HOUSE OF ASSEMBLY

Wednesday 20 November 1991

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

AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED (NMRB) BILL

Her Excellency the Governor, by message, intimated her assent to the Bill.

PETITION: SCHIZOPHRENIA

A petition signed by 1 035 residents of South Australia requesting that the House urge the Government to establish support services for people with schizophrenia in suburbs south of Adelaide was presented by the Hon. D.J. Hopgood.

Petition received.

PETITION: VIDEO GAMING MACHINES

A petition signed by 70 residents of South Australia requesting that the House urge the Government to provide for the administration of coin operated gaming machines in licensed clubs and hotels by the Liquor Licensing Commission and the Independent Gaming Corporation was presented by the Hon. R.J. Gregory.

Petition received.

PETITION: HILLCREST HOSPITAL

A petition signed by 77 residents of South Australia requesting that the House urge the Government not to close Hillcrest Hospital was presented by Dr Armitage.

Petition received.

PETITION: JUVENILE CRIME

A petition signed by 12 269 residents of South Australia requesting that the House urge the Government to lower to 16 years the age at which in criminal matters a person is treated as an adult was presented by Mr Such.

Petition received.

PETITION: REYNELLA POLICE STATION

A petition signed by 618 residents of South Australia requesting that the House urge the Government to establish a police station at Reynella was presented by Mr Such.

Petition received.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions without notice be distributed and printed in *Hansard.*

BUILDING ACT

In reply to **Mr MATTHEW (Bright)** 29 October.

The Hon. M.D. RANN: The Minister for Environment and Planning, who has responsibility for this matter, has provided the following response:

Building regulation 47 allows persons to inspect building plans held by a council during normal business hours. There is no authority for a council to supply copies, and I am informed that councils do not do so unless a specific request is made by the owner of the subject land. The regulation provides a balance between the owner's right to privacy and the legitimate interest of an adjoining owner or a community group to ascertain whether a proposed building will adversely affect them. For example, people may quite properly inquire whether a development will block out sunlight, or they may wish to study the size and layout of large commercial structures. If regulation 47 was removed or modified, it would be possible for developments to occur in conditions of secrecy because the owner refused to divulge any information. That would not be in the public interest.

JUSTICE INFORMATION SYSTEM

In reply to **Mr OSWALD (Morphett)** 20 August.

The Hon. G.J. CRAFTER: The Government did not legislate for security or privacy of the Justice Information System because, following consideration of advice from a number of sources, it did not consider that specific legislation was necessary. In June 1984 a subcommittee of the Justice Information System Steering Report presented a report on the fair and secure treatment of data on individuals in the Justice Information System. The report made a number of recommendations including: that the Policy Management Committee or any other ongoing board of management:

- Ensure that JIS agencies maintain privacy and security standards for all relevant files.
- Ensure the fair and secure treatment of data in the automated JIS.
- Control and monitor researcher access and statistical usage.

That the JIS be established and controlled as far as possible by administrative direction, supplemented when required by legislation.

The recommendations of the subcommittee were generally endorsed in the 1987 report of the original privacy committee. The committee recommended that the JIS should be regarded as a particular public sector application in relation to which the modified information privacy principles ought to be implemented. The Government accepted this recommendation and, as a result, JIS is covered by the information privacy principles implemented by the Government in July 1989. The principles govern the collection, storage and release of information held by JIS. Non-compliance with the privacy principles can result in investigation by the Ombudsman or, in the case of members of the Police Force, the Police Complaints Authority.

It should be noted that, when work on JIS commenced in 1987, the Government was aware of the consequences of storing the JIS data and took certain steps which would guarantee the security and privacy of the data. These steps were:

Overseas and Australian experts were used to provide advice on security and privacy guidelines.

A JIS security committee was established to set up the security system and to monitor and control the security provisions required in JIS.

A JIS privacy committee was established to research existing privacy guidelines and legislation and to monitor JIS against those provisions.

The JIS data base and applications were designed from day one to cater for the security and privacy situations which were envisaged.

Since the commencement of JIS, the security and privacy committees have monitored new developments in those areas and have overseen the upgrading of JIS to reflect those developments. When the State Privacy Committee was formed by the Government in 1989 it was involved with JIS and has met with JIS staff on a number of occasions.

QUESTION TIME

ECONOMIC REFORM PACKAGE

Mr D.S. BAKER (Leader of the Opposition): Will the Premier make time available this week to be briefed, with his fellow Premiers, on the Federal Coalition's economic reform package? I spoke this morning with Dr Hewson, who will be pleased to arrange a full briefing by the coordinator of the Coalition's tax reform group, Mr Alexander Downer, for the Premier and his colleagues, at their convenience, during the Special Premiers Conference in Adelaide tomorrow and Friday. This will allow the Premiers an early opportunity to study the reform package and to ask questions about it.

The Hon. J.C. BANNON: I appreciate the offer made by the Leader of the Opposition on behalf of his Federal counterpart. It certainly indicates, of course, the very close unity ticket which they are running on this issue, in terms of the consumption tax. I know that the Leader is very excited that this is about to be unveiled, because it will give him a few clues about his own State version of consumption tax, which will put up the price of goods and services for ordinary South Australians to an even greater extent as well. I am sure that the timing of the release of the Coalition package was very well worked out in advance to coincide with the Premiers Conference that was to have taken place in Perth next week. I guess the argument would be either that they could take some kind of attention away from that event if it was going to be a major achievement or, alternatively, the significance of that event would mean that the GST details, the full details, could well be submerged in public consideration.

It so happens, of course, that that meeting is not taking place, but there is one for the Premiers. The Premiers will be very keen indeed to see the full details of this tax. I am particularly interested in the aspect of it that will relate to the utility and other charges that Government makes. I will be interested to see, for instance, whether Electricity Trust bills, gas bills, water rates and STA fares—all these essential things—are increased by 15 per cent in consequence of the decision of the honourable member's Federal colleagues, if they ever get into government. I think that that is something that ordinary families and users of services should know about. That is one of the features at which I will be looking with very great interest when we get the detail—and we have had a few of the goodies so far.

We have had the suggestion, for example, that income tax may be lowered, and one or two other aspects. But I will be very interested to see whether or not Dr Hewson is threatening ordinary South Australians with an immediate 15 per cent increase in all those utility services that are necessary. At the moment we know there are some luxury goods that are taxed. There are some products like diamonds, jewellery, furs and cosmetics that are taxed, and we are told that under this package they will be cheaper. Well, that is really good news for the fur buyers and the luxury car owners and so on. What is not such good news is that the prices of bread, groceries, fruit and vegetables, meat, school uniforms, children's school shoes and clothes will all be going up. They will be more expensive.

Members interjecting:

The SPEAKER: Order!

Dr ARMITAGE: I rise on a point of order, Mr Speaker. I ask you to make a ruling on whether the Premier is offending against Standing Order 98 which deals with debate and which provides that a Minister, in answer to a question, may not debate the matter to which the question refers.

The SPEAKER: Yes; I would say that Standing Order 98 certainly provides that a member may not debate the matter to which the question refers, and I would think that perhaps the Premier is straying into debate.

Mr D.S. Baker interjecting:

The SPEAKER: Order! The Leader is out of order. I would ask the Premier to draw his response to a close.

The Hon. J.C. BANNON: I have said that we would be very interested indeed to get the full details of this tax, and I am merely commenting on those aspects of it which we would be most interested in finding out about. In particular, I repeat that it would have a massive impact on the goods and services people need from both the Government and the private sector. That is not debating the issue but simply drawing attention to the fact that those are the details we want, not the sanitised version that has been seeping out over the past few days. I guess that the member for Adelaide in rising to call a point of order in that way is indicating the sensitivity of this matter, which is why I believe the release will coincide with the Premiers meeting so that some of those nasty details can be hidden from sight.

The Hon. H. Allison interjecting:

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

TEMPORARY VISAS

Mr HOLLOWAY (Mitchell): Will the Minister of Ethnic Affairs approach the Federal Government with a request to ease visa and immigration conditions for people from those regions of Yugoslavia involved in conflict? I have been approached by a constituent with relatives who reside in that part of Yugoslavia where intense fighting is currently taking place. One of my constituent's relatives is currently visiting Australia on a visitor's visa and he is naturally concerned about the dangers that would face that relative should he return while the fighting is still taking place.

The Hon. LYNN ARNOLD: I thank the honourable member for his question and I would appreciate it if perhaps he could give me some details about the case concerned. I advise that some broad arrangements have been put in place by the Federal Government as from 1 October that provide for temporary entry permits to be issued to people already complying with certain conditions, which I will explain in a moment. Those temporary entry permits will expire on 31 December, and it will be up to the Federal Government to determine whether it will extend them beyond that period, although in cases of conflict in other zones of the world it has tended to extend such permits.

The situation that applies is that these temporary entry permits are available to those who fulfil the following conditions: the applicant is a citizen and normally a resident

of Yugoslavia; the applicant was present in Australia and held a valid entry permit on 5 August 1991; the applicant is not subject to a current deportation order; the applicant has not had an entry permit cancelled under section 35 of the Act; the grant of the entry permit would not be contrary to the interests of Australia; a Yugoslav temporary entry permit under those circumstances must then be granted as a temporary entry permit and in respect of the period ending not later than 31 December 1991. It may be that the constituent's relative referred to by the honourable member does not fulfil one of those requirements, for example, the entry into Australia. If that is the case, I would certainly be prepared to examine whether representations should be made to the Federal Government. Nevertheless, we will certainly be watching the situation to determine what happens after 31 December this year.

STATE BANK

Mr S.J. BAKER (Deputy Leader of the Opposition): Will the Premier reaffirm that the State Bank Royal Commission is a vital part of the process of establishing not only why taxpayers now face a bill of $2.2 billion for the losses of the State Bank Group, but also of ensuring that this financial disaster is never repeated, and will he ensure that no undue pressure is placed on the Commissioner to wind up his inquiry?

The Hon. J.C. BANNON: No pressure of any kind will be placed on the Commissioner to wind up his inquiry. He has been given a brief—a commission—which is clearly stated that, if indeed the Commissioner feels that he must alter procedures or effect changes to terms of reference, it is always in his hands. He is in charge of the commission but, as far as the Government is concerned, no pressure is applied at all in that sense, other than to say, as I believe everybody would say and I believe the Commissioner himself has said, that it is in everybody's interests that the matter be thoroughly tested and resolved as quickly as possible. We would hope that the Commissioner could meet the targets of reporting that have been set in his commission, but whether that will be possible is questionable.

I suppose that the honourable member's question was motivated by a report that has appeared on the cost of the commission. There is no doubt that it is an extremely expensive exercise. The Leader of the Opposition, in calling for such a commission in February this year, would have been fully aware of the cost. Indeed, by his demand to be represented before the commission at taxpayers' expense he has increased that cost. I understand that the figure is already in excess of $200 000, which is a contribution—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: The Government is a party before the commission and, in fact, people, including me, will appear before it. The Leader of the Opposition is not a direct party to the commission: he is there by grace, and he is there with his representatives being paid for by the taxpayer. If that is the sensitivity of the Deputy Leader—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: —and from the interjections it clearly is, why does the Deputy Leader try to cover that up and put some sort of smoke screen around it, pretending it is something to do with pressure on the commission? If there is any pressure on the commission's timing, it is the time taken, on occasion, on examinations by counsel. Indeed, the Leader of the Opposition can instruct his counsel to ensure that, in terms of his role, those proceedings can be speeded up—and I hope he does so.

COLONEL BLIGHT AWARD

Mr HERON (Peake): My question is directed to the Minister for Environment and Planning. In light of the Colonel Blight award recently awarded by the Civic Trust to the Mile End goods yard, and following various statements of concern by Thebarton and Hindmarsh councils, has the Minister given any attention to redeveloping the site and providing much needed housing and open space in the inner western suburbs?

The Hon. S.M. LENEHAN: I thank the honourable member for his ongoing interest in this particularly important area. In fact, in referring to the Colonel Blight awards, my colleague is actually referring to an award which is made each year by RAPI (the Royal Australian Planning Institute) and which identifies places and areas in South Australia of very poor planning. Indeed, the institute does so to heighten community awareness of planning issues. Whilst it has done so in the past, this is the first year in which it has actually presented an award to a particular area, although there certainly have been a number of years when it has identified these particularly inappropriate areas.

The award winner, which was announced on Monday 4 November, was the Mile End goods yard and, in particular, the land bounded by Railway Terrace to the west, the Adelaide parklands to the east and directly to the north of the Burbridge Road overpass. Because of the location of the site within 2 kilometres of the CBD, there is considerable strategic importance in the future of this site. I remind members that the land is owned by the Australian National Railways Commission and it has been the subject of negotiation for a considerable period of time between State and Commonwealth officials with a view to its eventual release for planned urban development.

Members are aware that the Government has been involved in a highly successful program of urban consolidation in the inner western area of Adelaide involving the local government areas of Hindmarsh, Thebarton and West Torrens.

An honourable member: The Libs want to put a freeway through that.

The Hon. S.M. LENEHAN: Well, I certainly hope that that is not the intention, because we are actually using that very important area to rehouse people and to offer people a choice of housing styles while ensuring that the housing is affordable. The Mile End railway land offers a major and extremely significant opportunity for continuing redevelopment in the inner western suburbs. Not only will we be able to provide affordable, exciting, new housing in terms of our urban consolidation program but we will improve that blight on our landscape and ensure that the amenity for residents in the western suburbs is enhanced. However, to proceed with such an exciting and creative venture we need the support of the Federal Government and local government in bringing this prospect to a reality. I guess I can, on behalf of my ministerial colleagues who are involved in this project, say to the House that the State Government fully supports the changing of that award from the Colonel Blight award to an award of merit for that area and I look forward in future years to being able to make that good news announcement.

WATER RATING

The Hon. D.C. WOTTON (Heysen): My question is directed to the Minister of Water Resources. What steps are being taken to reimburse those Adelaide residents whose houses are valued at between $117 000 and $140 000 and who paid extra for their water this financial year under the Government's failed new water rating system? The original house valuation threshold was $117 000, over which householders had to pay increased water rates. This is to be increased to $140 000 as the basis for water rates next year, meaning that at least 50 000 residents will have paid higher charges this year than they should. By the Minister's own estimate, the Government will thereby retain at least $1.2 million, to which it has no moral right.

