it. The woman who was there was also in with the gang. It was a shocking experience for anyone who attended the court and heard what went on. The judge cleared the courtroom but, because of my position, I presume, allowed me to stay while certain evidence was given. When people use unsworn statements, irrespective of whether they have been warned by the judge about them, I suggest that some of that mud sticks, and it is entirely wrong that it should be allowed to happen.

As I said earlier (and I do not want it misunderstood by the Minister), in the 1800s, when the majority of people going through the courts were unable to read and write, I would have agreed with this situation. But, in this day and age, when we have legal representation given to people in those situations, they are able to cope with it. I believe that anyone who says that the use of the unsworn statement is of paramount importance is labouring under a misapprehension. We are talking in particular about rape, and it is the victim who suffers: the victim always suffers the worst.

The young lady to whom I referred was taken by the police to the doctor and the hospital but, by the time she eventually arrived home after 11 o'clock in the morning, the accused persons were out on bail. If that is right, there is something wrong with those people who think it is right. That young lady was petrified, and full credit to the Government of the day when it assisted her to be sent interstate out of the way because of the threats that she was receiving. People like this are allowed to give an unsworn statement, knowing full well that they cannot be cross-examined on it. That, indeed, is the most important part of it, because they can say what the hell they want to say in an unsworn statement. They can bring in the girl's past, or do all sorts in an unsworn statement—

Ms Lenehan: No they can't.

Mr MATHWIN: Very well; they did—I agree with the member for Mawson this time. However, they cannot be cross-examined on the unsworn statement that they give. I ask the member for Mawson, who has just interjected: does she think that that is right?

Ms Lenehan: Of course I don't.

Mr MATHWIN: Of course she does not. That applied when I introduced a private member's Bill and when the Liberal Government did so, and it has applied since then.

Mr Ashenden: And the Labor Party voted to defeat it.

Mr MATHWIN: That is right, with the aid of their bed fellows, the Democrats—Mr Milne, much to his shame, surely. How on earth is it right that people are allowed to say what they want in an unsworn statement, knowing full well, from the advice in most cases of their solicitors, that they cannot be cross-examined on it? It is past time that this was wiped off the Statute Book altogether.

Indeed, if one does not believe me, one should look at the special report entitled, 'Rape and other sexual offences' put out in March 1976 by then Justice Roma Mitchell. If the member for Mawson does not have a copy, she can borrow mine. This was put out a long time ago, and we are only just getting around to it. The Liberal Party has tried on a number of occasions (and I have tried as a private member) to right this wrong. In 1972 Justice Roma Mitchell, said, in relation to recommendations in respect of the unsworn statement:

> We recommend that the right of an accused person to make an unsworn statement to the jury be abolished.

There are no ifs and buts and there are no special areas in which we should not do it. It was stated in 1972 in black and white by Justice Roma Mitchell, and we are only now just getting around to where we in this House can look at it with some confidence. After all that time, the Labor Party has finally got around to supporting and doing something about it. In my view, time has passed for any argument about it. I support the Bill, but it does not go far enough. I believe that we should abolish the unsworn statement forthwith.

Mr BLACKER (Flinders): I do not intend to take up very much time of the House other than to add my full support to the comments that have already been made by the member for Mount Gambier and the member for Glenelg. I, too, was involved in some of the hearings of the case to which the member for Glenelg has just referred. I wholeheartedly agree that, particularly in that case, there was a tremendous cause for the abolition of the unsworn statement.

From the correspondence that I have received from my electorate and various organisations around the State, I believe that there is wide community support for the abolition of the unsworn statement. I know that in years gone by there have been valid reasons for the retention of the unsworn statement, and that perhaps in some isolated cases now one could argue that there is a valid reason for it. However, I feel certain that by far the vast majority of the people of this State are agreeable to the concept that the unsworn statement should be abolished. I support the Bill.

Mr MEIER (Goyder): I, too, support the Bill, with the reservation that it does not go far enough. The comments made by the previous three speakers outlined most of the points that I wanted to bring to the attention of the House. I am very pleased to be a member of the Victims of Crime organisation. Those who know what that organisation has done for many people in this State and what it hopes to do in years to come realise that it has waged a strong campaign to abolish the unsworn statement.

Victims of Crime has often had to witness the negative consequences of unsworn statements that perhaps have led to a shorter gaol sentence or lesser penalty being imposed. Without the unsworn statement the maximum penalty could well have been imposed. The case cited by the member for Glenelg is a classic one in that respect.

It is very disappointing to know that the Government (and I include the Labor Party itself) has taken so long to realise that the unsworn statement must be abolished. In fact, some months ago the Labor Party seemed still to be in favour of it. I wonder whether, because an election was

getting closer and people realised that they had to make the right decision, they said, 'Let us get this thing through with some exceptions'. As I am not a lawyer, I perhaps cannot argue as well as those who are in the legal profession. An exception is that a person may make a statement if, by reason of his intellectual or physical handicap or cultural background, it is unlikely that he will be a satisfactory witness. How will the courts determine whether a person fits into that category? As has been pointed out in debate elsewhere, there could well be a trial within a trial: there will be a lot of argument whether or not a person is in a satisfactory situation and therefore eligible to make an unsworn statement.

While I acknowledge that this is a step in the right direction, I believe that, when the Liberal Party is returned to government at the next election, hopefully we will see this matter resolved to the nth degree. That of course depends on whether there is cooperation from the then Labor Opposition and the Democrats, because people would realise that it was the Australian Labor Party and one Australian Democrat (Hon. Mr Milne) who objected in previous debates to the removal of the unsworn statement.

Victims of crime have suffered because of our archaic system involving the use of unsworn statements. I trust that in future people will get a much fairer hearing. I am referring to victims of horrific crimes and where a trial becomes a mockery because defendants are not subject to cross-examination. I am pleased that the Government has taken a significant first step in this area.

Mr LEWIS (Mallee): Whilst the tenor of my remarks will be in keeping with the remarks already made by speakers on this side of the House, there is something that I wish to add to the debate. During the past decade and a half or so we have been too busy looking after the rights of wrongdoers to sensibly and properly as a Parliament focus our attention on the consequences of the actions of wrongdoers. That is to be regretted. The victims of the crimes that have been perpetrated by those wrongdoers referred to by the member for Goyder have been ignored in all this.

The fact that in their defence the accused people have been able to stand in the dock and make an unsworn statement has discredited its value, anyway. In the present climate, for anyone to appear before a court and make such a statement, thus preventing any cross-examination of the substance of that statement, is an admission, at least by their counsel if the defendant does not have the intellectual ability to work it out, that that person has something to hide. It may not only involve their incompetence to answer truthfully questions put to them by the prosecution in cross-examination, in line with the oath that defendants are required to swear at the time that sworn statements are given to a court but also their veracity as a witness.

I cannot see why in our system of justice any accused person should not be cross-examined, given that the barrister, who is that person's counsel and defending them in the court, will ensure that no question put to that person which is inadmissible is indeed admitted. To put that another way around: simply, it is impossible in our courts, if everyone there acting for the various parties is doing their job, for an accused person to be asked during the course of cross-examination a question which it is not permissible to ask.

An objection can be raised by one or other of the barristers present in court and, naturally, the presiding officer in the court will determine whether or not the question is inadmissible. That therefore answers the argument which the 'wets' and the lily-livered nitwits of our community claim to be the reason for wanting to retain the unsworn statement. Surely it is unthinkable that in circumstances where no counsel is present in the court, where the accused is not required to have a barrister representing him, the presiding officer of the court, whether a judge or a magistrate, would allow the prosecution to ask questions which were not appropriate, unlawful or outside the ambit of the court's consideration.

There is no necessity, therefore, to have a provision for unsworn statements. Those who are being asked the question standing in the court (that is, the accused) are simply required under oath to answer questions put to them, questions considered to be legitimate ones by the court in which they are put, by stating the truth and nothing but the truth. Surely that is a simple enough proposition—tell it the way it was. Answer the question honestly. Is it that we think truth to be a commodity that has shades of grey about it, that we believe there is some necessity to retain the unsworn statement?

Is it that we believe that the cultural or subcultural mores, attitudes and values of presiding officers in the courts or people sitting in judgment of an accused are so detached from, ignorant of and incapable of comprehending, the lifestyle and mores of the accused that they will allow such prejudice to bias their judgment, because that is a reflection on their competence, their education and their compassion?

