HOUSE OF ASSEMBLY

Wednesday 2 November 1988

The SPEAKER (Hon. J.P. Trainer) took the Chair at 2.15 p.m. and read prayers.

The SPEAKER: Following two evacuations of the building earlier today due to a gas leak in the plant room, I made the decision to call the House together at the later time of 2.15 p.m. The gas leak has been temporarily rectified and prompt action will be taken to prevent a recurrence of the problem. I wish to take the opportunity of thanking all members and staff for their cooperation in speedily evacuating the building in what was potentially a very dangerous situation.

PETITION: *THE LAST TEMPTATION OF CHRIST*

A petition signed by 62 residents of South Australia praying that the House urge the Government to ban the film *The Last Temptation of Christ* was presented by Mr M.J. Evans.

Petition received.

MINISTERIAL STATEMENT: CHILD ABUSE

The Hon. S.M. LENEHAN (Minister of Community Welfare): I seek leave to make a statement.

Leave granted.

The Hon. S.M. LENEHAN: Child abuse in all its forms is an appalling crime and the fact that adults sexually abuse young children is totally abhorrent both to the community and to this Government. Child protection is one of the Government's highest priorities and my department will continue to liaise with other agencies to protect children from all forms of abuse and to bring abusers to justice. Our five point plan is as follows:

1. As from 1 November 1988 a paediatrician, Dr Terry Donald, leads the specialist child abuse assessment team at the Adelaide Children's Hospital. Flinders Medical Centre will also provide specialist services, and sensitive guidelines for interviewing children have been developed.

2. The Child Protection Council chaired by Dame Roma Mitchell is responsible for monitoring training, research and education programs which are being established.

3. Non-offending parents of child victims will get expert help and counselling. A funded training package through the Southern Women's Health and Community Centre has been piloted in seven centres across the state.

4. Protective behaviour programs have been introduced in schools and they are proving to be extremely successful.

5. The Department of Community Welfare is working with the police to develop joint interviewing procedures of child victims, and with the legal profession to improve court facilities for child witnesses.

In addition, extra staff have been allocated, counselling services have been expanded, and funds have been provided to community-based support groups. The Government's commitment to confront this extremely serious issue is clear. This blueprint continues our 10 year history of being at the forefront of tackling the problem of child sexual abuse. A great deal of dedicated work remains to be done on child protection, and I will not be intimidated by ill-informed reactionary responses to such a major social problem. Child sexual abusers are criminals of the lowest form. This Government will continue to improve its services to families who suffer abuse and will continue to do all it can to prevent violence in all its forms towards children in our society.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I call the member for Eyre and the member for Adelaide to order.

QUESTION TIME

DRUG AND CORRUPTION ALLEGATIONS

Mr OLSEN (Leader of the Opposition): My question is directed to the Minister of Emergency Services. Following his revelation yesterday that the South Australian Government had obtained the support of both the Commonwealth and the NCA for the granting of an additional reference to the authority to enable it to investigate allegations of criminal activity and corruption in South Australia, will the Minister reveal the precise terms of this additional reference and say whether it extends to all forms of alleged corruption in South Australia rather than being limited to alleged police corruption, and will it mean that the NCA will question all those people named by Mr X in the dossier given to the South Australian police on 14 October as being involved in organised crime and corruption?

The Hon. D.J. HOPGOOD: First, I will not direct the National Crime Authority as to how it should carry out its investigations—

Members interjecting:

The SPEAKER: Order! I call the Leader of the Opposition to order. The honourable Deputy Premier.

The Hon. D.J. HOPGOOD: —any more than the Minister of Health would direct a doctor at a hospital as to how to remove an appendix. I will consult with the Attorney, who has been responsible for the negotiations with the NCA and the Commonwealth Government on these matters, and I undertake to make available to the House all information which can properly be made available and which would not, by its revelation, impede any of the investigations of the NCA or our police. I hope that the honourable member is satisfied with my assurance.

Mr BECKER: On a point of order, Mr Speaker, what is the ruling in relation to Government press secretaries being present in the press gallery? Mr Speaker, I wrote to you some weeks ago concerning this subject and I am concerned—

The SPEAKER: Order! Will the honourable member resume his seat. He has already made his point of order. The procedures that apply to Government press secretaries are the same as those which apply to press secretaries of the Leader of the Opposition. They are entitled to be present in the public gallery as members of the public, but they are not entitled to be present in the press galleries for any longer than is required to hand out a press release and they should then leave those galleries. The honourable member for Briggs.

PAROLE SYSTEM

Mr RANN (Briggs): Can the Minister of Correctional Services inform the House whether South Australia's parole system is in a state of crisis? I have been informed that the shadow Attorney-General in another place (Hon. Trevor Griffin) held a news conference during the recent evacuation

of people from Parliament House. He told journalists that South Australia's parole system was in crisis and he has called for a major overhaul of the system in order to protect the public.

The Hon. F.T. BLEVINS: I thank the member for Briggs for his question. Of course, the short answer is 'No'; the parole system is not in crisis at all. As I understand what Mr Griffin said, he suggested that the recidivism rate in the State was unnecessarily or alarmingly high and that the public was in some kind of jeopardy. It is very easy to make a comparison between the recidivism rates under this Government and those under the previous Liberal Government.

Members interjecting:

The SPEAKER: Order! The member for Morphett is out of order.

The Hon. F.T. BLEVINS: The Office of Crime Statistics is in the process of compiling figures which I believe will demonstrate a slight reduction in the recidivism rate in this State.

Mr Lewis interjecting:

The Hon. F.T. BLEVINS: Sorry, what was that?

The SPEAKER: Order! The interjections from the Opposition are out of order, the Minister must resist the temptation of allowing himself to be drawn into a dialogue across the Chamber. The honourable Minister.

Members interjecting:

The SPEAKER: Order! It is highly out of order for the honourable member for Eyre to interject after the House has been called to order for a particular matter.

The Hon. F.T. BLEVINS: As I was saying before the interruptions, the Office of Crime Statistics is conducting a very detailed analysis of the parole system and of the rate of recidivism. My expectation is that at the end of that process we will find that the recidivism rate, whilst down slightly, is at about the average that it has been in South Australia for very many years. In fact, I expect that it will be around the Australian average and about the same as it is in similar societies around the world.

An honourable member: What is it?

The Hon. F.T. BLEVINS: I have told you.

Members interjecting:

The SPEAKER: Order!

The Hon. F.T. BLEVINS: As I was saying, I will not be claiming any great credit if the Office of Crime Statistics comes down with a lower recidivism rate, because these things fluctuate from time to time. However, it will be around the average or slightly lower and I feel that that is mildly pleasing. But we should be asking ourselves (and this is what I hope will come out of the report of the Office of Crime Statistics) why the recidivism rate in this State, in Australia and around the world is as it is. Unfortunately, until we get to the fundamental causes, I am afraid it will stay pretty much where it is.

The Hon. J.L. Cashmore interjecting:

The SPEAKER: Order! The member for Coles is out of order.

The Hon. F.T. BLEVINS: I am prepared to go back through the statistics and present to Parliament examples between 1979 and 1982 of every parolee who committed a quite serious offence while on parole, offences of the magnitude that parolees commit today from time to time. That will simply demonstrate that I can do my homework—and the Opposition never does—but it will not do anything about the problem. Until we make some fundamental changes in the way society operates, those statistics will not be affected even marginally.

The present parole system has been misrepresented from time to time by the Opposition, and I suppose that that is fair enough. A number of organisations support the parole system, but one organisation that I will single out is that which represents the prison officers. Prison officers support the parole system because it gives them control within the gaols. If anybody is released on parole, if any prisoner has a third of their sentence reduced, it is because the prison officers have given it to them because the prison officers have total control over the amount of remissions that are granted in this State. I believe that that is very indicative of the merit of the present parole system. Do people get out of prison earlier under the present parole system? The answer quite clearly is 'No', particularly with respect to very serious crimes.

In fact, the length of time that people stay in prison has increased by up to 100 per cent. The amount of time that murderers now stay in prison under our parole system is 100 per cent higher than was the case when the present Leader of the Opposition was the Minister in charge of prisons. The average length of time that a murderer stayed in prison under the previous system when the Leader of the Opposition was Minister was around eight years. I can give the names of multiple murderers who committed up to six murders—

Members interjecting:

The SPEAKER: Order! I again call the Leader to order.

The Hon. F.T. BLEVINS: In fact, one individual committed eight murders and spent six years and eight months in gaol. That was the system that operated for three years under the Liberal Government. That position has changed for the serious crimes of murder and rape, and the statistics show quite clearly that the sentences have doubled. We now have non-parole periods close to 40 years. That situation did not apply under the Liberal Government. We have changed the system for the better.

Mr LEWIS: I rise on a point of order, Sir. The Standing Order to which I refer clearly states:

> In answering any such question a member shall not debate the matter to which the same refers.

My recollection of the question was whether or not the parole laws at present in this State are in good order. It had nothing to do with the parole orders that prevailed at the time the Liberal Party was in office or the amendments made by the Liberal Party at that time. I suggest that the Minister is debating the question.

The SPEAKER: Order! This is an area where any assessment will have to be somewhat objective. However, the Chair is not of the same view as the member for Murray-Mallee. The Chair is of the view that the Minister was giving a comprehensive response to an area which appeared to be of interest to all members in the Chamber. However, in view of the amount of time that the reply has taken, I ask the Minister to wind up his remarks in the next half minute or so.

The Hon. F.T. BLEVINS: I certainly will, Sir. The Opposition releases fatuous statement and expects the media to take them at face value and run them as press releases. The media in this State are too smart for that.

Mr Lewis interjecting:

The Hon. F.T. BLEVINS: What members opposite cannot stand, particularly the member for Murray-Mallee, is somebody standing up here and pointing out the facts. You do not like the facts—you cannot take it. The member for Murray-Mallee—

The SPEAKER: Order! The Minister is out of order in referring to members opposite as 'you'. The Minister can now resume his seat. The honourable member for Coles.

DRUG AND CORRUPTION ALLEGATIONS

The Hon. J.L. CASHMORE (Coles): Will the Minister of Emergency Services advise whether his answer to the question asked by the Leader of the Opposition means that allegations made by Mr X involving Mr Neville Wran are to be investigated by the NCA or do those allegations fall into the category of what the Minister yesterday called 'by no means new information' and, if so, have they been investigated and what was the outcome?

The Hon. D.J. HOPGOOD: This is an abuse of privilege. Yesterday members opposite had the gall to get up and speculate about the content of a particular report.

Members interjecting:

The SPEAKER: Order! I call the member for Coles to order.

The Hon. D.J. HOPGOOD: All that I want to say about this muck-raking is this: what is to prevent Government backbenchers getting up and asking me what Mr X in his document had to say about David Tonkin, John Howard, John West, John Gorton or anybody else in the Tory stable? It is a very slippery slope down which we are going.

Members interjecting:

The SPEAKER: Order! I again call the Leader of the Opposition to order and I warn him that, although a certain degree of tolerance is extended to the Leader of the Opposition, it is not an infinite degree of tolerance.

The Hon. D.J. HOPGOOD: All I can say is what I said yesterday: I refuse to confirm or deny speculations of this nature. I know that in so doing I am, in a sense, being unfair to the individuals who are being slurred in this way, but I am not prepared to continue to carry on playing this sort of game. If someone in this House wants to get up and ask me whether Mr X has alleged that the Leader of the Opposition beats his wife regularly, however unfair it may be to the Leader of the Opposition I simply have to say that I can neither confirm nor deny it.

The Hon. J.L. Cashmore interjecting:

The SPEAKER: Order!

HOUSING TRUST RENTS

Mr HAMILTON (Albert Park): Will the Minister of Housing and Construction tell the House whether Housing Trust rents will increase in the near future? Recently, the Housing Trust circulated copies of a report entitled 'Report to Housing Trust Members by the Corporate Plan Consultative Committee'. This report was sent to several community groups, industry associations, unions and local government—indeed, anybody who participated in the community consultation process. It received front page coverage in the *Advertiser*.

The report contained several recommendations formed from the deliberations of those who participated, and one of these related to rent increases. One conclusion was that the trust rents should be increased annually for the next two years, based on inflation. Many of my constituents in Housing Trust accommodation have voiced concern over the prospect of an imminent rent increase, following the last one in August of this year.

The Hon. T.H. HEMMINGS: I thank the honourable member for his question. It is important that trust tenants be aware that this report was produced in an attempt to gauge the feelings in the community towards the problems facing the South Australian Housing Trust and public housing authorities around the country. Its recommendation on rent increases for those tenants on full rents was that rents be increased annually for the next two years, based on inflation and then be reviewed to establish the rate of increase. I have said publicly that there will not be another rent increase for tenants on full rents before August next year—that is, 12 months from the last increase. I have also said that the next increase will be within the consumer price index.

There will be no further real increase in trust full rents—that is, above the level of inflation—in the remainder of this term of the Government. The Government believes that trust tenants have made a fair and proper contribution to the financial problems of the trust. I must emphasise here that I am talking about full rents: that is, tenants who are paying full rents will face their next increase in August.

The majority of trust tenants pay not full rents but reduced rents, the level of which is determined by their individual incomes. Tenants on reduced rents will have their incomes and rents reviewed on a regular basis, either every three or six months, and their rents adjusted upwards or downwards depending on changes in their incomes. So, when I refer to the next trust increase being in August, and being within the CPI, I am talking about rents paid by the 35 per cent of trust tenants who pay full rents.

DRUG AND CORRUPTION ALLEGATIONS

The Hon. B.C. EASTICK (Light): I direct my question to the Premier. Is his Government reluctant to confirm that Mr X has named Mr Neville Wran as a launderer of drug money because the Adelaide businessman who Mr X says gave him information about Mr Wran is also an associate of politicians in this State, according to evidence given in the Adelaide Magistrates Court earlier this year? The Opposition knows that Mr X has made this allegation against Mr Wran because we have seen the dossier given to the police on 14 October. According to an answer given by the Deputy Premier yesterday, the Minister of Labour, as Acting Minister of Emergency Services, also was briefed about the contents of the dossier.

In naming Mr Wran as a launderer of drug money, Mr X whom the Government must regard as an important informant on organised crime and corruption as it has approved an immunity from prosecution for him and the courts found him to be a credible witness in the Moyse case, has said that his source of information about Mr Wran was an Adelaide businessman. This is the same businessman who, according to evidence given in the Adelaide Magistrates Court in the Moyse case on 9 February 1988, has claimed to be an associate of South Australian politicians.

According to evidence given by Detective Chief Inspector R.R. McDonald of the National Crime Authority, Moyse has told the NCA that this businessman claims he knew, 'senior Southern Australian police, lawyers, politicans'. The name of this businessman is currently suppressed by the courts in South Australian in relation to serious drug offences he faces which also involved Mr X and Moyse.

The Hon. J.C. BANNON: On the last point, I am pleased to know that this individual is being dealt with through the courts. Indeed, I should have thought that that was the appropriate place for him to be so dealt with. I should have also have thought that, if nothing else has emerged over the past few weeks while these matters have been under debate and discussion, it is the Government's determination to ensure that all the proper procedures are gone through, that these things are rigorously prosecuted in every possible way, and that the public and the Parliament—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: —(and I shall not be diverted in this, because that has been part of the tactic) have been involved in knowing everything that it is possible or appropriate to put into the public domain. I assure everyone that this Government will not tolerate corruption in any area and in any form. Indeed, this Government has a reputation throughout Australia for the way in which it has approached its job and its duty in this area. I will not remain Premier if that is in any way compromised: I can give that undertaking.

Turning to the matter of Mr X, it appears that the Opposition has a copy of depositions some of which has not been published. Why has it not been published? I presume that is has not been published because those outside this place of privilege believe that to do so could subject them to legal action that might cost them dearly. Incidentially, I cannot from my own knowledge answer the honourable member's question because I have not read this transcript.

The Hon. J.L. Cashmore interjecting:

The SPEAKER: Order! I call the honourable member for Coles to order.

The Hon. J.C. BANNON: The Opposition being presumably put in possession of this information—

The Hon. J.L. Cashmore interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: —is prepared in this place to publish those things that the newspapers and others believe that they cannot get away with. Apparently, the purpose of privilege, according to the interjection from the member for Coles, is to do just that: to ensure that one can say what one likes without fear of any legal sanction.

The Hon. J.L. Cashmore interjecting:

The SPEAKER: Order! Will the Premier resume his seat. I warn the honourable member for Coles. If she does not cease interjecting, she will be named. The honourable Premier.

The Hon. J.C. BANNON: I do not believe, however, that that is the purpose of privilege. The purpose of privilege, which is something that members should respect, is to ensure that members can go about their duties fearlessly and responsibly. It is not an excuse, a recipe, or a licence for muck raking by innuendo, which is happening here. Even in the very question asked by the honourable member he has referred to a prominent Adelaide businessman who has been named in certain proceedings but whose name has been suppressed. I do not know what the position is in sheer technical terms regarding whether or not that name could be put into the public domain, but it is a nice little package of smear that has been put before us.

The exercise that we have witnessed, not just this week but over the past few weeks, is disgraceful, as I said yesterday. I know that it is hard to get a bipartisan approach on so many issues of public policy, ideology and philosophy, and I accept that. We certainly have major complaints and major differences of opinion, and this is the forum for them. I know also that there are things that an Opposition has to raise responsibly and it is in the public interest for it to do so. However, I should have thought that the desperation for power shown by those opposite, the desperate desire to grab anything, to besmirch reputations, to deal with innuendo and smear, and to indulge in whispering campaigns among the media and around the town would not be tolerated in South Australia.

I have a respect for our electorate and our society. I think that we have some better qualities than exist in other scenes. We will not have those things imported to South Australia; I will not tolerate them being imported here, and I will not see politics besmirched in this way. I repeat: if the Opposition has anything that it wants the Government to investigate and deal with which requires that kind of treatment, let it be put before us in a decent bipartisan way aimed at finding out the truth. If the Opposition views these areas simply as places to make political capital, to do what has been done in Queensland and New South Wales (the Greiner tactic went on for years and he got a lot of grist for the mill over it but in a very different scene and a very different situation from that applying in South Australia, I might add; this has been tried around the country), I put the Opposition on notice: it will not work here.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I call the members for Albert Park and Light to order.

CHILD ABUSE

Mr FERGUSON (Henley Beach): Can the Minister of Community Welfare advise the House whether any evidence exists to support recent media claims that Adelaide is the child abuse capital of Australia? In recent months quite extraordinary claims have been made in the interstate press that Adelaide is in a more unfavourable position than other States so far as child abuse is concerned. I wish to quote from the first two paragraphs of the cover story in the *Bulletin* of 27 September 1988, as follows:

> Adelaide has a problem. It is fast earning a reputation as the child sex abuse capital of Australia. Government statistics show that the number of children notified as sexually abused in South Australia has risen from 116 in 1981-82 to 1 378 in 1986-87. Of the latter number 409 were substantiated. The Family Court, in particular, is so overwhelmed with allegations that a judge has been rostered to hear nothing else but custody and access disputes which involve sexual abuse allegations for two weeks of every month. His diary is full until early next year with a waiting list.

The Hon. S.M. LENEHAN: I thank the honourable member for his question, which I take very seriously. In fact, far from Adelaide's being the child abuse capital of Australia, this Government has a very proud record of caring for and protecting children and their families. If I explain to the House that this term was first coined by the British press, I think that that might put it into some sort of perspective, the term then being picked up by certain sections of the interstate media.

I would like to put a few statistics on the record which will clearly answer the honourable member's question. The number of notifications of all forms of child abuse in South Australia over the past 12 months involved approximately 3 900 children which was slightly less than the year before. This figure equates to 8.5 notifications per 1 000 children and is slightly below that of New South Wales, Queensland and the Northern Territory. As members know, the Department of Community Welfare has a statutory responsibility given to it by this Parliament to investigate all notifications of suspected abuse, and the primary goal of the department is to support families wherever possible. The care and protection of—

Mr Lewis interjecting:

The Hon. S.M. LENEHAN: I find it interesting that the member for Murray-Mallee thinks that the care and protection of children is crap. I would like to put on public record that every member on this side of the House most certainly does not see the care and protection of our children as crap. The department aims to ensure continuity in the child's relationships and to cause minimal disruption to the child's family. Any proposal or plan to remove a child from his or

her family is taken very seriously and is considered in great depth. Court action is the last resort, except where the child is in immediate grave danger.

Evidence of the way in which the department reacts responsibly in this matter is shown in the following statistic: in the 2½ year period since 1 January 1986 there were 8 750 notifications of abuse in South Australia, of which 385 were taken to the Children's Court with requests for in need of care and protection orders. This involved 503 children. A total of 6 per cent of the children who were notified as being abused ended up in the Children's Court for in need of care and protection orders. The statistic which the media does not want to know about is that, of these 503 children and 385 cases, only two cases have been dismissed and they involved four children. Surely that is ample evidence that the police, the medical experts and the Department for Community Welfare are most thorough in their investigations and preparation of evidence for the Children's Court.

I believe that no procedural system is absolutely infallible and no administrative system will eliminate entirely the possibility of human error. However, some sections of the interstate media (supported by some members of the Opposition who continue to attempt to make political mileage by focusing on biased media reporting) highlight one or two cases and take up the cause of a very small minority group, and that does not help protect children in our community. This approach not only distorts but also seeks to discredit the excellent work being done by the Department for Community Welfare in conjunction with other Government agencies, Further, this destructive criticism only serves to protect child sexual abusers from detection and punishment. It is the Government's firm intention to detect all abusers and to take the necessary action to protect all our children in the community.

DRUG AND CORRUPTION ALLEGATIONS

Mr INGERSON (Bragg): My question is directed to the Minister of Emergency Services. Has Mr X made allegations that the same Adelaide businessman (who gave him information about Mr Neville Wran) also ran a brothel which received police protection from prosecution because South Australian police officers received free sex there, and has the former head of the Drug Squad, Moyse, given to the NCA the names of six senior police officers whom this businessman claimed to know?

The Hon. D.J. HOPGOOD: I do not know whether there is anything in the allegations or whether that information has been made available to the NCA.

SMALL BUSINESS OPPORTUNITIES FOR WOMEN

Ms GAYLER (Newland): My question is directed to the Minister of Employment and Further Education. What is the State Government's response to efforts at a national level to encourage more women to take up opportunities in small business? As part of its national agenda for women, the Federal Government has identified women's access to small business programs as being one of its priority areas over the next five years. This is part of a general effort to broaden employment opportunities for women, and I know that South Australian women in small business support this move.

The Hon. L.M.F. ARNOLD: I thank the honourable member for her question relating to the recently announced Federal initiative, which does have the support of the State Government. That support is not only a philosophical support but also a practical support which is offered through the Self-Employment Ventures Scheme, which is organised through the Office of Employment and Training.

By dint of measurement of the number of jobs created in self-employment ventures over recent years, the Self-Employment Ventures Scheme has undoubtedly been very successful. However, it must be noted that that scheme has not received as many applications which funding would have allowed. In fact, in the past couple of years, we have not spent our total allocations.

By that I mean that the successful applicants who have been through an assessment about whether or not they would be likely to make it in small business have not matched the funds available to meet them. Funding is available, for those who are eligible and are approved, in the form of interest free loans of up to $3 000 or $6 000 (depending on whether they are a single applicant or a partnership) to assist in the establishment of their business. In addition, advice and a basic management practices course are provided, along with income support over 12 months. In addition, there is the opportunity for two free sessions of advice from the Small Business Corporation, supplanting what used to be, until last week, only one session of advice from the corporation.

With particular reference to women applicants under this scheme the Office of Employment and Training also has a program through the youth initiatives unit in which seminars target opportunities for women. It is well worth that area being targeted, first, to allow the greatest entreprenuerial opportunities to be taken advantage of by all sections of our population; and, secondly, because the latest ABS figures indicate that women are entering into small business ventures at a greater rate than men. The Federal support, particularly for the Self-employment Ventures Scheme, announced by Senator Margaret Reynolds is supported by us through the Office of Employment and Training, and that is in addition to other efforts this State Government has made to encourage opportunities for women. I could mention, for example, the TAFE program New Opportunities for Women (NOW), the tradeswomen on the move program in the Office of Employment and Training and the exemption from the Equal Opportunities Act to allow the Government to set targets for female apprenticeship intakes. These are the types of initiatives we are taking to ensure that the broadest possible opportunities are available to women in South Australia.

DRUG AND CORRUPTION ALLEGATIONS

Mr BECKER (Hanson): Will the Minister of Emergency Services explain precisely what is contained in the dossier of allegations by Mr X handed to the police on 14 October which cause the South Australian Police force to immediately establish a task force to investigate those allegations? Will he reconcile his statement to the House yesterday that 'substantially what is in the allegations made by Mr X has been known to the National Crime Authority and the South Australian Police force for some considerable time and has been subject to some considerable investigation' with the statement in the *Advertiser* of 15 October by the Deputy Commissioner of Police, Mr Hurley, in relation to the dossier, as follows:

> It is encouraging that finally some of the requests of the Commissioner have been answered . . . that where there have been allegations, someone has seen fit to come forward and give us something to work on.