The Hon. S.M. LENEHAN: All I can say, Mr Speaker, is 'Good try.' It really demonstrates once again the complete ignorance of the member for Heysen of the system and the announcement made yesterday. I remind the honourable member of the debate on the legislation in this Parliament; notwithstanding the plethora of misinformation that was put out in the community that somehow the threshold for the property value component would remain static and that in fact it would be like a creeping tax bracket and thousands of South Australians would be caught up in this dreadful property value component, I said clearly at the time in the debate—and I remember it well—that every year we would look at increasing the threshold value in line with property valuation increases.

Members interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN: What has upset the Opposition is that the Government has not only honoured its commitment made at the time of the legislation but also increased the property threshold to $140 000. That means that, as the *Advertiser* correctly reported this morning, about 50 000 people will no longer have to pay that and they will be up to $18.40 a year better off, as will every one of the people currently paying that value. The honourable member does not seem to recognise that the system we have in place now is for this current financial and consumption year.

Members interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN: An announcement was made yesterday. I allowed the honourable member to ask his question but he never pays that same courtesy to me and he will not change today. It is nice to know that he is still on his usual band wagon.

Members interjecting:

The Hon. S.M. LENEHAN: Mr Speaker—

The SPEAKER: Order! The Chair cannot hear the response.

The Hon. D.C. Wotton interjecting:

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

The Hon. S.M. LENEHAN: Thank you very much for your protection, Mr Speaker. The member for Heysen does not want to hear the facts, has never allowed one fact in this whole issue to get in the way of a good story. Now that the media are starting to understand the system, they are starting to understand the underhand tactics of the member for Heysen and they are starting to print stories that are, in fact, correct.

Members interjecting:

The Hon. S.M. LENEHAN: The member for Heysen does not like it, but I can assure him that I have no intention of refunding anything to anyone because they are not entitled, either morally or legally, to such a refund. We are talking about the system that is in place at present. What we announced yesterday was the system that will come into being with the first account to be sent after 1 July 1992. As I said in my opening, it was a good try, but surely the member for Heysen is getting sick and tired of making a complete fool of himself about this issue, and I would ask—

Members interjecting:

The SPEAKER: Order! Once again I cannot hear the response.

The Hon. S.M. LENEHAN: I offered all members of this Parliament a briefing, and I did so in all sincerity, so that they could be brought up to the minute on the water rating system. I have to inform the House that only one member from both Houses of Parliament has taken up the offer, and that member was the Hon. Mr Stefani from the Upper House.

RE-EMPLOYMENT INCENTIVE SCHEME FOR EMPLOYERS

The Hon. J.P. TRAINER (Walsh): Will the Minister of Labour advise the outcome of the WorkCover scheme known as the re-employment incentive scheme for employers (also known under the acronym 'RISE')—a scheme intended to get people on WorkCover benefits who cannot return to their previous employer, back into employment.

The Hon. R.J. GREGORY: I thank the member for Walsh for his question.

An honourable member: Boring.

The Hon. R.J. GREGORY: I know that the member for Murray-Mallee might find it boring. However, last week I visited a factory at Cavan to meet a young person who almost lost his left hand in an accident at a sawmill in the South-East. He was using a docking saw and something—I am not sure what—happened; but, as he described it to me, his left hand was cut above the wrist and was hanging by a piece of skin and muscle. His friend took him to hospital, he was flown to Adelaide and, after much examination by the medical people here and an operation that went right through the night, was able to retain his left hand. He has partial use of that hand, but he is no longer able to work in the industry in which he was seeking work.

However, the RISE scheme, when introduced by WorkCover, received a tremendous response from employers. About 130 employers with job offers have contacted WorkCover, which is matching up those jobs with suitable people. The person I met last week was one of those people. So far 40 workers have been found permanent work, and 11 other people have been offered work trials to see whether they fit into the style of work available for them. The person to whom I have referred, having been a worker in a timber mill, is now enthusiastically participating in additional training classes. Although he is unable to do the work he did previously, he is now working on the design and sale of kitchens, and the person employing him is very happy with him. WorkCover offers employers up to $11 000 a year subsidy to assist them in easing these people back into the work force. What I have described is one of the achievements of WorkCover in getting people back to work.

When I was privileged in 1979 to go to Canada with the Byrne committee to examine how this sort of thing was done there, this was a feature of the Canadian system that I found worth while. The scheme operating in South Australia at the time would have seen a person like the person I met last week thrown out onto the industrial scrap heap, unable to get work anywhere in South Australia or Australia,

and that person would have found the situation very difficult.

However, we now have a system in place that not only encourages employers to take on people with severe injuries but also encourages people to get on with their life and, through education and training, to be able to do other useful things. This gives people dignity, and I am pleased that WorkCover has been able to do that and particularly pleased that the person I met last week is now a useful member of our community earning a living for himself and his family.

WATER RATING

Mr INGERSON (Bragg): Will the Minister of Water Resources reassure the House that the new house valuation threshold of $140 000 for water rating will be adjusted to allow for increases in property values beyong the CPI, thereby ensuring that Governemnt revenue does not take advantage of property booms?

The Hon. S.M. LENEHAN: If nothing else I am patient. For about the four hundredth time, I will state the position again. I would have thought that the member for Bragg might have listened to my answer to the member for Heysen. But, no, the questions have all been written out a day in advance, so we have to continue. As I said in the introduction of the amendments to the waterworks legislation—

Mr Ingerson interjecting:

The Hon. S.M. LENEHAN: I am not arrogant: I am explaining the situation. If anybody is arrogant in this House, the member for Bragg would have to wear that little tag. We made it very clear when we introduced the legislation that the property component would be adjusted each year in line not with CPI but with the movement in property valuations to ensure that people—

Mr Ingerson interjecting:

The Hon. S.M. LENEHAN: Yes, if you are going to move it downwards that would catch more people. If the honourable member re-reads *Hansard*, he will see that we made it clear that there would be movements each year, and that those movements would be assessed on the projected movements in property values. I acknowledged in the Committee stage of the Bill that you cannot necessarily cover every single property throughout Adelaide because, quite obviously, some properties increase in value at a greater rate than others, some remain static for a number of years, and others increase and decrease because of certain circumstances.

I made it clear that, on average, the amount of property values would either reduce or increase in line with the movements. We have done that this year—in fact, more than the increase in values across Adelaide. I understood that the question was whether we are going to continue to move that threshold valuation in line with movements in property valuations. The answer—as I gave to the member for Heysen and as I have given on a number of occasions in this House and in the public arena—is 'Yes, we are moving that valuation.'

I take this opportunity to inform the House that we will consider some of the suggestions that have been made by a member in another place to have a look at some of the finetuning of the system. I have made that clear from day one. One of the proposals is a step system, and we will have a look at the figures and see whether they meet the dual object of this legislation. There are two fundamental objectives: one is a conservation objective of our most precious resource, and the second is an objective of social equity. I make no apology for those objectives—none at all.

I am delighted to inform the Parliament that Mr Hudson is prepared to come here and look at the proposals with us. I believe that that will provide an opportunity for some finetuning of the system. The fact that the Opposition still does not understand the current system I think highlights the fact that it is deliberately trying to misrepresent it or is just ignorant of the information and is behaving in a very stupid manner.

KERBSIDE RECYCLING

Mr HOLLOWAY (Mitchell): Will the Minister for Environment and Planning inform the House whether further grants from the Recycling Development Fund have been made to councils to establish kerbside recycling schemes?

The Hon. S.M. LENEHAN: The Recycling Advisory Committee assessed a number of applications between July and September this year, and councils have received approval for grants from the Recycling Development Fund. I am delighted to announce the following grants. First, a grant of $30 000 has been approved for the Marion council, and this amount will go towards the purchase of bins to be used in its trial of a kerbside recycling scheme involving some 7 000 households within the Marion council area. I am also delighted to inform the House—

The Hon. D.C. Wotton interjecting:

The Hon. S.M. LENEHAN: I am delighted that the honourable member is so interested in recycling.

The SPEAKER: The member for Heysen knows that that is out of order. The honourable Minister for Environment and Planning.

The Hon. S.M. LENEHAN: It is most interesting how the member for Heysen chooses to give me help and support in this way.

Members interjecting:

The Hon. S.M. LENEHAN: Some of the dorothy dixer questions he asks me are like having help and support. The trial of 3 000 households—and I would have thought the honourable member would be interested in these figures because they indicate the success of the trial—that was conducted by the Marion council resulted in a participation rate of 87 per cent in Warradale and 76 per cent in Mitchell Park. I believe that, even on any world figures, this is considered to be very high indeed. It is a trial period, and the fact that people are prepared to be involved does augur well in relation to the $30 000 to be spent, in terms of purchasing and providing householders with kerbside bins.

The other grant that I am very pleased to announce has been made to the Lameroo District Council, which received a grant of $15 000 to establish a recycling depot, which will be made available for residents in the rural areas of the council. This, of course, is in addition to the established kerbside recycling scheme for township residents. In conclusion, the recycling development funds will continue to provide an avenue of assistance to councils to establish kerbside recycling schemes for their residents. As I always do when I get a question like this, I urge all honourable members to contact their local councils and to urge them to embark on recycling schemes and to get involved in recycling.

Members interjecting:

The Hon. S.M. LENEHAN: I will ignore the gaggle opposite, Mr Speaker. It is important for us all to be part of this waste minimisation strategy—in which this Government is showing great leadership in advancing.

ZHEN YUN

The Hon. B.C. EASTICK (Light): My question is directed to the Treasurer. What report did the Government receive from the Premier's Department representative who attended a meeting in Canberra two months ago, where it was stated that the Chinese Republic would not invest in South Australia because of disagreement between Chinese developer, Zhen Yun, and the State Government, and will he table the record of that meeting?

The Hon. J.C. BANNON: No report has been received that I am aware of. I have spoken to the officer who I believe was the subject of this statement and who says that that was not put in that way, and in fact the information that I provided in response to the knee-jerk and unsourced statement made by the Leader of the Opposition last Friday in his 'Get South Australia' campaign was in fact based in part on the report that I got on that day from that particular officer about what had transpired and, in addition, the conversation I had with the Chinese Ambassador himself on the matter.

PRINTING AND VISUAL COMMUNICATION INDUSTRIES TRAINING

Mr ATKINSON (Spence): Will the Minister of Employment and Further Education inform the House of developments occurring in training for the printing and visual communication industries at Croydon Park College of TAFE? I was present this morning at the official opening of a new technology centre for printing and visual communication, which provides training opportunities in printing, photography and commercial art. I understand that these industries have changed rapidly in the past few years, in response to new technologies and, consequently, their training needs are also different from what they were.

The Hon. M.D. RANN: I was certainly delighted to join with the honourable member, and also with Rod Sawford, the Federal member for Port Adelaide, at the opening of these facilities, which I think enhance the fact that South Australia has the most advanced training provision in the area of printing, visual communications and commercial art in this country—and we intend to maintain that lead. It was a $4.2 million technology centre that was opened this morning by Rod Sawford. The international standard of the new workshops, studios and classrooms is I think symbolic of the quantum leap in terms of technology and the diversity of technology that is now involved in printing and visual communication, including areas such as advertising and desk top communications, as well as things like visual display—like the work that is done at the front of places like Myers and David Jones, which has become very much an artistic force in itself. It could not have been achieved without the keen interest of the Industry Training Council network.

In fact, the printing industry ITC and the visual arts ITC have provided invaluable support and advice. As the honourable member said, these industry sectors in particular have changed in the past few years in response to rapidly changing technologies. The printing industry, which was the leader in 1979 when it contracted some 27 trade classifications into five, is now in the process of working towards further changes and rationalisation and, perhaps because of its ability to change, the printing industry has proven its ability to grow even while other areas in the manufacturing sector of Australian industry have experienced decline.

Croydon college continues to service the training needs in place with the diversity in printing and the changing technology. Of course, the member for Henley Beach obviously has a very strong interest in this area as a former secretary of the printing union. Many skills of the traditional printing industry and the commercial arts sector are emerging. I have mentioned desk top publishing, which is a well known example of new developments requiring new and high quality skills to provide quality copy. It has created substantial demand from the larger commercial firms for skilled in-house graphic artists, and the two computer suites housed in this new centre are equal to the highest international standards. I certainly issue an invitation to all members—I know there are members on both sides of the House who have had interest in both the Croydon campuses in terms of these new facilities.

Very recently there was the opening of the new $1 million community services development at the Kilkenny branch of Croydon Park college. Certainly, what we have seen this morning is the absolute conviction of industry to be involved in TAFE training. That is critically important in terms of the current debate with the Commonwealth, because TAFE training must be relevant, dynamic and flexible; it must be industry driven and not bureaucrat driven, and that is vitally important in these new areas of emerging technologies.

Mr D.S. Baker interjecting:

The Hon. M.D. RANN: The Leader of the Opposition seems to disagree with that.

Mr D.S. Baker interjecting:

The Hon. M.D. RANN: I have been in the communications industry and journalism. It is related to printing, if you happen to do some work, but the only job the Leader of the Opposition is interested in is saving his own.

RURAL DEBT

Mr MEIER (Goyder): My question is directed to the Treasurer.

Members interjecting:

The SPEAKER: Order! The member for Goyder.

Mr MEIER: Is the Treasurer prepared to follow the lead of New South Wales and waive the stamp duty on rural debt reconstructed loans under Part A of the Rural Assistance Scheme? Under Part A of the Rural Assistance Scheme, primary producers' loans are restructured and the Government charges stamp duty on the new mortgages created. The New South Wales Government acknowledges this inequitable double dipping by exempting loans refinanced by primary producers. Yesterday it was reported that the State Government was prepared to forgo similar stamp duty when Beneficial Finance was restructuring its accounts.

The Hon. J.C. BANNON: The end of the question is absolute nonsense.

Mr Meier: What do you mean 'absolute nonsense'?

The SPEAKER: Order! The Premier will resume his seat.