I underline the first of those qualities to which I referred, their competence: it is a reflection on their competence and it holds the court system in contempt to say that it is possible, indeed that it is legitimate, to even contemplate. I am pesonally disgusted that it has taken this long to get this far, because there have been too many wrongdoers who have got off or got off lightly because they were able to con their jurists, be they presiding officers, officers of the court or the jury, by making an unsworn statement.

Nowadays if an accused person makes an unsworn statement in his or her defence they are seen to be not above suspicion but, indeed, guilty of having something they wish to hide, something they do not wish to reveal in the course of cross-examination. It is a short enough Bill and to the point so far as it goes and I am happy to support it. It is a great pity that it has taken this long—it should have been here in 1970.

Mr M.J. EVANS (Elizabeth): I agree that this is indeed a very significant measure now before us. I share the concern about the time it has taken for it to come before us in whatever form. I certainly support in general terms the principle of the abolition of the unsworn statement: it is something that I have long supported. In fact, it was my intention, in the event no other measure came forward, to support as it stood the Bill which was introduced in another place by the Hon. Mr Griffin, and subsequently introduced in this place by the member for Mount Gambier.

However, the Government has since seen fit to bring forward its own measure. I am pleased to see that it has recognised the need for that and I support the Government in that. Indeed, we must take very careful note of the need to protect the rights of both the accused and the accuser, if you like, the victim of the crime. Both have an important place in the legal system. I think that the honourable member for Mallee is perhaps right in many respects when he says that over the last decade or so attention has started to again focus on the rights of the victim as well as the rights of the accused.

It is important to draw a careful balance between those two. The pendulum should not shift too far one way or the other, and it is the responsibility of this Parliament to steer the middle course. Law reform should not be revolutionary: it should evolve over time as and when community and parliamentary attitudes shift to accommodate that reform. It is our responsibility to strike that careful balance.

There is certainly a strong case for the abolition of the unsworn statement but, in striking that balance of which I spoke earlier, Parliament must be careful to see that it does not unduly prejudice the rights and abilities of some accused who, for various reasons, may not adequately be able to withstand the rigours of modern cross-examination techniques. The member for Glenelg cited a pertinent example. Indeed, the details of the case that he put forward are frightening and horrific. I agree that one must strenuously protect the rights of the innocent girl in that case. I assume that the accused in that case was not within the defined categories included in the Government's foreshadowed amendment and that he would have been denied the right to make an unsworn statement. So, the Bill as it is intended to be amended by the Government would have denied him, quite properly, the right to make an unsworn statement. I believe that that is the correct course of action.

In considering the Bill as it comes from the other place, and taking into account the Government's foreshadowed amendments, I have looked at alternatives. One alternative that I considered was to require those who would be allowed by the Government amendment to make an unsworn statement, to give that evidence on oath, so that they would then be subject to the rigours of charges of perjury and the like if they were subsequently found not to have been telling the truth, the whole truth and nothing but the truth. However, they would not have been subject to cross-examination.

That might have been an appropriate middle ground that would have accommodated the reasoning on both sides of this argument but, having consulted legal professionals in the field, representing both sides of the political fence, I am convinced at this stage that such an amendment would not significantly advance the cause of the victim, of the defendant, or of justice in general. Indeed, I am advised that it would not have the practical advantage that I, as a layman, might have seen in it.

I am a little disappointed with that advice because, with regard to the small group who are granted this privilege by the Government's foreshadowed amendment, we could have required them to give their evidence on oath, which would have been at least a part step towards ensuring that they could not introduce wild and unsubstantiated allegations or statements into their testimony because of the fear that subsequently they might be put to the test because of those statements if those statements were shown to be inaccurate. However, I am convinced by the arguments of those who I believe are well qualified in this field that that would not have significantly advanced the cause of justice. Accordingly, in the interests of allowing law reform in this area to evolve, I will accept both the abolition of the unsworn statement in the vast majority of cases but with the limitation of the right to some of those people in the community who have been alluded to by the member for Glenelg and who may not be able to defend themselves adequately in those circumstances.

I believe that the number of such people will be small and that that will not be a significant problem. If it turns out to be a problem over a period of time, it will not be difficult to abolish the unsworn statement completely. If difficulties arise with the Government's version of the legislation, if that comes to pass through this Parliament, and those difficulties prove to be significant, I will certainly support an amendment to return us to the position of complete abolition, as was recommended by the Mitchell committee in its third report many years ago.

The Bill abolishes the unsworn statement entirely. While I agree that there is something in that, we must pay attention to the evolutionary needs of this matter, and to ensure that the pendulum does not swing too far I will consider the foreshadowed amendments. However, I make quite clear that I intended, had the Government not come forward with this measure, to support the proposal of the member for Mount Gambier, because I believe it is high time that the Parliament addressed this matter and I am very pleased that the Government has seen fit to introduce it in this session. Accordingly, I support the second reading.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I thank all members who participated in this debate. It is a matter about which I know members feel very deeply and it has been the subject of a number of debates in this House over the years. I note the comments of the member for Elizabeth about the need for evolution of the reform of the criminal law, and I point out that in 1981 there was a select committee of the Legislative Council on the unsworn statement and related matters—in which the Opposition refused to participate. That select committee recommended the retention of the right of the accused to make an unsworn statement but that the unsworn statement should be made subject to the general rules that apply to sworn evidence. Some honourable members made that point in their contribution this afternoon. The committee's recommendations were brought into law in 1983, and this Bill represents a further step in the progress of the reform of this law. I suggest that it is entirely proper that this evolution of the law take place.

I circulated an amendment some days ago indicating the Government's desire to return the Bill to the form in which it was introduced into the other place, that is, to provide in a very limited number of circumstances the right of certain categories of person to make an unsworn statement. The member for Mallee said that he believed that every person who appeared before the courts should be subject to cross-examination, but I point out to the honourable member and the House that at law at present there are three options for an accused before a judge and jury in a court of criminal proceedings: people can give sworn evidence, they can make an unsworn statement or they can remain silent.

It is important that the option of silence remain in the law. As members would know, under our legal system and indeed throughout the Western world it is a very cherished provision that a person is not found guilty until an offence has been proved against that person beyond reasonable doubt.

Mr Lewis: I wasn't questioning the—

The Hon. G.J. CRAFTER: I am pointing out that that option is open to an accused person. It is the fundamental right of an accused to say nothing and to allow the prosecution to prove that the offence occurred, and to prove it beyond reasonable doubt. That is the fundamental tenet of our criminal system. The member for Mallee referred to those who argue for the retention of the unsworn statement as being in the category of lily-livered nitwits. There are many eminent people in the community who put forward arguments with some force in favour of the retention of the unsworn statement.

The Government listened, through the select committee process and in other ways, to all groups in the community and it has now decided that the unsworn statement should be abolished except in a very few rare instances, and I will refer to them when I move the Government's amendments. I point out to members that we simply cannot wipe aside as lightly as that the arguments that have been made by those in the community who have supported the unsworn statement. I certainly believe that there is a new understanding in our community of the rights and needs of the victims of crime, and I applaud the work the Attorney-General has done in conjunction with organisations such as Victims of

Crime in developing policies and practical support in the community for those who are unfortunate enough to be the victims of crime. They have, we would all agree, been too often forgotten in the circumstances that follow the commission of taking away that right to make to an unsworn statement from an accused before the court. It should be perceived as such by members of Parliament when considering this issue.

As members know, the laws of evidence apply to the unsworn statement at present. That was the purport of the 1983 amendments. This Bill eliminates that right to make an unsworn statement to all persons except those provided for in the foreshadowed amendment. I suggest that that would be very few people indeed. We are removing that existing right from the accused in our community. It is a major and serious step that we are taking, but I believe, as do other members, that there is now considerable support in our community for us to take this step.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Abolition of right to make unsworn statement.'

The CHAIRMAN: We have an amendment by the Minister.

Mr MATHWIN: On a point of order—

The CHAIRMAN: The member for Glenelg has every right to speak to clause 3 after the amendment has been moved. That right will not be taken away from the member for Glenelg.

Mr MATHWIN: I seek your advice, Mr Chairman, on a point of order. I understand that the rule of debate is that one can speak three times to the clause and, if there is an amendment, one can also speak on the amendment. Why then have a limited number of times to speak to clause 3 if we are going to pass it now with the amendment complete?