The Hon. D.J. HOPGOOD: It would be quite irresponsible of the police to ignore the document but my statement yesterday was as a result of a briefing which arises from some time now that the police have had to be able to look very carefully at the contents of that document. The significance of the contents of the document change somewhat the more there is the opportunity to investigate these matters. Honourable members may well be aware that Mr X was interviewed by the South Australian police yesterday. I had an opportunity to have a brief discussion with two officers earlier today about the results of that investigation. We now have a further appreciation of the significance of these matters as a result of those investigations. I am not prepared to say exactly which allegations we may be talking about for the obvious reasons that I indicated to the House earlier. If I were prepared to do that, I would also be prepared to release the whole document to the public. I am sure the honourable member would agree with me that that would be grossly irresponsible.

STA LAND

The Hon. R.K. ABBOTT (Spence): Will the Minister of Transport advise whether the potential sale of the Croydon playground reserve adjacent to the Croydon railway station to either the Hindmarsh council or to a private developer will proceed or will the STA retain it for the benefit of local families? This reserve, small as it is, is the only reserve in the Croydon area and the Hindmarsh council is prepared to purchase the property from the State Transport Authority at market value. To facilitate this, the council has had the property independently valued at some $30 000. However, the STA is asking $60 000.

The Hon. G.F. KENEALLY: I thank the honourable member for his question. I am not familiar with the details of the proposal to dispose of this piece of land, the property of the State Transport Authority. I will have the matter investigated and provide the honourable member with a full report. The State Transport Authority has been given the responsibility to dispose of land surplus to its requirements. The normal procedure is to check with other Government departments to ascertain whether a Government use for the land exists. If it does not, the authority negotiates with either the current tenant or with the local authorities to ascertain whether either the tenant or the local authorities have a use for the land. If there is no such requirement by either the tenant or the local authorities, the land goes to public tender.

I am not certain of the status of this land disposal procedure, but I can say that, where there is disagreement with respect to the valuation obtained by the State Transport Authority and that obtained by the prospective purchaser, negotiations take place and normally agreement is reached. I have intervened on a number of occasions at the request of either the local member (as I will in this case) or the local authorities to ascertain whether or not the use to which the land will be put is in the best interests of the community. For that reason other valuations may well be contemplated. Until I have all the details, I am not able to respond directly to the honourable member's question, but I assure him that I will have the matter looked at urgently and I will get back to him with an option that may well meet both the charter of the State Transport Authority and the needs of the local community.

DRUG AND CORRUPTION ALLEGATIONS

The Hon. H. ALLISON (Mount Gambier): Will the Minister of Emergency Services reconcile how he could say, in reply to one question yesterday about the dossier on the Mr X allegations, that it was 'extraordinarily garbled and mixed up', with his later assertion in Question Time that he had not seen the document?

The Hon. D.J. HOPGOOD: Because that is what I was told in the briefing when I returned to my office first thing yesterday morning, and I accept it.

LIBERAL HEALTH POLICY

Mr DUIGAN (Adelaide): Has the Minister of Health seen the Liberal Party's statements and claims in an electoral advertisement that there are 'massive public hospital waiting lists', that the equipment in our public hospitals is 'obsolete', and that the facilities to treat public patients are 'inadequate'?

Mr GUNN: On a point of order, the honourable member is asking—

The SPEAKER: Order! The member for Adelaide should resume his seat while a point of order is being taken.

Mr GUNN: The member for Adelaide is asking the Minister to give an opinion on an area, a subject and a policy over which he has no control. Therefore, the question is contrary to Standing Orders and it should be disallowed.

The SPEAKER: Order! At the moment the honourable member for Adelaide has not completed the question sufficiently for the Chair to form a totally firm view. However, the Chair heard the honourable member say 'Has the Minister seen' a certain advertisement. The member for Adelaide.

Mr DUIGAN: Will the Minister advise the House whether these statements are accurate?

Members interjecting:

The SPEAKER: Order! The question is out of order because it is seeking confirmation of the accuracy or otherwise of—

Members interjecting:

The SPEAKER: Order! Initially when the point of order was taken the Chair stated that the Chair did not as yet have a firm view. Having heard the tail-end of the question, the Chair is now firmly of the view that the question is based on seeking an opinion from the Minister as to the accuracy of something published other than in this Parliament. Had the question been worded otherwise, it might have been in order, but it is not in order. The honourable member for Eyre.

DRUG AND CORRUPTION ALLEGATIONS

Mr GUNN (Eyre): I address my question to the Minister of Labour. When he was briefed, as Acting Minister of Emergency Services, on the contents of the dossier given to police on 14 October which contains allegations made by Mr X, was he told that Mr Neville Wran and Mr Al Grassby had been named by Mr X, and did he report that matter to any of his Cabinet colleagues and, if so, to whom?

The Hon. R.J. GREGORY: My answer to that question is the same as the one I gave yesterday.

EYRE PENINSULA FARMERS

Mr De LAINE (Price): Can the Minister of Agriculture advise whether any progress has been made on his discussions with the major lending institutions about the financial situation of farmers on Eyre Peninsula? On 18 October, the Minister announced that a meeting convened by him with representatives of the banks, other lending institutions, the United Farmers and Stockowners and the Advisory Board of Agriculture had agreed on a joint approach to resolving difficulties facing farmers on Eyre Peninsula and that a working group would be set up to further develop the initiatives. He said that the group would comprise representatives of banks, the UF&S, the Department of Agriculture and the Rural Assistance Branch.

The Hon. M.K. MAYES: I thank the honourable member for his question. In the light of the meeting which was held on the West Coast last night, I think it is very relevant for me to now bring to the attention of the House the fact that the Government has been active in this area and that, as a consequence of our strategy, particularly for the West Coast, we have addressed the very issue of what we can do as a Government to assist with regard to the financial situation for farmers on the West Coast.

The circumstances in which we have addressed this matter involved the organisation of a meeting—one of a number of meetings—with the managers of the major financial institutions in South Australia and the stock firms. A meeting was held so that we could explore with the financial institutions the situation that prevails, the options that are available to them and the way in which we have to approach this issue as a community. I think that the course decided on has been adopted by the banks. I was very pleased by the statement that was made by the bank managers who were representing their organisations at that meeting.

As a consequence of that meeting, we have set up a working party to look at this matter. I am happy to share with the House its terms of reference, namely: to further develop and maintain joint initiatives between farmers, bankers and Government for rural adjustment on Eyre Peninsula, with particular reference to options for farmers in various risk categories; and to determine the role of the working party in meeting the ongoing adjustment and development needs of the region.

So, the theme of the meeting which was held last night on the West Coast is, in fact, picked up by those terms of reference, the first term of reference in particular. The need for us to work with the banks, as with all the financial institutions and, of course, with the farmer organisations is paramount. I believe that the working party will achieve some positive options for us as a community to address this issue.

I have had various reports from the meeting that was held last night and as well there were various reports on the CK radio station, but it appears to me that, obviously, there is a level of frustration with regard to the decisions that banks are to make in relation to finance. We stressed to the banks the need for early decisions with regard to carry-on finance or finance as a whole. I think that most members would appreciate that, as the season develops, the sooner those decisions are made the better. I can assure members that the response from the banks was very positive; they appreciate that point and they will, they said, deal with the matter as quickly as possible, given the circumstances which they confront.

That is a positive thing to hear from the banks and I congratulate them on adopting that approach. We must work with the banks as a community effort in order to see that this problem is addressed in the most comprehensive and sensible way, caring for those people who are at financial risk. We have tried to do that. I will get a full report on the meeting last night and the resolutions passed there, as I am sure other members will. We should say to the people who attended that meeting that a move is afoot that will address that issue. We will see positive responses from this working party.

I am sure that the issues raised last evening will be addressed by this working party as, in the process of observing its terms of reference, it must obviously address those issues. So, I assure those people on the West Coast who are feeling frustrated and distressed that something is being done. I understand that they are seeking to hold a meeting with the Premier to discuss that meeting and I am sure that in the process of whatever comes out of those discussions we will again see a positive response from the banks, because the banks realise that we are all in this together and that we have to find a solution that adopts a community approach.

ASER CONTRACTS

Mr S.J. BAKER (Mitcham): Can the Premier say whether the Government is aware that certain major subcontractors on the ASER project are experiencing serious difficulty in being paid for their work? Will the Government investigate the situation to ensure that any outstanding bills are paid without further major delay? I have been informed that the following companies (the Woodroffe group, Otis Elevators and Ballestrin Concrete) collectively are owed about $1.5 million for work on the Hyatt Hotel. They are owed this money by SABEMO, one of the major contractors involved in the ASER project. My information is that the Woodroffe group's outstanding bills relate to a series of variations to the contract which were accepted by SABEMO but on which it now refuses to pay. The delayed payments involving Otis related to what is known as a 'prolongation clause' which, in the opinion of Otis, was triggered by lengthy delays on the project which SABEMO refuses to acknowledge.

In the case of Ballestrin, it was given the go-ahead by SABEMO for a certain quantity of concrete but, again, it is claimed that SABEMO is reneging on the agreement. These three companies understand that other subcontractors also may be facing difficulties in being paid by SABEMO and they have more general concerns about the effect of SABEMO's operations on building industry subcontractors in Adelaide. Under the terms of the Adelaide Railway Station Development Act, the State Government is a contracting party to the ASER project. The Premier has previously said that the project should be regarded as a Government development and the Government therefore has an obligation to ensure that all subcontractors are properly paid for all works and services they have been contracted to supply.

The Hon. J.C. BANNON: Picking up the last part of the honourable member's explanation, the Government, as I have previously said, is not financially responsible for the Hyatt Hotel. The original agreement included a guarantee, but in fact that guarantee was subsequently waived. I say that just to jog the honourable member's memory on that matter. We do not have any financial interest in, or control over, what is essentially a commercial operation concerning the Hyatt Hotel, where this dispute apparently lies. I should have thought that contractors involved in this problem, if there is a dispute, should be using the offices of their industry association to try to get it resolved. That is the normal way in which these things are tackled. However, if

there is a general problem, I shall certainly be happy to get a report on the matter. Nevertheless, in terms of direct intervention by the Government, this is a normal commercial transaction and I cannot indicate what we can do.

PUBLIC HOSPITALS

Mr DUIGAN (Adelaide): My questions are addressed to the Minister of Health, as follows: are public hospital waiting lists massive; is the equipment in our public hospitals obsolete; and are the facilities to treat public patients in public hospitals inadequate? These claims were made in a recent Liberal Party newspaper election advertisement.

An honourable member interjecting:

The Hon. F.T. BLEVINS: The member for Adelaide is quite capable of writing his own questions—

Members interjecting:

The Hon. F.T. BLEVINS: —and it is the best way to learn. While perusing one of the local papers in the corridor, I saw a Liberal Party advertisement which stated, among other things, that there were massive public hospital waiting lists, obsolete equipment and inadequate facilities. That is quite a remarkable claim from somebody who aspires to be a member of this place. I am not sure, but I suppose I could find out, whether truth in advertising is in any way a requirement of political advertising. If it is, there is no question in my mind that this Liberal Party advertisement would qualify as a clear breach of that requirement.

The question of hospital waiting lists got a bit of a run some time ago from the Liberal Party. The Government called for a report from three very experienced people headed up by the Lions Professor of Ophthalmology at Flinders University, Professor Doug Coster. I want to quote briefly from that report and put this booking list question in some kind of perspective. Professor Coster said:

> Booking list numbers alone are an inappropriate measure of the effectiveness of surgical services because they merely reflect the turnover of elective surgery and because booking lists contain a high proportion of patients who are not waiting to be given a date for surgery.

The report continues:

> The limitations of placing any importance on the numbers of patients on booking lists cannot be overstated. Increased numbers of patients on booking lists have sometimes been quoted as indicating an increasing inability of the hospitals system to cope with the demands placed upon it. However, since the total number of patients on booking lists is a reflection of the turnover in the system, large booking lists—

Members interjecting:

The Hon. F.T. BLEVINS:—can be seen to represent—

Members interjecting:

The SPEAKER: Order! The honourable Minister will resume his seat.

Mr GUNN: On a point of order. The Minister is obviously reading from a prepared Government statement and his answer is obviously lengthy, and I suggest that the Standing Orders do not provide for this. Therefore, he should table the document because he is deliberately wasting Question Time.

The SPEAKER: I do not uphold the point of order. The honourable Minister.

The Hon. F.T. BLEVINS: I was quoting a review of hospital booking lists by Professor Doug Coster, and I was quoting it quite directly and openly.

The Hon. T. Chapman interjecting:

The SPEAKER: Order! I call the member for Alexandra to order. Does he now have a point of order?

The Hon. T. CHAPMAN: Too right I have, Mr Speaker. For how long do you and all of us have to tolerate the sort of ignorance and arrogance displayed by the Minister this afternoon? Standing Orders in this place—

The SPEAKER: Order! The honourable member will resume his seat for a moment. I cannot accept a point of order which simply launches into a political speech. If the honourable member has a point of order he may rise to his feet and make that point of order. The honourable member for Alexandra.

The Hon. T. CHAPMAN: Just like I responded to your call for order and took my seat forthwith, I would expect that it is a point of order to draw to your attention occasions when the Minister ignores such situations. He did so repeatedly after the member for Eyre had risen to his feet and, after the honourable member had resumed his seat and you had declared that he did not have a point of order, the Minister again rose to his feet without a call. I put to you that that is blatantly disregarding Standing Orders and the long-term practices of this House. I ask you take the same action against the Minister in question as would be taken against me or any other member on this side of the House.

Members interjecting:

The SPEAKER: Order! My recollection of events is that the member for Eyre sought to take a point of order. At that stage I asked the Minister to resume his seat and the member for Eyre then launched into his point of order without having been called. The Chair extended the same tolerance on that occasion towards the Minister who rose to his feet after the point of order had not been upheld as the Chair had extended to the honourable member for Eyre. I do not uphold this point of order although it is nevertheless quite valid to point out to the House that members should not rise to their feet until they are specifically called.

Members interjecting:

The SPEAKER: Order! The honourable Minister.

The Hon. F.T. BLEVINS: Thank you, Mr Speaker. As I was stating, the position of hospital booking lists was and is a furphy. The fact is that anybody in this State who requires surgery gets that surgery immediately. About half the number of people requiring elective surgery have that surgery within about four weeks. That is an excellent record and one of which this Government can be justly proud. There was also a question about equipment in public hospitals. Again, that is absolute nonsense in this Liberal Party advertisement. A total of $12.6 million has been provided over the past three years under the Commonwealth Government's teaching hospital program, and this Government has spent extensively on upgrading equipment in public hospitals.

Another issue raised related to the question of inadequate facilities. The budget for the Health Commission this financial year, for the first time in its history, is over $1 billion. As regards facilities, the Government's capital works program this year is about $50 million. I repeat this for the benefit of the member for Murray-Mallee: $50 million to be spent in hospitals spread right throughout the State. I contrast this with the last year of the Liberal Government—$11 million.

Members interjecting:

The Hon. F.T. BLEVINS: It stole the money from the health system to pay the daily living costs of the Government. In reply to the member for Adelaide, the Liberal Party advertisement was misleading as usual, and I am quite sure that, with the credibility the Liberal Party has in this area, no-one will give it any credence whatsoever.

PERSONAL EXPLANATION: CHILD ABUSE

Mr LEWIS (Murray-Mallee): I seek leave to make a personal explanation.

Leave granted.

Mr LEWIS: During the course of Question Time the Minister of Community Welfare asserted, to the best of my knowledge, words to the effect that it was interesting that the member for Murray-Mallee finds that the care and protection of children is crap. I dispute that at any time I said or meant any such thing. During the course of the answer the Minister was giving to a question from another member about this matter, she made the remark, to the best of my recollection, that the primary goal of the department is, wherever possible, to support families. It was that remark which drew the dissenting comment from me because I constantly find evidence to the contrary. The department is not supporting families: it is ripping them to bits.

The SPEAKER: Order! The last remark is out of order.

The SPEAKER: Call on the business of the day.

AUSTRALIAN FORMULA ONE GRAND PRIX ACT AMENDMENT BILL

The Hon. J.C. BANNON (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Australian Formula One Grand Prix Act 1984. Read a first time.

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

That this Bill be now read a second time.

The Australian Formula One Grand Prix has now been successfully staged in Adelaide for three years. It has received national and international acclaim, and has been invaluable in promoting Adelaide and South Australia as a tourist destination. Most importantly, it has received enthusiastic support from the overwhelming majority of the South Australian community.

The Australian Formula One Grand Prix Act 1984 is an enabling Act, providing the framework within which the board operates and the event is staged. The amendments proposed in this Bill are based on the experience of the last three years, and in large part deal with certain procedural matters which have arisen in that time.

A further important purpose of the Bill is to provide the mechanism for South Australia to secure and continue to host the only Australian round of the FIA Formula One World Championship on an ongoing basis. The current contract, under which the rights to promote the event in Adelaide are granted, is with the Formula One Constructors Association (FOCA) and expires in 1991. The principal Act is due to expire in December 1992.

The timing of the introduction of this Bill and its passage through the Parliament is crucial to negotiations to secure a long-term extension of the FOCA contract which are well underway. While in London recently I met with the President of the Formula One Constructors Association and exchanged letters of intent with him in which he confirmed FOCA's desire to continue staging the event in Adelaide, dependent upon the successful passing of necessary amendments to extend the period of operation of the Act.

The Bill provides for the current 'sunset provision' for expiration of the Act in 1992 to be repealed. The 'sunset' clause was introduced initially to coincide with the term of the current FOCA contract and to enable the Parliament to assess the operation of the Board and impact of the event on Adelaide and the rest of the State.

The event and the organisation have proven highly successful and it is the desire of the Government to secure the rights to stage this internationally acclaimed event in Adelaide indefinitely.

In addition, the expertise now associated with the event itself is an invaluable asset for the State and, whatever the future of the particular event, it may be necessary to retain the structure of the Grand Prix Board and its organisation.

The Grand Prix Board has proven its ability to organise and promote a major international sporting event. As a result, ever since the inaugural year the board has been asked by other sporting and entertainment organisers to provide assistance or advice.

The changes proposed in this Bill to the functions and powers of the board clarify the ability of the board to actively source and involve itself in other major events and projects. They specifically enable the board to provide consultative, advisory and managerial services commercially to various promoters and other bodies.

Further amendments proposed in this Bill reflect the constantly increasing technological and organisational requirements for Formula One racing. The international rules for control and promotion of the sport have tightened considerably, and new standards are constantly applied.

To date, the Grand Prix Board has coped well with absorbing the additional requirements from the international bodies as they arise. However, if Adelaide is to secure this premium event on a long-term basis, we must accept and agree to meet the ever changing international criteria which apply to all Formula One World Championship promoters in 16 countries around the world.

The *Federation Internationale l'Automobile* (FIA), as the international body responsible for controlling the sport, considers this area of paramount concern. To this end, it has issued a complete manual of new rules, designs and other standards to which all F1 promoters around the world must adhere.

The Bill provides amendments which reinforce protections against unauthorised commercial association with the event and allow for adherence to FIA standards. Finally, the Bill provides for a number of procedural changes to the operation of the Board which, in the light of experience, will allow for greater flexibility and effectiveness. These amendments complement the amendments to the functions and powers of the Board without effecting in any way its accountability to Parliament. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation.

Clause 3 amends the interpretation section, section 3 of the principal Act. The clause rewords the definition of 'grand prix insignia'. Grand prix insignia together with the logo, official symbols and official titles make up 'official grand prix insignia' which, under section 28a, are vested in the Australian Formula One Grand Prix Board as property of the board and regulated in their commercial use. The current definition defines 'grand prix insignia' as being the expressions 'Adelaide Formula One Grand Prix', 'Adelaide Grand Prix', 'Adelaide Alive', 'Adelaide Formula One', 'Fair Dinkum Formula One' and 'Formula One Grand Prix' where

these expressions can reasonably be taken to refer to a motor racing event. The new definition lists the common elements of the present list of expressions, that is, 'Grand Prix', 'Formula One', 'Formula 1' and 'Adelaide Alive', but is made more comprehensive by encompassing these expressions whether they appear or are used in full or abbreviated form or alone or in combination with other words or symbols. The current requirement that the expressions must be used in such a way that they can reasonably be taken to refer to a motor racing event is retained in the new definition.

The clause adds a new definition of 'promote' designed to make it clear that the board's functions of promoting motor racing events extends to the organisation and conduct of such events. The clause amends the defintion of 'motor racing event' so that it is clear that the term includes, in addition to the Formula One race itself, any event or activity promoted by the board in association with that race. The amendment is designed to remove doubts about the scope of the events or activities that may be promoted by the board in association with the Formula One race.

Clause 4 amends section 8 of the principal Act in relation to the procedure by which decisions may be arrived at by the Australian Formula One Grand Prix Board. The clause adds a new provision providing that a decision concurred in by members otherwise than at a meeting of the board is a valid decision of the board if concurred in by a number of members not less than that required for a quorum of the board, that is, an absolute majority of members for the time being in office.

Clause 5 clarifies and extends various functions and powers of the board. The clause restates the functions of the board as being:

(a) to negotiate and enter into agreements on behalf of the State under which motor racing events are held in Adelaide;

(b) to undertake on behalf of the State the promotion of motor racing events in Adelaide;

(c) to establish a motor racing circuit on a temporary basis and do all other things necessary for or in connection with the conduct and financial and commercial management of each motor racing event promoted by the board;

(d) to provide advisory, consultative or managerial services to promoters or other persons associated with the conduct of sporting, entertainment or other special events or projects, whether within or outside the State; and

(e) such other functions as the Minister may from time to time approve.

Paragraphs *(a)*, *(d)* and *(e)* deal with matters not dealt with in the current list of functions—a standing authority for the board to negotiate and enter into agreements as to the conduct of Formula One races in Adelaide, clear power to use its expertise in relation to other events or projects in the State or elsewhere and power for the Minister to approve other functions.

The clause amends the listed powers of the board to make it clear that the board has the following powers:

(a) to form, or acquire, hold, deal with and dispose of shares or other interests in, or securities issued by, bodies corporate, whether within or outside the State;

(b) to enter into any partnership or joint venture arrangement, appoint any agent, or enter into any other contract or arrangement with another person, whether within or outside the State; and

(c) to delegate any of its functions or powers to the Chairman or any other member of the board, to a committee established by the Board or the Chairman, to the Executive Director of the board or to any other person or body.

Clause 6 inserts a new section 10a authorising the board, or, with the approval of the Minister, the Chairman of the board, to establish a committee to advise or assist the board or the Chairman. The functions and procedures of such a committee are to be as determined by the board or, in the case of a committee appointed by the Chairman, by the Chairman with the approval of the Minister.

Clause 7 provides for the repeal of section 16 of the principal Act. Section 16 provides for the establishment of a trust fund for the board's income from its commercial operations.

Clause 8 amends section 19 of the principal Act which provides for an annual report to be made by the board within six months after the conduct of each Formula One event. The clause provides instead that the board must report before the end of April in each year on its operations during the preceding calendar year.

Clause 9 provides for the repeal of section 29 of the principal Act which provides that the Act is to expire on 31 December 1992.

Mr INGERSON secured the adjournment of the debate.

SOUTH AUSTRALIAN METROPOLITAN FIRE SERVICE ACT AMENDMENT BILL

The Hon. D.J. HOPGOOD (Minister of Emergency Services) obtained leave and introduced a Bill for an Act to amend the South Australian Metropolitan Fire Service Act 1936. Read a first time.

The Hon. D.J. HOPGOOD: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The purpose of this Bill is to amend the South Australian Metropolitan Fire Service Act 1936. Section 9 of the Act sets out the functions and powers of the Metropolitan Fire Service. Subsection (1) currently provides that the functions of the fire service are *(a)* to provide efficient services in fire districts for the purpose of fighting fires and of dealing with other emergencies, and *(b)* to provide services with a view to preventing the outbreak of fire in fire districts.

The fire service is presently carrying out additional functions including marine and penfield operations and salvage. Also, it has become necessary to expand fire equipment servicing activities to include replacement sale of fire protection equipment. The Fire Equipment Servicing Division of the fire service presently services and maintains fire extinguishers and fire hoses on a contract basis for clients throughout the State. It is essential that the division be able to supplement the servicing by the replacement of condemned fire protection equipment in order to provide a total service to its clients. Furthermore, the need to replace such equipment will be exacerbated in 1989 by the introduction of new standards which will render obsolete a very large number of fire extinguishers currently in use by fire service clients. As a consequence, it is necessary to amend

the Act to provide for these activities described. I commend the Bill to members.

Clause 1 is formal. Clause 2 amends section 9 of the principal Act which deals with the functions and powers of the South Australian Metropolitan Fire Service. The amendment expands the functions of the service to include such functions as may be assigned to it by the Minister.

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

INDUSTRIAL AND COMMERCIAL TRAINING ACT AMENDMENT BILL

The Hon. L.M.F. ARNOLD (Minister of Employment and Further Education) obtained leave and introduced a Bill for an Act to amend the Industrial and Commercial Training Act 1981. Read a first time.

The Hon. L.M.F. ARNOLD: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The purpose of this Bill is to further enhance the effective and efficient administration of industrial and commercial training in South Australia. The proposed amendments to the Industrial and Commercial Training Act will enable appropriate responses to recent and anticipated developments in vocational training at a State and national level.