The Hon. J.C. BANNON: I mean 'absolute nonsense'. That is what I mean.

Members interjecting:

The SPEAKER: Order! I warn the member for Goyder. The member for Goyder had the call and had his turn to ask his question, and interjections are out of order.

The Hon. J.C. BANNON: The word 'absolute' means total, and 'nonsense' means 'devoid of sense'. There is no analogy whatsoever between reported statements about stamp duty treatment of Beneficial Finance in bringing off balance sheet companies on to its balance sheet and the situation that the honourable member describes, and that is what I was picking up. As to the serious part of his question—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: —that part of the question that was not involved in making a cheap crack and thus demeaning the whole approach he has taken, that part that did indicate that he had the serious interests of rural people at heart and was not trying to score a political point—if the honourable member is inviting me to address that part of his question seriously, I am very happy to do so. However, I will not be subjected to the honourable member's standing up and saying he has a serious question and putting in a crack at the end of it which indicates that, really, all he is doing is trying to score a political point. That is what I was objecting to, and that is on the record. The histrionics of the honourable member will not cover that.

As to the serious part of the honourable member's question, the issue has been looked at. I am not aware of the New South Wales treatment that he has described. I will obtain some details of it and the implications of it.

A number of members from time to time have raised this point. In particular, the member for Eyre has made a number of representations and explored the implications of this matter very thoroughly, and that has resulted in considerable discussion within Treasury about the implications of such a policy.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: So far—and I have responded to members who have raised this matter—we have not been able to find a way whereby this facility could be provided without at the same time creating the possibility of evasion or avoidance, and therefore impacting on people who are undeserving in this instance. So, the matter is under continuing investigation. If there are new elements and new ways of approaching the issue and if, indeed, the New South Wales experience suggests that it can be done effectively, I am very happy to look at it again.

RURAL ADJUSTMENT SCHEME

The Hon. T.H. HEMMINGS (Napier): Will the Minister of Agriculture say whether he has received any complaints regarding changes to eligibility criteria for re-establishment grants under the Rural Adjustment Scheme?

The Hon. LYNN ARNOLD: The answer to that question is 'Yes'. I have received some representations on the exemption amounts that apply in creating the figures used as the basis for re-establishment grants. They include such issues as the amount of valuation that is permitted for vehicles and for tools of trade. Concern has been expressed that there has been a seeming reduction in the allowances in each case. I have received complaints, particularly from George Gill, the President of the State Association of Rural Counselling Services in South Australia, who has taken issue with the reduction from $10 000 to $2 500 for a family car and $5 000 to $2 000 for tools of trade.

I have had that matter investigated and it appears there have been crossed wires over recent years. The situation is that as recently as July 1988 the figures quoted by Mr Gill were the figures already in place, anyway: in other words, $2 000 for tools of trade and $2 500 for the family car. At some point between July 1988 and February 1989—and a departmental search of the records has not been able to find the amendment to these figures—those figures were raised to $10 000 for the family car and $5 000 for tools of trade.

Those changes to the figures that had no authority behind them were uncovered following a review of the guidelines in August 1990. Naturally, the department reacted by saying that it would have to revert to the approved situation, and accordingly did so. I remind members that those are the same figures that are set under the Bankruptcy Act and that such a complaint about this issue could also justly be raised about the provisions of that Act. I am not sure to what extent the guidelines under the agreement between the State and Federal Ministers with respect to rural assistance will allow room for manoeuvre, but it is possible that we can achieve some variation at State level, and I think it is appropriate that that occur.

That is not to say that I believe we should again increase the amount for the family car up to $10 000, but I believe it should certainly be in excess of $2 500, as that amount, quite clearly, would not represent much of a value for a family vehicle in many situations. Likewise, with respect to tools of trade, I think there should be room for adjustment as, quite clearly, there has been no indexation of that figure from 1988 at least and, presumably, for some years prior to that. I point out, however, that one concern that exists in the minds of assessors in the Rural Finance and Development Division is that there has been some evidence of isolated incidents where applicants for re-establishment grants have attempted to exempt assets from the assets test for the grant by diverting them into expensive vehicles whose value was then substantially understated.

I understand the concern of assessors in the division about that. The way around it is simply to determine that a true value is being attributed to a vehicle and not an understated or false value. I am certain there are other ways of addressing that problem. The answer to the question is 'Yes, I have had complaints'; we will be examining what we can do to change it. However, I will not commit myself to going back to the figures that existed between July 1988 and August 1990. I will also have to be limited to what the Federal/State agreement allows me to do in terms of variation of the guidelines. If we do make those changes, I suggest we will be in advance of some of the other States in Australia, including New South Wales, which was referred to as an example a few moments ago, yet there are so many areas where our schemes are already better than that which applies in New South Wales.

RAZOR WIRE

Mrs KOTZ (Newland): Will the Minister of Housing and Construction tell the House why the Government did not buy Australian when it selected the tender for razor wire at Mobilong Prison?

Mr Ferguson interjecting:

The SPEAKER: Order! The member for Henley Beach is out of order. The member for Newland.

Mrs KOTZ: I have been informed that an Australian tender for high quality nickel-enhanced stainless steel razor wire for Mobilong Prison was rejected by the Department of Housing and Construction in favour of a United States tender of lower quality than specified. While the reason given was a cost difference, the higher quality Australian product of correct specification was more expensive because of the cost premium it included to pay BHP for the early delivery needed to have the job completed by 15 November 1991, as required by the tender. I am told that the American barbed wire has still not been shipped.

The Hon. M.K. MAYES: I thank the honourable member for her question. She has referred to some of the details of the contract but, in order to check that the facts referred to by the honourable member are accurate, I will need to check

some of those references. The facts and information that I recall about the tender process do not concur with what the honourable member has suggested. I will take the question on notice and report back to the House, ensuring that there is an accurate response to the question to make sure that no misinformation is put out to the community, because that could lead to a degree of distress and discomfort in the construction industry if I gave a response that confirmed some of those aspects. As to the information provided by the honourable member, I believe that some of her facts are not accurate and that I need to check. I will do so.

CORPORATE CUP

Mr HAMILTON (Albert Park): Can the Minister of Recreation and Sport inform the House of details of this year's Corporate Cup? I have a considerable interest in this matter, as the Minister is well aware, hence the reason for my question.

The Hon. M.K. MAYES: I thank the honourable member for his question. I would like to congratulate those individuals and teams who participated, particularly those who received awards for improvement or for being the fastest team or individual.

Members interjecting:

The Hon. M.K. MAYES: The member for Adelaide wants me to mention who won the politicians' award, and I will come to that in due course—it was not the member for Adelaide.

Members interjecting:

The Hon. M.K. MAYES: The Minister of Recreation and Sport did not make all the runs, but one day he is bound to win the most improved award, I am sure. The most interesting aspect involves participation. One factor we overlook in the Corporate Cup exercise is the number of people who are employed: 25 staff are employed to promote and support the Corporate Cup sector.

The Hon. Frank Blevins: Is it run by the public sector or the private sector?

The Hon. M.K. MAYES: The private sector. The Corporate Cup provides an opportunity for a number of teams to participate and, in 1991, 570 city teams and 193 teams from regional areas, making a total of 763 teams, participating; 5 076 people actually went out and ran, and that is significant corporate and public participation in recreation. It is a magnificent event, in which members of this place take part. It obligates people to be exercising, whether or not they run 4.5 or 2.5 kilometres. It encourages people to continue activity like that in their private and leisure time.

The split of males to females is also significant, this year the split being 60 per cent male and 40 per cent female. Each year we have seen a growth in the number of women involved. I hope that continues, and I am sure it will with the participation and support of the excellent organisation Life, Be In It, the AFTA board and the coordinator, Darrilyn Wood, who does a magnificent job.

The honourable member referred to the teams that received awards. The most improved corporate cup team was State Services, Government taxis. The Minister of Transport claims some success. The Government drivers were singularly successful in winning. The member for Adelaide referred to the most improved politician. Sadly, it was not a member from this place but a member from another place, Mr Stefani. I hope that next year members are out improving their performance. The Labor Party has not fared too well over the years in winning that trophy, but it continues to win government, which is the significant point.

INSTITUTE OF PUBLIC AFFAIRS AWARD

Mr MATTHEW (Bright): Does the Treasurer also welcome the IPA's Sir Humphrey Appleby award for closed government? Last week the Treasurer welcomed receipt of the Institute of Public Affairs' lemon award for the most irresponsible State budget. He has also received the Sir Humphrey Appelby award for closed government with the citation:

> South Australia's budget papers stand out as a monument to Sir Humphrey and closed government. South Australia fails to provide budget data on a complete national accounts format, thus preventing comparisons between it and other States. Moreover, it has 'adjusted' its budget sector accounts annually, thereby preventing comparisons over time of its own budget outcomes, and has adjusted the timing and treatment of outlays, thereby giving an inaccurate picture of the State's finances.

The Hon. J.C. BANNON: I have already answered this question in response to a question by the Leader or the Deputy Leader last week. I am sorry that the honourable member missed it. I referred specifically to the so-called award for closed government and explained our differences of view with the IPA. What it says is not correct. In fact, South Australia has been a leader in the publishing of financial information since 1983-84. Previous national commentary on our accounts has praised South Australia as being one of the first States to publish that detail of financial information, and that has been picked up and followed by other States. We have absolutely nothing to be ashamed of in that respect: quite the contrary.

The information certainly does follow, in broad terms, the Government financial estimates bulletin, but we have had a number of disputes with the Australian Bureau of Statistics over its standards and classifications. Indeed, again in this House I have drawn attention to some of the major errors made by the ABS in its computations, including the failure to take account of certain off-setting amounts and the accounting in relation to them, which has provided quite wrong estimates and final results. We have had longstanding communication with the ABS over those matters. In fact, we have been successful in some instances in persuading the ABS to amend its treatment to align with what we believed was the correct way.

All the necessary information is provided in our very comprehensive statements and there are ways and means in which they can be compared. We can talk about comparing as between the States and look at some of the State budgets. Queensland has been a classic one over the years: it is virtually impossible to find your way through it and get a true picture of that State's finances. Fortunately, the Goss Government has been attending to that particular aspect and its budget presentation has improved quite considerably. We note in very great detail those accounting changes which affect budget comparisons year to year, and they are shown in Table 1.1 of the Financial Statement.

The total public sector financial information that is published in our budget papers removes the effect of these accounting changes and gives a comparable time series which is available to anyone (including IPA) prepared to look at them. We are certainly in favour of a uniform presentation and a way in which cost comparisons can be made, but they should be on a proper basis. South Australia is second to none in the volume and nature of financial information we provide. Indeed, we were one of the first States to provide a State balance sheet of assets and liabilities. Other States are since attempting to put those figures together. I believe that IPA has badly misread the situation and is being a bit churlish in its treatment.

TOBACCO SPONSORSHIP

Mr De LAINE (Price): Can the Minister of Recreation and Sport inform the House of the latest initiatives in relation to a national move to ban tobacco advertising at sporting events? I understand that today the Minister met with his Federal counterpart, the Hon. Ros Kelly, and discussed moves to ban tobacco advertising on a national basis. Can the Minister enlighten the House as to the outcome of those discussions?

The Hon. M.K. MAYES: The honourable member, as Secretary of the parliamentary committee, also had the opportunity to meet with the Federal Minister, Ros Kelly. From our discussions at the ministerial meeting held in Adelaide in March this year, I am pleased to say that the Federal Minister has announced that Federal Cabinet will shortly be considering legislation which will prohibit tobacco advertising and, particularly, sponsorship of sporting events. The Federal Minister has indicated that in the new year she, along with her Federal colleague, Peter Staples, the Minister for Aged, Family and Health Services, will put before her Cabinet colleagues legislation which will address the issue of tobacco advertising and sponsorship of sport.

As South Australia is very dependent on international bodies making decisions to bring events to this State, it was important that the Federal Minister take on board my concerns and those of this Government that we should not exclude such major events as the Grand Prix, the Formula 500cc international motor cycle race and other international events which could be taken from the Australian circuit if there were sponsorship problems. That matter is being allowed for in the proposal that the Federal Minister is considering.

She has indicated that there would be a discussion with State Ministers prior to the submission going to Cabinet, and that is anticipated to be early in February 1992. I anticipate that the Minister may use the South Australian tobacco prohibition provisions which established Foundation South Australia as part of the program for removing such sponsorship from all sporting events, apart from international and national events which are sponsored by tobacco companies. So, the tobacco control legislation will more than likely be the template for any future Federal legislation. In relation to the events transpiring in the New South Wales Parliament, I anticipate that in the new year we will see most States in this country moving to prohibit sports sponsorship and advertising by tobacco companies.

Personally, from the point of view of the overall wellbeing and health of our community, I think that would be a good move. But to have the national legislation will be very significant, because it will mean, of course, that we have an opportunity to deal with some of these anomalies, because they have been the major problem, the major stumbling block, for our particular legislation and they have created some of the difficulties here in South Australia.

STATE BUDGET

The Hon. JENNIFER CASHMORE (Coles): Does the Treasurer agree with the Institute of Public Affairs that the most serious defect of his budget was its failure to include the $2.2 billion used to bale out the State Bank and the $50 million to fund staff redundancy in calculating the budget sector deficit?

The Hon. J.C. BANNON: One of the things that marked the IPA's analysis of our budget was the fact that it ignored our strong financial position and the way in which we were able to provide substantial support to the State Bank while at the same time still maintaining a position in terms of taxes and debt services. Far from ignoring it, the budget, as we all know, dealt very centrally indeed with that matter. It was a major part of our whole budget direction.

I found the IPA's assessment of our budget extremely narrow and in fact failing to acknowledge in any way the size of that problem that we had to deal with and the way in which we managed to deal with it. It was almost a churlish treatment of that—that, given the large dimension of the problem, the IPA was not prepared to acknowledge that we had in fact dealt with it extremely skilfully, that we were able to draw on tremendous financial strength, which the IPA had commented on favourably in previous years. It just completely ignored that, and it was quite inadequate and, far from our not dealing with that issue, I would say that IPA did not deal properly with that issue.