The CHAIRMAN: The member for Glenelg appears to be getting into quite a dither on his own Standing Orders.

Mr Mathwin: No, I am not.

The CHAIRMAN: Order! The Chair is saying that the Minister should move his amendment. If the member for Glenelg wishes to speak to the clause he will have the right to speak to the clause three times.

Mr LEWIS: I rise on a point of order, Mr Chairman. If that course is to be followed, do I understand that the member for Glenelg can speak, as is the case from my reading of Standing Orders, three times to the clause and three times to the amendment?

The CHAIRMAN: Yes.

The Hon. G.J. CRAFTER: I move:

Page 1, lines 16 to 28—Leave out 'repealed and the following section' and all words in the remaining lines and insert:

'amended by inserting after subsection (1) the following subsections:

(1a) A person may not make an unsworn statement except with the leave of the judge.

(1b) The judge shall not grant leave under subsection (1a) unless satisfied that the defendant would, by reason of intellectual or physical handicap or cultural background, be unlikely to be a satisfactory witness in defence of the charge.

(1c) Where the defendant wishes to make an unsworn statement and is permitted to do so under this section, the unsworn statement may, with the leave of the judge, be committed to writing and read to the court by some other person on behalf of the defendant, and, in that event, the provisions of this section shall apply as if the defendant had made the unsworn statement personally.

(1d) An application for leave under this section shall be heard and determined in the absence of the jury (if any).'

This is the foreshadowed amendment that has been the subject of some discussion already in the second reading debate. Its purport is, first, to provide that a person may not make an unsworn statement except with the leave of the judge and then that judge shall not grant leave under subsection (1a) unless satisfied that the defendant would by reason of intellectual or physical handicap or cultural background be unlikely to be a satisfactory witness in defence of the charge.

Further, where the defendant wishes to make an unsworn statement and is permitted to do so under this section the unsworn statement may with the leave of the judge be committed to writing and read to the court by some other person on behalf of the defendant. In that event the provisions of this section shall apply as if the defendant had made the unsworn statement personally.

Of course, the application for leave shall be heard in the absence of the jury. That is the limited set of circumstances where the Government seeks now to provide only for that right to make an unsworn statement to apply. I commend to the Committee the purport of this amendment which is a matter, as I have told the Committee, that was considered in some detail by a select committee of another place.

Indeed, evidence was taken there from representives of those groups in the community, particularly organisations such as the Aboriginal Legal Rights Movement. I remind the Committee that it is in such cases as the Rupert Maxwell Stuart case where, in fact, Stuart was denied the right to make an unsworn statement because he could not read—he was illiterate—and therefore was prohibited from making an unsworn statement to the court on that occasion.

As the member for Glenelg said, there are few people who fall into those categories and that is accepted but, when persons in those categories do appear before the courts, they should not be disadvantaged because of their existing disability. This provision seeks to provide at least that right and the Committee would know that the force of an unsworn statement in evidence, the weight that should be attached to it, is not great and the judge, when commenting to the jury and summing up the case always explains the weight that should be attached to the making of an unsworn statement.

By its very nature it is understood not to have the weight that is attached to sworn evidence. I cannot add anything more to it because it has been well debated over the years in this Parliament and the community as members have indicated, but I commend this exception to the abolition of the unsworn statement to the Committee.

The Hon. H. ALLISON: I find that the Minister brings in this amendment with a strange sort of logic that we have come to expect from this Government. A little earlier he said that we could not possibly throw away the rights of a very small minority and those people who supported retention in some part of the unsworn statement, yet they have had absolutely no compunction over the years—particularly over the past four or five years when we have been bringing legislation before both Houses—in throwing away the rights of the vast majority of citizens who petitioned and cried out for reform of this kind and who sought complete abolition of the use of the unsworn statement.

The Minister's new found conscience—or that of the Government—is very hard to justify. As I said, the belated introduction of this Bill to Parliament is still a modification of legislation which we would like to see enacted. What is happening is that it still retains the right of some alleged perpetrators of rape—sexual offenders—to make an unsworn statement to impugn the character of the victim. There is no question at all in the minds of a very large number of women in our society that the unsworn statement under this legislation, if this amendment goes through, will continue to be a major cause for concern because it retains an imbalance in rape trials.

The victim is repeatedly and frequently made to feel she is the accused being subjected to interrogation while the accused actually stands unchallenged in the dock and able to make an unsworn statement. Let us look at the amendment. Just what does it mean? I have put it to legal practitioners who would have the job of taking it into court and making it work. I was asked a question relative to new subsection 1 *(b)*, which provides:

> The judge shall not grant leave under subsection 1 *(a)* unless he or she is satisfied that the defendant would, by reason of intellectual or physical handicap or cultural background—

and here it comes—

> be unlikely to be a satisfactory witness in defence of the charge.

What on earth is a satisfactory witness—satisfactory to the judge, the alleged offender, the defendant or the attorney? What does the Government really mean? Is it trying to say, 'Can the defendant present a satisfactory case?' or 'Can the defendant present an adequate case?' Why did it not say so, because that is not the same as saying he or she is not likely to be a satisfactory witness.

The very wording of subsection 1 *(b)* begs so many questions. If it is simply whether the defendant is unable to present a case, why not say so in plain and simple terms? Then the judge would have a much more straightforward decision to make. But, in this case I have been asked by people within the legal profession, 'What on earth does the Government mean?' If this goes into the Statute Books no doubt it will provide a field day on those occasions when the judge has to decide whether a person may or may not make an unsworn statement. Can the Minister give consideration to that, then forget the whole thing and allow the Bill to go through in its present form?

Mr MATHWIN: I was hoping that the Minister would give us some answers to the questions of the member for Mount Gambier with whom I join in relation to his criticism of the wording 'unlikely to be a satisfactory witness' for the defence. It is all very well to draw up these laws. I suppose it is as well to leave little loopholes here and there so that we can have some sort of argument when we get to court. However, that is not the place to do it: the place to get it ironed out is here. Perhaps the Minister and the Government want to soft pedal the situation because of pressure from people who want to retain the unsworn statement, and perhaps he wants to give some consolation prize, and this is the area in which he can soften it up and make it easy. No doubt this is one of the areas in which the Government has seen some room for debate and legal horse trading. During the Minister's second reading explanation he could possibly have given people who read *Hansard*—and I do not suppose many do—the idea that people who make unsworn statements can be cross-examined.

I would like the Minister, when replying, to tell me whether a person who makes an unsworn statement is able to be cross-examined on it because, to my knowledge, and from my experience, though I am a layman, I understand that that is part and parcel of the deal in relation to unsworn statements: one makes it and cannot be cross-examined on it.

True to form, the Minister said, 'Yes, but of course the judge advises the jury and an unsworn statement is regarded as working in some way against the person who makes it.' Nevetheless, they do it and, with due respect to them, some of the smart lawyers no doubt will recommend that it be used for certain reasons. I am quite familiar with the situation in regard to our Aboriginal population: there are people who do not understand and could not handle this, but they would be well covered by legal aid any time they come forward or are put into court, particularly on major crimes. The legal eagles look after them, and it is not a matter of putting in an unsworn statement, which is written by the lawyer, anyway.

Mr Groom: Come on!

Mr MATHWIN: Of course, it is. The member for Hartley, who interjects out of his place, and I do not mind that—

The CHAIRMAN: Order! The member for Glenelg does wrong by answering the interjection.

Mr MATHWIN: You are quite right, Mr Chairman. I was very naughty to do so. Nevertheless, that is the situation and it is used in these cases for advantage to the accused, with little thought about the effect on the victim, which is one of the main things that we ought to look at in this debate, where the Government has brought in amendments to soften the whole thing up in favour of one person only—the accused—but with no thought for the victim.

I suggest, with due respect, that people who are put in court, certainly on serious criminal charges, are well represented by legal aid and therefore are well protected in this day and age: it may not have happened in the past, but it does now.

Therefore, in no way will I support these amendments. It is all right to give in like some people and say, 'Okay, at least we are getting somewhere; at least it is a step in the right direction.' It has taken years—from 1972—to get this far. I remind honourable members that Justice Roma Mitchell said in 1972 without putting any little ifs and buts in it or any soft areas or soft pedalling, 'We recommend that the right of an accused person to make an unsworn statement to the jury be abolished.' Full stop!