The amendments have been recommended by the Industrial and Commercial Training Commission following close consultation with employer organisations, unions and relevant Government agencies. The amendments proposed in the Bill fall into two categories.

- those amendments which respond to the growth of the Australian Traineeship System; and
- those which are necessary as a direct consequence of the Hairdressers Act 1988 but which have much wider implications.

Well-structured vocational training arrangements are essential to the development of South Australia. Only a well trained workforce with up-to-date skills and knowledge can meet the needs of industry and commerce.

This Bill contains necessary provisions to enable the achievement of this State's training objectives. The Bill has received endorsement and support from all sides of industry and commerce.

The Australian Traineeships System (ATS) is a system of employment based entry-level training for young people entering occupations for which there has traditionally been a lack of structured training. Trainees undergo an integrated program of on and off job training, normally over a period of 12 months. At the commencement of a traineeship the employer and trainee jointly enter into a training agreement which is lodged with the Industrial and Commercial Training Commission (ICTC).

Since the inception of ATS under the auspices of the State and Commonwealth Governments the ICTC has been responsible for the administration of this new system of training in South Australia. To date the commission has administered ATS under the powers given in Part III section 27 of the Act. Sixteen traineeship schemes are approved by the ICTC with 743 trainees in training. The growth in the system is reflected in the fact that as at 30 June 1987, there were seven schemes approved involving 237 trainees.

Traineeships are increasingly being developed in new vocations and sectors of industry and commerce which have not been involved in traineeships before. Traineeships have been well accepted to the benefit of employers and employees alike, and to the advantage of the whole community. Since the first ATS trainee commenced in 1986, almost 20 000 young Australians have commenced traineeships. New commencements in 1987-88 totalled 10 612 Australia wide.

As a result of experience in administering ATS over the past two years the commission has come to the view that the full system of quality training measures provided for the apprenticeship system under the act should also apply to ATS. Most importantly these measures should provide for enforceable training agreements which bind both employer and trainee to certain rights and responsibilities. However, this cannot be achieved for ATS under the powers given in section 27 of the Act. This has been confirmed in advice from the Crown Solicitor.

The Crown Solicitor has advised that the powers vested in the commission to administer apprenticeships do not apply with respect to trainee schemes if approved under section 27 of the Act. The simplest way to confer such powers is to provide that a training agreement be recognised as a 'contract of training' as defined in section 5 of the Act.

It is considered that bringing both apprenticeships and traineeships under the same legislative provisions will facilitate more cost effective procedures for the administration of these systems. This is likely to result in savings in the long term and in a better service to the community.

This legislation will provide for enforceable training agreements, protection of the rights of each party to such agreements, dispute and disciplinary settlement processes, employer approval mechanisms and other quality training measures.

However, traineeships will remain a system of voluntary participation in the formalised training system much distinct from the traditional apprenticeship system, which prohibits training in trades except under indenture, in accordance with State and Federal awards. These proposed amendments to the Act were considered by the Industrial and Commercial Training Commission at its May meeting this year. The proposal was fully supported by both employer and employee representatives.

The second category of amendment mentioned earlier arises as a consequence of the enactment of the Hairdressers Act 1988. Although this amendment is initially to apply to hairdressing alone, other vocations would potentially be provided for by the same amendment. In April 1988 Parliament passed the Hairdressers Act 1988 which repeals the Hairdressers Registration Act 1939 and prohibits the practice of hairdressing by unqualified persons. After 1 January 1989 persons seeking to practise hairdressing in South Australia for the first time will be required to hold a certificate of competency issued by the Industrial and Commercial Training Commission or its equivalent.

Whilst the Industrial and Commercial Training Act enables the commission to issue certificates of competency to persons satisfactorily completing programs of training determined by the commission, it does not enable the commission to issue certificates of recognition for comparable skills developed in other ways.

Consultation with both union and employer organisations in the hairdressing industry occurred during the drafting of the Hairdressers Act 1988. Further consultation has taken place during this year and will continue in the future through

the Hair and Beauty Training Advisory Committee. This was recently established by me on recommendation of the Industrial and Commercial Training Commission as defined in Part II Division III of the Act. At present the committee is developing a revised training program and systems for the administration and conduct of a final examination for hairdressing apprentices. This examination will assess the skills and knowledge of apprentices nearing the completion of their training to determine if they have reached the standards essential for competence in the practice of hairdressing.

It is proposed that persons without formal training in Australia, but who wish to practice hairdressing in South Australia be required to sit the same examination as established for hairdressing apprentices. This is considered to be an administratively simple and equitable method for determining a person's competence in hairdressing. Applicants would be assessed on the value of their current skills rather than the relative merits or otherwise of a qualification from another country and vocational training system.

The relevant amendment in this Bill is required for the effective administration of the Hairdressers Act in respect of:

- those trained overseas
  and
- those trained informally within Australia.

For those persons with hairdressing qualifications issued by training authorities in other States and Territories of Australia, recognition can be achieved in South Australia by regulation under the Hairdressers Act.

As mentioned earlier this amendment has significant implications beyond the hairdressing sector. The amendments proposed consequential to the Hairdressers Act will empower the commission to grant certificates of recognition to persons who have trained in hairdressing overseas and wish to practise in South Australia. A proposal for such certification for other occupations has also been put forward for consultation. The lack of comprehensive recognition of overseas trade qualifications has been commented on in a number of State and national level reports.

The proposed amendment to the Industrial and Commercial Training Act has been endorsed by the Implementation Committee to the Immigrant Workers Task Force Report and also received strong support from the Chairman of the South Australian Ethnic Affairs Commission.

Four States (New South Wales, Victoria, Queensland and Tasmania) currently have the legislative authority to issue 'Certificates of Recognition' to appropriately skilled persons who seek trade status without having formally trained through the apprenticeship system. Western Australia the only State along with South Australia which does not have these powers is currently considering legislative changes to enable such recognition to be granted.

Although the proposed amendment to the Industrial and Commercial Training Act is required for the effective administration of the Hairdressers Act 1988, the Training Commission is aware of significant support for the issue of 'certificates of recognition' for occupations other than hairdressing.

Under the Commonwealth Tradesman's Rights Regulations Act 1946 persons without formal trade qualifications, or with overseas qualifications, can receive recognition. However, such recognition under 'Tradesman's Rights' is limited to the metals, electrical and footwear trades. There are no equivalent measures provided in respect of the other trades which account for 50 per cent of South Australia's trade training.

1986 census data from the Australian Bureau of Statistics shows there were 88 509 tradespersons in South Australia. Excluding apprentices it is estimated that up to 33 000 of these persons do not hold formal trade qualifications and of these some 18 000 are employed in trades not covered by the existing Tradesman's Rights. This Bill will enable the training system in South Australia to respond to such needs. In addition this Bill will pave the way for this State to respond to other national initiatives in the training area from which South Australia would be excluded under present legislation.

A number of industry sectors are currently undertaking major reviews of award structures to provide a closer link between training and skill development and career paths through the industry. This includes the metals, electrical and hospitality sectors. In March, 1988 the National Tourism Industry Training Committee released a 'Proposal for Nationally Consistent Formal Recognition of Experienced Cooks'. One of the major aims of the proposal is to 'establish a nationally consistent quality-based criterion for the recognition of experienced but unqualified cooks which is accepted nationally by State TAFE and training authorities, employers union and individuals'. Without the proposed amendment to the Industrial and Commercial Training Act, South Australia will be unable to participate in this important development for this and other sectors of industry and commerce.

This Bill, contains the necessary provisions to enable the administration of training arrangements to keep pace with training developments in industry. The dramatic downturn in trade training activity in the early 1980's, has been reversed. If we are to continue to encourage the growth of employment and training in this State; if in the long-term we are to strengthen our skilled labour supply as the basis for a vigorous and thriving South Australian industry in the national and international marketplace, we must continue to adapt. Last year in 1987 the number of apprentices in training in South Australia increased from 10 396 to 11 236. This was double the increase of the previous year and the highest level since 1981. Traineeships over the past year had a much more dramatic increase, as mentioned earlier.

The effect of this Bill will be to empower the Industrial and Commercial Training Commission to extend the full scope of training arrangements to traineeships under the Australian Traineeship System, with the consensus and the support of industry. This Bill will empower the Training Commission to issue certificates of recognition to appropriately skilled persons, in accordance with the spirit and intent of the Hairdressers Act 1988—once again with the consensus and support of the industry. The Bill will enable the Training Commission to respond to the needs of industry and the workforce by recognising much needed trade standard skills acquired outside this State's formal training system, either overseas or informally within Australia.

In short, this Bill empowers and enables the Training Commission to carry out its responsibilities in the manner which is expected, providing the flexible administration which is appropriate to the everchanging industrial environment. The Bill is commended to the House.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation.

Clause 3 amends section 14 of the principal Act which sets out the functions of the Industrial and Commercial Training Commission. The clause amends paragraph *(b)* of subsection (1) which provides that the commission has the function of inquiring into, keeping under review and report-

ing to the Minister on the systems and methods of apprenticeship training. The clause rewords this provision so that it relates to all training for trades and declared vocations whether or not by way of apprenticeships. The clause also adds to the specific functions of the commission the function of assessing by such means as it thinks fit the competency of persons who have acquired qualifications or skills otherwise than through programs of training determined by the commission and, where appropriate, issuing certificates recognising such qualifications or skillls.

Clause 4 amends section 17 of the principal Act which sets out the functions of training advisory committees. The clause amends the section so that it refers specifically to declared vocations other than trades.

Clause 5 amends section 21 of the principal Act which contains the basic provisions relating to contracts of training. The clause amends subsection (1) (which prohibits an employer from undertaking to train a person in a declared vocation except in pursuance of a contract of training) so that the subsection applies only to delcared vocations that are trades. The clause inserts a new subsection designed to make it clear that an employer may (although not required to do so) undertake to train a person in declared vocation (other than a trade) under a contract of training. The clause amends subsection (10) which presently fixes an initial probationary period of three months for every contract of training so that different probationary periods may be prescribed by regulation for different trades or other declared vocations.

Clause 6 amends subsection (3) of section 25 of the principal Act which presently provides that time spent attending an approved course of instruction for the first time is to be counted for the purposes of determining the wages payable to the apprentice or other trainee. The clause rewords this provision to make it clear that where an apprentice or other trainee attends an approved course of instruction previously undertaken by that person, the time spent reattending the course need not be counted for the purpose of determining the person's wages, but with that exception, the time spent attending or reattending such a course is to be treated for all purposes as part of the person's employment.

Mr S.J. BAKER secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 3)

The Hon. G.F. KENEALLY (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Road Traffic Act 1981. Read a first time.

The Hon. G.F. KENEALLY: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The principal object of this Bill is to make some minor but significant changes to the seat belt legislation as it applies to children. First, the Bill extends the application of the seat belt provisions so as to require children in the one to under 10 age group to wear a suitable child restraint or a seat belt (if fitted) when travelling in a passenger car manufactured before 1 July 1976. Existing legislation does not do this, as those vehicles are not required by law to be fitted with upper anchorage points for child restraints. However, it is considered that children in that age group should be wearing a seat belt (where seat belts have been fitted) if a child restraint is not available. Even at the age of one, a child is safer in a seat belt than in no restraint at all.

The second amendment to the seat belt provisions applies to passengers from 10 years of age and over. The Act currently requires such a passenger to wear a seat belt if one is available in the same row of seats. In other words, a passenger in an early model vehicle with seat belts fitted only in the front row of seats could travel unrestrained in the back seat. With children under 10, a seat belt must be used if available, whether in the front or rear seat, so, to be consistent, the Bill proposes amendments deleting reference to using a seat belt in the same row of seats for passengers aged 10 or more. This is a further step forward in simplifying the seat belt laws. The relevant section has been partly redrafted so that hopefully the community at large will have a better understanding of the requirements of the law regarding seat belts and children. The Bill also contains several other minor amendments.

A definition of 'pedestrian' is proposed as including persons confined to wheelchairs. At present the Act requires the driver of a vehicle approaching a pedestrian crossing or when turning left or right at an intersection to give way to pedestrians. It is considered necessary to put it beyond doubt that a person in a wheelchair has the rights of a pedestrian when crossing a road, whether the wheelchair is motorised or manually operated.

In 1984, an amendment was made to section 40 of the Act to enable road making vehicles to—

- drive or stand on any side or part of a road
- pass another vehicle on a specified side
- make right turns from any position on a road.

At the time, the understanding was that road making included road maintenance. However, a subsequent opinion from the Crown Solicitor advised that if road maintenance vehicles were to be included an amendment to the Act would be necessary. The Bill accordingly seeks to resolve this matter.

Clauses 1 and 2 are formal. Clause 3 inserts a definition of 'pedestrian' which clarifies that a person in a wheelchair is a pedestrian. This is relevant for those provisions of the Act that spell out the duties of drivers in relation to pedestrians on the roadway. Clause 4 makes it clear that road making vehicles as well as road maintenance vehicles are exempt from the provisions of the Act set out in section 40.

Clause 5 deletes reference to vacant seats in the same row of seating positions from the provision dealing with adult passengers, and recasts the provisions relating to the wearing of seat belts by children. New subsection (2) applies to all children between the ages of 1 and 16 (i.e., one or more but under 16) who are passengers in motor cars that are equipped with seat belts or child restraints. The effect of the provision is that, if there is a vacant seat in the car that is equipped with a seat belt or child restraint, the child must sit in that seat and wear the belt or, if the restraint is suitable for the child's age and size, use the restraint. A child using a belt or restraint must have it adjusted properly. New subsections (3) and (4) apply to children under the age of 1 year. The effect of these provisions is that if there is a vacant seat in the car, the child must occupy it and must be in a child restraint suitable for the child's age and size. It should be remembered of course that the driver of the car is the one guilty of an offence if subsection (2) or (3) is breached.

Mr INGERSON secured the adjournment of the debate.

TRUSTEE COMPANIES BILL

The Hon. G.J. CRAFTER (Minister of Education) obtained leave and introduced a Bill for an Act to consolidate and amend the law relating to trustee companies and to repeal the ANZ Executors & Trustees Company (South Australia) Limited Act 1985, the Bagots Executor Company Act 1910, the Elders Executor Company's Act 1910, the Executors Company's Act 1885 and the Farmers' Co-operative Executors Act 1919. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The purpose of this Bill is to replace the five Acts currently regulating the activities of corporate trustees and executors in South Australia with a modern enactment of general application. Special legislation is necessary to enable corporate trustee companies to act as executors and trustees on a substantial commercial scale. In South Australia there are presently five such companies operating:

Executor, Trustee, and Agency Company of South Australia Limited
Elders Trustee and Executor Company Limited
Farmers' Co-operative Executors and Trustees Limited
Bagots Executor and Trustee Company Limited
ANZ Executors & Trustee Company (South Australia) Limited

Each of these companies is authorised to operate as a corporate trustee and executor by its own separate Act of Parliament.

When Perpetual Trustees Australia Limited and National Mutual Trustees Limited applied to be authorised to act as corporate trustees and executors in South Australia, consideration was given to enacting special enabling Acts for each company. However, the Government decided that the preferable course was to enact one Act of general application to regulate the operation of all companies authorised to act as corporate trustees and executors.

The companies authorised to operate as corporate trustees and executors are listed in schedule 1 of the Bill. Those so authorised are the five existing companies together with ANZ Executors & Trustee Company Limited, National Mutual Trustees Limited and Perpetual Trustees Australia Limited.

Following the deregulation of the financial market, with banks and other bodies seeking to provide a wide range of financial services, it is reasonable to assume that there will be an increasing number of companies wishing to offer corporate trustee and executor services to their clients and to the public of South Australia. Accordingly, provision is made in the Bill for companies to be authorised to act as corporate trustees and executors by regulation. Companies which apply to be authorised to act by regulation will be subject to exactly the same rigorous vetting as have companies who applied to be authorised by separate Act of Parliament.

Clauses 4 and 5 provide that trustee companies have the same powers as a natural person to act as executor, administrator, trustee, agent, attorney, manager or receiver. Clause 6 provides that trustee companies may act for children or persons who are unable to manage their affairs.

Clause 15 allows trustee companies to establish common funds. Clause 20 requires trustee companies to provide prospective investors in common funds with, *inter alia*, information about the fees charged by the company, the rights of investors and financial details of the fund. Trustee companies are not presently required to provide this information as regulations under s. 16 (1) of the Companies (Application of Laws) Act 1982 exempt Trustee Companies from complying with the provisions of Division 6 of Part IV of the Companies (South Australia) Code in relation to any right to participate or invest in any common fund.

However, if investors are to make informed investment decisions they need a certain amount of information to enable them to compare investment in a common fund with other forms of investment. It is considered that the amount of disclosure investors require varies with the type of investment and it is proposed to amend the regulations under the Companies (Application of Laws) Act to restrict the exemption only to common funds which invest in authorised trustee investments. Companies offering interests in common funds which are invested only in authorised trustee investments will have to comply only with the disclosure requirements in the Bill.

The Corporate Affairs Commission will be able to require appropriate disclosure requirements for other common funds according to the type of investment offered. This approach recognises the special nature of trustee companies, which under clause 15 hold money invested in a common fund on trust for the investor, while at the same time ensuring that investors are properly informed about investments they make. I commend this Bill to members.

Clause 1 is formal. Clause 2 provides that the measure is to come into force on a day to be fixed by proclamation. Clause 3 provides definitions of terms used in the measure. A trustee company is a company listed in schedule 1. Under the provisions of schedule 1, the list of trustee companies may be varied by regulation. Part II (comprising clauses 4 to 16) sets out the special powers of trustee companies, in addition to their powers as companies under the Companies Code.

Clause 4 sets out the powers of a trustee company to act as executor or administrator of a deceased estate. Under the clause, a trustee company is given the same powers as a natural person to act as executor or administrator and to obtain probate or letters of administration. A trustee company is, with the approval of the Supreme Court or the Registrar of Probates and the consent of the person entitled to probate or a grant of administration, authorised to apply for and obtain the probate or grant. A trustee company is, with the approval of the Court, authorised to act on behalf or in the place of an executor or administrator on a permanent or temporary basis.

Clause 5 provides that a trustee company has the same powers as a natural person to act as trustee, agent, attorney, manager or receiver. Clause 6 provides that a trustee company may act as guardian of a child or administrator, committee, guardian or manager of the estate of a person unable to manage his or her own affairs. Clause 7 provides that a trustee company may be respresented by an officer of the company when making an application or acting in any capacity authorised by the measure. An affidavit, declaration or statement may, under the clause, be made on behalf of a trustee company by an officer of the company.

Clause 8 provides that a trustee company may be appointed to act in any capacity jointly with another person or, with the consent in writing of such other peson, to act alone. Under the clause, the person consenting to the company acting alone is exonerated from liability for any subsequent dealing with the property held or controlled jointly.

Clause 9 regulates the commission that may be charged by a trustee company against an estate committed to its administration or management. The commission is not to exceed 7.5 per cent of income received on account of the estate and 6 per cent of the capital value of the estate. Clause 10 authorises a trustee company to charge a commission not exceeding one-twelfth of one per cent of the value of any perpetual trust administered by the company for each month of the company's administration of the trust.

Clause 11 regulates the additionl remuneration of a trustee company in respect of its administration of an estate. This may include charges for disbursements, fees for preparation and lodging of tax returns and any alternative or additional fee or commission specially authorised by the original instrument of appointment or the beneficiaries of the estate, or, where the company is authorised or required to carry on a business or undertaking, by the Supreme Court. A trustee company's remuneration for administering an estate is restricted by the clause to the commission, fees and other remuneration allowed under the measure.

Clause 12 provides that the Supreme Court may, on the application of a person with a proper interest in the matter, reduce a trustee company's charges if it is of the opinion that they are excessive. Clause 13 provides that, subject to the terms of any relevant instrument of trust, a trustee company may invest money held by it in trust in a manner authorised by the trust, in an authorised trustee investment or in a common fund established by the company.

Clause 14 allows a trustee company to pool money from a number of estates and invest it together as one fund in one or more investments. This power is in addition to the powers of a company with respect to common funds.

Clause 15 provides for the establishment and operation of common funds by trustee companies. The class of investments in which a common fund may be invested is limited to that determined by the company prior to its establishment. The clause makes it clear that money not otherwise held in trust is, while invested in a common fund, held by the company in trust for the investor. Separate accounts must be kept showing the amount for the time being at credit in the fund on account of each investor. Income and capital profits and losses from operation of the fund are to be distributed proportionately between investors. Common funds must be valued at least monthly. The clause authorises a company to charge a management fee for each month of its management of a fund. In the case of estate money invested in a fund, the fee is limited to a maximum of one-twelfth of one per cent of the value of the fund attributable to investment of the estate as at the first business day of each month. Investors other than estates must be given not less than one month's notice in writing of any increase in management fees.

Clause 16 authorises a trustee company to hold or acquire its own shares or those of a related corporation as part of its administration of an estate. Such a practice might otherwise constitute a breach of the Companies Code. Part III (comprising clauses 17 to 25) deals with the duties and liabilities of trustee companies.

Clause 17 requires a trustee company to lodge periodic returns with the Corporate Affairs Commission containing information required under the regulations. Such returns may not be required more frequently than once every three months. They are to be available for public inspection.

Clause 18 provides that the Minister may require a trustee company to furnish information about its operations. Under the clause, the Minister may, if it appears necessary or desirable, order an audit of the company's account or a review of its operations or both. The clause confers powers necessary for the conduct of such a review or audit. The clause provides that, unless the Minister otherwise determines, the cost of such a review or audit may be recovered from the company.

Clause 19 requires a trustee company to keep proper accounts in relation to each common fund that it establishes, to cause the accounts to be audited at the end of each financial year by a registered company auditor and to send a statement of the accounts and the auditor's report to each investor other than an estate. The clause requires a trustee company to supply copies of the accounts, auditor's report and other documents laid before the company at its last annual general meeting to an investor in a common fund established by the company when requested to do so in writing by the investor.

Clause 20 requires disclosure of certain information relating to a common fund to each prospective investor in the fund. This requirement does not apply in relation to investment of estate money or in circumstances prescribed by regulation. The following information must be disclosed:

(a) the nature and the amount or rate of any fee that the trustee company charges in respect of investment in the common fund;

(b) the extent (if any) to which a capital sum invested may be reduced to defray losses from investment of the common fund;

(c) the class of investments in which the common fund may be invested;

(d) the rights of an investor in the common fund to withdraw all or part of the person's investment in the fund and the period of notice (if any) that the investor is required to give the company in respect of such withdrawal;

(e) the terms governing distribution of income and profit or loss of a capital nature attributable to each investment in the common fund;

(f) copies of the statement of accounts and auditor's report last prepared in relation to the common fund;

and

(g) copies of the accounts and auditor's report laid before the last annual general meeting of the company pursuant to the Companies (South Australia) Code.

Clause 21 makes it an offence punishable by a division 4 fine (a maximum of $15 000) if a trustee company makes a statement that is false or misleading in a material particular in any advertisement or notice that it publishes or issues in relation to a common fund. The clause would allow recovery of compensation for any resulting loss.

Clause 22 provides that a person with a proper interest in the matter may require a trustee company to provide an account in relation to an estate managed by the company. The company may charge a reasonable fee for providing such an account. If a company fails to provide a proper account, the Supreme Court may, on application, order the preparation and delivery of proper accounts or an investigation of the administration of the estate or both.

Clause 23 provides that where a trustee company is appointed or acts as executor, administrator or in any other capacity under the measure, the manager and directors of the company are individually and collectively responsible to the Supreme Court in the same way and to the same extent as if they had been personally appointed to act in that capacity.

Clause 24 provides that a trustee company appointed or acting as executor, administrator or in any other capacity

under the measure is to be subject to the same control by the Supreme Court as a natural person acting in that capacity and is to be similarly liable to removal by the Court.

Clause 25 empowers the Supreme Court to appoint an administrator to administer the affairs of a trustee company in so far as they involve the performance of fiduciary duties. Such an appointment may be made on the application of the Minister where it appears to the Court that proceedings have commenced to wind up the company, that the company is not in a position to discharge its fiduciary duties or that the company has committed serious breaches of its fiduciary duties such that the power to appoint an administrator should be exercised. Part IV (comprising clauses 26 to 31) deals with miscellaneous matters.

Clause 26 makes it an offence punishable by a division 4 fine (a maximum of $15 000) if a trustee makes or includes in any document required by or for the purposes of the measure any statement that is false or misleading in a material particular. Clause 27 is the usual provision for personal liability on the part of the manager and directors where a corporation commits an offence. Clause 28 provides certain evidentiary assistance to establish the capacity of trustee companies and their officers.

Clause 29 makes it clear that the provisions of the measure are in addition to, and do not derogate from, the provisions of any other Act and that nothing in the measure affects the rights or remedies that a person has apart from the measure. Clause 30 provides that offences against the measure are summary offences.

Clause 31 provides power to make regulations. Schedule 1, at clause 1, lists the companies that are trustee companies for the purposes of the measure. Clause 2 of the schedule provides that the Governor may, by regulation, vary the list contained in clause 1.