GRIEVANCE DEBATE

The SPEAKER: I pose the question that the House note grievances.

Mr FERGUSON (Henley Beach): When I entered this Parliament as a young politician many years ago, I took note of the senior statesmen of the Parliament in the way that they presented their addresses to this place and, in particular, I followed the style of the member for Heysen and decided that it was a very good style to copy. I have noticed that the member for Heysen, in practically every address he gives to this House, shares with the Parliament some correspondence from his constituents. In view of the fact that we have had quoted in *Hansard* some very nasty letters written by people who have said not very nice things about the Minister of Water Resources, I thought I would take this opportunity to read into *Hansard* some of the correspondence that has come in that has been in praise of the Minister. I quote from the following correspondence:

> Dear Minister,
>
> I am now an old retired methods engineer and last year I took the opportunity at your invitation to make a submission in accordance with the terms of reference re water rate charges. I subsequently received a copy of the report relating to the proposed changes for water rate charges, which I found immensely interesting. If I recall, there were about 76 submissions and I do not remember seeing David Wotton's name on the list. Frankly, after considering all the aspects, I thought Hugh Hudson prepared a good report.
>
> I am really disgusted at the unfair criticism directed at you. The question is: why didn't the critics put in a submission? It surprises me that so many of the public are demanding a user-pays system, when the end result would be dearer water. I have heard of no complaints of country users, yet we are disadvantaged. First, we have unfiltered water and, secondly, Mannum's rainfall is roughly half of that of the Adelaide metropolitan area—and in many country towns less—and it is not uncommon when we have to water the garden that metropolitan Adelaide and the Hills area is waterlogged. However, I would not recommend concessions in low rainfall areas . . .
>
> [signed by the constituent].

I would like to refer to another letter that has been written to the Minister. I note that two members of the Opposition had been putting up nasty bits of correspondence during the week and I feel that this ought to be balanced. This letter states:

> Dear Minister,
>
> When I wrote to Stan Evans I was angry and disappointed—angry that my initiative to make a positive contribution was once more being penalised, and disappointed that you, as my self-chosen 'boss', were responsible for this action. A quick background reflection may help to understand my concern.

I do not have time to read the total of this letter except to say that the person concerned came to this country in very poor circumstances and then turned himself into what one might call a reasonably well off person. The letter goes on:

I jotted down some of my background to demonstrate to you that any concern of mine to preserve my financial *status quo* is not motivated by avaricious greed, but simply necessary to maintain my life support system.

When I read about the new water charging system I assumed that all properties of human habitat would be assessed as detailed and calculated that I would have to pay an extra $1 500. (It was a pity that the matter was not more fully explained.) I still think penalising properties of an average of $120 000 is wrong; the cut-off point, if any, should be about $200 000.

Forgive me, but I was angry with you because I saw you as the person responsible for safeguarding our environment and thus on my side, inflicting the penalty which made it more difficult to continue with my work, which I finance out of my own resources (rental income, making an annual tax loss). I thought these to be cold Government decisions without feeling or concern.

However, I must apologise to you for my error. I am privileged to know now that you do care very much indeed, which could not have been better demonstrated than through the words you spoke at the Parks Foundation dinner and which is expressed even more strongly—

The SPEAKER: Order! The honourable member's time has expired. The member for Murray-Mallee.

Mr LEWIS (Murray-Mallee): I wonder why it is that the Minister of Housing and Construction refuses to face up honestly to the situation in which he now finds himself, where his department's forms of contract specify an Australian standard AS2688 (and I have that statement of 1984 from the Minister's office) as the standard required for doors on Government buildings, yet he allows suppliers to provide and hang doors of inferior construction standard made from imported products when the local product is adequate for the purpose and does comply. Doors that have been supplied and hung—that is, already fitted—on the new STA building, the new Science Park building and the Entertainment Centre failed to comply.

In every statement the Minister has made in an attempt to refute my remarks in this regard, he has drawn red herrings across the path. He has attempted to divert the attention of the House from the substance of my statements—they are not allegations; they are facts that I can prove—and claimed that I am attacking the Entertainment Centre in principle and that I am trying to knock the gloss off it. He has said that I am attacking the safety standards or some other feature of the centre. I am doing none of those things. I agree with everything that the Minister says in that respect.

The Hon. R.J. Gregory: Rubbish!

Mr LEWIS: Now the Minister denies that I am saying it. I agree with what the Minister says about the Entertainment Centre. I am complaining about the fact that neither he nor his department has the guts to require the people who get the contracts to comply with the standards set out in the specifications. Why is it so? I wonder who is getting backhanders. Is that what it is? Is someone getting bribed? I do not know.

An honourable member: Fair go!

Mr LEWIS: What about a fair go for South Australia? This Government no longer provides doors as a window of opportunity for jobs for joinery workers. The Bannon Government's Ministers wheedle and bleat to our industries to give a mate a job; yet, they are prepared to accept an inferior non-standard product from overseas to the detriment of local manufacturers and local jobs. This Minister misleads us about the construction standard of doors on public buildings, such as the ones that I have mentioned already. The doors of these buildings do not comply with AS2688 of 1984, which is the standard specified in the Government's contracts.

I will accompany anyone from this place or anywhere else to any of those buildings with my own screwdriver and I will partly dismantle the door fittings and prove the truth of what I am saying. I invite the member for Henley Beach, the member for Napier and the member for Albert Park to come with me tomorrow morning to one of those buildings, and I will show them the truth of what I am saying. The doors are made from cheap imported ultra board, and they have only an edge cover strip. The specification requires that they have stiles and rails, that is, bottoms and sides, in the frame beneath the edge cover strip and sandwiched between the hardboard surfaces.

There are other minor technicalities at variance with the standards. However, where the edge strip alone has been used, the doors on the Entertainment Centre are already warping, thus vindicating the need for the standards that incorporate proper framing. Furthermore, the particle board core to which the hinges and locks have been screwed on non-standard doors, such as those to which I am referring, lets the screws go after very little time resulting in poor fit and high repair and maintenance costs. That is the reason for my complaint. I can name several local firms that would willingly have complied with the standards.

An honourable member: Name one.

Mr LEWIS: I will: Port Adelaide Joinery, Ridley Joinery, Peak Constructions, Corinthian Industries and Petherick Doors, and I could go on. However, the Minister claims that there are no local manufacturers who could meet the specified structural standards required in the contract and which he claims resulted in the decision to use imported materials. That is patently untrue. The Minister misled the House and tries to denigrate the purpose for which I drew attention to it. It is in the public interest, and is not in anyway intended to denigrate the functionality of the Entertainment Centre.

The SPEAKER: Order the honourable member's time has expired. The member for Albert Park.

Mr HAMILTON (Albert Park): It is not often that I hand out plaudits in this place, particularly to one of my own colleagues, but on this occasion I would like once again to express my appreciation to the Minister of Transport for the manner in which he responds to issues that I raise in this Parliament. Indeed, more particularly I give special thanks to the staff of the STA who do all the hard yakka. I raise this matter because, in the past, when there have been difficulties with the two level crossings in my electorate where unfortunate deaths have occurred, the Minister, and in particular his staff, both in his office and in the State Transport Authority, have been most prompt in addressing those matters.

Over the past 18 months, with any problem that I have had pertaining, in particular, to traffic control or to control of level crossings, the Minister and his staff and STA personnel have been very helpful indeed. I want to go on record on behalf of my constituents to express my appreciation of the wonderful job done by State Transport Authority personnel. In fact, only the other week I raised a question in this House about the need to landscape an area that was previously the May Street level crossing. To my amazement, within two days the staff of the State Transport Authority were carrying out the work, which has now been completed. Indeed, not only was I pleased with that, but favourable comments were directed to my office from constituents of mine who brought that problem to my attention. They have

asked me to pass on to the Minister and his staff their appreciation.

While talking about the appreciation of people who do a wonderful job, last Sunday I had the pleasure, on behalf of the Premier and the Minister of Recreation and Sport, to officially open the South Australian Little Athletics Association's 20th birthday celebration at Bonython Park. One must give recognition to the wonderful amount of work that these people have carried out over many years. I refer to the existing administration, past members, life members and parents who have taken time out and shown encouragement and assisted their children and, indeed, other people's children, in the little athletics arena. It is very encouraging to see these children participating actively in sports of various kinds and to see the number of parents who come along and support their children.

So often in the past, particularly in a number of areas of my electorate, I have seen children playing sport, and I have looked around and found very few people, particularly parents, giving support to those children. I think it is very sad, because it is my belief as a parent that my children looked for, and wherever possible were given, support for their recreational pursuits. Children like to be encouraged and to be told that they have done a good job. It is not that necessarily they have to win, but it is pleasing that parents show interest in them and relate to the sport in which they participate by picking them up from or taking them to venues and that they relate to other children participating in those sports.

Equally important, I believe that sport is one of the great levellers in the community. It does not matter whether one is rich, poor or in between, if people have ability—particularly young people—they should be actively encouraged to exercise and indeed to enhance their skills. This is one reason why I am a great supporter of the South Australian Little Athletic Association and the amount of work that it does for children. I would far rather see people putting time and effort into those sorts of areas than putting their effort into taking children to the Children's Court and other areas that will be discussed later on in the legislation today. I commend those representatives of the organisation, both past and present.

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

Mr VENNING (Custance): I rise on this occasion to speak on a very important matter, and that is the huge loss to South Australia of $86 million, which has been incurred by acres of ground in South Australia not being sown to wheat this year. At seeding time, the Minister of Agriculture was asked to guarantee a minimum price for a tonne of wheat. We well know what happened: that assurance was not given. Now we have a bumper crop in South Australia and Western Australia while much of Australia laments a very poor season. We see now a very serious situation where acres of wheat were not sown. Independent figures tell us that that acreage is between 15 per cent and 20 per cent down on what it would have been if farmers had been given some sort of guarantee or assurance that they would get an income from those acres.

So, we see this present demise. As we know, ABARE, the Government body, predicted that a tonne of wheat would bring $150. We see today a very good sign. Yesterday's price was $155 a tonne, and it is rising. It could probably reach $160 a tonne for the basic price of wheat. Of course, the basic price will increase as the protein count increases. It is a very positive sign to be talking about this increase, but the problem is that South Australia does not have the acres sown. The loss could quite easily be calculated in the vicinity of $85 million to $86 million—money that could have benefited all South Australians.

When farmers needed support and backing from the Bannon Government in the lead-up to seeding time, it refused to provide a guarantee of $150 a tonne. As a consequence, I estimate that the wheat crop is down 15 to 20 per cent, which is a sad situation. The land that was to go to wheat is not lost because it has been put to alternative crops. But by various means we have lost $86 million in wheat. Perhaps that land will return $15 million to $20 million in hay and alternate crops. That is not a complete loss but it is not the same cash flow that the wheat price could have given us. True, it is not a complete loss but it is a significant loss because wheat is needed not only to keep our markets overseas but wheat, particularly high protein wheat, is needed to replace the losses in Queensland and New South Wales.

It has been said that we may have to buy wheat from overseas. I refer to the shock and horror of the farmers at the thought of that scenario, that that should be happening in the world situation. It is vital that we protect and retain our market share. Indeed, many of the acres on the West Coast in South Australia in particular have the ability to grow top quality, high protein, clean, world-class wheat, yet those acres have not been planted for the reasons I have just outlined.

I hope that the Minister (Hon. Lynn Arnold) regrets his decision and that in future he will be more forthright in his push to support the rural community. The Minister is seen as a good bloke out there—a sentiment I share—but he is becoming well known for not being able to deliver. He is always understanding and sympathetic, but he is unable to deliver, not only in the areas to which I have just referred but also concerning the $3 million assistance asked for earlier in the year for the Part A assistance package. The Minister was unable to deliver in that area.

In South Australia the Minister of Agriculture obviously faces a hostile Cabinet. I understand on that occasion the Premier supported the Minister's push, but once again Cabinet rolled them. I have only a few seconds remaining, but I hope that when the Minister is asked for support again—if it should ever arise—he will have more confidence in the farmers of South Australia, because the $86 million loss would cover the $60 million Scrimber project loss with change to spare. At this time, as farmers have their headers in the paddocks and are reaping, it is important to be aware of the situation. I hope that the price will get close to $200 a tonne, but at $160 it is much better than the $125 projected at seeding time. Certainly, I wish the Government had more confidence in farmers.

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

Mr QUIRKE (Playford): I wish to address the House on a couple of issues in my electorate concerning traffic movements on busy roads. In many respects, the District of Playford is a dormitory suburb of Adelaide. To the north and east of the electorate of Playford live many people who seek to travel to the city and return every day. In fact, many people traverse the broader metropolitan area from Modbury and the new developments in the Golden Grove area to the city and also across to the Port Adelaide area. To do that they access roads in the electorate of Playford, yet some of those roads are barely adequate to the task.

Many roads that 20 or 30 years ago were designed in the planning stage to carry an appropriate level of traffic—and probably appropriate for the projected area development—are now not up to the task. Since that time development

has exceeded the expectations of planners in the 1960s, and a couple of instances come to mind in that regard. The most obvious of all is Main North Road which, at this stage, is an adequate road at 3 o'clock or 4 o'clock in the afternoon. However, once peak-hour traffic moves on to Main North Road it becomes heavily congested from about 4.30 to 6 o'clock every day.

Intersections on Main North Road virtually along its entirety overflow with cars during the peak hours in the morning and afternoon. Montague Road traverses the areas from Modbury down to Main North Road—and in future it is planned to go beyond that—and carries a large number of cars on to Main North Road but, unfortunately, it is in a worse state than Main North Road. Originally designed as a suburban road, it is now a major arterial road with one lane on either side as it travels through the Pooraka area. Montague Road in the long run is to be greatly developed, but the problem in the meantime is that the traffic is here now. The road has been aligned to the southern side of the road easement and, as a consequence, it is as hard up against existing dwellings as it is possible to be.