We have been fighting on many occasions since 1972 on this. Now we gradually step forward and are on the brink of getting the whole thing set down as recommended by a very eminent person in society—a lady who has been a judge in the Supreme Court and who has conducted a number of investigations into this sort of thing. She, with her committee—and there were a number of very eminent people on it—said without any ifs and buts, 'Abolish it!'

We are supposed to settle now for some soft-pedalling, some second rate legislation. I have been a member of the Victims of Crime organisation for a number of years, and at practically every meeting this matter of the unsworn statement has been raised. It has always been unanimously agreed at meetings that the organisation should pursue this issue and apply pressure to have the unsworn statement abolished—not to get it abolished except for a few other things, but to get it wiped out altogether.

The members of the Victims of Crime organisation are people who are concerned: they are either related to, are close to or are actual victims of crime—and horrible crimes at that. That is proof positive to me. If the Government is trying to soften up this measure with this type of amendment (with the support, I presume, of the Independents), it is a pretty bad show. I ask the Government to look at this issue in the light of the arguments put over the years.

If I had known that the Government was going to attempt to soften up this measure, I would have brought in a lot more information with me (as I have done previously). There has been a great deal of debate right throughout the Western World on this issue. The Minister said that people believe the unsworn statement is not so bad. They realise it is one way of giving evidence, but it is not accepted. People do not like it. As I said earlier, once the mud is thrown around, some of it sticks—and that is what it is all about. That is the name of the game. If the legal eagles in this place say that that is not the case, I am very sorry for them. The case that I saw involved four lawyers and a QC who were looking after the rats who had performed shocking things on the victim to whom I was trying to give some moral support. This is a softening up process as far as the

Government is concerned and no way at all will I support these amendments.

Mr PETERSON: I support the amendments. Previous speakers have made some very good points about cases where people have been treated very badly before the courts under the unsworn statement provision, and I agree that that is so. Those cases are well documented, and I know that the member for Glenelg has mentioned this on several occasions; and I agree with him that terrible things have occurred. We have previously debated this issue in the House, and at that stage I supported the unsworn statement because I believed there were people who could not capably defend themselves or make an effective unsworn statement.

I agree with the member for Elizabeth that we are in an interim period. We are moving from a total system in which everybody has access to the unsworn statement to a stage similar to Britain where I understand that the unsworn statement is not used. Some of my research shows that in other States the unsworn statement is used throughout the courts system; at least in this State it is used only in cases involving a jury. I am concerned about the comment that the system will not work and will be used wrongly. We have a court system where we trust a judge to make decisions on the law and the application of the law. The amendment empowers a judge to decide when someone is not able to defend themselves and is not able to use the unsworn statement—

Mr Lewis: Like the sick mother argument for the suppression of a name.

The CHAIRMAN: Order! The honourable member for Mallee will not be here very long at all if he keeps that up.

Mr PETERSON: The system will not work if a judge cannot make a value judgment. Despite the training, experience and knowledge of the system and people—and let us not kid ourselves; a judge has to know people—a judge will not be able to say that a particular man or woman should be allowed to make an unsworn statement. I believe that is putting down the Judiciary. Under this amendment it is the judges who will make the decision.

I do not believe that this provision will be used very much or that judges will allow it to be used very much. I believe that there is a slight risk of the unsworn statement not being allowed in certain cases. However, the matter will sort itself out if we wait and see what happens. I believe that the system will work well and that judges are capable of deciding who should be able to use the unsworn statement. I support the amendment.

Mr BAKER: I join my colleagues in rejecting this amendment. Like my colleagues (the member for Mount Gambier and the member for Glenelg) I direct the Minister's attention to the atrocious wording of clause 1 *(b)*. How will it be interpreted when there is a hostile witness? There are a whole range of reasons why there could be an unsatisfactory witness.

There are two diverse points: first, a person may have certain attributes (that is, physical or mental deficiencies, or a cultural background other than Anglo-Saxon); and, secondly, be unlikely to be a satisfactory witness in defence of the charge. Those matters would not necessarily assist the judge to make a determination. The wording of the amendment is very poor. It does not reflect what the Government intends. We totally reject the proposition.

Mr Groom interjecting:

Mr BAKER: Obviously the member for Hartley, who is again interjecting out of his seat, has not listened to the member for Glenelg or the member for Mount Gambier. When he returns to his seat perhaps he can tell us how the words 'be unlikely to be a satisfactory witness in defence of the charge' are relevant to the principle we are talking about. I look forward to that advice.

Recently, a constituent—and all members of Parliament have cases where constituents are adversely affected—brought to my notice a murder case that also involved rape. The person involved in the commission of this offence was of ethnic or non Anglo-Saxon background. The case went before the Attorney-General, for a number of reasons. I cannot comment on the unsworn statement, but other aspects of the case needed some investigation. Certain evidence was suppressed in that case because it was seen to be detrimental to the case of the accused, and an unsworn statement was allowed. The accused person shed tears in the witness box and played on the emotions of the jury.

The facts are that the offence was committed with the aid of a rifle. The accused person laid in wait for some considerable time. There is no doubt as to intent, because some of the suppressed evidence pointed quite clearly to the fact that the person intended to do it.

The outcome was that there was a suppression of the evidence and reliance on an unsworn statement. Independent witnesses and other people came to me and said that the unsworn statement was a farrago of lies and there was not one tissue of truth in anything this person said. That meant that for some reason the jury could not reach a firm conclusion. This person used the unsworn statement in the murder and rape cases to indeed confuse and to rely on the emotions of the jury. There is no doubt in anybody's mind, except the jury's, that this person committed the offence in a cold-blooded and calculating fashion. Because of the unsworn statement, unfortunately our courts did not see it that way.

That brought home to me the great problem today with the law. I believe that if someone has great difficulty with the English language, or is not attuned to the rules of the court, or in some way is disadvantaged because of their background, then there are ways of assisting that person to overcome those difficulties. Interpreters or assistance can be provided to witnesses. In regard to the case to which I referred, the woman concerned now has had to leave the State, because there is no protection. She may be safe for a day or for a year. That is the case about which the member for Mawson knows something and I am sure that she would agree that this is an atrocious case, a case where justice was not done.

That case is an instance where probably under these guidelines the unsworn statement would survive, because the person concerned could claim before the court that he did not have the same advantages as a person who had been bred and brought up in Australia. That is not the only case that I have had brought to my attention over the past three years, but it was probably the most graphic illustration that the courts, as they are structured today, do not work properly. There is no doubt in anybody's mind as to the guilt of the person concerned.

While I admit that we are moving down this track, there is the difficulty that, if a judge rules that a person shall not have the advantage of an unsworn statement, then this could be subject also to legal argument in an appeal situation and perhaps the Minister of Community Welfare could explain to the House what the situation is. It concerns me that, under these provisions, after a trial a person could claim that his trial and therefore justice was affected in some way because the judge did not originally grant an unsworn statement. I would like that position clarified. If the Minister of Community Welfare could return to the House, perhaps he could explain that possible anomalous situation. As the member for Glenelg has pointed out, through his involvement with Victims of Crime, there are many cases where the unsworn statement has been used to

the advantage of the accused and to the gross disadvantage of the victim.

I am sure that if one went through the court cases, particularly where the people involved are reasonably close to one another and where rape or assault or problems of that nature are involved, one would discover that the unsworn statement is indeed one of the protective measures used by some criminals. I am opposed to this measure proposed by the Minister of Community Welfare. I believe that a clean break is necessary. I also believe that if the Minister of Community Welfare or the Attorney-General had considered the problem at large, they could have devised a system that would provide that element of fairness which we all realise must take place in a legal situation to cover those people who cannot necessarily represent themselves in the best possible fashion.

We are faced with the dilemma of now having another set of instructions relating to matters concerning an accused person before the court. Indeed a judge will have to make up his or her mind on the validity of a person's request to make an unsworn statement.

Ms LENEHAN: I support the Bill, and I fully support the Minister of Community Welfare's amendment. I want to place on public record my commitment to changing the rape laws of this State and, in particular, to looking at the whole question of the removal of the unsworn statement. I firmly believe that we are in fact removing the unsworn statement in a general sense, and we are providing a very small safety net for a small group of people who might be involved. I am not thinking just of tribal Aborigines but also of people who in some way are mentally or physically handicapped and unable to be adequately cross-examined in attempting to arrive at the truth.