Schedule 2 provides for the repeal of the current executor company Acts. The schedule provides for the return within six months of the money or securities required under those Acts to have been deposited by the trustee companies with the Public Trustee in trust as security for the proper discharge of their duties.

Mr S.J. BAKER secured the adjournment of the debate.

LAW OF PROPERTY ACT AMENDMENT BILL

The Hon. G.J. CRAFTER (Minister of Education) obtained leave and introduced a Bill for an Act to amend the Law of Property Act 1986. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Bill makes two amendments to the Law of Property Act 1936. Section 40 is repealed and a new section 40 substituted. Subsection (1) allows a person to be a party to a contract or conveyance in two or more separate capacities, with the proviso that a contract cannot be validly made unless at least two persons are parties to it. This addresses the situation where a Trustee Company is appointed the Trustee of a deceased person's estate and one of the beneficiaries is also a Co-Trustee. The new section enables a beneficiary to contract with himself and the Trustee Company in granting an indemnity.

Subsection (2) states that such a contract or conveyance is enforceable as if different persons had entered into it in those separate capacities. Section 41 is repealed and new sections 41 and 41aa are substituted. These implement the recommendations of the Law Reform Committee's 77th Report. These were that delivery in its present form be abolished and replaced with a statutory code which would clarify the method whereby the execution of deeds could be suspended pending the fulfilment of a condition. Section 41 is a statutory code setting out the procedure of execution of deeds. Section 41aa sets out the procedure for execution subject to a condition.

Clause 1 is formal. Clause 2 repeals section 40 of the principal Act and substitutes a new provision to enable a person to enter into contracts in two or more separate capacities.

Clause 3 repeals section 41 of the principal Act and substitutes two new provisions. New section 41 sets out the rules that govern the execution of deeds. New section 41aa sets out the rules that govern the conditional execution of instruments (other than wills). Clause 4 makes the new section 40 retrospective to the commencement of the principal Act and provides that the new sections 41 and 41aa do not apply to instruments executed before the commencement of this Bill or alter the effect of any act or omission occurring before that commencement.

Mr S.J. BAKER secured the adjournment of the debate.

TRAVEL AGENTS ACT AMENDMENT BILL

The Hon. G.J. CRAFTER (Minister of Education) obtained leave and introduced a Bill for an Act to amend the Travel Agents Act 1986. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Travel Agents Act 1986 was passed on 4 March 1986 as part of a uniform scheme for the regulation of travel agents, which scheme included the participating States of New South Wales, Victoria and Western Australia. The Act came into operation on 23 February 1987, but the operation of sections 5, 7, 11, 21, 22, 23 and 24 was suspended until a date to be fixed by subsequent proclamation. Sections 7 and 11 came into operation on 1 July 1987. Sections 21, 22, 23 and 24 were not proclaimed to come into operation because they were inconsistent with the terms of the trust deed which regulated the Travel Compensation Fund created under the uniform scheme.

The sections were inconsistent because the Travel Agents Act was drafted prior to the settlement of the trust deed. The sections were consistent with a first draft of the trust deed, but the deed was subsequently altered. An amending Act was passed on 4 December 1986, but the amending Act had been developed before the trust deed was finally settled by the participating States. This amending Bill now seeks to bring the Travel Agents Act in to line with the trust deed. In addition, it incorporates some housekeeping amendments. In particular, section 26 is amended by deleting an unnecessary provision; section 29 is amended by allowing officers of the Commissioner for Consumer Affairs to investigate and report upon matters before the Commercial Tri-

bunal; and section 37 is amended by allowing the Commissioner for Consumer Affairs or the Commissioner of Police to commence proceedings under the Act without the consent of the Minister.

Clause 1 is formal. Clause 2 amends the definition of 'the compensation fund' to reflect that the fund is established under the trust deed rather than Part III of the Act. Clause 3 substitutes sections 20 to 24. New section 20 provides that a licensed travel agent must be a contributor to the compensation scheme established by the trust deed and that the agent's licence is cancelled if the trustees of the scheme determine that the agent is not eligible or is no longer eligible to be a contributor. New section 21 provides for an appeal to the Commercial Tribunal against such a determination of the trustees or against a conditional determination that a person is eligible, or is to remain eligible, to be a contributor.

Clause 4 amends section 26 of the Act by striking out subsection (2). The subsection is unnecessary having regard to the terms of the trust deed. Clause 5 amends section 29 of the Act. The amendment enables the Commissioner for Consumer Affairs and the Commissioner of Police to cause any person under their respective control or direction to investigate and report on matters as requested by the Registrar. Clause 6 amends section 37 of the Act. The current provision provides that only the Commissioner for Consumer Affairs, an authorised officer or a person acting with the consent of the Minister may commence proceedings for an offence against the Act. The amendment allows the Commissioner of Police or a member of the Police Force acting in an official capacity to commence proceedings.

Mr S.J. BAKER secured the adjournment of the debate.

MINING ACT AMENDMENT BILL

The Hon. J.H.C. KLUNDER (Minister of Mines and Energy) obtained leave and introduced a Bill for an Act to amend the Mining Act 1971. Read a first time.

The Hon. J.H.C. KLUNDER: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

Discussions with opal miners' associations over the past few years have resulted in agreement to vary the size of precious stones claims and to reduce the initial term of registration of a precious stones claim from 12 months to three months. Administrative difficulties exist both for the opal miner and the Mining Registrar in the renewal and surrender of consolidated precious stones claims. The amendments included in the Bill provide for an initial term of three months and repeal the provisions for consolidation. Introduction of a larger precious stones claim will be achieved by varying the regulations.

The existing Act provides for disputes relating to exempt land and compensation for damage to land arising from the conduct of mining operations to be determined by the Land and Valuation Division of the Supreme Court. This procedure can in some cases result in delays and significant cost to the litigants. The Chief Justice has agreed to jurisdiction in these matters being transferred to the Warden's Court where a claim does not exceed $100 000. This is the same limit placed on the Local Court of Full Jurisdiction. Claims exceeding $100 000 will be dealt with by the Land and Valuation Court. There will be a right of appeal to the Land and Valuation Division of the Supreme Court on any matter determined in the Warden's Court. These amendments will allow many matters to be dealt with speedily in the lower court.

The exempt land provisions, which prohibit the conduct of mining operations on exempt land until a waiver of exemption is negotiated, do not at present apply to operations conducted on a miscellaneous purposes licence. In some cases these can adversely affect adjacent land owners and it is proposed to provide the same benefit of an exemption as applies to prospecting, exploring and mining. Some of the present provisions relating to miscellaneous purposes licences are not consistent with those for mining leases and the Bill contains amendments to remedy this.

The Minister has the power to require a bond on a mining tenement as a guarantee against statutory liabilities and for rehabilitation of land disturbed by mining operations on the tenement. The penalty for failure to lodge a bond within three months of it being requested is prohibition of further operations or cancellation of the tenement. At present the Minister can only request a bond after a tenement has been granted. As it is possible for significant damage to be caused during the three months before action can be taken for failure to lodge a bond, the Bill provides powers for the Minister to require a bond to be lodged as a condition precedent to the issue of a tenement and, where a bond is requested on an existing tenement, for him to prohibit mining operations if the bond is not lodged within one month and to cancel the tenement if the bond is not lodged within three months of the request.

Procedural problems exist in the issue of a new lease to a party who successfully plaints the holder of a mining lease in the Warden's Court for forfeiture. The Bill provides for what is in effect a compulsory transfer of the lease under the same conditions for the remainder of the term of the forfeited lease. The remainder of the amendments are minor and address current administration and procedural difficulties.

Clause 1 is formal. Clause 2 provides for commencement on a date to be fixed by proclamation. Clause 3 inserts in section 6 of the principal Act a new definition 'the appropriate court' the effect of which is to give jurisdiction to the Warden's Court in matters relating to exempt land and compensation for damage arising from mining operations where a claim does not exceed $100 000 and the Land and Valuation Court where the claim exceeds that amount. The definition of 'owner' is amended so that the term is restricted to a person whose estate or interest in land is one that entitles the person to immediate possession of the land, who has the care, control management of the land by virtue of a statute or who is in lawful occupation of the land. The new definition will exclude persons such as mortgagees.

Clause 4 amends section 7 of the principal Act by substituting a new subsection (2). The new subsection omits specific reference to the Commissioner of Highways or councils but preserves the exemption formerly enjoyed by them by providing that the recovery of extractive minerals is not to be regulated by the principal Act nor is royalty to be paid for their recovery where the operations to recover extractive minerals are authorised by another Act. This will benefit bodies such as the E&WS Deparment but will limit the exemption to those activities that are specifically authorised by other legislation.

Clause 5 amends section 9 of the principal Act by inserting the word 'exploring' in the closing words of subsection (1) thus providing that exploring as well as prospecting and

mining are not authorised on exempt land until the exemption is waived. The amendment also provides that a mineral claim may be pegged out on exempt land without the need to first negotiate a waiver of exemption. Subsection (3) is amended by substituting 'the appropriate court' for 'the Land and Valuation Court' so that claims under that subsection will be dealt with by the Warden's Court where they do not exceed $100 000. For the same reason, subsection (3a) is amended by substituting for 'the Court' 'the appropriate court'. A new subsection is inserted extending the definition of 'mining operations' for the purposes of section 9 so as to include in that term any operations or activity for which a miscellaneous purposes licence may be granted.

Clause 6 amends section 19 of the principal Act by making it clear that a private mine is not exempt from provisions of the principal Act which specifically apply to a private mine or the operation of a private mine. The main purpose of this amendment is to allow the provisions of section 76 of the principal Act relating to production returns to apply to a private mine.

Clause 7 amends section 44 of the principal Act by revoking subsections (3), (4) and (5) and by substituting a new subsection (3). The new subsection provides that a person cannot be the holder simultaneously of more than one precious stones claim and repeals the provisions whereby it was lawful for persons to consolidate claims with those of up to three other persons. This has the effect of repealing the provisions for the consolidation of precious stones claims while retaining the present restriction on a person from holding more than one precious stones claim at a time.

Clause 8 amends section 46 of the principal Act and provides that a precious stones claim must initially be registered for three months and thereafter annually. A new subsection is inserted providing for the surrender of a precious stones claim.

Clause 9 inserts a new section that makes it an offence for a person, not having lawful authority or excuse, to enter or remain on land, the subject of a precious stones claim, without first obtaining the consent of the owner. Police officers and others acting in the course of carrying out official duties are not affected by the section. The section is not intended to affect civil liability.

Clause 10 amends section 52 of the principal Act and removes the obligations of the Minister under subsection 52 (2) to give notice of an application in the *Gazette*. This provision is inserted through clause 11 in section 53 of the principal Act in an amended form. New subsections (5), (6) and (7) are inserted to make the provisions for miscellaneous purposes licences in respect of area and rental the same as those for mining leases.

Clause 11 substitutes a new section 53 and repeals procedural matters relating to applications for miscellaneous purposes licences and introduces similar requirements to those presently applying to mining leases under sections 34, 35, 35a and 36 of the principal Act.

Clause 12 substitutes a new section 57 which will allow a person to enter any land, including exempt land, for the purpose of pegging out a claim but retains the present restriction on entering exempt land for prospecting, exploration and mining until the exemption has been waived.

Clause 13 amends section 61 by substituting in subsections (3), (4) and (5) the 'appropriate court' for the 'Land and Valuation Court' thus enabling the Warden's Court to deal with claims under those subsections where those claims do not exceed $100 000.

Clause 14 amends section 62 of the principal Act enabling the Minister to require an applicant for a mining tenement to enter into a bond. A new subsection (3) is substituted giving the Minister the power to prohibit mining operations if the requirement to enter into a bond is not complied with one month from the time allowed for compliance and to cancel the mining tenement if it has not been complied with within three months.

Clause 15 inserts a new section 66a that provides for cases of unusual difficulty or importance to be removed from the Warden's Court into the Land and Valuation Court. Either court may make the order removing the case into the Land and Valuation Court and where a case is removed into the Land and Valuation Court that court may exercise any of the powers of the Warden's Court in relation to that case.

Clause 16 amends section 69 of the principal Act by substituting subsection (3a). The new subsection provides that where an application for forfeiture of a mineral claim or precious stones claim has been made the claims cannot be surrendered nor will they lapse until the application has been determined.

Clause 17 amends section 70 of the principal Act by substituting new subsections (3) and (4) for subsections (3), (4) and (4a). The effect of the amendments is to allow a forfeited lease to be transferred from the Crown to the applicant without the applicant making a separate application and such transfer is to be for the balance of the term of the lease.

Clause 18 adds a new subsection to section 76 of the principal Act the effect of which is to place on the operator of a private mine the same obligations relating to returns as are placed on the holder of a mining tenement by section 76 of the principal Act.

Clause 19 amends section 80 of the principal Act by including in subsections (2) and (3) a reference to a miscellaneous purposes licence. This will enable a miscellaneous purposes licence to be granted in respect of land that is already subject to a mining tenement.

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

SUMMARY OFFENCES ACT AMENDMENT BILL (No. 2)

The Hon. J.H.C. KLUNDER (Minister of Mines and Energy) obtained leave and introduced a Bill for an Act to amend the Summary Offences Act 1953. Read a first time.

The Hon. J.H.C. KLUNDER: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Coober Pedy Miner's Association Incorporated has expressed concern about the dangers to which tourists to the opal fields may be exposed by wandering at large on land that is the subject of precious stones claims. The association, on behalf of its members, fears that such persons may suffer injury as a result of coming into contact with explosives or dangerous machinery or by falling down shafts. The likelihood of such accidents occurring is increased where such persons wander about, as they do, during the hours of darkness.

It is proposed to tackle the problem by inserting a section in the Mining Act 1971, that will make it an offence for a person to enter or remain in land that is the subject of a

precious stone claim. In the event of such a provision becoming law the need for the provisions contained in section 18a of the Summary Offences Act 1953 will no longer be required. It is hoped that this Bill and the Bill to amend the Mining Act 1971 will become law at the same time.

Clause 1 is formal. Clause 2 provides for commencement on a date to be fixed by proclamation. Clause 3 provides that section 18a of the principal Act will be repealed.

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

SUMMARY OFFENCES ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Road Traffic Act 1961 contains a number of offences dealing with the loading and size of vehicles. Section 64 of the Summary Offences Act 1953 already allows for expiation of prescribed offences under the Road Traffic Act 1961 by virtue of the traffic infringement notice scheme. Currently, vehicle overloading offences are not prescribed.

The provisions of the Road Traffic Act are enforceable not only by a member of the Police Force but also by an inspector appointed under the Road Traffic Act 1961. However section 64 of the Summary Offences Act 1953 is only administered by members of the Police Force. Therefore, to widen the scope of its administration, inspectors are to be included by way of amendment (for the purposes of the enforcement of specified sections of the Road Traffic Act 1961). Consequential amendments are also to be made (e.g., whereby the Commissioner of Highways, as well as the Commissioner of Police, may exercise various functions under the Act in respect of expiation of relevant offences).

Once this Bill is passed, the regulations under the Summary Offences Act 1953 will need to be amended to pick up the offences under the relevant sections of the Road Traffic Act 1961. As well, the expiation notice will need to be amended to reflect the new arrangements.

Various cost-savings will arise under this measure. For example, in the 1986-87 financial year 2 622 vehicle overload cases were prosecuted before the courts. The average fine levied on successful prosecutions was in the vicinity of $320. It is proposed that only overloads up to 2 tonnes will be expiable. In 1986-87 the number of prosecutions for this category of offences was 1 200 (i.e., nearly 50 per cent of all overload prosecutions). For overloads in excess of 2 tonnes, prosecutions will continue to be the proper course of action as is the present situation.

Cost-savings will be seen in the following areas: issue and service of summons; court fees and costs; cost of time, involvement and travel of departmental officers in investigating offences and getting matters up for the purposes of court hearings.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 amends section 64 of the principal Act. New definitions of 'appropriate authority' and 'inspector' are to be inserted. New subsections (2) and (4a) will allow a traffic infringement notice to be issued by an inspector under the Road Traffic Act 1961 where the alleged offence is a specified offence against that Act. A traffic infringement notice will be able to be withdrawn by the Commissioner of Police where a member of the Police Force issued the notice and by the Commissioner of Highways when an inspector issued the notice.

Mr S.J. BAKER secured the adjournment of the debate.

ADOPTION BILL

Adjourned debate on second reading.

(Continued from 8 September. Page 752.)

The Hon. J.L. CASHMORE (Coles): The issue of adoption has been canvassed very extensively in this Parliament in recent times, although it has not been canvassed in this House. In the intervening period between the introduction of the Adoption Bill over a year ago and the introduction of the Bill which we are considering today there has been a select committee and a change of Minister. I commend to members the speech of my colleague the Hon. Diana Laidlaw in the Legislative Council on 8 October 1987 in which she canvassed extensively and with her customary meticulous attention to detail the history of adoption in South Australia and indeed in other States, with particular reference to its sensitivity, the critical issues which were and are to be considered in amending legislation.

I believe that members will agree that that speech is one of the most thorough and perceptive analyses of the issues which one could hope to find. I would like to pay tribute to the Hon. Diana Laidlaw because I believe that the outcome of the select committee and therefore the significant content of this Bill is to a large extent due to her advocacy for a course of action which the previous Minister refused to countenance but which the select committee acknowledged was in the best interests of the community.

I refer particularly to the modifications placed in this Bill as a result of the select committee deliberations. In particular, recommendation No. 11 of the select committee stated:

> That adult adoptees and birth parents be given the power of veto under which they can place restrictions on the release of identifying information.

In her speech more than a year ago and in the policy paper which was released on behalf of the Liberal Party Ms Laidlaw drew attention to the fact that, whilst secrecy under the existing Act remained only an option, in practice it became the standard. Therefore even in parent/spouse adoptions almost all records pertaining to the identity of the birth parents have been sealed whilst no application to the court to open the records has been successful to date even though there is provision for such application under the existing Act.

In effect, the contracts became binding for life and denied for a lifetime a person's right to know his or her identity. This question of identity became an overwhelming and overriding one for many people and all of us have no doubt read and been touched by the stories of individuals, both adoptive children and adopting parents, and the way this process of adoption has affected their lives. On the one hand, the parents, notably the mother, long to know the identity of a child with whom they parted at birth and, on the other hand, there are the mothers who wish to retain confidentiality for a variety of reasons, most of which relate to shame at what was then identified as illegitimacy and a matter for shame. There are also the children who have

been adopted, who rejoice in the identity of their adoptive family, but nevertheless they yearn to know something of their natural birth origins.

The policy paper released by the Liberal Party states:

> Some 20 years after the introduction of secrecy provisions, many adopted children, now adult adoptees from all types of family situations, have formed a strong urge to discover more about themselves. It is apparent also that many birth parents, especially relinquishing mothers, have not ceased their interest in the child with the signing of an adoption order.

The point is made that these findings have been reinforced at each of the three Australia-wide adoption conferences where resolutions were passed in 1976, 1978 and 1982 supporting the right of adopted adults to retrospective access to a copy of their birth certificates.

The original Bill introduced by the Hon. Dr Cornwall was preceded by a working party during which time the Liberal Party conducted its own review of policy, consulted very widely and came to conclusions which have been substantially adopted by the select committee. However, there are two matters in which the Opposition differs from the Government in terms of the enactment of this legislation.

First, we believe that the definition of a 'marriage relationship' should not be 'the relationship between two persons cohabiting as husband and wife or *de facto* husband and wife'. We believe that the most appropriate, indeed ideal, situation for an adoptive child is adoption into a family where the parents have made a legal commitment to each other and where that commitment has been embodied in a marriage contract. I can hear the Minister murmuring that the quality of the relationship is important. That is undeniable, and it is of course paramount. However, if one has to make decisions on behalf of the community (because it is the community ultimately that is affected by these laws which govern families), one must adopt the criteria which are generally accepted and have been proven over time to be worthwhile.

No-one can deny that marriage alone or a marriage certificate as such does not guarantee a stable relationship. It is abundantly clear that it does not, but it gives (and the Institute of Family Studies has researched and confirmed this) the most satisfactory affirmation that one can obtain without going into quite impossible investigations of people's private lives. It gives the most satisfactory guarantee, accepted by the community, that two people have committed themselves to each other for life and wish to rear and raise a child in that framework. A *de facto* relationship gives no such guarantee. Whatever its quality, it remains inconclusive in that there is no legal commitment.

We are talking in this Act about a number of stringent statutory requirements, yet the Government proposes to omit from the legislation the requirement that the Opposition and I regard as being fundamental to the welfare of a child, namely, an understanding that the child will be taken into a family where the parents have made a legal commitment to each other. There are some among my colleagues who feel so strongly about this that their whole view of the Bill is coloured by their attitude to this fundamental provision. We would not want to see the Bill lost for what are probably irreconcilable differences between the Government and the Opposition on this issue, but we most strongly affirm our belief that children should be adopted into a family where the parents are married, as we believe that that commitment represents the best possible framework for the bringing up of a child.

We have other concerns, which will be raised in Committee, relating to the required constraints, in terms of accountability, upon the release of information to adopting parents or an adopted son or daughter over the age of 18 years if the department differs in terms of the appropriateness of the imposition of the power of veto. It is very serious indeed for the personal wishes of individuals in family relationships to be overridden by people representing the Government. The seriousness of that, we believe, needs a greater accountability than provided by the Bill. In Committee we will seek to amend that clause of the Bill which provides for the Director-General to have considerable power in terms of influencing events when the power of veto has been invoked and when the opinion of the department is contrary.

In paying tribute to my colleague, the Hon. Diana Laidlaw, I do not for one moment overlook the considerable contribution of an enormous number of individuals and groups in the deliberations on this Bill, its predecessor, the working party report, and our own Party's position. The time that has been taken on consideration of the Bill is quite appropriate in terms of the fundamental change from the present policy enshrined in legislation. It is fair to say that adoptive parents, relinquishing parents and adopted sons and daughters are anxiously awaiting the passage of the Bill and want it passed with all possible speed. With those qualifying comments, I indicate that the Opposition supports the Bill but will be moving fundamental amendments in Committee.

Mr DUIGAN (Adelaide): I support the second reading of this important piece of legislation. It is important for a number of reasons, the first and perhaps the most important being the rights of those people, whether children or those who have reached their majority, who were adopted. The rights that this Bill provides to these people are rights that they have long been without but deserve. Those rights have caught up with the nature of the society in which we operate. As both the select committee report and the Minister in the second reading explanation stated, no longer is adoption and its consequences a taboo or embarrassing subject. There have been significant changes in attitudes towards the family, marriage, remarriage and the variety of ways of bringing up children in different family situations. As families are formed and reformed, and as the child rearing habits of our community and the way we deal with each other in personal family situations has changed, so the law governing one of the aspects of family relationships, namely, adoption, has fallen out of kilter with the way in which society operates.

This Bill catches up with the way in which society has been operating in a family and interpersonal way. In so doing it provides rights to relinquishing parents, adoptive parents and others involved in the adoption process. That is one of the first and most important reasons why I am happy to support the second reading of this Bill.

Secondly, this Bill is important because it is a result of an extensive public debate throughout South Australia. The debate in South Australia is probably not terribly different from the debate in other jurisdictions where changes have also been made to the adoption laws. Three situations are referred to in the select committee report, namely, Victoria, Western Australia and New Zealand. Happily, South Australia is now able to join those other jurisdictions in having a set of adoption procedures and principles that are fair, reasonable and beneficial to those involved.

In stating my second reason for supporting the Bill, namely, the process of public consultation, I pay tribute to the many people who provided written submissions and gave verbal evidence to the committee. Twenty-nine witnesses appeared before the select committee and 55 separate written submissions were received. That is a large number of submis-

sions and witnesses involved in a public policy process. Many of those people were relinquishing parents, adoptive parents or adoptees. Various petitions were lodged with the committee and the Parliament on the need for change to the adoption legislation, again indicating a depth of support for amendment of the adoption laws in South Australia. Some of the most important contributions to the select committee were from the Australian Relinquishing Mothers Society, Jigsaw and the Parents of Adoptees Support Group.

These voluntary community organisations have had extensive experience of the individual circumstances of a number of people at each of the stages of the adoption process. They have developed not just a wealth of experience in these matters but an extraordinary degree of compassion for what is often a traumatic experience for people involved in this process. I want to thank all the individuals and organisations that have made a contribution to the public debate.

I also want to acknowledge the work done by the Chairman of the select committee, John Cornwall, and the other members, the Hons Gordon Bruce, John Burdett, Michael Elliott, Anne Levy and Diana Laidlaw. All members of the committee in their own individual ways have made a contribution to the select committee report and to the form of the Bill that we now have before us. No one individual has made more of a contribution to the development of this legislation than any other. There have been some differences of opinion on one or two matters, but there was no disagreement at all in relation to the substantive matter involved, namely, the need to inscribe in legislation guaranteed rights and principles to guide the adoption process. I think that that is a significant factor in the way in which we ought to debate this Bill.

We are dealing with circumstances involving personal relationships, often involving tragedy and trauma. There is undoubtedly also joy but, nonetheless, we are dealing with human relationships. We are not dealing essentially with a political reality here; we are simply ensuring that the public process responds and is able to provide protection for those people who find themselves involved in the adoption process.