People living in those houses find it almost impossible to enter or leave the road for about four hours every day (two hours in the morning and two hours in the afternoon). The new Pooraka estate area has been opened up and developed progressively over the past eight years and is soon to see another stage of development. More than 800 houses will be built on site in that area and those residents, too, will have to access this road. At this stage there is argument about how many entrances there should be to Montague Road, but that is an argument in itself: not that they will go to Bridge Road or Main North Road—they will all go to Montague Road. The problem is that Montague Road is barely adequate for the traffic. It is poorly aligned and the intersections are dangerous.

The major intersections of Bridge and Montague Roads and Main North and Montague Roads are clogged and, as a consequence, traffic movement through the area is very slow, dangerous and hopelessly inadequate. I make these comments in the House, because this is the place for the matter to be raised. The Government needs to look urgently at situations like Montague Road and other roads that were designed originally to carry a certain level of traffic but which, because of development in areas well beyond it, now carry too many cars than was envisaged. What is more, many trucks and vehicles of all types traverse—

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

The Hon. TED CHAPMAN (Alexandra): In 1987 the Government by and large of its own volition tied up M.V. *Troubridge* at Port Adelaide. They simultaneously commissioned the *Island Seaway*. Since putting that vessel to sea (or at least down the Port River a few times before she went to sea), in this place and in other public forums I have been critical of that ship, and I continued to be critical of its performance for several years after its commissioning. Despite assurances that teething troubles with the vessel were being addressed, it continued to supply a haphazard service to the port of Kingscote and for a short period Port Lincoln. More especially, operating costs of that ship increased and, accordingly, on a cost-recovery policy, the cost of using that ship is now well beyond the reach of its patrons.

The Kangaroo Island community was vocal about its concerns on this matter during the early years of the ship's operation, and members will recall that I said in this place on a number of occasions that, if the cost-recovery policy was insisted upon by the Government, the ship would become beyond the economic reach of the islanders and would be plying those waters empty or nearly empty because we simply could not afford to use it.

That is the situation at the moment. The *Island Seaway* departs from Port Adelaide and arrives at Kingscote on two regular trips per week for most of the year, and at times on three regular trips. She literally carries a wheelbarrow load of goods because of other shipping alternatives between Cape Jervis and Penneshaw, on Kangaroo Island, being patronised. The price structure is now of such magnitude that local people, industrial traders from mainland South Australia or tourists cannot afford to use the vessel.

It costs $100 plus each way to transport an ordinary motor car between the two ports of Adelaide and Kingscote. It costs almost the same amount for a passenger to travel on the *Island Seaway* between the two ports as it costs to go by our most sophisticated airline service to Kangaroo Island. Understandably, tourists will not travel on the *Island Seaway* to Kingscote for their holidays. They will not take the chance that she may travel today, tomorrow or the next day; indeed, when she does travel it may take six, seven or eight hours (or more on many occasions) for the journey. The vessel is so unreliable and ridiculously expensive now that it is time the Government had a good hard look at the future of that service.

I plead with the Minister in the Chamber this afternoon to ensure that his Government, whilst in office, continues to uphold a longstanding commitment to the island community to link mainland South Australia with the port of Kingscote through an appropriate shipping service, and one that does the job at a cost we can afford. On a number of occasions I have sought reaffirmation of this commitment by the Government. I ask that it continues to provide us with a shipping service owned by the State and run by the State. I ask that the *Seaway* replacement provide a no frills freight only service. Hopefully next time it will be done correctly: we will do away with the demands of the respective unions associated with the building of a replacement ship and provide a service that simply does the job required of it and does not seek to provide the facilities that cannot possibly compete with today's various modes of travel to and from that community. I ask that plans to dispose of the *Island Seaway* and replace it with an adequate vessel are soon under way.

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

WINE GRAPES INDUSTRY BILL

The Hon. LYNN ARNOLD (Minister of Agriculture) obtained leave and introduced a Bill for an Act relating to the marketing of wine grapes. Read a first time.

The Hon. LYNN 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

Wine grape prices legislation has existed in South Australia since 1966, under sections 22a to 22e of the Prices Act 1948. Minimum prices were set continuously in South

Australia from 1966 to 1985. Terms of payment have been determined each vintage since 1977.

The system of setting prices had been modified over that period. Until the latter years of the period, the recommended prices were usually determined by an industry and departmental committee which took into account both the cost of production and market forces. The prices were set under the Prices Act and as such were legally enforceable with fines being imposed for soliciting or offering wine grapes at less than the gazetted prices.

For some time prior to the 1985 vintage there had been dissatisfaction by growers and wine makers at the effectiveness of the minimum prices legislation both within this State and in relation to the trading of wine grapes between South Australia, Victoria and New South Wales.

The Ministers of Agriculture from New South Wales, Victoria and South Australia established a working party in 1984 to examine minimum wine grape prices. The working party report was presented to the respective Ministers of Agriculture at the end of March 1985. The major recommendation of the report was for a base price to be set to operate on a national basis. The Ministers subsequently released the report for comment but no joint action was taken on it.

For the 1986 vintage, the South Australian Government decided that two base prices would be set in this State. The wine grape prices were gazetted on 19 December 1985, and for the first time one price ($175 per tonne) was listed for all grapes grown in Area 1 (the area irrigated from the Murray River) and another price ($190 per tonne) listed for all grapes grown in Area 2 (all grape growing areas of the State not included in Area 1). A price of $12 per baume per tonne was set for unsound grapes in the 1986 vintage.

After the completion of the 1986 vintage a review of the operation of the base price system was carried out by the South Australian Department of Agriculture. The review recommended that the base price system should continue for the 1987 vintage and the wine and grape industry situation be monitored prior to the 1988 vintage, with a view to removing all price control.

A single base price of $175 per tonne was set for Area 1 for the 1987 vintage but no price, at the request of the United Farmers and Stockowners (UF&S), was set for Area 2. No prices were set for either Area 1 or Area 2 for the 1988 vintage, although the legislation still remained in place.

At the 1988 spring session of State Parliament, it was determined that the wine grape prices section of the Prices Act would continue to operate for the 1989 vintage. Lists of indicative wine grape prices were released by the various regional wine grape grower organisations to help guide growers as to the prices they should seek from wineries, but no legislated prices were set. The terms of payment that applied for the 1988 vintage applied for the 1989 vintage.

Indicative prices were determined for wine grapes in some areas for the 1990 vintage. Whilst few wine grapes were left unsold in South Australia, the prices actually received, particularly in the Riverland, were below the indicative prices. This was as a result of the relatively large tonnage of wine grapes harvested in the 1990 vintage and, at the same time, a continuation of the almost static demand for wine experienced on the domestic market in 1989. Legislated terms of payment were set for the 1990 vintage.

Representatives of the national wine making and grape growing industry bodies, the Departments of Agriculture and Fisheries (New South Wales), Agriculture and Rural Affairs (Victoria) and Agriculture (South Australia) attended a meeting in Renmark on 19 October 1990 to finalise the development of an indicative pricing system. Two previous meetings to discuss this issue had been held by representatives from the abovementioned group during 1990.

The 19 October meeting agreed unanimously that the following three broad principles should apply for wine grape pricing in the Murrumbidgee Irrigation Area (MIA), the Sunraysia areas of Victoria and New South Wales and the Riverland area of South Australia for the 1991 season and beyond:

- the industry should set up price negotiating machinery between growers and wine makers for the MIA, Sunraysia and Riverland, with a view to establishing indicative prices for all relevant varieties of wine grapes;
- negotiations be held jointly between representatives of the three areas to arrive at indicative prices;
- the purpose of the indicative prices be to assist in the negotiations between buyers and sellers.

Following the Renmark meeting, an application was made by the Wine Grape Growers' Council of Australia Incorporated to the Trade Practices Commission (TPC) for interim authorisation until May 1991 and also for substantive authorisation. This would have allowed interstate and State committees comprising wine makers and grape growers to meet to discuss the formation of indicative prices. The TPC would not grant interim authorisation but has recently released its draft determination in relation to the setting of indicative prices. If the determination is upheld substantive authorisation will be granted for the above process until April 1994.

The Victorian and New South Wales Sunraysia areas met and agreed on indicative prices for the 1991 vintage based on the Renmark agreement. These States were protected in this process by existing legislation in both States. In South Australia, indicative prices were determined in irrigated and non-irrigated areas by the UF&S wine grape section. However, these were set unilaterally by grape grower representatives with no wine maker involvement. This process was undertaken following the TPC's refusal to grant interim authorisation to determine indicative prices and with the realisation that no new legislation relating to indicative prices could be finalised for the 1991 vintage. The Murrumbidgee Irrigation Area (MIA) set its prices under the legislation that operates in the MIA. This is separate from that which applies to the Sunraysia area of New South Wales. Legislated terms of payment for the 1991 vintage were set on 21 February 1991.

The UF&S and the Wine and Brandy Producers' Association of South Australia would like to have new legislation relating to indicative prices and terms of payment in place by the 1992 vintage. With this legislation and the TPC authorisation the three States would be able to meet jointly to discuss and determine the respective indicative prices to apply to the irrigated areas of New South Wales, Victoria and South Australia.

The reason for proposing this legislation is the industries' (grape growing and wine making) agreement that the current legislation, under the Prices Act 1948, is ineffective. As a result of a series of three-State (South Australia, Victoria and New South Wales) wine grape pricing meetings held in 1990, this State's grape growing and wine making industries sought similar wine grape legislation to that introduced into Victoria in 1990. This Bill, although not similar to the Victorian legislation, empowers the Minister of Agriculture, on advice, to publish indicative prices for grapes grown in Area 1 of South Australia and terms of payment for all wine grapes grown in South Australia (Area 1 is that area in South Australia comprising the district councils of Barmera, Loxton, Berri, Paringa, Morgan, Waikerie, Mannum, Mobilong, the hundred of Katarapko, the hundreds of Fisher,

Forster, Nildottie, Ridley and Bowhill in the district council of Ridley, the hundred of Skurray in the district council of Truro, the municipalities of Murray Bridge and Renmark and the counties of Young and Hamley).

A committee will be established in South Australia by the wine making and wine grape growing industries to advise the Minister of Agriculture on the indicative prices and the terms and conditions of payment to apply for the ensuing vintage.

Membership of the committee:

- the committee shall consist of seven members, including the Chairperson;
- the Chairperson will be appointed by the Minister of Agriculture;
- three members will be persons involved in producing wine grapes or in the wine grape producing industry organisation, selected by the United Farmers and Stockowners of South Australia;
- three members will be persons involved in the purchasing of grapes for processing into wine or in the wine and brandy producers' organisation, selected by the Wine and Brandy Producers' Association of South Australia.

Clauses 1 and 2 are formal.

Clause 3 is an interpretation provision. A definition of 'production area' is included for the purposes of limiting the application of recommended prices to wine grapes grown in the Riverland area.

Clause 4 exempts sales of wine grapes by a member of a registered cooperative to the cooperative from the operation of the measure.

Clause 5 provides for the Minister to recommend a price for each variety of wine grapes grown in the production area.

Clause 6 enables the Minister to fix terms and conditions relating to the time within which payment for wine grapes must be made by processors and payments to be made by processors in default of payment within that time. The terms and conditions must not differentiate between purchasers.

Clause 7 requires the Minister to consult representatives of both producers and processors before recommending prices or fixing terms and conditions. The clause expressly contemplates parties discussing and negotiating prices.

Clause 8 includes administrative provisions relating to the making of orders under clause 5 or 6.

Clause 9 provides that a processor must not accept delivery of grapes if he or she has not paid in full for any grapes received in a previous season. It allows the Minister to grant exemptions.

Clause 10 provides that offences against the Act are summary offences and that prosecutions must be commenced within 12 months and must be authorised by the Minister.

The schedule contains consequential amendments to the Prices Act 1948. The provisions relating to the fixing of prices, and terms and conditions of payment, with respect to wine grapes are removed.

Mr MEIER secured the adjournment of the debate.

ROAD TRAFFIC (PRESCRIBED VEHICLES) AMENDMENT BILL

The Hon. FRANK BLEVINS (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Road Traffic Act 1961. Read a first time.

The Hon. FRANK BLEVINS: 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

This Bill proposes that drivers of heavy vehicles, public transport vehicles (including taxi-cabs) and vehicles carrying dangerous substances be subjected to a zero blood alcohol limit. Currently, the Road Traffic Act defines the 'prescribed concentration of alcohol' as being:

— any concentration of alcohol in the blood for an unlicensed or inappropriately licensed driver; and

— a concentration of .05 grams or more of alcohol in 100 millilitres of blood for any other driver.

In addition, the Motor Vehicles Act defines the 'prescribed concentration of alcohol', in relation to holders of a learner permit or a probationary driver licence, as being any concentration of alcohol in the blood.

Although considerable progress has been achieved in upgrading the safety standards for heavy vehicles operations, extending the zero blood alcohol limit to cover drivers of heavy vehicles, dangerous goods and public transport vehicles will further enhance road safety. This is an integral component of the National Road Safety Initiatives Package and is being adopted by all States and Territories of Australia.

A recent South Australian study of the causes of fatal articulated truck crashes indicated that excessive drinking by the truck drivers contributed to crashes in which about 15 people died over the 10 year period, 1978-87.

The effective enforcement of a zero blood alcohol limit will, because of current technology, be at the .02 level. This will counter any possible defence argument that a driver had not been drinking alcohol but was taking a medicine, such as a cough syrup with an alcohol base. However, to actually set the limit at .02 instead of zero would undoubtedly indicate, to some drivers, that drinking a small amount of alcohol was permissible.

The penalties relating to drivers detected in contravention of the provisions of this Bill will be those penalties currently prescribed in section 47b of the Act and are dependent on both the seriousness of the offence, that is, the amount of alcohol in the blood, and whether the offence is a first, second or subsequent offence.

Clauses 1 and 2 are formal.

Clause 3 amends section 5, an interpretation provision. It inserts definitions of 'prime mover' and 'semi-trailer' that refer to the definition of 'articulated motor vehicle'.