Picking up the point made by the member who has just resumed his seat, I do not believe that there would be a member in this Parliament who would consider that we should not be attempting to ensure that trials are conducted as fairly as possible. The member for Mitcham referred to the question of fairness. No women, or indeed men, of this State who are concerned about the question of rape and child rape would want to see anyone who is not guilty put in gaol. What the women of this State have been asking for many years is that people who are guilty of committing sexual assault and rape are in fact found guilty through the due process of the law and punished accordingly.

I believe that my record in relation to this matter in this Parliament, and certainly in the community, is second to none. I have been involved in this issue for many years and I would like to think that I reflect the views of many women who have been involved in being raped or who have known people who have been raped, as well as just generally women in the community who care desperately and deeply about this issue. I do not believe that completely removing the unsworn statement would be beneficial. People such as tribal Aborigines and mentally and physically handicapped people who are unable to provide evidence must have a fair trial. By allowing that very small group of people (and I believe that it will be extremely small)—

Mr Lewis: You have no idea.

Ms LENEHAN: I have a lot of idea. I would like someone to show me hard, fast and conclusive statistics from the Crime Statistics Office which would support the assertions and allegations of the member for Mallee and others who have suggested that we should not have this very small safety net to allow for people in the community who are at such a disadvantage to be availed of some civil liberties and to have a fair trial. The member for Mallee must be fair about this. The amendment provides simply that this will apply only to defendants who by reason of intellectual or physical handicap or cultural background will be unlikely to be a satisfactory witness. Someone questioned what is a satisfactory witness: surely that means that a person who is able—

Mr Lewis: Do you believe in equality, or don't you?

Ms LENEHAN: Of course I do, and equality means that everyone is allowed to run the race fairly and squarely: it does not mean handicapping people so that they do not even get to the starting gate. I believe that the general removal of the unsworn statement will ensure that those people, the cowards in our community, who have hidden behind the use of unsworn statements in fact will now have to face cross-examination—and so they should.

I believe that these amendments are fair, reasonable and do exactly what many people in the community want. I will refer to one of those people. I am sure that she will be happy for me to do so. Elaine Wright has worked with me in organising a number of public meetings and has been very vocal on the issue of the removal of the unsworn statement. I have spoken to her about this matter and she is happy with the amendments that the Government is putting before the House. I support the amendments.

The Hon. D.J. HOPGOOD (Deputy Premier): I move:

That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

Mr BAKER: I would like to know where the Minister handling the Bill is.

The CHAIRMAN: Order! I will not allow the honourable member for Mitcham to get into that sort of debate. The question before the Chair is 'that the amendment be agreed to'. The honourable member for Mitcham.

Mr BAKER: I rise on a point of order. Perhaps I can ask the person now handling the Bill a question.

The CHAIRMAN: I do not intend to allow the honourable member for Mitcham to pursue that line. If he wishes to seek information, I am sure that the Deputy Premier can supply it; if he cannot, I can.

Mr BAKER: I wish to clarify the situation regarding a person who has been denied leave to make an unsworn statement. Could that denial be subject to further legal argument should the person involved be found guilty and believe that his or her case was prejudiced because the judge did not make the right determination?

The Hon. D.J. HOPGOOD: My understanding is 'yes'. It is perfectly proper, if a person wants to bring an appeal, for any of those sorts of principles to be raised. That is no different in law from many of the sorts of things that are handled in our normal jurisdiction.

Mr BAKER: It is obvious to me that we are getting into another area for appeal. A situation could well arise on a number of occasions where a defendant who does not succeed will feel aggrieved that he or she has not been able to make an unsworn statement when they have seen other people given that opportunity. The borderline between those people who have full command of the English language and those people with a lesser command of it, people who have come from backgrounds other than English speaking ones, and people with disabilities will be rather smudged. We will not do justice to anyone in the system if we create another anomaly that will be the subject of further argument in the courts.

We are here to make rules that clarify, simplify, and set the tone for the conduct of affairs in this State. I do not believe that, if we create another piece of legislation that will be subject to much legal argument and tie up the courts with all the attendant enormous costs, this House has the right to place this provision in the legislation. Parliament has made many mistakes in the past and the legal profession

makes a healthy dollar from them. Indeed, the profession lives off the mistakes of parliamentarians, and we should not allow those mistakes to continue here. We should get it right for a change. We should revert to a simple proposition by having it in or out. The unsworn statement is anathema in the system today. I find the amendment unacceptable.

Mr M.J. EVANS: The intention of Parliament should not be to create simple laws that can never allow grounds for appeal. Our intention is not to do away with all potential grounds of appeal: it is to do justice by all people. That is the purpose and function of this Parliament: not to create simple laws, but to create just laws. I agree that Parliament should not go out of its way to create complex and intractable legal problems but, at the same time, it should not allow principle to be compromised by the need for simplicity.

In our society, we have a legal system, highly qualified judges, a responsible system of legal aid, and barristers and solicitors who are well able to conduct themselves in court. In trying to do justice by all men and women, we must inevitably create matters that may be subject to further appeal and create argument in court. Indeed, I imagine that, when the original Income Tax Assessment Act was passed in 1936, it was a simple law, but now we have a great volume of law that is subject to constant judicial interpretation. I do not defend that in principle but, in legislating for justice, we cannot avoid court cases. If in protecting a few people we create the potential for further appeal in some cases, then so be it. I would prefer that there be a small amount of judicial work to enable those people to be protected rather than that we sweep aside the difficulties of a small minority in order to create a simple law that will not be amenable to appeal.

If Parliament wished to do away with that, it could simply insert in the Bill a clause that prohibited all appeals in respect of this provision, but that would not be appropriate, because Parliament should not seek to interfere in the judicial process in that way. If there is a legitimate ground for appeal, it should be available to the defendant, and Parliament should not deny the defendant that right. Although I agree wholeheartedly with the principle of the abolition of the unsworn statement, I am not prepared in this instance, having regard to the way in which the Government's amendment has been foreshadowed, to sweep aside the argument that justice needs to be done by a small minority of people, by simply saying that we need simple laws. That is not good enough. Parliament is here to pass just laws, not just simple laws.

The Committee divided on the amendment:

Ayes (21)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter (teller), M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Slater, Trainer, and Whitten.

Noes (19)—Mrs Adamson, Messrs Allison (teller), P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, S.G. Evans, Gunn, Ingerson, Lewis, Mathwin, Meier, Oswald, Wilson, and Wotton.

Pairs—Ayes—Messrs Hemmings, Plunkett, and Wright. Noes—Messrs Goldsworthy, Olsen, and Rodda.

Majority of 2 for the Ayes.

Amendment thus carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

PEST PLANTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 October. Page 1221.)

The Hon. B.C. EASTICK (Light): I am not the principal speaker on this measure—that will be undertaken by the member for Alexandra. It is an area in which he has previously put propositions before the House. I am quite sure that he will be putting forward a proposition on behalf of the Opposition from this moment on.

The Hon. TED CHAPMAN (Alexandra): The Bill has the support of the Opposition. The principal Act places primary responsibility on the land-holder for the control of pest plants on his land and on the roadside land adjacent to his property. It also provides that, where an owner defaults or is for other reasons unable to control pest plants, the commission through the Local Pest Plants Board can carry out the necessary control work. As the Minister in another place indicated when introducing the Bill, a recent judgment in the District Court of Adelaide ruled that the abovementioned powers referred to (that is, of the board) were not contemplated by the principal Act and that therefore contracts between the board and the landowner were invalid.

This Bill seeks to clarify that situation by inserting new section 41a. A control board may enter into an agreement with the owner of the land or another control board for the destruction or control of pest plants by the board on that land, whether the land is inside or outside the control area of the board. New section 41a does not insist upon or demand that the board shall enter into such an agreement, but merely provides the opportunity where both the landowner and the board agree for such to occur.

Some concern has been expressed to me that it may, in applying the Bill as proposed to be amended in this instance, give the board some preference of order or preference of application of its machinery and/or manpower over that which might prevail in the private sector. I am satisfied that in fact this is not the intent of the Bill; nor should it (or, frankly, could it) be interpreted in that way. I would like to think in making these comments and having placed them on the record that there is no suggestion and accordingly no effort by boards in the community at large to seek to monopolise work that might otherwise be available to private contractors on properties where the owner is not in a position to carry out the work himself.