Adoption is about the needs of children for a secure, loving and nurturing environment in which to grow up and a family in which they feel they can belong for a lifetime. That sentiment is expressed in both the Minister's second reading explanation and the select committee report. I think all members of this House would be more than happy to endorse that sentiment. The general principles upon which the clauses of the Bill are based pick up that general sentiment and, in 14 separate ways, give various effect to that general sentiment.

I want to refer particularly to three of the 14 principles referred to in the Minister's second reading explanation. I think it is important to recognise the principal thrust of the Bill and the whole process. The main principle of the 14 that are involved in this whole process is that children are best cared for in a permanent family environment. The committee endorses that principle and it is one that I hope the Parliament supports. There is no question that where at all possible a family environment is one in which children are best able to develop relationships that will be so much a part of their personal, community and social development in later years. It is in a family environment that children are best able to develop to their full potential in educational and social terms and in a whole variety of other ways. That principle is sacrosanct: it is the pivotal point on which the whole of the Bill is based.

I want to comment on two other matters that are identified in the second reading explanation of this Bill. The third general principle referred to is as follows:

> In all matters relating to the placement of a child outside the care of the child's own parents, the best interests of the child should be paramount.

So, this now moves to the interests of the child. Firstly, there was the primacy of the family in trying to provide a caring environment for raising a child. Secondly, we must consider the needs of the child and to ensure that the social, emotional, and a range of other human needs that will be confronted by the child are held paramount in the placement of a child into an appropriate family situation.

The next point which is important to acknowledge is that in South Australia we must try to move to a situation where the adoption rules that apply here are as far as possible similar to the procedures that apply in other jurisdictions. There is a great deal of mobility in the Australian community. It is important, therefore, to ensure that, as individual members of a family and, indeed, children move from one State to another, they are able to feel that the rights they were originally granted in one State will prevail in another. The Bill picks up this very important point. It will ensure that the South Australian system and process of adoption will fit in with what has been accepted increasingly in the other States.

That point is particularly important in respect of some of the other features of the Bill. One of the features that I want to comment on particularly concerns the matter of openess in future adoptions. This relates to the rights of the relinquishing parents, the adopting parents and also the adoptees. This Bill will give people a security of identity; it will give them a feeling that they belong somewhere in the world. As explained in evidence that was given to the select committee by Jigsaw, the Relinquishing Mothers Society and other organisations, there is no point in trying to hide who a child's natural parents are. There will always be a natural curiosity as to who one's genetic parents are.

Mr S.G. Evans: Not always.

Mr DUIGAN: Not always—and, in fact, in this Bill we have been able to pick up the point that, on very rare occasions, that desire will not exist, there will not be that curiosity, or that curiosity might exist on the part of the adopted child, while the relinquishing parents might not be curious at some future stage. The Bill recognises that point in terms of the rights of the adopted child as well as the relinquishing parents: both parties have right of veto on information made available until a child reaches his or her majority.

Evidence given to the select committee indicated that people in this category constituted less than 5 per cent of all those involved in adoption. So, it is a very small proportion; nonetheless, it is important to recognise their wishes, and certainly the Bill does that.

The statement made by the Opposition spokesman on this Bill (that this was a principal feature of the contribution of a Liberal Party member on the select committee) is in fact not true. Major contributions have been made by many other people on the inclusion of the right of veto in this Bill, and the fact that it was Liberal policy is absolutely irrelevant to the general process. This argument was put by many people in the process of public debate and consultation. It was a point made by many participants in the public debate process and it is included in the Bill to ensure that the rights of a minority of people who wish to exercise that veto are acknowledged. Indeed, by having it picked up in the Bill, the Government is acknowledging that it is an important part of the whole process and it shows that the Government is not trying to deal with all adoptees, all

relinquishing and all adopting parents in exactly the same way.

As the Bill indicates, there is a difference in the Australian community and a difference in the way in which people will approach this process and it is important that those differences in approach are recognised. One such difference concerns a minority of people and the degree of information that they want provided at certain stages of that process.

The Bill goes on to deal with the issue of single parent adoptions. It is important to note here that the Bill as it is currently framed in terms of the attitude that it expresses, and the guarantees it wishes to ensure in respect of first, the welfare of the people and, secondly, the future nurturing that would result from a child's being placed in that circumstance is no different from the principles embodied in other adopting processes. Indeed, there is no significant change in that regard. It does not happen in most cases that adoptees are put into a single parent environment, but on special occasions this has happened in the past. On occasion it is most appropriate for a child to be placed in the care of a person who for some reason has no partner, and those circumstances will continue to recur as they recur in other conventional situations where, for reasons concerning trauma or tragedy, one parent is taken away from the family environment or dies and the child continues to live in a productive, loving and supportive family environment of only one parent.

Similarly, therefore, in the same way as a single parent family is deprived of one of its members but continues to provide a caring and supportive family and emotional environment, there is no reason why someone cannot be adopted into a similar situation. Again, in that respect the situation has not changed and should not change. Parliament should not prevent people previously able to adopt children from being able to do so in future.

There are other fine matters picked up in the Bill and I conclude by saying that I believe that the contributions of all the members of the select committee were important, but especially the contribution made by the Chairman when picking up the arguments put forward to modernise this adoption legislation. As a former Minister of Community Welfare, the Chairman's contribution was outstanding and he will be remembered for what I believe is a far sighted and major Bill which the new Minister of Community Welfare now has the privilege and opportunity of taking through the Parliament.

Mr LEWIS (Murray-Mallee): At the outset, I place on record my belief that over the years, until recently, much valuable albeit illegal work was done by organisations such as Jigsaw in helping people find their natural parents where curiosity was aroused. The Relinquishing Mothers Society also played some part in that process. Recent changes to the law, as well as changes in this Bill, make it simpler for that compassionate exercise of the provision of information to people who are sincerely curious and who thereby satisfy themselves on their roots.

However, the Bill goes too far in that direction because it not only enables adoptees or relinquishing parents to find each other where they wish to: it almost makes it impossible for anyone to conceal his or her identity in the situation where that is desired, and that is regrettable.

To my mind the previous system whereby the Supreme Court had to intervene to make it possible was a little draconian where both the adoptee, having reached adult status, and the relinquishing parent wished to contact each other. However, we now have a situation whereby, if adoptees, the relinquishing parent, or indeed the parents who have provided the adoptee with a home are opposed to the disclosure of identity until the adopted child attains the age of 18 years and becomes an adult, they may find themselves confronted with a situation where their wish to retain their anonymity is sorely abused by the Director-General.

The law now permits the Director-General to disclose that information even though an objection has been lodged by any of the parties. This Bill, however, will make it possible, even after objections have been lodged, for the Director-General to make such a disclosure, and I believe that that is bad. In my judgment, at least all parties should consent and the person ultimately giving the sanction for the information to be shared should be the Minister, because the Minister is accountable to this place whereas the Director-General can thumb his or her nose at this place and get away with it.

Therefore, it is not appropriate to have the Director-General in a role where he or she can remain aloof from or indifferent to opinions expressed in this Parliament about the Director-General's behaviour and the conduct of responsibilities in office. It should therefore be the Minister, and in those circumstances where there is still some reservation about disclosing the identity of the unidentified party or parties even after counselling, the power of veto should remain. It should not be possible to compel people who have agreed to an arrangement to break their understanding of such an arrangement.

This is retrospective legislation, and I believe that that is bad legislation. It is the sort of legislation that we are seeing more of these days as people from both sides of politics with stronger leanings to the left in social legislation ignore the sound basis on which civilisation has been established. That has happened in less than 200 years and the conventions that have made it possible for us to develop a civilised society in which we can divert our attention from the emotionally traumatic experiences of being orphaned, dispossessed, or called a bastard or illegitimate, and so on, are only recent phenomena.

They arise because of our adherence to the model of the stable double parent family or at least, after careful scrutiny, the acknowledgment that single parents can provide the caring, nurturing home environment necessary for their children. This is a recent phenomenon, and it is not appropriate for us in this place to take it for granted as it seems leftist thinking people do.

In my judgment, the Government of the day cannot replace individuals in any sense and it is not appropriate for citizens to expect the Government to accept responsibility for them from the cradle to the grave. If we as a society wish to remain free, individuals must accept responsibility for themselves. The extent to which we delegate responsibility to a Government is the same extent to which we give the Government our freedom. If we give away our freedom, because we give away our responsibility, then we are hastening in that general direction of creating Big Brother, with the Government knowing all, being all wise, and determining to whom we can relate, how much money and other resources, such as dwellings, etc., we can have, and how many (if any) children we can have, in what circumstances we will be allowed to have them, and what will happen to them and us during the course of our lives. That is just plain bloody stupid.

It does not make me any happier to have to draw attention to the fact that many people think that Government servants can do what has only recently been achieved by the family unit in the past 150 years or so. Government servants working 9 to 5, however well-intentioned, will never be as successful. The Israeli experiment—if we want

to call it that—proves my point. The number of people who have become members of the group—those who behave in aberrational terms in society, in an anti-social fashion, coming from that group of children that was nurtured, so-called, in the child-care situation of the kibbutz—is very much higher than the number of criminals that come from ordinary—and I use that word advisedly—families where the children live with either or both parents in the traditional or conventional model in our society.

The crime rate among children who have been nurtured by Government institutions and Government paid personnel in larger groups than the single family, who only saw their parents in the early morning before dawn, if they happened to be awake before their parents went off to work in the kibbutz, and again late at night—if they were lucky—when the parents came back from their specialised roles, where they changed from communal work in the morning to professional or tradesmen's work in the afternoon, was very much higher in Israel than the number of children in the same country and culture who grew up spending more of their time with their parents outside the kibbutz situation.

Having made that point—and I state that from first-hand personal knowledge of the situation—I believe that the direction in which we are going to provide child-care through Government instrumentalities is detrimental. We go to a great deal of trouble to set up these institutions, collect revenue from across the board in the form of taxes and pay the people who will run them. However, as it turns out they are less successful and effective in rearing children to adults who are capable of productive responsible lives than is the case in situations where adults who are primarily responsible for children raise them as individuals.

Therefore, it is not appropriate to contemplate open adoption as one step in the general direction that I heard the member for Adelaide indicate he would want to go. In private conversations with the Minister I have heard her views about this matter, and I worry because I think that too many of us—certainly not me but many other people in this place and in the broader community—have this twee modern view that the Government can do what parents can do and do it better. It cannot, it has not wherever it has been tried, and I see no evidence that it ever will.

It is for that reason that I am worried about those aspects of this measure which make it impossible for a party to retain the sort of security that will result from remaining anonymous and, more particularly, from having events and decisions foisted on them which overturn what I would have otherwise regarded as contractual agreements made at an earlier time. That is bad news.

One of the other points which I wish to emphasise strongly, and about which I am gravely concerned, is the practice of allowing single parents to adopt. Unless the criterion under which it is possible to adopt is more explicitly spelt out, than is the case in this legislation, I cannot support that proposition because, if the Opposition's amendment to prevent people in *de facto* relationships fails, they can simply claim themselves to be single parents and be investigated as suitable adoptive parents under that criterion. That is an unhealthy and distasteful bureaucratic way of cutting the so-called red tape, and it would worry me.

I am also disturbed at what I see as the watering down of the necessity for two adults to make a firm legal commitment to each other—recognised by State laws and requiring them to be married—whereby it will be possible in the very near future—indeed the legislation makes it possible right now—for people living in a homosexual relationship to become adoptive parents. I think that is sick. Whether the Minister knows it or not, homosexual behaviour is learnt behaviour; it is not behaviour which is inherited. Just because it happens to be the sexual proclivity of an individual to be a lesbian or a male homosexual is no reason to discriminate against them in any other set of circumstances except this. I do not think it is appropriate to put a child into a situation in which either of the parents is a practising homosexual. It is certainly inappropriate for them to be put into a situation in which both parents are of the same sex and have a sexual relationship with each other. The legislation is silent on that proposition and neither the Minister nor any other member of the Government has said anything about it. Quite clearly the Minister knows, as I do, that the Government is happy to see that happen, but I am not.

The Government is equally wishy-washy in its attitude to *de facto* relationships and, as pointed out by the member for Coles, this is not acceptable to the Opposition. If the two parents are unwilling to make a binding commitment in law to each other in the eyes of society it must mean that there is some fundamental flaw or a reservation in their minds about the degree of trust they have in their partner. That would be an unsatisfactory relationship in which to place a child for love, care and nurturing. The fundamental sense of lack of confidence that must exist will most certainly be communicated, however subtly, to the child placed in that situation. Without that firm commitment in law I cannot see any reason why the system should permit the allocation of a child's development to parents in such a relationship.

I agree with the definition as proposed by the member for Adelaide and as mentioned by the Minister that the relationship must be secure, loving and nurturing and that it should provide the kind of material and emotional environment which is most desirable for the development of responsible citizens and well adjusted relationships. I endorse that, but the word 'secure' used by the member for Adelaide is in direct conflict with his stated support of *de facto* relationships and his implicit support of homosexual relationships. He did not mention that aspect, so I presume that that is the case. If he had listened to my earlier remarks, he would realise that the Bill does not exclude the possibility of that happening—and it should. I refer not only to lesbians but also to homosexual men.

Whilst the Bill contains many desirable and responsible amendments, those to which I have referred are bad. I do not think it is appropriate to enshrine in legislation this racial apartheid provision which separates people who are said to be of Aboriginal or Torres Strait Islander extraction. The Anglo-Saxon legal definition which we give to such people is anathema to what the Minister and Government pretend to be doing in the name of compassion. If ever there were a nonsense, this must surely be it. In cultural terms, the people concerned already have the capacity, and accept the responsibility in their tribal framework, to raise children in family settings. I do not see that kind of lifestyle continuing into the twenty-first century.

It is anathema to base what we consider to be a compassionate decision on the race of people. Any legislation based on race has always turned out to be a disaster. One only has to look at the situations in Malaysia (which is one of our nearest neighbours), or Indonesia, which is our nearest neighbour. It is sick in the extreme. Like the member for Coles, with those reservations I support the excellent work done by the select committee and the general provisions contained in this Bill.

Mr S.J. BAKER (Mitcham): I am pleased to say that this Bill is a far cry from the original legislation which was

proposed by the former Minister of Community Welfare. In that case, we realised the true intentions of the Government and the Minister. It is fair to say that many of the areas canvassed in the original Bill were quite unacceptable to this Parliament and to the South Australian people. It is a very poor excuse for bad legislation when the member for Adelaide bleated that they knew about those areas and would take them into consideration anyway.

Mr Duigan interjecting:

The ACTING SPEAKER (Mr Tyler): Order!

Mr S.J. BAKER: The member for Adelaide commented on the contribution from this side of the House. Further, he defended the former Minister and said, 'Well, it was not all that bad and we were going to take those things into consideration anyway.' He knows that that is not true. He was forced to reconsider the situation, not because he was inclined to do so but, rather, because the Minister and this Government were forced to change their minds.

The Bill went through the select committee process, which I believe made some valuable recommendations that have now been incorporated in this legislation. As a result of that select committee process, we now have far better legislation. I point out that the former Minister of Community Welfare did not intend to do what the select committee has eventually done.

The Hon. S.M. Lenehan: How do you know? Can you read his mind?

Mr S.J. BAKER: The Minister of Community Welfare cannot contain herself. Let me assure her that I do not have to read the former Minister's mind. All I have to do is read his speeches and look at the original legislation. It is not hidden under the carpet: it is in black and white and there for everyone to see. The majority of South Australians would have vehemently rejected the legislation.

I was paying some tribute to my colleague the Hon. Diana Laidlaw and to the members of that select committee for suggesting workable legislation. I would like to slightly digress, because a matter about which I am concerned has some distinct ramifications on adoptions in this State. I find it very depressing that there are so few adoptions in this State but that the level of abortions is extremely high. Constituents in my area have to go overseas to adopt children. They want and need children, but they cannot adopt them in this State.

For some reason, over the past 15 to 18 years, more and more people have been denied access to children. Despite the fact that infertility and a number of other problems have prevented these people from having their own children, they have not been able to adopt children who were, I suppose in the classic sense, unwanted. We seem to have this mad desire to kill off everything and then go through the very expensive process of collecting children from India, the Philippines, South America or Korea so that some of our young couples can have their wishes of parenthood fulfilled. I believe that when they have to undergo that process there is something wrong with the system.

This Parliament and everybody associated with it should try their utmost to preserve life in this State. I believe that, rather than as happens in 99 per cent of cases which involve aborting the foetus, the pregnant woman should be provided with assistance so that she may continue her pregnancy. Nobody can convince me that every aborted child is not wanted by the mother but, where that is the case, the children would not be unwanted by the literally thousands of young infertile couples. There is something wrong with the system if we do not provide a mechanism for meeting the needs of those two groups.

My colleague in another place (Dr Ritson) spoke at length about the grieving process and the long-term impact that abortion has on females. I am not here to lecture the House on what is right or what is wrong, even though I have my own point of view on this matter. The important thing is that, day after day, week after week, young children are not allowed to survive because we as a society have made no attempt to assist the mothers, or potential mothers, of those children to the extent which I believe is essential. So, our value sets have depreciated and deteriorated over the past 20 years. For people to say 'It is my body, my own' of course has some substance but, when we talk about living human beings, I believe a higher principle is involved. While there is some necessity to have available the facility of abortion (and no-one here is going to debate that), it is essential that we do not reach a stage where we are killing off human beings that would indeed be wanted in this world.

We are now left to debate a Bill which really has very little relevance, because so few Australian born adoptions occur in this State. Admittedly there will be some application of this legislation to those who have come in from overseas (and perhaps that will require specific legislation further down the track), but I am not sure whether there is a need for change to recognise those particular provisions. The Bill is principally aimed at those children who are adopted here in Australia and in particular in South Australia. I believe it is very sad that we are spending time on legislation which, because of the numbers involved, is, as I said, irrelevant. Importantly, I have had representations from constituents who have wanted a change in the adoption laws for some time. In fact, a former Minister of Community Welfare received a deputation from me on this subject about four years ago and he was very sympathetic to the need to bring the adoption laws up to date, particularly in respect of parents and children having access to information that would allow some form of reconciliation at a later date. This legislation does address that very important area.

I know from contact with a wide variety of people that they are traumatised by the fact that they do not really know who their parents are or, even if they do get an inkling of who they are, they get very little assistance to meet up with them. The same applies to mothers who have relinquished their children. At some stage in their lives they say, 'I would really like to know what has happened to my children.' The legislation now before us allows for that. I believe that that is a very important human principle that has been included in the legislation.

My colleagues have commented on the need to have this piece of legislation as a model in terms of our value sets. The question has been raised as to who will be adopting parents. I do not wish to belabour the point because it has been made previously and I am sure that it will be raised again. Parliament should set the principles under which we will operate and, if we say—either directly, or indirectly through omission—that we are not going to focus adoption on married couples only, then *per se* we are saying that it is quite legitimate for a whole range of other people to be involved in the adoption process, even though there are not enough children to go around.

We are all well aware that, under special circumstances, there are those other than married couples who adopt children. In fact, there is an example in my own area where both parents were killed and the grandmother took over the nurturing of the children and adopted them. There have been many similar circumstances where a relative or parental friend has taken over the process of parenthood and

further along the track has applied for and been granted adoption. So the legislation cannot be totally exclusive of special arrangements. Those special arrangements have been allowed under the existing legislation for as long as I have been on this earth, so there is no need to change the legislation in particular areas.

That leaves unanswered the question of who is allowed *prima facie* to adopt children. The legislation addresses that question. It really says that anybody, provided they can show some relationship—whether it be heterosexual, homosexual or whatever—has a priority right to be involved in the adoption process. We on this side of the House do not believe that that is appropriate. In fact, we totally reject the proposition that other than married couples should be involved in the few adoptions that we do have in this State.

Generally, I approve of the Bill because it does much to overcome the difficulties that I know exist out there in the wider community. It does meet the needs of a number of people who have been disfranchised either from parent to child or child to parent. It allows for a veto should those personal circumstances preclude the getting together of people because they were adopted under the old rules, and that is appropriate. Under the new rules, anyone who puts up a child for adoption will know that at the age of 18 the child can have access to information which will allow them to be reunited.

So, generally I approve of the legislation before the House. It is far improved on the mad dreams of the mad doctor because at least it allows the House to address the legislation in a very objective way rather than running down burrows in an attempt to address some of the more nebulous elements that the Minister previously sought to have included in the legislation. So, with those few words, and with one or two reservations, I generally approve of the legislation before the House.

Mr ROBERTSON (Bright): I take this opportunity to welcome the Bill in broad principle with some reservations which I propose to address later. I wish to take issue initially with the comments made by the member for Murray-Mallee relating to section 11 of the Bill which gives special treatment to the adoption of Aboriginal children, in particular those from a traditional cultural milieu. It seems to me that, in his rather old-fashioned and arrogant assumption that the Aborigines are somehow a dying race and a dying culture, the member for Murray-Mallee has missed the point. It seems to me that he subscribes to the social Darwinism that was fairly popular 120 years ago in this State and to the Daisy Bates aim of 'smoothing the dying pillow' of Aboriginal people.

Having spent some time during the past week in the Maralinga lands of South Australia, it seems to me that traditional cultures are alive and well in this State. Indeed, the Pitjantjatjara land rights legislation and the Maralinga Tjarutja lands rights legislation ought to be copied by other States of Australia, and they are the model that dominant cultures in the rest of the world might use as a basis for their own legislation to protect and encourage traditional lifestyles amongst their native peoples.

Far from being a dying culture, the Aboriginal culture is very much alive and well and deserves a degree of affirmative action. For that reason I support the thrust and wording of clause 11. I also welcome clause 15, which provides a cooling off period for adoption. In fact, it is quite clear that a cooling off period is necessary. I believe that it is correct to forbid any kind of adoption within five days of birth and to make it reasonably difficult within even 14 days of birth. It is quite clear that adoption is a step that ought to be thought about not once or twice but three or four times by any parent thinking of adopting out for whatever reason, which is not to deny that there are many reasons why adoptions still need to take place. I would have thought that many of the reasons why adoptions took place in the 1950s and 1960s had disappeared and that it is now easier for single parents to maintain children on their own and for couples to maintain children with the assistance of the State, if necessary.

I also wish to spend some time on clause 26, which provides help for the adoption of disabled children and those with a number of disabilities. Clause 26 provides that, where a child suffers from a physical or mental disability or requires some form of special care, the Minister may enter into an arrangement with the adoptive parents to make the support of that child more easy. I wholeheartedly agree with that provision. Children with a disability in our society do not have an easy row to hoe. It is clear that adoptive parents need additional help at times to make the physical, social and financial adjustments necessary to handle a disabled child, and this provision goes a long way towards accepting that. Being the natural parent of a child with a disability is hard and shocking enough, but to be asked to adopt a child with a disability must take a special kind of courage. I take off my hat to the many people in this community who have done that.

I turn now to clause 27 which deals with open adoptions. Whilst I welcome the disclosure provisions in clause 27 (1), I confess to some reservations about clause 27 (3). I have some doubts whether that will prove to be as effective as some people hope it might be. I accept that the privacy needs of adoptive parents is an area that must be addressed. As the product of a Protestant farming town with a Catholic minority in the 1950s, I saw many young expectant mothers taken off to Sydney to have their babies and have them adopted out. I feel a great deal of sympathy for those mothers, who I guess are now in their 40s, 50s and 60s, who have rights not fully addressed in the Bill. Certain provisions of the Bill have overdone the privacy needs of adopting parents and may not fully address the needs of adoptive children and their natural or biological parents.

We have in our midst a generation of lost children—lost to their biological parents and particularly to their natural mothers. That has caused great grief both to the children and to their natural parents. That does not diminish the tremendous job that the adopting parents of those children have done in the meantime in bringing up the children to adulthood, but I would welcome at some future time a provision that would enable these children (who have now reached adulthood) to make contact with their biological parents. If the relinquishing parents or the child insist on privacy, after three or five years it may well be argued that that ought to be overcome, regardless of the wishes of the other party. So much social and emotional torment is caused by non-disclosure that in the future it may be necessary to look at the needs of these people. I do not believe that that aspect has been fully addressed in this Bill. However, I welcome the Bill as a step in the right direction.

Clause 27 has the look of a camel about it. It looks like a horse that has been designed by a committee which, in a way, is exactly what it is. The original provisions of the Bill in the area of disclosure would have gone much further towards addressing the genuine needs of relinquishing parents and children who have been adopted out, particularly where those people are adults. I see no reason whatever why we should insist on extending to them the privacy requirements or needs that we are quite willing to extend

to adopting parents. I point out the Bill may need to be further amended at some stage in the future.

Mr S.G. EVANS (Davenport): I will not support the Bill while the definition of 'marriage' includes a *de facto* couple. Some will argue that it is the modern and accepted practice in some parts of our law and that it should be accepted in this area. I am not prepared to do that at this stage. On that point alone, if the Bill stays as it is I will vote against it. I was interested in the comments made by the member for Bright about his small farming community. He gave me the impression that he thought that it was only the religious farmers who went out on Saturday nights, sowed their wild oats and then went to church on Sunday and prayed for a crop failure and did not have their prayers answered. That happens right through our society.