Clause 4 amends section 47a by inserting new definitions relevant to the provisions prohibiting driving with certain concentrations of alcohol in the blood. The definition of 'prescribed concentration of alcohol' is amended so that when driving certain categories of vehicles the prescribed concentration is zero. The categories of vehicles are as follows:

(a) a vehicle with a gross vehicle mass (which is in turn defined) exceeding 15 tonnes;

(b) a prime mover with an unladen mass exceeding 4 tonnes;

(c) a bus;

(d) a vehicle that is being used for the purpose of carrying passengers for hire;
(e) a vehicle that—
(i) is used to transport dangerous substances within the meaning of the Dangerous Substances Act 1979 or has such substances aboard;
and
(ii) is required under that Act to be marked with a label.

Clause 5 amends section 175 by inserting a further evidentiary aid relevant to the new offence of driving a prescribed vehicle with any concentration of alcohol in the blood.

The Hon. D.C. WOTTON secured the adjournment of the debate.

GOODS SECURITIES (HIGHWAYS FUND) AMENDMENT BILL

Consideration in Committee of the Legislative Council's suggested amendment:

Page 1 (Clause 4)—After line 31 insert subclause as follows:
(3) The Commissioner of Highways must include in each annual report under the Highways Act 1926 to the Minister responsible for the administration of that Act statements of—
(a) the total of the amounts credited to the Highways Fund pursuant to this Act during the financial year to which the report relates;
(b) the total of the amounts paid out of that fund during that year to meet the cost of administration of this Act;
(c) the total of the amounts paid out of that fund during that year for the payment of compensation payable under orders of the tribunal;
and
(d) the total of the amounts credited to that fund pursuant to this Act at any time up to the end of that year less the total of the amounts paid out of that fund at any time up to the end of that year to meet the costs of administration of this Act and for the payment of compensation payable under orders of the tribunal.

The Hon. FRANK BLEVINS I move:

That the Legislative Council's suggested amendment be agreed to.

Motion carried.

WRONGS (PARENTS' LIABILITY) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 19 November. Page 2071.)

Mr HAMILTON (Albert Park): I support the Bill. It is tough legislation: there is no question about it. It is tough, because it is what the community is demanding. I was somewhat intrigued with the response of members opposite to this legislation and indeed more intrigued by the comment attributed to the shadow Attorney-General on page 5 of today's *News* where it stated:

Mr Griffin said the Party supported the Bill with changes because it recognised there was some community desire to make parents accept more responsibility for the behaviour of their children.

I do not know where this man has been if he is saying that there is some community desire. There is a strong community desire to see that juveniles who offend, who are prepared to go out and break into homes, schools, community clubs and different organisations—

Mr McKee: And wreak havoc.

Mr HAMILTON: —and wreak havoc are dealt with, yet we hear that there is 'some community desire'. I am appalled by that statement attributed to the shadow Attorney-General.

Mr Groom interjecting:

Mr HAMILTON: I thank the member for Hartley for his interjection, because I think he is implying that some members are cut off from reality. Let those members knock on a few doors and talk to the people. I am prepared to take the shadow Attorney-General to my electorate—to Royal Park, Hendon and Seaton—to talk to people. There is a strong community desire for this legislation to pass. I publicly thank the member for Hartley for having come to my electorate on a number of occasions to speak to community groups on this issue. In the main, they were women.

Mr Lewis interjecting:

Mr HAMILTON: Get back down your rabbit hole. Community groups in my area are demanding changes. I have many elderly people in my electorate: my electorate has a large number of elderly people in comparison with all electorates in South Australia. Those people are justifiably concerned; they are saying, quite properly and based on the way in which they were brought up and on the discipline that they were taught by their parents, that this is what the community is demanding, and I support them. I do not believe that the Liberal Party can allow parents to abrogate their responsibility for bringing up their child. They have a clear responsibility. If people bring a child into the world, they should teach that child discipline right from the time it is born.

Mr Lewis interjecting:

Mr HAMILTON: You will have an opportunity in a moment. Discipline is an important and integral part of the community. Last night the member for Hartley so eloquently put on record the matter of European traditions. I was brought up with some of those traditions because of the ancestry of my mother and father. My mother was from German stock, and there is very strong discipline in that community.

Mr Lewis: It doesn't show.

Mr HAMILTON: I will not respond to stupid, inane interjections from some clown who wants to make a smart remark at my expense. This is a very serious matter about which the community is very interested. People in the community are seeing their home broken into, their precious belongings stolen, trampled on, smashed or wrecked, or their car stolen and burnt out, yet the Liberal Party is saying that the fine should be only $10 000.

What about the person who buys a vintage car and spends 10 to 15 years doing it up? Precious time and effort is put into those cars. I speak from the experience of constituents who come to my office. The son of a resident in Alfred Avenue, Seaton, had his car stolen, and it was found burnt out near Osborne. Tell him that we can fine the offender only $10 000. What value do we put on a car that has had so many hours of commitment, dedication, loving care and attention spent on its restoration? Tell the sole parent or the elderly person who has seen everything in his or her home wrecked, shattered and thrown all over the place, priceless pieces that they can never replace—

An honourable member: Memorabilia.

Mr HAMILTON: Yes, memorabilia. I thank my colleague for his assistance. Tell those people that this Parliament will provide only a $10 000 fine in legislation. Members opposite are saying that we are trying to penalise the parents of those children, but what about the victims of the crime? Over the years I have been in this place we have heard so

much from members opposite about victims of crime. Here is a classic case where members opposite can put their money where their mouth is. Here is the testing time: they can put up or shut up. The opportunity has now arrived for them to do so. Yet, we heard the furphies of members opposite last night in an attempt to denigrate me. I am a big bloke and I do not mind: they can sling a bit of mud. However, I was most interested, Mr Deputy Speaker, in your contribution to this House last night; it is one that I happen to agree with. You said:

> However, I would remind members of new subsection 27 *d* (3) which provides:
>
> It is a defence to a claim against a parent under this section to prove that the parent generally entered, to the extent reasonably practicable in the circumstances, an appropriate level of supervision and control over the child's activities.
>
> Quite clearly, where you have an honest and diligent parent who is responsible in their role as a parent and who takes every reasonable effort to control the activities of the child . . .

As I understand it, you, Sir, point out that that is a defence for parents of the juvenile who is responsible for the damage. However, that is not what Opposition members were talking about last night. They were trying to lead in the red herring that the Government is trying to bankrupt parents: that is not the case. Having been brought up in a regimented family, I believe very strongly that discipline starts in the home. This legislation deals with children between the ages of 10 and 15 years. The most formative years of a child's life are between the ages of naught and 10 years; all members know that. Those are the years in which parents have the responsibility, to the best of their ability, to ensure that their child is brought up in a proper and disciplined way. If parents cannot do that and if they look for assistance, people like us in this place should be trying to provide that. I believe that a child's views and attitudes towards society are formed between the ages of naught and 10 years. In my view, parents cannot abrogate their responsibility to the child and say, 'I wash my hands of it. I cannot do anything about it.'

All members on this side of the Chamber know that some parents do not have the parenting skills to properly look after their children. Recently when I was in Western Australia I talked to a Detective Inspector Bob Kuchera about the problem of juvenile crime. In other States we gain a different perspective of what occurs. This chap was not of my political persuasion, but I respect his views. He had just come back from 14 weeks on a Churchill Scholarship visiting the United States, Canada, the United Kingdom, France and other parts of Europe. He related to me a situation of a 13 year old girl who falls pregnant and has a child. At that age a child does not have the proper parenting skills: and by the time that parent is 26 years of age her child is 13 years old. In most cases, I suspect, there are problems because that 13 year old would not have had the parenting skills to impose proper discipline on her child.

Overwhelmingly, I believe that parents have a responsibility. Too often we see people in the community wanting to abrogate their responsibility to their child. When I was a child, if there was a blue in the street between me and another child, the other child's parents would go to my father and say, 'Mr Hamilton, your son is brawling in the street. What are we going to do about it? My child is also involved.' They would sort out the problem between the parents. That does not happen now. The first thing people do is to ring up the police and say, 'There is a blue going on in the street. Come and sort it out.' People now want the police to do it, but the police cannot be everywhere. No matter what Government is in power or what resources are available to that department, these problems will not be overcome like that.

In my view the parent has the responsibility not to take the soft option but, in many cases, to take the hard option. The parent has to say to the child, 'No, you are not going to get this', and explain why mum or dad cannot provide something for them. When I see children in shopping centres or in the streets stamping their feet in temper, I am appalled, to put it bluntly, because I believe that that is a lack of discipline by the parent. If that child is allowed to get away with that behaviour time and time again, it is reasonable to expect that when they go to school or out into the community they will turn on tantrums and challenge authority time and time again—and they do that.

We then have the criticisms that the schools do not impose discipline. In my view, discipline starts in the home. I am not prepared to wear that nonsense that has been put by members opposite, who supported the establishment of the select committee. The fact is that members of the Liberal Party Opposition who served on the select committee supported the Bill. Yet, now we see the gyrations and somersaults in their attempts to justify their amendments to the Bill. Why are they trying to do that?

I will tell the House why. It is because they know that the Government has come to grips with this problem and that it has introduced a Bill that does have community support. I have been in this job long enough and have been a parent long enough to know that the community expects children to be properly disciplined. This Government Bill reflects exactly those values. In my view, the attempt to water down this Bill is an attempt to destroy the legislation—but it is a wimpish attempt.

In the last few minutes that I have in this debate I want to bring a couple of other matters to the attention of members of this House. In recent months we have seen many instances of juveniles stealing cars. A number of cases have occurred in Western Australia. In three cases where cars were stolen by juveniles, other motorists lost their lives as a consequence of high speed car chases. Deaths have occurred. Is it right for the Liberal Party to stipulate that the maximum that we can fine these juveniles or their parents is $10 000?

Members opposite should tell that to the 20 000-odd people who turned up on the steps of Parliament House in Western Australia at the massive demonstration that occurred over there, or to the people out on the streets. I know the sort of reaction that they would get, and I suspect that some of it would be very colourful indeed. Members opposite should tell that to the mothers and fathers who have lost a child. How could they justify it to them? I do not believe that members of the Liberal Party would be able to justify that.

I believe that it is a cynical attempt on the part of members opposite to water down this legislation. Repeatedly over the years I have been in this Parliament we have heard cries from the Opposition for law and order and for tougher legislation. Overwhelmingly the community is reflecting this view, and we see this in newspaper editorials, day after day, week in, week out, year after year. We have been subjected to political abuse from members opposite in relation to the law and order issue.

I shall never forget the campaign that was waged by the Liberal Party leading up to the 1979 election. This is a revisit of that campaign, and many of my colleagues on this side of the House acknowledge that. The community has demonstrated quite clearly that this is the sort of legislation it wants. It is legislation that people believe in. I am sure my colleague the member for Hartley would agree with me on this point, from his experience when he has

come down to address people in my electorate, because he has been the Chairperson of the committees involved.

Mr Groom: They are not happy with the Liberal Party.

Mr HAMILTON: Exactly. They have given us very strong support. I know the feeling in my electorate, as would most members of whatever political persuasion, and I certainly know that many people support this legislation very strongly. People have the right to have their homes protected. Why should some child, whose parents cannot control them properly, be allowed to run riot?

In conclusion, I recall an occasion in 1980, when I went to a meeting at Semaphore Park at which parents in the Housing Trust homes in that area were very much concerned about the break and enter offences that were occurring, as well as a whole range of other offences that were being committed.

Representatives from the Housing Trust, the Police Department and so on, and the residents, got together. There was one loudmouth at that meeting who was berating the police because his car had been broken into and because, he said, the police were not doing anything. I knew the history of this man and after about half an hour I asked him a question: do you know where your son is tonight? I got a foul-mouthed response, and he told me to go and get—and I think people know what I am talking about. But I knew what he was doing; he was giving his son, a juvenile, money each Friday night to go out and get drunk. He was not prepared to accept his responsibility as a parent, but he was prepared to criticise all those authorities, and me, for not doing enough. I strongly support the legislation, and I commend all those responsible for bringing this measure before the Parliament.

Dr ARMITAGE (Adelaide): The Wrongs (Parents' Liability) Amendment Bill has been introduced into the House against a background of increased community anger about some of the crimes that are being committed, crimes which no member in this House would approve of or condone. In some cases they are caused by children who have behaved irresponsibly and in other cases they are caused by children who have behaved with criminal intent. One has to say, of course, that not all the crimes that we so abhor are caused by children.

However, in some cases crimes are committed by children of parents who have done everything possible in this day and age to bring their children up to the standard that those parents would like to see for their offspring. Those parents may well have been involved in the school sports organising, and so on. They may have worked hard to give their children a good education and it may be through no failing of a parent or parents that the children are perpetrators of crime. However, despite the fact that in many instances the parents have behaved as responsibly as possible, the children can behave irresponsibly and criminally. As to those parents who have gone to school sports at 8 o'clock every Saturday morning, as I am sure we have all done, or the mothers who have gone down to the tuckshop or to the school library to work, and so on, or the parents who have helped in functions to make money at sports days, fairs and so on, to provide things for the school which will benefit the children, this Bill would see them penalised for the acts of their children.

The other point about the children of quite responsible parents is that in many instances these children, so-called, physically may be beyond discipline. There are many children of 13, 14 or 15 who are physically more powerful than their parents, and there may be little that a parent can do, short of physically locking them up, to ensure that their children are doing exactly as they say. There are also cases where completely well-meaning children may be egged on by irresponsible friends or acquaintances. Indeed, I was alerted to this fact by a prominent Adelaide lawyer who was speaking to me about this Bill. His sons, thank goodness, he believes are completely controllable. However, he said he would have absolutely no idea whether his 15-year-old son, who is 6ft 3in tall and weighs 15 stone (whatever that might be in kilograms), had got out of the bedroom window at 2.30 a.m. on Sunday and gone into Hindley Street.

In addition, there is the fact that people can be accessories after the fact. For example, perhaps a boy goes out with his friends and is going home when one of his friends says, 'I think we should take a ride with my friend', a third person, and that third person might say that he is going with a fourth person. On the way home, completely unbenown to the first person, that fourth person may well commit some crime. Is that first boy an accessory after the fact? Is he liable and is the parent liable? According to the lawyer to whom I have spoken, that would be the case, and that is clearly crazy.