With those few remarks I indicate to the House that we have no difficulty in supporting the recommendation as presented, and I conclude my remarks by adding that one or two other members on this side of the House may also care to draw attention to that matter of precedence or preference to board activity on private land as, indeed, I have touched on it for the benefit of members present.

Mr LEWIS (Mallee): Let there be no doubt in anyone's mind that I support the proposition contained in this Bill that will enable pest plant boards to undertake the control of pest plants in the localities in which they are responsible and elsewhere outside the board area where there is need for them to act, either in concert with other private contractors or on its own.

Clearly, the decision in the Adelaide District Court indicates that the power for pest plant boards to undertake such work does not exist at present and the Bill solves that problem. As I have said, I want there to be no doubt in anyone's mind that I believe that that should be so, and I support the proposition in that respect. I have reassured people who have been working on the development of this legislation for some months now, because of their awareness about the uncertainty existing in the Act, and I commend them for what they have done. However, there are aspects of the measure that are disquieting to me as a Liberal, and I have made plain to my colleagues that I do not believe the Bill provides sufficient opportunity to enable justice to be done or to be seen to be done.

In this case, the Bill as it stands now gives boards *carte blanche* the right to do work for private landholders and for themselves on public lands without letting that work go to public tender. There is no mechanism whatever to control of development, and over the years—a decade or more—a monopoly situation from which private contractors could be literally shut out. Boards had the power to do all the work they wanted to do in their own areas and some boards would also, under the provisions of this Bill, contract for work in other board areas in competition with private contractors.

Parliament needs to take into account the background against which the Pest Plants Act came into existence to understand just how bad the situation was in relation to the lack of control of what we commonly call weeds, those plants now included in the schedules of the Act. For many years under the old Weeds Act it seemed to be too hard for certain district councils to accept their lawful responsibilities and insist on the control of weeds in their council areas. Work done was too shoddy or never done at all. In too many instances weeds that could have been eliminated were allowed to establish, spread and flourish, and that was unfortunate.

The ultimate responsibility under the old Weeds Act was with the Minister to require the work to be done if district councils failed to do it, but no Minister ever had the guts to do that. It was politically too hard to simply take on a council and make it do the work or call in a private contractor to have the work done. Weeds spread and a new Pest Plants Act was introduced and the position became more definitive. People with a specific interest in the overall weed problem were then able to ensure that weeds were controlled. The Act has much better teeth than the Weeds Act ever had.

Previously, in large areas of the State there has never been a demand for weed control contractors. However, we now have a more conscientious commitment to the control of weeds because we know how they detract from the capacity of land to be productive in different ways. I give a simple definition of a weed: it is a plant growing out of place. However, for the purposes of this Act and for the purposes of the old Weeds Act 'plants that were growing out of place' was a rather broader definition than was appropriate, because a gladioli in an onion patch—or was it a petunia—is certainly a weed, but in a flower bed it is considered to be an ornamental.

Therefore, it is inappropriate for the Act to have countenanced removal of petunias from onion patches. Notwithstanding that, it was recognised that undesirable plants like skeleton weed or horehound or, in more recent times golden dodder, are definitely dangerous and presently represent a very real loss to the value of agricultural production and the convenience and amenity of householders because of their effect not only on pasture and growing crops but also on productivity and health of livestock.

Many weeds are declared to be pest plants (formerly known as weeds) simply because they represent a threat to grazing animals and they can be very poisonous to them. Some weeds are proclaimed to be weeds because they are poisonous to human beings. However, in the main we find that weeds are proclaimed to be so simply because they occupy space which could otherwise be occupied by more productive pasture species on which animals can graze without injury, or the space could be occupied more productively by crops.

Weeds unproductively take up sunlight, water and plant nutrients which could otherwise have been used by the productive crops. That is why we need to control weeds. This Act enables the control of weeds—the pest plant—so discovered, to be undertaken more proficiently than has ever been the case before.

Now that I have put down the history exactly in terms of the threat that some plants represent to health and welfare of livestock and humans and the threat to productivity of crops and pastures, I point out, against that background of lackadaisical control in the approach taken under the old Weeds Act by district councils, that we did not have the emergence of a viable extensive private contractor network throughout South Australia.

Given that we now take a more conscientious view of our responsibilities to the present productive output of our crops and pastures and our present health and welfare (and that of the animals we use for agricultural production and leisure time enjoyment—and I include not only sheep, cattle, goats and the like but also other farm animals and dogs) we now know that a lot of work needs to be done. Given my Party's commitment and my unqualified commitment to the belief that the best kind of enterprise is individual enterprise and that, where possible, small business should be fostered, anything we do in this Parliament at any time which detracts from the capacity of individuals and small businesses to do the work for us is not done as well as we can do it. We should foster individual enterprise and encourage small business. This Bill does not give us that prerogative. It does not take it away, but it does not require the system by which we get the work done to take account of cost efficiency.

Let us look at the payment mechanisms. At present, pest plant boards are subsidised from general revenue, from the State Treasury. In addition, they derive substantial revenue direct from the local government areas they cover. The local government body, in turn, derives its revenue from ratepayers. In the case of the State Government, there are taxes and charges, and the mechanism by which grant and loan moneys come to the State Treasury through the Commonwealth Grants Commission. It all amounts to the same thing: the citizen pays.

If we are to ensure that weeds—or pest plants, as they are now known—occurring on publicly owned land are to be controlled in the most efficient manner possible, we need to be sure that the mechanism by which we determine the price for each of those jobs continues to provide the best prices, and the best price in this case is the lowest price, all other things being equal. Therefore, there needs to be a tendering system that enables anyone who wishes to undertake that work to offer a price to do so.

This Bill, then, has a clear deficiency in it: nowhere does it require a pest plant board to give any member of the public, who happens to have an inclination to become a pest plant controller, the opportunity of quoting in competition to the board if the board wishes to do the job on its own, using its own equipment and manpower. If the board undertakes the work in this monopoly context, there is no audit check on the efficiency with which the board does the work because nobody knows whether the cost incurred in controlling those weeds on the public land in question has been the lowest possible cost that could be achieved. We do not know, because we have not asked anyone to make their bid, to give their estimate, or to put their proposition about what they reckon they could do it for, all other things being equal.

There is another set of circumstances in which it is necessary for us to ensure that the price for which the work is done is the lowest price possible, and that is in the interests of efficiency. That is, where the board requires a landholder to do the work, if the landholder has not done the work by a set deadline under the terms of the Act, within seven days of that set deadline having been reached the board should be required to call public tenders, not simply move in on

its own account and do the work, charging the landowner cost plus in the process. 'Cost plus' is a common term that is used by contractors in a number of industries to describe a set of circumstances where they charge literally for the hours for which the equipment is used to do the job, the hours of labour involved with that equipment in doing the job, and the materials that they have used in the process.

Of course, in their estimate of the cost of their equipment and the labour, contractors must add in the hidden costs of interest on capital, depreciation, taxation on their turnover, etc. In addition, they have to add in the costs of workers compensation, annual leave, and so on—on-costs on the labour.

In the circumstances where boards have no competition but simply move in and do jobs cost plus, the costs can escalate, and escalate to a point where it is utterly untenable and unreasonable. Yet the landholder, on the one hand, having weeds to control, has no alternative but to cop what the board hands out in the way of a bill; and, on the other hand, the public paying the costs of having the work done on public lands by the board's officers, or by labourers, has to cop whatever price is determined.

So, this measure needs to be amended to include a provision which requires, on all occasions other than where urgency is involved, the work that the board is to undertake—whether on public land or privately owned land—to go to public tender by way of advertising the fact that the work is available, for seven days. Within that seven-day period, anybody interested in quoting to do the work may do so and lodge their tender with the executive officer of the pest plant board in question, and through the normal processes of tendering the lowest tenderer would presumably get the job, or the board would otherwise explain the reasons why it did not accept the lowest tender. If we introduce this mechanism, we enable the immediate development of small business enterprises engaged in pest plant control work. If we do not, we forgo that prerogative, that opportunity. Thereby, we forgo the chance of ensuring the continued efficiency to be derived from a competitive tendering system.