We all have feelings for those who gave up their children for whatever reason. Some gave them up with great remorse, feeling and difficulty. Sometimes it was under pressure from the structured society in which they lived, and sometimes it was under pressure from family who did not want to live with what they thought would be a stigma. At other times the individuals themselves simply did not wish to keep their child. Of course, there may have been other circumstances, but in the main they are the reasons why people allowed their child to be adopted out. Sometimes the fear of not being able to maintain a child with limited monetary resources, whether in marriage or outside of marriage, was also a consideration. Those people believed that it would be better for the child to be in another environment where there would be enough finances to maintain the child.

Some may argue that the member for Mitcham's comments about the level of abortion in our society was a typical male approach to the issue. I only wish that at this point I could swap places with my wife and let her make a speech on this matter, because she would be able to provide a much stronger viewpoint on this issue than I can. In the late 1960s I sat on the select committee that looked at the abortion issue, and I supported the proposition brought down by that committee. However, none of us on that select committee ever dreamt that the interpretation would be taken to the point that it now has been in our society, where we now virtually have abortion on request. I do not think that was the intention of the committee. I am sure that the other four members on the committee would support that point of view. All those members have now left the Parliament.

There is no doubt that it is a disgrace that we in this society are not able to slow down the abortion rate. Some people might say that it is a disgrace that we cannot slow down the pregnancy rate. That is also an argument, but we must consider the position once the pregnancy has occurred. I know that it is the woman who must carry the child—that is either a burden or a privilege that has been denied men by nature—and at this point in medical history we have not been able to reverse it, although we have been getting close.

However, I am sure that if my wife—who raised five children—were here she would say to this House that one of the greatest privileges, achievements and feelings of success relates to the important role of successfully raising a family. We had five children, but I say that that is more to her credit than mine, because I have been in this job. In a way, it is a pity that we do not have more women who have raised five or six children—and on a single income—in this Parliament. Those women could stand up and express a view in this place on how they see their role. That is no reflection on the present women, or men, in the Parliament. However, it tends to be the case that people in that category are not able to get into Parliament because of the cost factor, because they are not in the professional stream of the work force or because their large families mean a big commitment in the home. Although this might change in future, in the past the role of the male has not been to undertake the major part of raising children.

I think it is an absolute disgrace that the reason we are short of young people, on whom the future of this country depends is because over the past 18 years we have killed them. In many cases that has been done for the sake of convenience—nothing else. It has not been just for the convenience of the female but for the convenience of the male as well. This is because people see children as a burden; they see child rearing as interfering with some of the privileges to be gained, such as the holiday shack, the boat, the caravan, the trip around the world or the pursuit of a profession—and there might be other reasons. Governments are saying that we must change the adoption laws. However, at the same time the community is ageing and we do not have enough young people. Whether we can get to the stage of producing them in factories I do not know.

Society must start to worry about this trend. The member for Mitcham is right in saying that we need some support system, some method of trying to change the attitude that exists. People must realise that child rearing is an important role and one that society will support and offer assistance with—in the first instance to the female, while also being supportive of the male. This would ensure that the child rearing role takes place. I know that today, with the high costs that have been brought about through the types of Government we have had in the past few years in this country, it is nigh on impossible for a single income person to meet the commitments of raising a family. I understand that. But what do we do with this law now? What do we do about this adoption process?

I hope I am right in saying categorically that it is quite clear that, in the main, the previous adoption laws have protected people from intrusion. If their rights are not protected, a serious burden and mental trauma is placed on people who have entered into a contract, believing that they were protected. I believe that they are protected, but I make this point because there are still people who say that they live in fear of the future under the previous contract that they had made.

What of the future in this regard? One good point is that in future less people will take the gamble of adopting because so many inherent risks that will apply with this legislation when implemented. It will mean that less people will be on the waiting lists to adopt children. Because there is a shortage of children in this country for adoption it will help in that regard. That is one good point. What are the inherent risks? First of all, any of us who have raised children, whether through an adoption process, a fostering process or a natural process, know that there are problems and risks in raising children.

First, one does not know whether a child will be born fit and able in every respect without any disability. Those of us who have had the luck to have children without any disability or serious disability are very fortunate, and we must be grateful for it. That is the first risk, but from then on there are many others, through all the many interactions within society that apply to couples who are married and raising children. Of course, today it is not always the case that couples are married, but I am talking about the adoption situation, which one hopes will apply only to married couples for a good many years yet.

There are all the interactions for the children at school and through adolescence, and the people—or maybe one person, due to sickness, death or break-up—raising the children must face the many traumas. Very often a person has to give up a profession for a significant part of their working life, and sometimes for all of their working life, if a child has disabilities and if a parent is devoted enough to do so. We must add another little risk in there, and that is what I am talking about: a person might have spent a fortune educating a child and keeping the child in good health and providing a caring and nurturing role, to use the words of the member for Adelaide, but at 18 years of age, according to this legislation, when a child applies for a birth certificate because they are going to a tertiary institution or on an overseas trip, or whatever it may be, the birth certificate will automatically show all the history and names.

Thus, a person, as many have argued here, then has an automatic right to start seeking out his or her natural parent or parents. Likewise, the natural parents, who know all that detail, have a right, 18 years after the birth of the child, to start seeking out the person who was adopted. It has been argued here that that is a right and that it is a great thing, but we are not all made up the same mentally, whether the natural parent or parents, the adoptive parent or parents, or the person who has been adopted. The problems that we are trying to solve in this Bill as regards those who find out that they are adopted and are trying to find their natural parent or parents, or parents trying to ascertain the whereabouts of their natural children, will be just as numerous and as great as they have been in the past, because we are all human beings.

In the early 1970s, a lady came to me believing that her adoptive father was her natural father. She was in a mental state of upset, so I set out to help her track down her natural father. I could not do it through the office of the Registrar of Births, Deaths and Marriages, but there were other ways because the lady had an idea of her natural mother's name and there were few of that name on the roll when she was born in this State. I know how much that person was upset and from that experience I realise what people considering this Bill are trying to achieve. I understood how pleased that lady was to find her half brother and half sister. Of course, that may not always be the case. In the human brain there is a native cunning. Some natural parents, realising that their child has turned 18 years of age, may seek to have their child come back to them even though the child has been adopted into a reasonably successful family. However, this Bill says that they cannot do that by enticement or inducement, but in practice that is a joke. If one has enough native cunning, one has no problems after turning 18 years of age.

After all, the Department for Community Welfare is not much concerned about such matters. Indeed, it is more likely to accept the child's view than the parent's and it is now accepted practice that a child may leave home at 14, 15 or 16 years of age. The department will even hide the child from the parents. At the age of 18 years, adopted children, many having enjoyed successful family lives and having been told by the adopting parents that they are adopted, get a copy of their birth certificate and the process starts. In this regard, tertiary education and possible electoral roll and income tax requirements mean that a person of 18 generally knows whether he or she has been adopted. So, it would be unwise for an adoptive parent not to tell the child that he or she had been adopted, but the adopting parent must use intelligence in picking the right time to tell the child.

There is no such thing as ideal legislation in this field. Indeed, it cannot be proved that this Bill is any better than the existing legislation as regards the end result, even though most members of this place will think that it is better. Those in the community who have been through the adoption process will, in the main, think that this Bill is better than the existing legislation, because they have worked on it and talked about it. Many others who have been adopted or involved in adoptions are not concerned about the Bill. Many others are not really concerned because they have not been involved in adoptions and hope that they never will be.

However, those people who have their names on the list to adopt a child will have to stop and think again whether it is worth the risk of intrusion when the child turns 18 years of age. After all, there is a fine line of control with teenagers at that period of life even in what we call a normal family. When a child turns 16 or 18 years, it is not easy to hold the family reins: there must be give and take. As this Bill gives a little more linkage for the break, it is more likely to occur. True, we have people with high ideals and intelligence, but the big problem is that intelligent people think that all other people think similarly, whereas most people are not academic in their thinking. They are practical people who understand the human brain and do not expect everyone to think identically with them.

If I were to adopt a child, if this Bill passes, I should not adopt one in Australia if I were rich. The rich people will be able to move outside the country and, if they can find a country that will allow it (and some countries will), they will not have to face the trauma that they must face here, because the information will not be available in this country. The adopted child will come into this country under the name of the adoptive parents. After all, not all countries record all the details on the birth certificate. In conclusion, I oppose the Bill mainly as regards the marital situation as against the *de facto* relationship, but the rest of it will not be much worse than the old process except that people will have to think more about the future with respect to adoption.

Mr HAMILTON (Albert Park): I support the Bill. I give due recognition to the Hon. John Cornwall for his deep and committed involvement in steering this important legislation through. Any member with a semblance of recognition would understand the important role played by the Hon. John Cornwall in this matter. I also give appropriate recognition to members of the select committee. When these measures came before Parliament, many of my constituents approached me and I made copies of the Bills available to them. I also supplied them with copies of speeches made by various members of Parliament on this subject.

An important aspect that I found out from talking to people who had adopted children or were considering adopting children concerned secrecy. A close friend of mine persisted and, after going to great lengths, found out who was his natural mother. He experienced a great sense of relief in knowing who his natural mother was, even though he had no intention of interfering in his mother's marriage or with the lives of the subsequent children from that marriage. Nevertheless, he was very much relieved and I recall his expressing to me his concern about the many years of unnecessary secrecy, evasiveness and, in many cases, alleged falsification concerning his desire to ascertain the identify of his natural mother.

Returning to how I represent my constituents, in all cases, as I have indicated, I have endeavoured to keep them abreast of the progress of this piece of legislation. Many

inquiries arose from parents who have adopted, those who gave up children for adoption and, as I indicated, those children who had been adopted. Issues directed to me by these groups related to the question of confidentiality of information, a concern which is patently obvious and which I do not wish to flesh out. The veto provisions also were obvious matters of concern. I do not wish to take a great deal of time on this matter because much has been said and I do not wish to go over the contributions made by members on both sides of the House. However, I will quote from an article that appeared in the *Sydney Morning Herald*, as follows:

> Victoria passed legislation breaking down the secrecy provisions in 1984 and the new system seems to have worked effectively. The Victorian legislation is based on British legislation passed as long ago as 1975. In Victoria adopted children have the right to see their original birth certificates and discover details about their natural parents when they reach 18. In turn, the parents have access to non-identifying information and can trace their children if the children agree.

The article continues:

> There is a contact register in NSW but departmental officers can only provide non identifying information when they are asked for it. This can mean that even though both the adoptee and the natural parents want to make contact, they cannot be put in touch with each other.

The article further states:

> The Victorian experience is that over 30 per cent of adopted persons on its register wish to contact their natural parents. Virtually all the natural parents say they do not wish to interfere in their children's life. But not knowing them has created a painful unfinished business in their own lives. The Institute of Family Studies—

and I think this is important—

> has produced research that supports this. It found that women who gave up their children for adoption suffered traumas lasting up to 30 years. The mothers' sense of loss was often compounded by the lack of social support and a lack of information about their offspring. For these lost mothers, and for their adopted out children, as Ms Camp concluded in her thesis, good relationships are not built on secrecy.

I agree with those sentiments and I strongly support and congratulate the select committee and, as I have said, the previous Minister on proposing this legislation.

The Hon. S.M. LENEHAN (Minister of Community Welfare): I thank members who have contributed to this most important debate this afternoon. As a number of members have highlighted, this is one of the most significant pieces of legislation with which we are dealing in this whole social area involving children who are adopted, adoptive parents and, of course, the relinquishing parent—that is, the mother.

I want to acknowledge some of the comments made by the member for Coles. While she highlighted the contribution made by her parliamentary colleague in another place, I think it would be quite improper not to acknowledge the efforts of the former Minister of Community Welfare. It was his piece of legislation that was brought into the Parliament and he was responsible for setting up the select committee, which he chaired. So I think it is important in a bipartisan way to acknowledge the tremendous support given right across the Parliament, the political spectrum and the community for the principles enshrined in this piece of legislation.

I will not now take up the time of the House to explain the Government's and my position with respect to the problems that the member for Coles has described where she believes that the whole fundamental requirement of adoption is the need for people to be legally married. I will pursue that matter in Committee. It is not the Government's position and I do not think, by and large, that it is the community's position.

I would also like to acknowledge the contribution of the member for Adelaide. I believe that he took a very sensible position in supporting the Bill and highlighting the tremendous contribution of individual groups in the community—I will not single them out because I think that he has done that very effectively—and also in talking about the work of the select committee.

I now come to the contribution of the member for Murray-Mallee. I am never quite sure what the member for Murray-Mallee is actually on about. I assume that he opposes the clauses of the Bill which talk about the definition of what is considered to be a marriage relationship, and that includes a *de facto* relationship of five years. I will address that matter in the Committee stage.

I am concerned with the member for Murray-Mallee's interpretation of what I believe is a very sensitive provision which picks up some aspects of Aboriginal law in the Aboriginal community. The honourable member described the provision as racial apartheid. I do not believe that this Bill is, in the words of the honourable member, pretending to be doing something in the name of compassion. In fact, I totally reject that we are pretending to do this at all. What we are doing in this Bill is recognising the trauma of past adoptions of Aboriginal children into white families and the consequent loss of their cultural identity.

Perhaps the member for Murray-Mallee has not bothered to inform himself about what has happened to Aboriginal children who have been adopted into white families and lost total contact with their community, their cultural background and the very strong identity which we believe as a Government they should retain with their communities. The Bill addresses these past injustices by recognising that adoption is not an acceptable Aboriginal concept. It is not something which is inherent in Aboriginal culture. The provisions are based on extensive and intensive consultations with the Aboriginal community. Therefore, I think the honourable member's failure to recognise what has historically happened to Aboriginal children who have been adopted exhibits a degree of insensitivity.

I would also like to acknowledge the contribution of the member for Mitcham. I assume from what he said that he will be supporting the Bill. As I have already said, the Hon. John Cornwall moved to appoint the select committee, but the member for Mitcham seems not to have familiarised himself with that aspect.

Mr S.J. Baker: Under huge pressure.

The Hon. S.M. LENEHAN: It was not under huge pressure at all. He intended initially that the Bill should go to a select committee and moved accordingly. I find the attitude of the member for Mitcham rather sad. He talked about people having a need and wanting—they want and need to adopt children. I could not help but think that people want and need a new car. We are talking about human beings, young children and babies. This Bill is not about the needs of adults: it is about what should be done in the best interests of each and every individual child who comes up for adoption. It seems to me that, if we are going to adopt some sort of cargo cult mentality about our children, that is the very thing that many members of this Parliament have been fighting most of their lives and I am proud to say that I am one of them.

The honourable member also suggested that the Bill is irrelevant because of the low numbers of children, particularly healthy white Caucasian children, who are coming up for adoption. He fails to recognise that the Bill is not just about future adoptions. The Bill contains significant

provisions which deal with past adoptions. There are thousands and thousands of people in South Australia whose lives have been touched by adoption, who have been a relinquishing parent, an adoptive parent or a child who was adopted. To say that this Bill is only about what we are going to do in the future indicates that the member for Mitcham has either not read the Bill or does not understand what he has read.

With this Bill we intend to bring adoption out into the open and to recognise that it is not something of which people should be ashamed. The Bill also protects the rights of the three parties involved in adoption. As such, I think it is probably one of the most innovative pieces of legislation in this country.

When we talk about the principles of adoption (and this seems to have particularly caused the Opposition some concern), the Parliament will set the principles for adoption but, rather than relating to whether or not we should have a formal piece of paper to say that we are good parents because we have a marriage certificate, these principles relate to the needs of the child and the parents' capacities to meet those needs. This is based on professional assessment. The member for Murray-Mallee is terribly concerned that children might be adopted into what I think he called 'homosexual couples'.

I remind the honourable member that, once again, he should really read the Bill and he would discover that the definition of 'marriage', which is quite clearly stated, includes 'husband and wife'. In case the honourable member is not aware of this, single sex couples are not defined technically as man and woman, so that the assessment process, which includes discussions with the prospective adopting parents, will include discussions about sexuality. I cannot see how the member for Murray-Mallee can interpret the Bill as encompassing homosexual couples. I think that he has a problem in some of these areas (particularly about sexuality) which, once again, he is highlighting by reading things into the Bill that are not there.

I thank all members for their contributions and, with the exception of one honourable member opposite who contributed to the debate, I trust that the Opposition, in line with the findings of the select committee (on which it had representation and into which it had great input, according to the member for Coles), will support this Bill. I am grateful for and acknowledge its support in this area.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. J.L. CASHMORE: The eleventh recommendation of the select committee was that adult adoptees and birth parents be given a period of not less than six months prior to the implementation of the provisions relating to access to information, in which time they may register with adoption services to place a restriction on the release of information. In her second reading explanation the Minister noted that she intended to move that the implementation of sections 27 and 41 of the Bill relating to access to information be delayed by a period of six months to allow sufficient time for publicity to be given to these provisions and for veto directions to be lodged with the department, if desired. When does the Minister envisage that the Act will come into operation? What is the budget for, and nature of, the six month publicity campaign? Will the campaign use radio, television and newspapers, and will it be conducted in the country and ethnic media?

The Hon. S.M. LENEHAN: We have made it plain that we will not implement sections 27 and 41 until the community is made aware of them. First, I hope that those sections will be implemented in about June or July next year. We have allocated about $20 000 for that campaign. The department intends to advertise not only in South Australia but also throughout Australia. As the honourable member suggests, we will look at a multi-media campaign through television, newspapers and radio.

The Hon. J.L. Cashmore: You won't get an enormous amount for that sum.

The Hon. S.M. LENEHAN: No, we will not get an enormous amount. However, I am quite sure that, if the interest which the media has shown to date continues, we will get a significant degree of free publicity. Members of my department and I would be prepared to go on talk-back radio and anywhere else in the media to talk about the provisions of this Bill. Because it is such significant legislation, I am sure the member for Coles would realise that there will be great media interest, as has been the case so far.

We have a basic budget to which we can add if we believe it is necessary, but I think that we need to see to what extent the media picks up the provisions in this legislation. We will also look at advertising through various multicultural media outlets such as newspapers and ethnic radio, but at this stage we are in the process of planning that campaign. We do not intend to rush the introduction of this legislation and to have these sections implemented with undue haste. The idea is to communicate with the wider community (which includes other States in Australia) about these provisions and the rights of people in terms of placing these vetos.

The Hon. J.L. CASHMORE: I agree that, although $20 000 would buy very little time on television (perhaps only a few minutes) and not much space in the press, there will be some cooperative support, on a voluntary basis, from the media and that will probably be quite extensive. Will the publicity be conducted at regular intervals after the six month period? We understand that restrictions can be placed on access to information after the initial six month cut-off period.

The Hon. S.M. LENEHAN: Yes, we intend that follow-up information will be given at regular intervals. This is yet to be decided, but we do not intend to have one intense media campaign and then expect everybody to be aware of the provisions of this legislation. I am quite aware that people may return from overseas or, for one reason or another, they may not have had access to the information. We intend to make sure that that information is provided.

Mr S.G. EVANS: For the first six months after the Act comes into operation, does the Minister propose that no application for access to information by either an adopted adult or birth parent be processed, or that the Adoption Branch will be able and prepared to continue to receive requests for access to information and, as is the case at present, provide such information where there is a match in requests by both an adopted adult and birth parent?

The Hon. S.M. LENEHAN: I do not intend to provide any information until the expiration of that six month period. Quite obviously, that is the intent of the Bill and I think that is very clear. We will not provide information until it is appropriate and in accordance with the provisions contained in the legislation.

Clause passed.

Clause 3 passed.

Clause 4—'Interpretation.'

The Hon. J.L. CASHMORE: I move:

Page 2, lines 4 and 5—Leave out the definition of 'marriage relationship'.

The Bill defines 'marriage relationship' as meaning 'the relationship between two persons cohabiting as husband and wife or *de facto* husband and wife'. As I indicated in the second reading debate, the Opposition firmly believes that the marriage relationship should be that as defined under Commonwealth law and we believe, equally firmly, that the majority of the community would support that view.

In her second reading reply, the Minister suggested that the Opposition believed that people were potentially appropriate candidates as parents for adoption simply because they could say 'We have this piece of paper, we have a marriage certificate.' I believe that that slant on the Opposition's view merely denigrates and trivialises a sincere belief on our part that marriage—and lawful marriage (as defined under Commonwealth law), which is quite clearly and demonstrably supported by society as a whole in Australia, by the Parliament of the Commonwealth of Australia, by the various State Parliaments and by the people generally—is the ideal framework in which to bear and rear children. However, at the same time the Opposition does not diminish the right of anyone to forgo marriage.

In the case of adoption we are not talking about bearing children—we are talking about rearing children. That does not in any way detract from the appropriateness of that relationship as being the ideal. We believe that we should be seeking the ideal as a framework into which children can be adopted, and there are very sound reasons for this, both moral and practical. The moral stance, which is obviously where the Government differs from the Opposition, rests on a historical basis. It really rests, I suppose one could say, on the accumulated wisdom of societies—and not just Western society—throughout the ages. Most societies have some formalised form of marriage for the very purpose of creating a stable environment for the rearing of a family.

The moral position holds that ideally two people should make some kind of formal commitment to each other before they proceed to establish a family. In a *de facto* relationship that is not the case and, no matter what the quality of a *de facto* relationship as adjudged by the department, the fact remains that they have not made a legal commitment to each other as husband and wife and as father and mother prospectively to an adoptive child. There are many things we cannot judge about a couple's suitability for adoption—very often only experience will tell who makes the best parents—but evidence of commitment surely should be the very least that we require of people who want to adopt children.

The Government is making a very powerful moral and political statement in the definition of a marriage relationship. I acknowledge, because it is a fact, that Commonwealth law admits children of *de facto* relationships to the Family Court. That is recognition of something that has occurred, that children born in a *de facto* relationship should not be disadvantaged as a result of that fact and that they should have access to the same equitable treatment under law as children who are born in a married relationship. However, that circumstance is very different indeed from the circumstance we are talking about now. We are talking about a prospective circumstance in which parents may be permitted to adopt children. In that circumstance a commitment is required. We are talking about the suitability of the parents—we are not talking about the equitable circumstance for the children. It is that critical nexus which divides the Government and Opposition attitudes to this definition.

Having referred to the moral grounds on which we believe this definition of marriage relationship should be deleted from the Bill, I would like to make reference to the practical grounds. In doing so, I do not in any way diminish the importance of the moral grounds which, in my opinion, stand on their own. They would be just as valid if there were 10 000 children waiting for adoption in this State, which of course there are not—the fact is that in practical terms barely a few dozen have been available in the immediate past. Why, when there are so few children available for adoption and so many people wanting to adopt children, are we broadening the criteria by bringing into the eligibility for adoption people who are not married? That seems to us to be impractical, unjust and shortsighted.

The Minister has made it clear that she does not intend to accept this amendment. The Opposition makes it clear that we regard the amendment as absolutely fundamental. We believe that we speak for the majority in the community and that, of course, can be tested. It is not going to be put to the acid test that we believe is essential because as a rule people do not vote in elections on this sort of matter. However, we do believe that there is a feeling in the community that everything that can be done should be done in order to restore the stature of marriage as the formal and appropriate framework in which children should be brought up. If the law continues to derogate from that, albeit in apparently small ways through definitions in Acts which do not apply to everybody in the community but only to those who are in certain circumstances, progressively the very nature of marriage as the ideal framework for a family and for the rearing of children is diminished. We believe that that is not in the best interests of the community. We oppose the clause as it stands and urge the Committee to support the amendment.

The Hon. S.M. LENEHAN: I do not support the amendment of the member for Coles, and I will give my reasons for that. First, the member for Coles used the Commonwealth jurisdiction for her definition of what is a marriage relationship. I point out that we are actually operating under the jurisdiction and parliamentary laws of South Australia. The point is that in many areas of South Australian law the definition is quite clear. We also have, I believe, fairly well accepted laws relating to discrimination based on somebody's marital status, so we should not discriminate against people based on their marital status.

I pick up the point made by the member for Adelaide. The Bill looks at the kind of family into which a child can be adopted. We are talking about (and I will use the words of the member for Adelaide) 'secure, loving and nurturing families'. To suggest that a couple who has lived together as a very loving and secure family for five years is somehow less worthy of being able to adopt a child than a similar couple who is legally married is to not understand where our community is at.

The member for Coles talked about morals and moral grounds. I remind the Committee that it was on moral grounds that single women were expected by our society to give up their children because, morally, single women were not considered to be fit parents. They were not allowed to keep their children. There are many women in this community who were single when they gave birth to their children and they had to give up those children whether or not they might have made excellent parents and whether or not they might have subsequently married.

So, if we are going to talk about moral standards, surely the member for Coles will acknowledge that moral standards are not set in concrete. They are not something which never changes. Moral standards are things that change with the community. Surely the member for Coles would acknowledge that. I certainly acknowledge that in my lifetime moral standards for all of us have changed.

Mr Oswald: Gone down a bit.

The Hon. S.M. LENEHAN: It is an important issue and the fact that the honourable member wishes to trivialise it is a statement of where he is at.