The member for Albert Park told us many sad stories of people who have had cars stolen and houses broken into by children and who deserve recompense. I ask the honourable member and other members opposite what would happen if those same crimes had been committed by a ward of the State. What is the difference for a constituent of the member for Albert Park between having his car stolen or his house broken into by the 15-year-old son of someone who has worked hard to give that child everything and having the same thing done by a 15-year-old ward of the State?

As members opposite have so berated us, there is absolutely no difference to the victim whether his car is stolen by a child of natural parents who have worked hard or by a ward of the State. However, this legislation would potentially bankrupt some parents, and what would occur to the State in such circumstances? Nothing. Where is the equity in that? Why is it reasonable to differentiate between crimes causing exactly the same hardship to victims when there are two different effects at the end of it because of this legislation? There is absolutely no reason why law abiding citizens should be expected to suffer penalty because of this legislation, if the State does not.

Further, some of our amendments seek to clear up a misunderstanding in the Bill involving natural, adoptive or both parents. The member for Albert Park and, indeed, other members opposite have spoken about parents who lack skills in parenting and how discipline ought to come in the home. I inform the House that before I became the member for Adelaide I had a lot of experience with just such parents when I worked in the Child Adolescent and Family Health Service and other such organisations. Indeed, many parents have very poor parenting skills, and the member for Albert Park is quite right to identify that as being a major problem.

However, the logical extension of the member for Albert Park's argument about the fact that parents lack skills is not then to bankrupt them because they do not have parenting skills and because of what their children have done. The logical extension of that is to say that we have these people who lack parenting skills; let us provide them with the opportunity to learn those skills. There are courses around and there are opportunities which can easily be provided by people who are resolutely looking to provide a better parenting base in our society. That is the logical

extension—provide people with better parenting skills so they may not have their children committing these crimes.

The key to this Bill is the fact that there is no doubt that its provisions would see innocent people punished. A mythical family may have, let us say, two children. One of these children may either maliciously or inadvertently be involved in some act for which, under this Bill, some recompense would be meted by society from the whole family. Where is the justice in an innocent child having all the family supports—perhaps the family home—and every chance that that child may have to make something out of his or her life removed because of the deeds of another party? Quite frankly, I am amazed that, among the members opposite, the Minister at the table, the Premier, the member for Hartley and the Attorney-General have law degrees.

In all the studies of law, justice is revered. The meting out of appropriate justice is the whole basis of the study of law. It is the reason there are laws. Justice is put on a pedestal by the Law School, yet we have four members opposite who have gone through the studies to become Bachelors of Law and they are prepared to say that they not only sanction but also propose a law that will see innocent people penalised dramatically for the deeds of another person.

I am amazed that lawyers would contemplate being part of that scenario, let alone that they would propose it. However, given that they are even part of it, I am surprised that they have not argued very strongly against it and, in fact, on all the tenets of justice, that they would be in favour of this Bill. Where is the justice in innocent people being penalised for something they have not done? I will tell members opposite where it is: it does not exist, yet they would tout the values of justice and the merits of revering justice until the sun goes down. I cannot understand what the four members in question are doing as individuals, nor can I understand what they are doing as a Government.

I opened my contribution by indicating that there is a problem: there is community distress about what is occurring and there is community anger about the number of crimes occurring. However, there are possibilities to overcome that. As I indicated previously, parenting courses can be done by someone who wishes to address the problem and indeed there are opportunities within the courts system to penalise the perpetrator of the crime, not the innocent victims. There is no question that innocent people will be penalised. On these grounds alone, this Bill as it has been introduced deserves to be opposed—on the grounds of justice alone—and I am sure the lawyers opposite would agree that justice is a principle worth fighting for, and that anyone who had not had a say in any deed ought not to be penalised.

Mr Groom: The community wants justice.

Dr ARMITAGE: The member for Hartley says that the community wants justice. Where is the justice in someone who has had their car stolen by a ward of the State getting nothing back? What is the difference between someone having a car stolen by a child whose parents can be bankrupted to regain the money and someone to whom the Crown is not bound? On the justice principle alone, this Bill deserves to be opposed. The amendments that will be moved by the Liberal Party make the Bill slightly more acceptable, but I am surprised that this legislation has been contemplated by the Government.

Mr McKEE (Gilles): I rise in this debate as a member of the select committee, the first select committee on which I have served since becoming a member of this Parliament. The committee had to deal with a very complex and difficult subject. I take exception to some of the remarks that I have heard in this debate not only today but last night. In particular, I refer to the member for Bright, who seemed to be thumping his chest saying that he was responsible for the appearance of all the witnesses before the select committee.

On the first day on which the committee met, all the participants on that committee—members from both sides of the House—agreed on the list of organisations that we had in front of us. We could not think of any organisations to invite other than those we had discussed and agreed upon, and we intended to place advertisements in all newspapers in South Australia to invite submissions. To give the House some idea of the breadth of the evidence of the participants who appeared before the committee—and I will not name all of them—we invited the Aboriginal Legal Rights Movement, the Aged and Invalid Pensioners Association, the Australian Retired Persons Association, Catholic Education, the Department of Law, the Law Society, the Lone Parent Family Support group of the Neighbourhood Watch Association (the umbrella organisation; it was not felt that we needed to hear from Neighbourhood Watch in the area of Bright or anywhere else), the South Australian Police Department, the Independent Schools Board, high school councils, the United Farmers and Stockowners Association, Victims of Crime and the Youth Affairs Division.

The committee invited 26 organisations in all and received over 12 oral submissions and about 36 written submissions from members of the community plus submissions from the people who had been invited and those who had responded to the newspaper advertisements. So, it is a little misleading to say that, if one member had not invited 11 people from his electorate, no-one would have appeared before the committee. We need to be more accurate when dealing with a subject such as this.

As I have said, this is the first select committee with which I have been involved. At its first meeting, I thought that the Government members would have to gird their loins and go into battle with members of the Opposition, but I was surprised at the attitude of all members of the committee because I think they all understood that we were dealing with an extremely sensitive issue. We are trying to make parents more responsible for the actions of their children, and that is an extremely sensitive area. The Government is entering into the very sensitive area of how parents raise their children generally. If we as a Parliament say, 'If your children break the law or undertake certain nefarious activities, you will be responsible under the law', what that means, in my opinion, is that we are telling parents how to raise their children, and that is an extremely sensitive position for any Government to take. As I pointed out, this subject was approached collectively by all members of the select committee, including members of the Liberal Opposition.

Mr Groom: And now they are backing off.

Mr McKEE: That is the point. While listening to this debate, I have heard from members of the Liberal Party the total opposite of what their colleagues on the select committee submitted. This is a very important and broad-ranging subject. If we listened to the media—although, if we took notice of yesterday's *Advertiser*, I would be 72 years of age—and if we listened to the Opposition, we would find that the problem of young offenders is confined to this State. In fact, that is not true. The problem we are facing in South Australia exists in England with well publicised riots, car chases and thefts, with copy-cat results in this country. The United States has serious problems with youth gangs. In Europe one only has to go to a soccer match to

see the problems that are being experienced. Recently, I visited Ireland, where children as young as 12 years are being locked up in an adult prison called Mountjoy, in Dublin. Indeed, this phenomenon is occurring not only in the State of South Australia but right across the supposedly civilised world.

So, we have to consider the sorts of conditions in which children are growing up today. With hindsight it might have been wise for the members of the select committee to approach the media, both electronic and print, to make a submission. It must be very difficult for parents to raise their children because of the many and varied influences on children in today's society. Children between the ages of 10 and 15 can be quite impressionable and, therefore, susceptible to the different forms of media manipulation that we all experience.

Given the sensitivity of the subject, the approach of all members of the committee and the agreement reached at the end of our deliberations, I am extremely surprised to see this turnabout that began in last night's debate and has continued this afternoon. Last night I had to listen to the member for Hayward talking about Charles Dickens, King Lear and Oliver Twist. That is the best twist I have seen from the Liberal Party members, who agreed to one thing and then twisted around last night and today in an attempt to rort the evidence of the select committee which was agreed upon by members of their own Party.

An amendment has been suggested to the effect that the fine or amount for damages placed on the parent of a child found guilty should not exceed $10 000. Does that mean that the fine is up to $10 000? Does it mean that, if a $5 000 brush fence is burned down by a couple of youths, the victim may get only $250 or $150? Do members opposite know what this amendment means? If we adopt any of these amendments put forward by the Opposition we may as well scrap the whole Bill, because it will be absolutely useless.

As we have heard from every speaker on this side of the House, the South Australian public is crying out for assistance in the youth problem area. Evidence taken by the select committee indicates that not everyone has kids who will become bodgies, widgies, youth problem-makers and thieves. However, we have about 600 or 700 repeat offenders in South Australia and nothing else seems to have worked. It has been fairly obvious that the parents have abrogated their responsibilities towards those children, and the rest of society is requiring the Government to do something about it.

When I first arrived in this House the number of Opposition attacks on the Government about law and order issues was phenomenal. It was obvious that Opposition members were mounting cheap political stunts to try to score points off the Government. When I first came in here the member for Bright delivered a grievance about a physical attack on two of his constituents on North Terrace outside the railway station or the Casino. He harangued the Government for not having enough facilities in terms of police, police stations, patrols and the like.

Mr Lewis interjecting:

Mr McKEE: It has. What was the age of those perpetrators? How old were those children who were out at one o'clock or two o'clock in the morning? We do not know. The member for Bright was a member of the select committee. He comes into the House and harangues the Government with respect to the vicious attacks occurring on the streets. He agreed with the findings of the select committee without fault but now, when we come to debate the issue in the House, I cannot help but see that the issue of hypocrisy is raising its head.

As I said, and as members on this side have said, there have been repeated attacks on the Government about law and order issues in this State. Now the Government is responding to the people through this legislation by making parents more responsible for the raising of their children. As I said before, this is an extremely sensitive area. It is certainly sensitive for me because I am not a parent and therefore have not had the responsibility of raising my own children. However, I was raised in a family. I had two parents and other members of my family and I know how I was raised.

Members interjecting:

Mr McKEE: Yes. There was some confusion about that yesterday. I can recall those days as well.

Mr Such interjecting:

Mr McKEE: Yes, I am the current McKee member of this House. In terms of not being a parent myself, I have difficulty in talking with experience. However, I do recall the discipline used in my house and the responsibilities of my parents. All members are aware of the difficult life of a politician, particularly a country member, when one is often away from home, and therefore, as a young child, much of the responsibility for my being raised fell on the shoulders of my mother. I cannot recall either parent ever raising a hand to my sister or me, but we were disciplined by the suggestion that privileges might be taken away from us if we did not toe a particular disciplined line. Obviously, those things are not occurring today and the result of that is obvious in the way that juvenile crime has been expanding on our streets.

The legislation is designed to make people more responsible in one particular area. If we accept any of the Opposition's amendments, the Bill should be thrown out because it will be totally worthless. As a member of the committee, which comprised five members—two from the Opposition who wholeheartedly and completely agreed with the rest of the committee as to the findings—I thoroughly support the findings of the committee and I cannot understand why the Opposition is now trying to destroy the Bill.

Mr LEWIS (Murray-Mallee): I support the concept but I deplore the inadequacy of the legislation and I am amazed at the simplicity of the notions put by many members opposite, particularly the member for Gilles, who I thought could have made a more reasoned contribution to the debate. He said that we should throw out the Bill if any of the amendments proposed by the Opposition are adopted. I wonder why it is that an offence involving a tort resulting in damages of several thousand dollars and committed by a child under the age of 15 who happens to be a ward of the Minister of Family and Community Services ought to result in the Minister not having to pay anything and the person suffering the loss being unable to recover any of that loss whereas, had that child been the ward of natural parents, and, in the circumstances envisaged in the Bill they were able to pay, the person so aggrieved as a consequence of the crime could collect.

That is crazy. If there is some benefit in compensating a person for the damages they suffer as a consequence of having a tort committed by someone against their interests, why should that be restricted to circumstances only where the child is living with natural parents who are able to pay? I do not see any sense in that at all—certainly not justice. What the Government is proposing here is not justice but vengeance—vengeance against people of means.

If that is the case, let me remind the member for Gilles and the Minister at the bench that I feel aggrieved at the way in which they have behaved. I remember two things. First, the sort of behaviour I saw in this place in the first few days and weeks that I was here in 1979 and early 1980 from members of the Labor Party who were on these benches was despicable. Further, the kinds of ideas being thrown up by them at that time were outrageous, in that they encouraged rabble and muck-raking, abuse of property and abuse of other individuals' rights.

Members interjecting:

Mr LEWIS: No, not in the least.

Mr Brindal interjecting:

Mr LEWIS: This is one instance—the Bill. The second point is this: I well remember in the late 1960s and early 1970s when I was a member of a family of 10 children without the means to do aught than to keep myself going and having to work my way through school (beginning in primary school in that course).

Mr Brindal: Didn't you have a silvertail upbringing?

Mr LEWIS: Not in the least. The nearest I got to a silvertail was a cottontail off the skins of the rabbits that I caught to sell. I had a ute. I was growing vegetables and selling them in the metropolitan area and the East End Market. During the days of the Vietnam moratorium demonstrations a large number of people—including Labor Party members whom I know and recognise and who now sit on the benches opposite and who have sat opposite me since I have been in this place—damaged my vehicle and scattered my produce across the road without regard whatever for the commitments that I had made to go about my lawful business to get my produce from my farm to my customers.

Those same members stand in here and prate now about prosecuting parents for torts committed by their children, yet they engaged in that activity. I did nothing to offend any of the people involved in that activity—nothing. I was going about my business quite lawfully, but there was naught that I could do. The police would not help me identify them. I know who they are and they know who they are. I could not find out who they were at that time in order to recover my losses—I had to simply wear it. It made me angry that they sought to take out on me feelings that were unrelated to anything I was doing, actively or passively, at that time just because they felt justified in expressing anger in that way.

If they felt justified in expressing anger in that way at that time and concede that it was immature behaviour that motivated them to react in that way and allowed them to think that it was legitimate, why is it that they now consider that their parents should have been held responsible or, in similar circumstances, the parents of another child behaving in an equally irresponsible fashion (and those people at that time would have been considered adults by the law we have before us)? Why do they believe that the parents of children who behave that way are now more capable of, and should be responsible for, paying for the consequences of their criminal behaviour? They have not put forward an argument for that. I have one. I have an understanding of the proposition and I support the principle behind it.