I want to place firmly on the record that those remarks do not reflect on the existing employees of any existing pest plant board, nor do they necessarily reflect upon past employees and past performance. The boards which I know have been quite outstanding, in the main, in their attention to detail, and their employees have been dedicated to their work. However, that is how the railways and a good many other Government instrumentalities started out. Nobody questioned the dedication, commitment, energy and efficiency with which the workers in those public utilities did their work when they were first established. We now find, however, a decade or more—or even a century—down the track, that the whole system has fallen in a heap and clearly there has been featherbedding between the management and the labour representatives in those organisations which has resulted in gross inefficiencies creeping into those systems.

The Liberal Party has a policy called privatisation. In this instance, before it becomes necessary to contemplate privatising the public enterprise which might otherwise develop unchecked in its costs—unchecked in the reach of its tentacles—I believe we have a responsibility to establish from the outset the mechanism by which the public purse and the public interest can be protected, by including a provision in this measure which will enable the establishment across the State of private contractors who will be able to compete with pest plant boards in doing the work.

Those of us in this place who may not have one jot of interest in how public instrumentalities operate nonetheless know that the amendments which I propose to this legislation would not disadvantage pest plant boards at all. Indeed, pest plant boards can still buy their vehicles, machinery and equipment without having to pay the sales tax that their counterparts in the private sector have to pay. It gives the Pest Plant Board a decided edge from the outset in relation to cost.

As the legislation presently stands there is no mechanism whereby the private sector competitors and the public at large can know the cost of each job, if the board decided to do the job itself using its own materials, equipment and labour, and simply charged that cost to the landholder. The public interest can be protected only by an amendment to ensure a measure of privatisation and competition with pest plant boards in controlling pest plants right across this State.

The other aspect of the measure is that there will be occasions where a weed, once identified as being present, must be controlled immediately. I refer here to golden dodder. That weed is a devastating parasitic plant which grows in legume crops, particularly medics and clovers (medicago and trifolium species), and certain other species. It is devastating in its economic impact on lucerne seed and fodder production.

To my knowledge golden dodder came into this State in a bag of herb seed brought in by a former Premier (Hon. Don Dunstan). He unwittingly distributed this seed to people in the South-East who grew it as part of a selection of herb seed, in good conscience without knowing what it was. It has now established itself in a number of spots and we are trying to control it. Wherever it is discovered it takes only a matter of a few days—certainly less than four or five weeks—to take control of a lucerne seed crop, for instance. It grows very rapidly. In fact, if one looks at it closely in ideal growing conditions one can literally see it growing and measure it almost hour by hour. A weed of that kind, once identified, needs to be controlled forthwith. Accordingly, my amendment enables that course of action to be followed without any delay.

Naturally, any pest plant board undertaking that work would record what was involved and could disclose the cost to any member of the general public who may be interested (including board members). I see no difficulty with that proposition. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

RURAL INDUSTRY ASSISTANCE (RATIFICATION OF AGREEMENT) BILL

Adjourned debate on second reading.

(Continued from 9 October. Page 1222.)

The Hon. TED CHAPMAN (Alexandra): The new agreement and Commonwealth legislation follows a review of the previous rural industries scheme and an inquiry by the IAC. The Bill is complementary to that action and identifies the three forms of Commonwealth fund assistance (subject to administration via the State agencies) in the one consolidated form.

Part A provides for concessional loans or interest rate subsidies to assist with farm build up, farm improvement and debt reconstruction incorporating the qualifying criteria applicable to each. Part B provides for carry-on assistance in the short term following severe downturn in market prices. Part C is a welfare package designed to minimise hardship and incorporate the terms under which farmer family rehabilitation qualifies.

The ratification move and consolidation of the Commonwealth-State agreement details under one canopy is consistent with our Liberal policy and is supported by industry. I indicate that the Opposition has no argument at all with this procedure. We believe that this measure is a step in the right direction. We hope that this Bill and the Rural

Industry Assistance Bill will be consolidated entirely, putting all State-Commonwealth funded assistance legislation and State-Commonwealth agreements under one piece of legislation.

At this stage the Government measure appears to repeal and consolidate several pieces of State rural industry assistance legislation, and deal with the ratification procedure separately. That will leave two legislative entries in the Statute Book in lieu of the Liberal Party's policy to ultimately have only one. Departmental officers have indicated the desirability of having one single measure to embrace all rural industry funding assistance legislation, whether State funded or directly under the jurisdiction of State Acts and/or Commonwealth-State agreements for funding purposes. However, it appears that the Government is not yet ready to go quite that far. As I say, this is a step in the right direction. It is consistent with my Party's theme and objectives, and I support the Bill.

The Hon. LYNN ARNOLD (Minister of Education): I thank the honourable member for his remarks and support. I shall certainly draw them to the attention of my colleague the Minister of Agriculture in another place. I apologise to the honourable member for this Bill being suddenly brought back on, when we thought that it would not be further considered today. I thank the honourable member for his support and I trust that the Bill will now be speedily passed.

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

RURAL INDUSTRY ASSISTANCE BILL

Adjourned debate on second reading.
(Continued from 9 October. Page 1223.)

The Hon. TED CHAPMAN (Alexandra): The Bill proposes to repeal the 1971 and 1977 Rural Industry Assistance Acts, to which I referred during the debate on the previous Bill, dealing with similar matters. The measure is designed to enable consolidation into one Act of rural industry assistance funds procedures, ministerial delegation of powers, and applicant certification, and the broadening of the present definition of 'farmer' to include share farmers. The proposal is consistent with the objectives cited in the Liberal Party's 1984-85 policy, except that, as I indicated earlier, in that policy we undertook (and still stand by that commitment) to include the consolidation of both the abovementioned Acts and the provision of a Commonwealth-State funding agreement, referred to in Bill No. 21, into one Act. However, under the Government's current proposal those two principal parts are still separated.

I have referred to my efforts to seek from the Department of Agriculture an explanation for this separation, and it would appear, as I explained earlier, that despite the administrative desire to have ultimately one Act embracing all these assistance measures and associated activities, at the moment the Government is not prepared to go that far, for reasons that have not been identified in either of the two second reading explanations of the relevant Bills. I have gathered from a roundabout direction that there is seen to be some difficulty in combining our State based and part State funded Acts with the joint Commonwealth-State procedures, which traditionally have been funded entirely by the Commonwealth.

However, the proposals, albeit in two parts, are generally considered by the Liberal Party to be a vast improvement on the present complex arrangements that have proved to be so administratively difficult, and almost impossible for industry, applicants, accountants, banks and stock firms to comprehend in recent years.

I have discussed this issue of consolidation of the Rural Industry Assistance Act with representatives from industrial lending institutions, other like banking authorities, and personnel from the United Farmers and Stockowners Association. It is with their support that I indicate our agreement to this measure without amendment. I think possibly the most welcome single element incorporated in this measure (and I take it in the previous measure that came before this House this evening) is that sharefarmers in the practice of farming are now subject to borrowing for the purposes of carrying out their interests and activities in the rural sector on the same basis and with the same extended interest rebates, etc., in terms of capital and interest repayments as those that apply to a rural property owner.

I am sure that those administering the Act in future, and those participating in that sharefarming role in the community at large, will welcome their position being clearly identified in the Act and, indeed, embraced within the overall round of financial assistance that is available to their counterparts in ownership in that industry. For too long persons practising in the rural sector without actual ownership of land have been technically, if not administratively, denied access to the sort of funding and consolidation of finances and similar assistance available to those in ownership. On behalf of the Liberal Party I express my support, more specifically for that particular element of the measure. We support the Bill.

The Hon. LYNN ARNOLD (Minister of Education): I appreciate the support indicated by the Opposition. Once again, I will draw the comments made by the honourable member to the attention of the Minister of Agriculture in the other place with specific reference to the non-amalgamation of the two Bills at this stage. I will have the comments about this matter inserted in *Hansard*. It is my understanding that the speculation that the honourable member entered into as to a possible reason for that is indeed the basis of the reason—the difference in State and Commonwealth funding. However, I will certainly have comments specifically addressed to that matter by my colleague. I thank the House for its support and hope that the Bill passes speedily.

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

ASSOCIATIONS INCORPORATION ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 17 September. Page 975.)