The CHAIRMAN: Order! I ask the Minister to sit down. We will conduct this Committee in a right and proper way. I will give everyone an opportunity. I will recognise every member of the Committee and give them the opportunity to speak if they so desire. If they do not desire to do so, I ask them to respect whichever speaker is on their feet.

The Hon. S.M. LENEHAN: I was not misrepresenting the member for Coles. The member for Coles quite clearly said that she saw a legal marriage as a fundamental requirement for adoption. That is the difference between the Government's position and the Opposition's position. We do not see that as the fundamental requirement; the Government sees the fundamental requirement as the quality of that parenting relationship, whether or not one has a piece of paper to say that one has been married for five years or whether one has lived in a very stable, caring and secure relationship with another adult of the opposite sex for that same period of time. This is recognised under South Australian law. It is not something new and is not creating a social revolution but merely acknowledging what exists under a number of other pieces of legislation accepted by this Parliament.

Mr BLACKER: I cannot accept the Minister's explanation. As the Minister pointed out, there is a fundamental difference between the Opposition and the Government. Without doubt, the Government is wrong in recognising *de facto* marriages in this situation. There is a shortage of children available for adoption. There is a large demand (and I hate using the word 'demand' in relation to children) by married people who desire and yearn to adopt a child. To that extent there is a shortage. The Minister referred to a loving, caring, secure and nurturing family. If people in a *de facto* relationship believe they can provide that secure, loving and nurturing family but cannot make the commitment of marriage for the sake of a child that they want to adopt, one must question whether they can offer that secure, loving and nurturing family environment. That requirement is something which most of us accept. We should set an example within the community and maintain some standards. It is a fundamental family issue and I cannot go along with the Government. I totally accept the amendment moved by the member for Coles as it is an issue of basic philosophy.

If the Minister and the Government continue along that line they will have to wear the consequences and the political ramifications. I believe there will be political ramifications, because the vast number of people in the community believe in the strong family unit. One could argue that, if there was a large number of children available for adoption and insufficient married couples to adopt such children, we could look at changing the law to broaden the scope. However, that is not the case. Presently there is a shortage of children available for adoption and a large 'demand' exists for such children. It is a matter of respecting and identifying the basis of the family and the marriage, and this Parliament should be setting the example.

The Hon. J.L. CASHMORE: In her reply the Minister referred to the quality of a relationship being the ultimate criteria by which a potential adoptive parent should be judged. The quality of a relationship has to be measured by certain criteria. How do we measure the quality of a relationship? It is very difficult indeed for an outsider to measure the quality of a relationship between a man and a woman, a husband and wife, a prospective father and mother.

Mr S.G. Evans: It is impossible.

The Hon. J.L. CASHMORE: I would not say it is impossible, as one of my colleagues states, but it is indeed difficult. It can never be done perfectly. The people measuring that relationship need some kind of yardstick by which to gauge the quality of the relationship. I suggest that most thinking people would regard a commitment by a woman to a man and a man to a woman in marriage—a legal commitment entered into with promises made by both—as being the first and most basic yardstick by which any outsider could possibly judge whether those two people had an honest intention of spending the rest of their life together and, in so doing, providing a stable family framework within which to bring up a child. That has to be the basis—there can be no other.

The couple may love each other dearly, they may be honest and honourable people and they may be equipped in all kinds of ways to bring up a child, but have they sincerely made a commitment to each other? We know that those commitments can go wrong; some us know from deep and bitter personal experience. But that does not alter the fact that, at the outset of the marriage, in the provision of the framework for the bearing and rearing of children (or in this case the rearing of children), the intention was there.

Equally, we know that *de facto* relationships can go wrong, but the fact that there is that withholding from the legal commitment in a *de facto* relationship must cast doubt on the total commitment of the couple to each other and therefore to the continuing relationship, and to the ideal of life long united parenting—mother and fathering—of a child. We have to start from first principles, and this is a first principle.

The Minister said that moral standards change: well, it depends on how she is using the word 'standards'. In my opinion, moral values do not alter. They are the eternal verities, if you like. The way in which those standards are interpeted, of course, alters and the punitive attitudes that were taken towards unmarried mothers, notably in the 1940s, 1950s and 1960s, resulted in some very cruel treatment and tragic outcomes. Fortunately, we are now more enlightened. But we are looking at a very long tradition, practice and custom of marriage in all societies, in all parts of the world, and we are looking at the question of commitment. The lack of formal commitment, which might have occurred at various times in history and which is being evidenced today, is in itself, if you like, a minority deviation from the majority belief that a commitment to marriage is an essential framework for the bringing up of children. That is what the Opposition believes, and it is why we urge support for the amendment.

Mr S.G. EVANS: I support the amendment. I believe that the member for Flinders made the most important point in this area regarding a man and a woman living in a *de facto* relationship. If those two people believe that they want to adopt a child because for some reason they are not able to have their own, they should be prepared to make a commitment to marriage, to show that they have a strong bond, to indicate a belief in a commitment that needs to last at least 20 years. That could be a criterion made in law because we believe that it is important that people make that sort of commitment. It is some guarantee that in this fairly free running society two people are committed to raising a child in a nurturing, caring and loving environment.

There is a shortage of children available for adoption. There are plenty of married couples waiting to adopt children as they become available. Some of these married couples would not be suitable parents, and that is accepted. However, one can be reasonably confident that there are

enough loving, caring and devoted people who want to raise a child and who have made a commitment to marriage. One asks the question: why are the people who live in a *de facto* relationship not prepared to make the next commitment to get married? What is the bind, if they wish to raise a family, which prevents them from getting married?

Do we as parliamentarians believe, on average, that marriage is an important institution within our society? It appears that the Labor Party does not. Members of the ALP are saying, through the Minister, that they do not believe that marriage is an important institution in society. If members of the Labor Party vote against this amendment, that is what they will be saying, led by a Minister who believes quite strongly that a *de facto* relationship has as much importance in society as does a commitment to marriage.

We all know quite well that in marriage there can be tough and rough times, and that commitment is the thing that holds a marriage together during the tough times until better times. In a *de facto* relationship it is much easier to walk away from a commitment. The member for Coles made the point about a group of people sitting down and making a judgment about whether a couple who applies to adopt a child is suitable. I guarantee that the first criterion that any person who has raised children would look at is whether a couple was married or prepared to marry in the event of being given a child, to thus enable a child to be raised in the best possible environment.

No-one can guarantee the result of a panel decision on the suitability of a couple to raise a child born to another person, but we have enough married people in the community to take on the challenge. If a *de facto* couple has a strong enough desire to raise a child, surely it is not such a great commitment to go along and get married and be prepared to make that tie. The Minister will argue that that is unnecessary—but that is the ALP view.

[*Sitting suspended from 6 to 7.30 p.m.*]

Mr MEIER: I support the amendment moved by the member for Coles. As we have heard in the second reading debate and in the Committee debate to this stage, it is important in this Bill to ensure that children who are adopted go into a relationship that is stable, and we cannot guarantee what a stable relationship will be, whether a person is married or not married. However, we know that when people marrying they enter into a lawful agreement—there is a bond between them—which is a much greater commitment than if they simply live in a *de facto* relationship.

I believe that it is unfair to adopted children to leave this provision in the Bill relating to *de facto* couples. The amendment is clear in that it seeks to leave out the definition of 'marriage relationship'. Surely this Parliament should be promoting standards that we wish the citizens of this State to observe. We should not be lowering the standards but, rather, at every opportunity endeavouring to raise them. This Government has not set a good example in that respect, and here we have a chance to correct a provision in this important Bill to ensure that 'marriage relationship' does not include *de facto* husbands and wives. I hope that the Minister and Government members will support the amendment.

The Committee divided on the amendment:

Ayes (15)—Messrs Allison, D.S. Baker, S.J. Baker, Becker, and Blacker, Ms Cashmore (teller), Messrs Chapman, Eastick, M.J. Evans, S.G. Evans, Gunn, Ingerson, Lewis, Meier, and Oswald.

Noes (21)—Mrs Appleby, Messrs L.M.F. Arnold, Blevins, and De Laine, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan (teller), Messrs McRae, Mayes, Plunkett, Rann, Robertson, Slater, Trainer, and Tyler.

Pairs—Ayes—Messrs P.B. Arnold, Olsen, and Wotton. Noes—Messrs Bannon, Crafter, and Payne.

Majority of 6 for the Noes.

Amendment thus negatived.

The Hon. J.L. CASHMORE: I move:

Page 2, line 17—Leave out 'husband and wife' and insert 'lawfully married'.

There is no point in canvassing the arguments that have already been put to this Committee, the vote having been lost as a result of the division. This amendment aims to have consistency of approach between the wording that we believe should apply to the definitions in the Bill in respect of residents of Caucasian origin and those of Aboriginal or Torres Strait Island origin. I will not canvass the arguments further, but will question the Minister later about the way in which she proposes to deal with the present definition.

Amendment negatived.

The Hon. J.L. CASHMORE: The Opposition would appreciate advice from the Minister on what is involved in the concept of marriage according to Aboriginal traditions which are many and varied. We would also like to know how this question will be addressed administratively considering the potentially large variations in marriage customs among the diverse range of Aboriginal communities. Whilst we have no fundamental objection to the provision as such, and whilst we have wanted to see it made consistent with our belief about marriage according to Australian law, we are curious to know how the Minister proposes to identify whether a husband and wife are married according to Aboriginal tradition.

The Hon. S.M. LENEHAN: Quite obviously, the simple answer is to consult with the appropriate Aboriginal community to establish under the traditions applicable to that community whether a couple was married according to Aboriginal law.

Mr S.G. EVANS: I have to say that it is up to the individual, it is not up to a department or an interpretation involving a person who regards himself or herself as an Aboriginal or Torres Strait Islander. Paragraph *(c)* states:

... the person is accepted as an Aboriginal or Torres Strait Islander by an Aboriginal or Torres Strait Island community.

We are really getting back to saying that if someone claims to have empathy with the Aboriginal culture—

Ms Gayler interjecting:

The CHAIRMAN: Order!

Mr S.G. EVANS: The member who would like to be the Minister but was denied the opportunity interjects.

Ms Gayler interjecting:

The CHAIRMAN: Order! I ask the Committee to come to order. If members wish to enter the debate I will give them the call, but I ask them to show respect to the member speaking at the time. The member for Davenport.

Mr S.G. EVANS: There are three criteria, and the first one, which I did not mention, is that the 'person is descended from an Aboriginal or Torres Strait Islander'. Where no birth certificate is kept—and in many cases it is not—there is no way of proving identity. The Federal legislation provides that in order for a person to be an Aborigine that person must claim to have an empathy with the Aboriginal culture. That is what it boils down to.

I find it amazing that we condemn South Africa and other places yet we set about here to create the same sort of divisions in our society with the laws that we make. The houses in which some of these people live are no different from houses in South Africa—it is the same sort of squalor. We set about making a separate law and then condemn

others. I cannot adhere to that process. I strongly oppose it, because I do not believe there is any way of showing the difference. If we say we are going to provide for it by colour, that is even worse. We could say they look black, nearly black or part black and they claim to come from that area, so we will let them be an Aborigine or Torres Strait Islander. I oppose the clause.

Mr LEWIS: Notwithstanding what the member for Davenport said, I would have to say the same thing. I have yet to see any law in any society work effectively where that law is based on the racial origins of the individual. It does not solve any problem, it only creates more. This is 1988; we are on the threshold of the twenty-first century. It is over 25 years since Margaret Mead spoke of the global village. She got it wrong as far as the Samoans and their behaviour were concerned. The concept of the totality of humanity having to live in peace on this planet, if we as individuals and a species are to continue to survive, was then seriously considered by everybody. That is where the concept of condemnation of policy and law based on race first obtained widespread acceptance in the minds of the societies that democratically administered the law and monitored the behaviour of the people for whom the Governments were responsible.

If we are really fair dinkum, we simply have to strike this out of our legislation and our minds. Tokenism of this kind gives people the feeling of a warm inner glow politically but is utterly irrelevant and destructive of a cohesive future for the people we seek to govern. It has not worked in New Zealand where there have been Maori seats in the Parliament and legislation specifically related to Maoris. They do not even vote and it has not helped to create greater cohesion in those communities. Where they are mentioned specifically in that legislation, it has made no contribution to the improvement of their welfare.

If ever there was a society that in origin and in terms of the law intended to provide equality of opportunity and justice for all similar to our own situation, it is New Zealand. Yet, the Minister and the Government can ignore that illustration in history of an attempt to elevate people of a certain subculture from their introspective self-pity to a level of acceptance of individual responsibility in a society where a number of people from different racial origins are equally diverse, one from another.

God knows the British Isles has comprised enough people of different ethnic origins over the past couple of thousand years to have illustrated the benefits that democracy can bring to a society when compared to others. Hitler tried this sort of legislation and it did not work. Why do we need it? My final point is that not only is it basing policy and the way it will be administered on race but it is also fallacious, as has been pointed out by the member for Davenport. We have people who call themselves Aborigines and who are accepted by others who say they belong to a so-called Aboriginal tribe—and they are white. They are white initiates; they do not have any of their genealogy in people whose predecessors were inhabitants of this continent prior to European settlement. They do not have one gene, not one ancestor. They have given themselves a nick and said, 'I am an Aboriginal', and I could name a couple of them. They will be subjected to a law different from that applying to myself; to you, Mr Chairman; the Minister; and, as far as I am aware, all members of this Chamber. To my mind that is an aberration—no, it is more than that—it is a bloody abomination.

The Hon. S.M. LENEHAN: I do not intend to respond to some of the outrageous claims that the honourable member has made. However, I do want to put on the public record that this definition was recommended by the select committee, and a number of members of that committee come from the same Party as the honourable member. In accepting the definition, I think the whole select committee was unanimous. Secondly, the definition has been accepted at the Federal level under land rights legislation.

Finally, because the honourable member was not present when I gave my summary, we have chosen to look specifically at what has happened to Aboriginal people because as a Government we recognise the trauma of past adoptions of Aboriginal children into white families, and we recognise that for many people this has been a type of cultural genocide. I do not believe that this has anything to do with the kinds of claims raised by the two members opposite and I reiterate that the Aboriginal communities supported the definitions, as did the select committee.

The Hon. J.L. CASHMORE: I want to address the original question which I asked and which did not relate to the merits of the clause as such but, rather, as to how it will be administered. The Minister said that, in determining who had been married according to Aboriginal tradition, the department would consult with the Aboriginal communities. A considerable number of Aborigines in this State live in an urban environment and have no community as such. If an Aboriginal couple living in that environment apply for adoption, what criteria will the department use in determining whether they are a married couple (husband and wife), given that there is no community which can be consulted on this matter?

The Hon. S.M. LENEHAN: There is a term (of which the member may not be aware) relating to the broader Aboriginal culture and I refer to cultural pairing, which is a form of Aboriginal marriage. I studied Aboriginal culture at Flinders University, and I have visited a number of Aboriginal communities, but I do not purport to be an expert on Aboriginal culture and I do not think that I need to be an expert. However, if people live in an urban environment in the same manner as do white people, and they live in a married situation which has continued for five years, then obviously they would be eligible to adopt a child under the same criteria as other people in the community, whatever their cultural background.

Mr S.G. EVANS: I refer to the Minister's comment that the Government is aware of Aboriginal people who would like to adopt children and that, in particular, in the past Aboriginal children have been adopted by other than Aboriginal people and that has been a form of genocide. Does the Government intend that, in the main, Aboriginal people will be given the opportunity to adopt Aboriginal children, but that whites will not and vice versa, because that is my interpretation of her statements?

The Hon. S.M. LENEHAN: I am sure that the honourable member has read this, but the Bill says that, in respect of Aboriginal children, we would look first at providing Aboriginal children (who would be available for adoption in a guardianship situation) with an Aboriginal family within an Aboriginal community. The department and I do not believe that we should take Aboriginal children away from their communities and have them adopted into white families because, in many cases, that has not worked. I do not suggest that those Aboriginal children who have already been adopted into families would be affected by this legislation.

Aboriginal law does not support or believe in the law or notion of adoption; rather, it advocates guardianship in extended families. Because some members opposite have spoken so long and eloquently about the Aboriginal community, I am sure that they understand some of the partic-

ular Aboriginal traditions and cultural values. If we do not accept that, are we suggesting that we are the only culture which is correct? Are we suggesting some kind of white supremist type of approach? If that is being suggested, members opposite should have the courage to come out and say that.

Members on this side do not say that. We recognise that Aboriginal culture has particular mores and cultural practices which are not the same as ours. I believe that, if we sensitively respect and acknowledge those mores and cultural practices, we may be able to ensure that Aboriginal children are placed with the most appropriate caring families and groups of Aboriginal families as is possible to do so. If the honourable member wants to score some cheap political points with that kind of approach, it is his right to do so, but I will not enter into such a debate.

Mr LEWIS: The Minister imputed improper motives on my part. She used her own words to paraphrase what I said. I did not suggest that any law was necessary. I accept and respect the mores of the Aboriginal people and their right to do what they have always done.

The Hon. H. Allison: We are the ones who gave the Pitjantjatjara people their land.

Mr LEWIS: Quite apart from the fact that in this country land rights were first established by a Liberal Government, the fact remains that, in this instance, by introducing legislation by which Aborigines will be bound, the Minister presumes, on behalf of her Government, to have greater wisdom than the Aborigines. All we have to do is leave them to live in the way they have done in the past. I refer particularly to what we refer to as adoption but which they accommodate in their extended families under a guardianship arrangement.

This law arrogates power from that extended family situation in the tribal setting to the Department for Community Welfare, which will decide which people (given that they are Aborigines) will be allowed to adopt and what children they will be allowed to adopt. It even countenances cross cultural adoption, which would be just as much a disaster as taking a person from one culture or tribal background and trying to integrate them into another. This legislation particularly mentions 'Aborigines' and 'Torres Strait Islanders'. No Torres Strait Islanders live in South Australia, so where will the children come from—Torres Strait, and the families of Torres Strait Islanders elsewhere?

That being the case, under this legislation the Minister and the Government presume to have greater wisdom than the Torres Strait Island families. The Minister and the Government will decide which families from which tribes will become the adoptive parents of such children. I always have, and always will, denouce apartheid, which is impractical.

I do not believe that laws should be made based on nothing else but race, and that is exactly what this legislation attempts to do. We should not attempt to introduce legislation which diminishes the traditional function of the extended family in tribal settings where children have been, and always will be, cared for according to the mores of that tribe. There was no need for the Minister to get involved. I am not playing politics—that is what the Government is doing.

The Hon. S.M. LENEHAN: The Aborigines themselves are extremely supportive of this provision. I am not an Aborigine and, as I understand it, no-one else in this Parliament is an Aborigine, either. The Aborigines not only support this provision but also want it included in the Bill. Surely we can put aside some of our superior notions and accept what the Aborigines themselves want.

Mr S.G. EVANS: The Minister said that I was trying to score cheap political points when I suggested that she claimed that the Government believed that some black children had been adopted into white families and that that was a form of genocide. As a result, can I accept that the Government would attempt to allow black children to be adopted only by those people who had some sympathy or, if you like, could claim that they were descendants of Aborigines or Torres Strait Islanders, or vice versa; in other words, whites could only be adopted by whites? If that is cheap political point scoring, let me make the other point. The Minister also told us, as the member for Murray Mallee has stated, that up until now Aborigines did not have adoption laws. They had their own way of controlling the family and the social structure within their tribes.

The Minister now tells us that Aborigines want white man's law to work in with their culture. Of course, some of them might. She also made the point that they would rather be adopted into an Aboriginal community. There may be a loving and caring Aboriginal couple living at, say, Christies Beach who are highly educated and highly qualified in many ways. However, that is not an Aboriginal community. They may be associated with Aboriginal culture and they may be an Aboriginal family, but it is possible that they may not have any direct contact with other sections of the Aboriginal community. They may choose to opt out of what we might see as their culture, as many people from different races do under different circumstances.

There is no need for this provision—no need at all. We should have only the one group for adoption but, at the same time, we could indicate that Aborigines can continue their previous practice if they want to. We do not even need to include that in the legislation but simply allow the children to move within their social structure. If one of the parents happens to be ill, dies or wanders off and does not come back, the rest of the tribe or family community will look after the child. We should not worry about cheap political point scoring. The Government is just playing on this because since the 1970s it has been the 'in thing' to say 'We are going to do great things for the Aborigines' and at the same time condemn a place like South Africa. In South Africa there are 23 million blacks, but we have about 180 000 full bloods because we shot, poisoned and pushed the rest over cliffs. That is our track record.

The Hon. S.M. LENEHAN: I would like to clarify one point. I used the term 'cultural genocide', which is quite different from the honourable member's interpretation.

Clause 4 passed.

Clause 5—'Establishment of adoption panel.'

The Hon. J.L. CASHMORE: Clause 5 establishes the adoption panel. The Aboriginal child care agency argued in its submission on the 1987 Bill and also to the select committee that one of the two members of the public with a special interest in the adoption of children to be appointed to the panel should be an Aborigine with such an interest. It seems that the select committee did not address the issue of the establishment or the functions of the panel. Can the Minister give the Committee her views on the merits of the recommendation of the Aboriginal child care agency in relation to the representation on the panel of an Aborigine with a special interest in the adoption of children?

The Hon. S.M. LENEHAN: I have not formed an absolutely concrete view on this. Apparently there has not been an Aboriginal adoption for the past three years, so when the legislation has passed through Parliament and we are looking at the establishment of the adoption panel and who should be on it I will consider the membership of the two

members of the public with a special interest in the adoption of children.

Clause passed.

Clause 6—'Functions of panel.'

The Hon. J.L. CASHMORE: Clause 6 notes that a function of the panel is to keep under review the criteria in accordance with which the Director-General determines who are eligible to be approved as fit and proper persons to adopt children and, further on, clause 42 provides for regulations regarding the determination of criteria. Will the Minister confirm that all the criteria which the Director-General will use to determine who is eligible to be approved to adopt children will be prescribed or established by regulation where it is not already defined in the Act, or is it envisaged that part of the criteria will be established by administrative practice?

The Hon. S.M. LENEHAN: It is proposed that what is not covered in the Act will be covered through the regulations.

The Hon. J.L. CASHMORE: Has the panel met since the tabling of the select committee report and, if so, has the panel provided any comment on the recommendation by the select committee? Will the Minister seek the advice of the panel on the making of the regulations?

The Hon. S.M. LENEHAN: No, the panel as such has not met since it received the Select Committee report.

The Hon. J.L. CASHMORE: I also asked the Minister whether she will seek the advice of the panel on the making of the regulations?

The Hon. S.M. LENEHAN: Yes.

Clause passed.

Clauses 7 and 8 passed.

Clause 9—'Effect of adoption order.'

The Hon. J.L. CASHMORE: The amendment standing in my name is consequential on the first amendment that I moved to establish in this Bill the Opposition's approach to the importance of potential adoptive parents being married. Having lost the first amendment there is no point in my proceeding with this amendment or the amendment to clause 10.

Clause passed.

Clause 10—'No adoption order unless preferable to guardianship in certain circumstances.'

The Hon. J.L. CASHMORE: Clause 10, which was included in the 1987 Bill, outlines the circumstances in which a court will not grant an adoption order unless satisfied that adoption is preferable to guardianship in the interests of the child. The Opposition endorses this initiative and supports its application in relation to a relative of a child and an Aboriginal child as provided for in clause 10 1 *(b)* and the following clause respectively. However, in respect of clause 10 1 *(a)* I simply make the observation that it should be restricted to a person who is cohabiting with a natural or adoptive parent of a child in a marriage as defined by the Marriage Act and not a marriage relationship as provided for in this Bill.

Is the Minister satisfied that the Children's Protection and Young Offenders Act and the Guardianship of Infants Act now provide effective guardianship options and legally recognised and permanent secure relationships for a child that will ensure that guardianship is in fact an attractive alternative option to adoption applications by step parents and relatives or in respect of the placement of Aboriginal children?

The Hon. S.M. LENEHAN: People seeking guardianship will go to the Federal Government under the Family Law Act—they will not come to us under this legislation.

The Hon. J.L. CASHMORE: Given that these children will be dealt with under Federal Government legislation, has the Family Law Act now been amended to accept the reference of guardianship and custody powers and, if so, do the new provisions provide an effective guardianship option that will provide a permanent and stable family environment for a child? If such an amendment has been passed, do the new guardianship options include reference to Aboriginal placement principles?

The Hon. S.M. LENEHAN: I can answer two of the honourable member's questions. Yes, it has taken place as of 1 April this year and, yes, they should be adequate to cover the situations raised by the honourable member. I am not sure whether they have a cross reference to the whole question of Aboriginal placements, but that information can certainly be obtained and I am sure we can feed it into the Upper House when the Bill goes before that Chamber.

Clause passed.

Clause 11—'Adoption of Aboriginal child.'

Mr S.G. EVANS: This clause provides for black children in the main to be adopted or to come under the guardianship of people who claim to be of black decent. It is also intended that black married couples may adopt white children?

The Hon. S.M. LENEHAN: First, I remind the honourable member that the term is 'Aboriginal'; these people like to be referred to as 'Aboriginal' rather than as 'black'. Obviously the honourable member can choose to refer to people in any way he wishes. The intention of this clause is that Aboriginal children will be adopted by Aboriginal families. As I understand it, nothing in the Bill prevents Aboriginal families from adopting white children.

Clause passed.

Clauses 12 to 14 passed.

Clause 15—'Consent of parent or guardian.'

The Hon. J.L. CASHMORE: Earlier the Minister gave an assurance that all criteria for adoptive parents would be included in the regulations. Under clause 15, which deals with the consent to adoption, we are talking about the terms upon which adoption may be negotiated. Is it envisaged that the terms upon which adoption may be negotiated in future will be outlined in the regulations or will some of those terms be left to the discretion of departmental administrative practice?

The Hon. S.M. LENEHAN: First, adoptions are taking place now and people are assessed. I have not heard one question in this Parliament in the six years that I have been here expressing grave concern about the criteria established to assess whether people are suitable to adopt children. I may be wrong. If there has been a question in the past 20 years, I am sure that the member for Davenport will jump to his feet and correct me.

Members interjecting:

The CHAIRMAN: Order! I ask the Minister not to invite interjections.

The Hon. S.M. LENEHAN: What is stated here is, in fact, spelling out the present practice. This has not caused great consternation in the community. There have not been questions in the Parliament every week about the kind of criteria—

Mr S.G. Evans interjecting:

The Hon. S.M. LENEHAN: I realise that, but I find it amazing that people—

The Hon. T. Chapman: Don't let him get under your shirt.

The Hon. S.M. LENEHAN: I have no intention of ever doing that, I can tell the member for Alexandra. That will

never happen. All the criteria will be legislated for either by Act or by regulation. We have to adopt a very balanced perspective on some of these matters.

Clause passed.

Clauses 16 to 26 passed.

Clause 27—'Provision for open adoption.'

The Hon. J.L. CASHMORE: I move:

Page 10, line 43—Leave out 'The Director-General may disclose' and insert 'The Minister may authorise disclosure of'.

This clause provides, amongst other things, that the Director-General has a discretion to disclose information before an entitlement to the information arises under the previous subclause and that the Director-General may, before disclosing information to a person under subclause (1), require the person to attend an interview. The next subclause, which the Opposition wishes to amend, states:

The Director-General may disclose any information (without the required approvals or contrary to a direction)—

and I stress the words 'without the required approvals or contrary to a direction'—

if the disclosure is necessary in the interests of the welfare of an adopted person.

Into the last part of that clause we can read the expanded meaning, namely, if the department considers that the disclosure is necessary in the interests of the welfare of an adopted person. Virtually all second reading speeches referred to the intensity of emotion generated by the wish to confirm an identity or retain the confidentiality of information which will disclose an identity. We are therefore talking at this point about the pivot of the Bill, the provisions of which may never be envoked, one hopes. If they are, the Opposition believes that greater protection is needed in these circumstances than is provided for in the Bill. The present protection lies with a decision of the Supreme Court, which is about as solid a protection as any citizen in this State can have.

In choosing to leave out the words 'Director-General' and insert 'Minister who authorises disclosure' we believe we are requiring a greater degree of accountability than can be expected to rest with a departmental head without going to the lengths of a Supreme Court action. This seems a reasonable amendment and one which the Minister may well accept. It has its precedents in many other Acts. It imposes the burden of responsibility on the Minister which we feel is in keeping with the gravity of the situation. I commend the amendment to the Committee.

The Hon. S.M. LENEHAN: I accept the amendment.

Amendment carried.

The Hon. J.L. CASHMORE: Will the Minister confirm that under subclause (1) *(a)* (i) an adopted person who has attained the age of 18 years can be provided with a copy of his or her original birth certificate in addition to other identifying information held by the Director-General at the time of the adoption?

The Hon. S.M. LENEHAN: Yes, from now on; it is not retrospective. People will be made aware of all that as part of the adoption counselling process.

The Hon. J.L. CASHMORE: I refer to subclause (4) and note that the select committee's recommendation 14 stated that all persons seeking information in relation to adoptions ordered prior to the proclamation of this new legislation must attend a mandatory interview with a counsellor approved by the Director-General.

Is it the Minister's intention that the regulations require all persons seeking information in relation to adoptions, to date, to attend a mandatory interview prior to receiving any information and, if not, does the Minister believe that the wishes of the select committee should be incorporated in the Bill by dividing the reference to disclosure of information into two parts?

The Hon. S.M. LENEHAN: It is my intention that people should have to attend an interview and be given some form of counselling about the information that is given and how they will accept it. However, Parliamentary Counsel tells me that, under the regulations—

The CHAIRMAN: Order! The Minister must not refer to Parliamentary Counsel at any stage.

The Hon. S.M. LENEHAN: I understand that, under the regulations, it would be difficult to actually make it mandatory, but certainly it is intended that all people who are seeking information will have a counselling session. I can obtain further advice on that for the honourable member.

Mr S.G. EVANS: I refer to clause 27 (3) concerning provision of a veto direction and to clause 27 (6). In recommendation 11, the select committee recommended a range of three veto options that can be exercised by adopted persons over 18 years of age and their birth parents on the release of information about themselves, with respect to adoptions prior to the proclamation of the new Act. Recommendation 11 is as follows:

That adult adoptees and birth parents be given a period of not less than six months prior to the implementation of clause 25 of the Bill during which time they may register with adoption services to place one of the following restrictions on the release of information:

(a) a complete veto on the release of the birth certificate and other information;

(b) a veto on the release of current information and no contact to be made (in this instance the birth certificate will be released);

(c) a veto on contact (in this instance the birth certificate will be released together with current information including medical and other genetic history);

and that any of these restrictions may be changed or placed subsequently.

Further, the Minister outlined the same options at page 13 of her second reading speech. Why has the Minister not incorporated this range of directions in the Bill?

The Hon. S.M. LENEHAN: I understand that those provisions are in the Bill. The range of veto provisions are provided in various parts of the Bill; they are not grouped altogether. For example, clause 27 (3) refers to disclosing the name, as follows:

. . . *(a)* the name of a person who was adopted before the commencement of this Act or the name of an adoptive parent of such a person or the name, date of birth or occupation of a natural parent of such a person.

A number of veto provisions are contained in the Bill, and that is one of them. The provisions relate to the whole question of providing identifying information. I am not sure what the honourable member wants to know.

Mr S.G. EVANS: At page 13 of her second reading explanation the Minister outlined the options concerning a veto direction, and I ask why has the Minister not incorporated this range of directions in the Bill? They are not all incorporated; some have been deleted, and I ask the Minister why.

The Hon. S.M. LENEHAN: It was very difficult in drafting the Bill to incorporate the entire range of options that were canvassed in the select committee's report.

Clause as amended passed.

Clauses 28 and 29 passed.

Clause 30—'Enticing child away.'

The Hon. S.M. LENEHAN: I move:

Page 11, line 40—Leave out 6 and insert 5.

Clause 30 makes it an offence to entice a child away from a person who is entitled to custody in pursuance of an adoption order. The penalty provided for in the Bill is a division 5 fine, which is equivalent to $8 000, or a division

6 imprisonment, which is equivalent to one year. The amendment provides that the penalty be a division 5 fine or a division 5 imprisonment, which in fact is two years. Thus, it is to bring the two penalties into line. I ask the Committee to accept the amendment.

Amendment carried; clause as amended passed.

Remaining clauses (31 to 42), schedule and title passed.

The Hon. S.M. LENEHAN (Minister of Community Welfare): I move:

That this Bill be now read a third time.

The Hon. J.L. CASHMORE (Coles): This Bill, as it comes out of Committee, is deficient in one major respect, in our opinion, in that it permits *de facto* couples to adopt children. However, we believe that it is improved as a result of the greater accountability required by the involvement of the Minister in any authorisation of disclosure against the wishes of any of the parties. I wish the legislation well because only those who have been involved in adoption procedures in one way or another as the primary parties could possibly understand the degree of feeling and the impact on lives that such legislation generates. I believe that this legislation is enlightened and will go a long way to restoring a sense of identity for those who have been seeking it for years.

I believe it is a very complex situation to which not even King Solomon could find an answer. The efforts of a number of people inside and outside the Parliament, in the community and in the department, have been brought to bear and have produced a much better Bill than the legislation on the statute books. I hope that it improves the situation for those who are either adopting or who are adopted in future in South Australia.

The Hon. S.M. LENEHAN (Minister of Community Welfare): I thank members who participated in this important debate this afternoon and this evening. I believe that this is a very significant piece of legislation and, as the member for Coles said, only those who have been touched by adoption in one way or another can fully comprehend what this legislation will mean to them particularly and also to future adoptees and relinquishing parents. It is the hope of this Government, and in particular my hope, that in future people will not face the pain and suffering that many people experienced in the past because adoption was considered a taboo subject or because of the moral judgments that were brought to bear on very young women who had a child and who, as some of my colleagues have said, had to move interstate, come to the city or in some way hide that fact.

I believe that this legislation marks a change in community attitude; there is greater acceptance of a number of life situations. It recognises the rights of the relinquishing mother and the adopted child, and also protects and recognises the rights of adopting parents. For those reasons I commend the third reading to the House.

Bill read a third time and passed.

ADJOURNMENT

The Hon. S.M. LENEHAN (Minister of Water Resources): I move:

That the House do now adjourn.

The Hon. T. CHAPMAN (Alexandra): This afternoon I had what might be described as a spirited discussion with the Minister of Marine and Harbors, the Hon. Bob Gregory. Ordinarily, such a private discussion with a member from the other side would be described as a corridor matter, about which a degree of long-standing confidence has been observed. Therefore, it is not my intention to canvass the specific detail of our discussion today. However, what I propose to do now (as I told him) is place on record the background of our discussion.

In about March this year a Mr Ray Snook and his partner, Carol Huxtable, moved to Lot 43 Loxton Road, Walker Flat, where they acquired land and a fairly large houseboat known as *The Executive*, a classy piece of river equipment, if I understand the specifications and details that have been put to me. That boat, registered and complying with all the regulations and requirements of such a vessel, was then and has been in the meantime moored adjacent to their premises, as has been the tradition and practice for houseboats to be so moored on the river.

Shortly after establishing their new business, of which they were rightly proud, they were approached by an officer of the Department of Marine and Harbors who, I understand, indicated to them that in his opinion, or in the opinion of another who had drawn the matter to his attention, the vessel bow moored to the bank at the front of lot 43 could cause a hazard to other users of the river. It turned out that the other 'users' was a skier—a 'user' of the river. It has been reported to me that the officer, on approaching Carol in particular, was reasonably courteous on the first visit and, although unable to identify any details of the so-called hazard or potential hazard, went away leaving the new owners of the premises to consider his comments.

He returned to tell them that action would be taken unless they moved their vessel from the site, parked it side on to the bank (which was not practicable and is not the general practice for parking houseboats), or dug into the property some 30 feet to reduce the length of the vessel protruding into the broad river. It so happens that the river at that point is approximately 100 yards (or 80 metres) wide which allows plenty of room for passing vessels.

Again, the case was purported to have been taken up on behalf of the skier. I understand that the local council has no objection to this form of parking and that it never has objected in this instance. I also understand that the officers and crews of the very big vessels based at Goolwa in the downstream river port have no objections to the method by which the houseboat *The Executive* is moored, and they are the big boat users of the river who traverse it regularly. Everyone seems to be relatively happy with this houseboat mooring practice generally and with the activities of Ray and Carol, in particular, except this cheeky departmental officer from upstream.

I asked the constituents of my colleague, Mr Goldsworthy, to write to me—and they did. They spelt out the position in some detail. I rang the department—I admit a bit belatedly—to ask whether it could look at the contents of this correspondence. I was requested by Captain Don Malcolm to fax the correspondence received from Ray and Carol to him and he gave me the number upon which to do that. Shortly afterwards, on 13 October, I got the most arrogant letter from Minister Bob Gregory. First of all, it identified the fact that it had been drawn to his attention that I had sent, by facsimile, correspondence to one of his officers. Secondly, I was never to do that sort of thing again, and the Minister added:

> . . . as a matter of protocol, any matters that you wish to raise with regard to the Department of Marine and Harbors be sent to my Ministerial office . . .

I have never had such an abusive, arrogant, standover, dictatorial letter from any member of this Parliament, let alone a new found Minister of five minutes. I was under-

standably distressed by this, sufficient to ring his office and seek an interview with him. In the meantime, he has not had the courtesy to get back to me; hence my altercation with him on the mid-backbench of the Chamber this afternoon, for which I make no excuse whatsoever.

The bottom line is that here we have a situation where a longstanding practice on the river has been adopted by a young couple going about their business in what they think to be an appropriate way and they are treated in this inhuman and insensitive way by officers of the department, and those officers then, in my view, have been quite inappropriately supported by an amateur Minister.

In conclusion, the most interesting aspect of this subject is that the Minister had the gall to pin to the letter which he sent to me sections 156 and 157 of the Marine and Harbors Act. Section 157 is dependent, indeed totally reliant, upon the content of section 156, which begins with the stipulation that it comes into operation upon the issue of a notice. In the absence of any notice in that respect, the Minister was wrong. But what do you reckon he did? As soon as the matter was drawn to his office's attention and, in turn, to his attention; I imagine that he said—it seems the matters of fact are—'We'll get that bloody Chapman; and to make sure that those people he's trying to represent are subject to this Act, we'll now send them a notice.' That is precisely what the Minister's officer did on 31 October—he had his cohorts go there and deliver a notice. This is what the notice said:

> The houseboat *The Executive*, certificate of survey number 02138, moored at Lot 43, Loxton Road, Walker Flat, is considered to be a hazard to navigation. You are, under section 156 of the Harbors Act, 1936-1974, ordered to either remove the houseboat from its present site or reposition the houseboat broadside to the bank forthwith.

What a way to treat another human being. For a new Minister I think it is an absolute disgrace and I have no hesitation whatsoever—although I was reluctant and declined to talk about my conversation with the Minister today—in putting on the record of this House the distinctly regrettable behaviour of the Minister and his officers. Indeed, I call on him to take the appropriate action to take the heat off this subject and not treat it like a trade union brawl in an alley behind a hotel, but to treat it with the sensitivity that this sort of subject deserves.

Mr M.J. EVANS (Elizabeth): One of the most significant issues in our country today is the policies which State and Federal Governments are going to adopt over the next decade to ensure the security of our aged population. They are a significant part of the community, and already over 1.3 million aged pensioners are living in Australia. As we all know, this number will increase with time as the community progressively ages. Of course, South Australia is particularly concerned with this aspect of our demographics.

Governments and political Parties generally have started to address the need for a co-ordinated approach to policy formulation in this area—and I cite the South Australian Government's initiative in appointing a Commissioner For the Aging. I know that this office advises the present Minister of Community Welfare, who is particularly interested in this kind of policy issue. This is an excellent example of policy coordination. We have yet to see much evidence that policy makers involved, for example, with the Federal Treasury, the Federal Minister of Health and some State officers are listening to this kind of advice.

It is a self-evident truth to say that what aged people seek most in their retirement years is security—security in their homes, in the accessibility of quality medical care and in the everyday financial sense of the word. Governments must come to understand much better than they do now that these matters cannot be looked at in isolation. Aged people demand that Governments set out a comprehensive policy and proceed to honour the commitments they make so that the aged can be secure in the plans they make for their retirement. While it is inevitable that the economic and social climate will change over time, Governments cannot turn around and reverse their previous decisions and impose a whole new social security, taxation or medical insurance regime on pensioners and the aged generally.

However, what we should learn from the way in which Governments have been forced to make these disastrous revisions of their policies—and I cite examples of the assets test and the recent catastrophe of the insurance bonds and market linked investments saga and indeed, the Opposition's reversal of its policy in relation to the assets test—is that the fewer people who are dependent on the Government in their retirement years, the better. Recent statements have shown the need for a massive lift in the number of people in our community who participate in superannuation schemes through their workplace. Of course, recent decisions of the Arbitration Commission have led the way in this regard, but existing schemes often fail to address the problems of portability and unemployment, among other things. The issue of pension versus lump sum entitlement is a vital one. In many ways, widespread superannuation is as important to the work force as WorkCover. Many of the principles involved are the same, with community insurance perhaps uppermost. Unfortunately, while a recent Federal Government report has called for superannuation to be given in the form of pensions, the State Government has recently amended its scheme of superannuation for its large work force to ensure that lump sums and not pensions are the priority.

The existing pension based scheme has been supplanted by a fundamentally lump sum based scheme in apparent contradiction of the national trend. That will ultimately cause problems for national retirement policies. The New South Wales State Government has previously adopted such a policy, and if that kind of treatment continues it will negate the important point of the pension based system. The aged pension is a vital source of income for most retired people, but look at the anomalies and contradictions inherent in the system of multiple income and assets tests and the impact of taxation on the pension itself, to say nothing of the anomalies of superannuation, medical and public housing schemes.

Pensioners are constantly faced with the conflicting demands of these various bureaucracies. For example, a pensioner might receive a part aged pension, a veteran's allowance, superannuation or perhaps an overseas pension (for example, an English pension) and may live in a Housing Trust home. All these bodies impose their own tests and fail to co-ordinate their efforts, in such a way that it is possible for a pensioner to be financially worse off as a result of a rise in one component of their income. There are sudden death cut off points for all concessions and many pensioners are therefore forced to seek to disown increases in non-pension income which takes them just over the sudden death cut off points.

This is an absurd position in which Governments place our senior citizens. Others are faced with massive problems in completing taxation returns, social security assets and income test papers, confusion over Medicare treatment regimes and Housing Trust rent rebates, and so on. Aged people should not be put through these traumas of annual form filling simply to live in retirement and obtain housing and medical care of a reasonable standard and an equitable

base. The systems must be revised to ensure they work in harmony and that the various authorities concerned work together, not against each other but for the community.

To give the most obvious example, why could taxation and social security at the Federal level not be combined for those in receipt of any aged pension so that both matters are resolved in one combined approach, with the Department of Social Security acting as the agent of the Taxation Department?

We must also remove the dreadful anomalies caused by the concession cut-off point (with, for example, a shaded system of payment biased towards the lower income end of the scale) to replace some of these concessions, where appropriate, which would target those in greatest need and provide a minimum amount of form filling, bureaucracy and uncertainty, while giving pensioners the financial help which they really need. This would certainly remove many of the anomalies, but we would still be faced with the question of pensioners who are in receipt of those concessions, as against the benefits available to those who are not. I would cite the very important example in housing where some pensioners are trapped in the private rental market, some owning their own homes and some living in Housing Trust aged accommodation: the pension is the same, except for certain rebates, but the pensioners concerned are faced with vastly different regimes, depending on which accommodation choice circumstance forces them into.

We must also be careful to ensure that the system is adjusted to cope with the needs of superannuants who rightly expect some benefit for having saved all their working lives to provide for themselves in retirement and who now find that they are taxed and means tested into a corner by conflicting Government policies. Aged people rightly insist upon a coherent and cohesive set of policies from Government and, indeed, they must have the right to understand the system without the need to engage a Queen's Counsel. They must be able to secure their proper entitlement without complex form filling and without having to deal with multiple bureaucracies. Ideally, to protect the community and other aged citizens from fraud, the system should be self-policing.

The problem of financial security for the aged will continue to grow over time, and policies for this must be set down now. These policies must not be unrealistically geared for short-term political expediency, because that will certainly come unstuck in later years when those policies have to be changed at the worst possible time for the aged people concerned. Our political system is not used to responding to such long-term problems, and the track record is not good, but to some extent I am reassured by the initiatives such as the appointments of the Commissioner for the Ageing and of a Federal Minister at this level, together with some of the policies announced by both political Parties only recently. I certainly hope that they are able to bring that coordinated effort to bear and I believe that the aged community will demand that they do so.

In the time left, I will briefly address the question of the physical security of the aged, because that is also one of their most important concerns on a day-to-day basis. Our South Australian Police Force is well respected in the community, although recent events have shown that we need to remain vigilant in this regard. However, even though we have one of the best police-to-population ratios in the country, at times aged people still rightly fear for their physical security. Housebreaking is an almost unsolvable crime, and simple vandalism and hooliganism are a real worry to many older people who are no longer physically able to take on a gang of young people, for example, who may be harassing them or damaging their property. The police must be given the resources to maintain a greater presence in the suburbs in order to deter crimes of this kind. The Neighbourhood Watch scheme is a good starting point, but it is not enough. The police must have the resources to respond effectively.

The DEPUTY SPEAKER: Order! The honourable member's time has expired.

The Hon. B.C. EASTICK (Light): I congratulate the member for Elizabeth for his well researched expose of the problems of the aged. I believe that this matter is of concern to every member of Parliament. Although we represent the State and many of the activities of which the honourable member has spoken are directly associated with the Commonwealth, if members are not fortunate enough to have a Commonwealth electorate office close to their own, they have plenty of opportunity to address the problems which the honourable member has just highlighted.

The member for Elizabeth spoke particularly about the security of the aged and that relates to my comments about the Neighbourhood Watch scheme. I acknowledge the fact that this year the scheme has had an injection of funds, so that allows for an increase in the number of Neighbourhood Watch units. The existence of such a unit is only part of the story. The continued vigilance and help of the people within the various units and the ability of the police to have officers directly available to those units make or break the system.

Regrettably, at the most recent State conference of Neighbourhood Watch, a number of people identified the fact that, through no fault of the officer allocated to their area of involvement, the work rate in other areas prevented that officer from liaising as closely with the group as both the group and the officer wished. As we move towards a situation of allocating more and more members of the Police Force to new initiative areas, such as those relating to the firearms legislation where anything up to 25 redeployments will be involved, we are reducing the work force at the coal face.

I will relate an incident that occurred in Gawler, which is in my electorate. Regrettably, in more recent years, Gawler has witnessed a marked increase in the number of breaking and enterings and other anti-social activities. In fact, only two weeks ago, at 2.30 a.m. the police contacted me because a 17 year old male had decided to attack the plate glass window of my electorate office in Gawler. He had also attacked 15 other plate glass windows, including a Telecom booth which was located in the main street. That person was 17 years old and he was stoned.

At the time the police were unable to determine whether he was under the effects of just alcohol, or whether it was a mixture of alcohol and drugs. He was covered in blood, because he had cut himself when he damaged the windows. One has regard to the manner in which police are restrained from taking the more positive role which perhaps they took in the past and, because this person was covered in blood and they knew him to be a drug user, the police proceeded with caution. They were concerned that he could be an AIDS carrier. They remonstrated with him as best they could. They could not interview him at any great length at the time, because his parents were not present and he was not sober.

The Hon. H. Allison: He could have had hepatitis B.

The Hon. B.C. EASTICK: He could have had hepatitis B or AIDS. Eventually, they coaxed him into the back seat of the police car and took him home. When he arrived home, he immediately abused his mother and called her every name that one could think of. He said that he would

not be told by his mother or anybody else what to do. However, they left him in the charge of his mother so that he could be interviewed the following day when he had sobered up. After they left his house, they proceeded back to the main street to help the shopkeepers secure their properties.

Only 20 minutes after they had deposited that person in his own home and some 3.5 km from the scene of the damage he was back in the main street strutting up and down and virtually saying, 'Come and get me, I am back here.' I believe they showed commendable restraint as they went about the task of checking on the damage which was done. It has been conservatively estimated—and I will be interested in due course to obtain information from the Minister of Housing and Construction about the cost of the replacement of the window in my electorate office that over $11 000-worth of damage was done to plate glass windows in the main street of Gawler just two weeks ago tomorrow morning at about 2.30 a.m. As I have said, the fellow returned to the street 20 minutes after he was taken home and, indeed, he was there again the following day at around midday, but this time sporting a sling around his arm.

I rather got away from my original comment about Neighbourhood Watch, but certainly in that particular case a person was able to identify to the police where the culprits who had been observed committing this offence had disappeared to. In fact they were so foolish that after about 10 minutes they returned to survey the scene and walked straight into the arms of a policeman who then began to remonstrate with them. In respect of the first public interest meeting held in the town of Gawler some five weeks ago, over 400 people attended, yet information about the meeting had been provided to but one-sixth of the general area of Gawler. It was the second largest interest meeting that the police have ever known for Neighbourhood Watch. I ask the question (and I will leave every member to answer in their own particular way): Why did so many people give up their time to attend an interest meeting in relation to the creation of a Neighbourhood Watch scheme in Gawler? I point out that the particular area had been canvassed to be subdivided within two sub-groups within one general area, the other areas of Gawler to be taken up at a later stage.

I believe that people attended this meeting because they were genuinely concerned by the lack of security in their own home and the inability of the system as we know it today to impose a meaningfully penalty on those who transgress. This came after a story appeared on the front page of the *Advertiser* some 15 to 20 weeks ago about a young couple who had returned to the estate of the mother of the female member of the family only to find that the place had been almost demolished over a weekend. The young people involved—one 15 and one 14 from a southern town—were apprehended. They did more than $13 500-worth of damage and they wrecked materials and irreplaceable family heirlooms which related to the mother's marriage to an American serviceman during the war. The two offenders recently appeared before the Juvenile Court where they were each fined $80 and immediately released. The damage amounted to $13 500 yet they were each fined only $80!

Motion carried

At 9.5 p.m. the House adjourned until Thursday 3 November at 11 a.m.