The Hon. H. ALLISON (Mount Gambier): The Opposition supports this Bill. We have been able to confer with officers of the Corporate Affairs Commission, who have assured us that a number of technical problems have arisen since the passing of the Associations Incorporation Act Amendment Bill which, I understand, came into operation on 28 June 1985. Apparently, a number of technical difficulties arose, including one that would have brought the provisions of the Act into operation for the financial year ended 30 June 1985 whereas, we understand from the Corporate Affairs Commission, it was not intended that the Act be operative until the financial year ending after 1 July 1985. In effect, the provisions would have come into operation one year earlier than intended. This Bill clears up that anomaly.

It also redresses a problem regarding amalgamations and winding up in so far as the definition of 'special resolution'

relates to a specific proportion of members of an association who are voting on a special resolution. It did not previously pick up the amendments that were made during the debate on the principal Act relating to the fact that some associations do not have members. This Bill clears up the various technical problems that the Corporate Affairs Commission officers discussed with us, and we support it.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I thank the Opposition for its indication of support and its assistance in ensuring that these technical amendments receive a speedy passage through the House.

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

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 23 October. Page 1493.)

The Hon. H. ALLISON (Mount Gambier): The Opposition supports this legislation, which has three essential functions, the first being that it amends the law relating to rape. Comments in this regard were made earlier today in relation to the Evidence Act Amendment Bill (No. 2): we believe that these amendments should have been brought before the House earlier. We are not sure that they go as far as we would like them to go, and we feel that this is really part of an *ad hoc* attack by the Government on the various aspects of law reform relating to criminal offences.

I say *'ad hoc'* because there have been substantial reports recommending much more expansive action than the present Government intends to take, and it appears to the Opposition certainly that the Government is not responding sufficiently to cries from the general public, and this legislation is more of a sop to the public as a pre-election ploy rather than a genuine attempt at reforming the law in accordance with reports that it has received. As they say, I suppose we should be grateful for small mercies, and we certainly intend to support the legislation as it stands. The Bill does widen the definition of rape, whilst at the same time removing the three-year period beyond which previously no prosecution could be enjoined. It was quite a ridiculous piece of legislation. Obviously, if cause exists to prosecute beyond a period of three years, such action should be taken. The legislation before us certainly removes that bar which previously existed.

The shadow Attorney-General in another place has previously stated on a number of occasions that he believes that the reforms should be much more extensive than those currently before us and, while I had intended to canvass quite a range of options, I believe that the time remaining to the House will largely preclude that. A report by the Office of the Women's Adviser to the Premier made many recommendations, and we wonder whether the legislation before us was as far as the Government intended to go.

For example, will the Government consider the grading of sexual offences? The Minister, in his second reading explanation, said that the results of the New South Wales grading of sexual assaults was to be reviewed and, subsequent upon that review, we hope that legislation might be introduced into the House. Certainly, the Liberal Party has as its policy a firm intention of introducing the grading of sexual offences, and we would ask the House to consider grading sexual offences, retaining however the major offence of rape and not simply classing it as a general sexual offence, as the major crime amongst sexual offences. However, we believe that the grading of other crimes may induce offenders to plead guilty when brought to court. At present, many sexual offenders refuse to plead guilty because of the maximum penalty being life for rape. In fact, if we had a graded scale of sexual offences, perhaps the lesser penalties that would apply for lesser offences might lead to a number of offenders pleading guilty.

With regard to the maximum penalty of life, we find that the courts very often err on the side of generosity and that penalties have been much more towards the lower end of the time scale rather than courts imposing a life penalty. It is Liberal Party policy to introduce a maximum penalty of 30 years instead of life, again, with the intention of drawing to the general attention of the courts and the public the fact that rape is, as far as we are concerned, an extremely serious and heinous crime, and we wish the courts to acknowledge with the 30-year penalty that they, too, regard it with extreme gravity.

As I said at the outset, although the Liberal Party does not believe that the Government has gone sufficiently far with the legislation before us, we nevertheless accept that the three major measures before us are steps in the right direction. We support the legislation.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

That the sittings of the House be extended beyond 6 p.m.

Motion carried.

Ms LENEHAN (Mawson): I support the Bill and, in doing so, I congratulate the Attorney-General on the moves that he has taken. As the member for Mount Gambier has said, the reform for this Bill came primarily from a report by Ngaire Naffin into the substantive law of rape. I have a special interest in the Bill. For many years I worked to try to reform the rape laws in South Australia and, in fact, as a student at Flinders University some years ago I was involved in a major report 'Rape, Prostitution and Pornography: Women as Victims of Society'.

Since I came into this Chamber I have organised several public meetings. The first, on 31 August 1983, was held in the second floor conference room of this Parliament. It was attended by a large number of women from sections of the community right across South Australia. This very successful meeting was chaired by Debra McCulloch, and it examined a whole range of options that we should be canvassing.

Following that meeting, I organised another meeting on 14 November 1983. Rosanne Bonney was invited, at my instigation, to come from New South Wales to talk about some of the rape law reform taking place in that State. The third meeting I organised was on Monday 16 July 1984. Organised in conjunction with women from the Law School of Adelaide University, it considered a paper entitled 'An Inquiry into the Substantive Law of Rape' by Ngaire Naffin. It was a public meeting at which a whole range of options put by Ngaire Naffin was canvassed. I refer to those meetings because it is important that we note that there has been wide consultation with women in South Australia on this important and vital issue to women.

I want now to move to what this Bill seeks to do. First, it seeks to broaden the definition of rape. No longer will the simple definition be applied, the definition just looked at sexual intercourse. The new definition expands that to include penetration of the vagina or anus by a person, by any part of the body of another person or by any object.

I point out to the House the significance of that extension of the definition. No longer will people in this community who sexually assault and rape children be able to be charged with a lesser offence. These people will now come under the prime offence of rape and will be subject to the maxi-

mum penalty of the law, which is life imprisonment. I believe, and I am sure the community of the State will support my belief and that of the Government, that this is a significant advance. People who in the past have been able to hide behind the fact that they were not technically raping a child can now be charged with that crime of rape, and I personally applaud that.

The second major point, which has been canvassed by the member for Mount Gambier, concerns the three-year period in which, previously, rape had to be reported. That has now been removed and that is another significant advance.

The third point to which I refer is the fourth clause in the Bill. It amends section 48 of the principal Act by inserting after the word 'shall' the passage 'whether or not physical resistance is offered by that other person'. That provision canvasses the situation in which women are physically threatened by a weapon or are terrified in such a way that they do not physically resist and therefore do not present themselves covered head to toe with bruises after having been beaten almost to death. What this indicates to women is that perhaps survival is the primary concern and consideration—not being able to show that you have been beaten almost to death before you were also raped. This is a significant advance.

I would like to pick up two points made by the member for Mount Gambier when he says the Bill does not go far enough. I agree with that. I agree that the Bill does not address the question of *mens rea,* namely, the guilty mind. This is something that Parliament will deal with on another day. It is vitally important and the whole community will have to address this matter. However, it is significant to point out that while the Opposition was in Government for three years it did absolutely nothing.

The Liberals, when in Government, did nothing to extend the definition or the rape laws. It is therefore a little hypocritical of the member for Mount Gambier to suggest that we have not gone far enough. I also take up the point about grading. I have looked very carefully at the whole question of graded offences and, therefore, graded penalties. It is absolutely vital that we wait for the statistical evidence from New South Wales before we rush down the path of moving towards a graduated system of offences and penalties.

New South Wales which suggests that the level of plea bargaining is such that we might be reducing the severity of sentencing for rapists. Surely that is not the intention of the Opposition, and it is not the Government's intention. Because time is so short, I cannot pursue some of the points I would like to have covered. However, I want to put on the public record that I welcome the measures that have come before the House.

They are an enormous beginning. We will look at reviewing the legislation in the coming year and see whether it has achieved what we have set out to achieve, namely, that rapists will be convicted, sentenced to gaol and serve the time that they should be serving. I have much pleasure in supporting the Bill.

Mr Mathwin: Do you support the unsworn statement?

Ms LENEHAN: If the honourable member had come into the House and listened to what I said he would know, instead of shooting off his mouth.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I thank the Opposition for its support of this measure and also those who have contributed to the debate. This is an important area of law reform, which I am sure will be welcomed by all South Australians.

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

ADJOURNMENT

At 6.4 p.m. the House adjourned until Tuesday 29 October at 2 p.m.