An honourable member interjecting:

Mr LEWIS: It makes you wonder! We have an unfortunate hiatus in their reasoning and much of what has been said is a *non-sequitur*. The scenarios that have been presented to the House were meant to show that the Bill will rectify the circumstances referred to, but they have no consequential connection each to the other. If ever I heard a bucketful of drivel, it came from the member for Albert Park, especially after the kinds of things I heard him advocate in other forums before he came here and whilst working in the railway union. It may well be that sometimes he does that.

I wish to put on record that it is not legitimate to visit the sins of one child on another by compelling the parents to be bankrupt or depriving them of sufficient means to support more than one child when one of their children, through their misbehaviour, strips away the means by which the parents can look after the others as effectively as they might otherwise have been able in material terms. There is no justice in that, and it very much reminds me of the plot of the novel *The Master of Ballantrae*, where the honourable hardworking brother seemed to be clod-like, uninteresting and unexciting but nonetheless kept the family's estates together whilst the other brother squandered it and abused him for his diligence and his failure to have what would have been regarded as adequate social graces.

Mr Brindal interjecting:

Mr LEWIS: It was worse than the prodigal son. This legislation would have that effect. If members opposite are so concerned about the misbehaviour of youngsters, why did they oppose the proposition to have youngsters off the streets by 10 o'clock at night unless they could demonstrate reasonable grounds for so being there?

Mr Groom interjecting:

Mr LEWIS: Come on! I ask any member opposite to give good reason why children ought to be allowed to wander around unsupervised after 10 o'clock at night when they can provide no reasonable excuse for being there.

Mr Groom interjecting:

Mr LEWIS: The member for Hartley ought to address that question more seriously than he has attempted to in the trite fashion in which he has by way of interjection.

Mrs Hutchison interjecting:

The DEPUTY SPEAKER: Order! The member for Stuart is down to speak shortly. She should wait until then.

Mr LEWIS: I am sure that the member for Stuart will have something to say: whether or not it is of any consequence remains to be seen. I do not understand why we ought not to limit the liability of the tort to an amount up to $10 000. If it is within the means of an adult to meet the cost involved in reparation of damages, that surely is a reasonable limit. After all, they are not guilty of an offence—rather they are guilty of allowing their child to be uncontrolled when, in the court's opinion, they should have controlled that child.

Mr Brindal interjecting:

Mr LEWIS: The member for Hayward is quite right—members opposite do not understand that point at all. That does not mean that I do not support the direction in which the Bill seeks to take us. Parents should be compelled to be responsible but so also should the notional parent, the Minister. That should not be restricted to the Minister of Family and Community Services—it should include the Minister of Education.

Moreover, the parent with whom the child resides must be the parent held responsible. We cannot simply, as Government members want us to do, allocate custody to one parent and, because that parent has no money, order the other parent, who may not have seen the child for days, weeks or months, to pay unlimited damages. Is that fair? Where is the justice in that? The Family Court may order that the child shall not be in the care and custody of that parent, yet this Bill would give the subject court the power to require that adult—a parent—not in control of the child's actions to any degree at all—

Mr Groom interjecting:

Mr LEWIS: I have read the Bill. It does not say anything about that.

Mr Groom: You ought to do your homework.

Mr LEWIS: I have done my homework very thoroughly, I remind the member for Hartley. The unfortunate consequence will be that, unless we make such an amendment, we will bankrupt an innocent adult who was in no way involved in—nor did another court of the land allow that adult to be involved in—the custodial control of the child.

Yet another amendment is necessary. The member for Gilles says that if it is adopted we will have to throw out the Bill. It is necessary to ensure that 'parent' means only that person or persons to whom the custody of the child is entrusted in law. We cannot go after the natural parents of a child who has been adopted—either or both of the natural parents—and get them to pay the damages. The adoptive parents have to be responsible if they are the adoptive parents in law.

An honourable member interjecting:

Mr LEWIS: Yes, they seek to sue their DNA rather than their dollars. The way it is written presently is crazy. It does not deserve support in its present form.

Mr Such interjecting:

Mr LEWIS: Indeed, the kind of noise that came from the member for Albert Park clearly indicates that it is a smokescreen to disguise the lack of action. I quite agree with the member for Fisher on that point. The other problem I foresee arising from this legislation as drafted is the need to reverse the onus of proof. If we want to collect damages against a parent, or from the Minister in the case of wards of the State, we should prove that that parent was not exercising control. Why should that parent or the Minister go into court and prove that they were exercising control and thereby avoid the damages? It should be necessary for the plaintiff to prove that there was negligence. In every other respect in the Wrongs Act it is necessary for the plaintiff to prove that they suffered injury as a consequence of the negligence of the other party—

An honourable member interjecting:

Mr LEWIS: And not according to the member for Stuart, who indicates by way of interjection that she believes that in this instance it is desirable to have that principle turned on its head. Members opposite should take a close look at the way common law has developed. Let us consider the situation of a minor who murders another person. If a life insurance company had to pay out, say, $500 000 on a life policy because the murdered person had their life insured, under this Bill, if it becomes law, the insurance company would be able to sue and recover that amount from the parents. That is a fact. That is the way the Bill is drafted.

Mr Groom: That is nonsense.

Mr LEWIS: The member for Hartley can laugh all he likes, but that is a fact. That is the way the Bill is written.

Mr Groom: That's absolute rubbish.

Mr LEWIS: That is not so. The Bill does not say anything about natural persons. A body corporate may pursue people to recover the damages that it suffers. The same thing goes for people who suffer consequential medical expenses and other trauma where a minor commits a rape. Under the Bill, the victim of the rape, whether it be another minor or an adult, would be able to recover against the perpetrator's parents the cost of medical expenses and other damages related to the trauma of their experience, and that could amount to hundreds of thousands of dollars. The member for Hartley needs to think through the matters that I have put before him, because they are a consequence of this Bill becoming law.

Mr Groom: You are talking a lot of nonsense.

Mr LEWIS: The member for Hartley says that I am talking a lot of nonsense, but he knows that what I am saying is true.

Mr Groom: That is not what you told the group at Murray Bridge.

Mr LEWIS: I told the group at Murray Bridge what I have told the House: I support the principle that parents ought to be made accountable for the misbehaviour of their children, and that people should be able to recover damages against parents where it can be proved that those parents were not acting responsibly. This legislation does not provide what I want to see in law. It is much wider, and it does not provide sufficient or appropriate provisions to protect the interests of parents against rapacious claims made by bodies corporate (of the type to which I just referred) or, for that matter, to prevent hardship on members of the family of the guilty party. All that ought to be written into law to enable the court to take it into consideration in determining what damages should to be paid.

I believe that we can compel parents to be more responsible, but that we do not have to have such a simplistic piece of legislation that is so flawed as this is. The member for Hartley knows that what I have referred to could be included by better drafting. After all, he is trained as a lawyer, not I.

Mrs HUTCHISON (Stuart): It gives me pleasure to indicate my support for this Bill. I was a member of the select committee which dealt with this matter, and it was a pleasure for me to work with the other members of the committee. I believe that during our deliberation there was very good rapport between members, and a very clear understanding of our terms of reference and the expected outcome of that select committee—in other words, that we were going to try to get the best outcome possible for the people of this State in this area of law and order. I believed at the conclusion of that select committee that that was precisely what we had done.

I believe that the committee made nine very good recommendations, a number of which are included in the Bill. The member for Bright commented about the fact that not all the recommendations were included in the legislation, but I point out, as all members would be aware, that currently we have a Select Committee on Juvenile Justice which, I am sure, will look at those recommendations. In fact, some of those recommendations may be varied, so it makes good sense at this stage not to consider them.

The select committee received a lot of evidence and, as has been pointed out by the member for Kavel, it came both from those who supported the Bill and those who did not. I would say that that is fairly normal when submissions are made by a wide variety of groups. On balance, the committee considered that its recommendations were the best that could be made with regard to the evidence that had been presented to it. All members agreed unanimously that that was the way we wanted to go. That did not occur without a lot of deliberation on the submissions we received. We did not make the recommendations lightly or with only minimal discussion: we made them after a lot of in-depth discussion. I believe that those discussions were very profitable—

Mr Lewis interjecting:

Mrs HUTCHISON: —because all members of the committee treated it fairly sensibly. The member for Murray-Mallee says that it is a lot of drivel. He pre-empted what I was going to say about his speech: most of it was a lot of drivel. I firmly supported the recommendation that it be mandatory for parents to attend children's aid panels and

court hearings when the child is involved in any offence against the law. I believe that parents should be accountable for what their children do. We should not have children if we are not prepared to take that responsibility.

The member for Adelaide, I believe, said that some parents find parenting very difficult. As a parent, I can say that it is very difficult, but that is something we have to work out ourselves. As I said, if people are going to have children, they must be prepared to take responsibility for those children and their actions, and they need a correct home environment for that to occur. At this stage I will touch on a point that has been deliberated on at length by members opposite, and that is the fact that the non-custodial parent should not bear any responsibility for the actions of their child.

Mr Lewis: Any cost, we said.

Mrs HUTCHISON: I stand corrected by the honourable member opposite. However, that is really immaterial in relation to what I am about to say. There are always two parents.

Mr S.G. Evans: One is in another city and the other is in Adelaide.

Mrs HUTCHISON: It does not matter. There are still two parents, and they have both had an impact on the upbringing of that child. Because one parent no longer has the control of the child, might have completely opted out of control of the child for a number of reasons or might have been forcibly removed from the control of that child because they have been a potential danger to that child, why should they not have a responsiblity? It may be that the actions of that child can be directly attributed to the non-custodial parent. In fact, that has happened. A number of such examples have been cited to me in my electorate office. Why should that parent be able to opt out of responsibility? I am surprised at members opposite who are trying to say such a parent should not bear any responsibility, whether or not financial responsibility. I am surprised at the member for Murray-Mallee who sets himself up as some arbiter of morals for everyone in this House. I am surprised at that.

The other recommendation in which I was very interested is recommendation 7, concerning family group conferences, which are currently operating in New Zealand. This is one of the recommendations that clearly indicates that parents take some responsibility, but also the victim has an opportunity to put their case as well. Talking about the victims' claims aspect, I would like to say that it seems to me that in all the comments from members opposite very little has been said about the rights of the victims. We have had a lot of discussion on the rights of parents of the offenders, and quite rightly so, but it has been an unbalanced argument, because it has taken no account of the rights of the victims. Surely the victim has some rights in this matter.

There has been some talk that we could bankrupt the parents, but what about if we are bankrupting the victims? No member has said anything about the victim being bankrupted. It seems to me that in any argument we must look at the claims of all parties concerned. I think this is one of the great flaws in the arguments advanced by members opposite in relation to a number of aspects. They have not looked at the claims of all those people involved.

Mr Lewis interjecting:

Mrs HUTCHISON: The member for Murray-Mallee can waffle on as much as he likes, but it is fact, and if he goes through the *Hansard* record he will find that that is fact. Members opposite should pay more attention to the claims of the victim, because the victim is extremely important in this aspect. I do not know about you, Mr Acting Speaker, but in my electorate office the people I hear from by and large are the victims, and in this case it is the victims who are crying out to us to change the laws, to give them some access to compensation for damage done to their property by young offenders. That is why I support this legislation. I believe very firmly that this does address that need from the point of view of victims in our community. I would be very surprised if any member here has not received those same sorts of submissions. I happen to place a lot of importance on those submissions and the claims from the victims, and it is the reason why I am supporting this legislation so strongly here today.

The member for Elizabeth referred to the provisions of section 73 of the Children's Protection and Young Offenders Act, and this relates to the foreshadowed amendment from members opposite concerning claims of up to $10 000. As the member for Elizabeth pointed out, under section 73 of this Act the court may order restitution by the child for up to $2 000—that is by the child. Subsection (9) provides for unlimited liability if a person is sued in another court. So why are members opposite talking about limiting liability in this Bill? I am extremely surprised that they want to do it. They talk about consistency, but when it comes to consistency it is not 'do as I say' but a completely different argument that they put to us.

I refer to some of the things that were said by the member for Morphett when he was talking about non-custodial parents. I have talked a little about this in relation to making only one parent responsible for what a child does. As I have said previously, I do not believe that that should be the case, because both parents have had a role at some stage in bringing up that child. The fact that a family has split up does have a big part to play. I know this through a number of representations that I have had in my electorate office and from talking to people in the general community who have said that their children were perfectly normal until such time as the family split up and then it became very difficult for the custodial parent to control that child. Anyone who is compassionate enough and who can empathise with those people will realise that it is difficult enough for a single parent to cope with the fact that their marriage has split up, and the child also is trying to cope with the fact that they have only one parent at home. So, both those people are trying to come to grips with a lot of problems, independently, and for them to work together is twice as hard.

I would have thought that members opposite could offer some compassion to those single parents, which obviously they are not doing at present. Either they do not realise what is happening to those parents in their home lives or they do not care what is happening to those parents in their home lives. I would like to think it is because they do not realise what occurs—because I like to be fair.

Mr Lewis: It doesn't sound much like it.

Mrs HUTCHISON: That is the honourable member's opinion, and it is always very difficult to understand it. The member for Adelaide said that good parents along with all other parents would be penalised for the actions of their child. That is untrue, because those parents do have a defence under clause 3 (3), which provides that if they have taken every opportunity and have tried to the best of their ability to look after their children they will not be penalised for any action of their child. In some cases, no matter how good their home life has been or how well looked after they have been, a child will go off the rails and, under this legislation, a parent of such a child is not to be penalised. I suggest that the member for Adelaide has perhaps misunderstood that—

Mr Ferguson: Or has not done his research.

Mrs HUTCHISON: Yes, or did not do the necessary research. I support all the recommendations of the select committee and I also support the ones that have been taken up in this legislation. I now want to deal with comments that were made by members opposite about the Minister's responsibility—and this matter was raised by quite a number of them. Members opposite are doing a bit of double dipping here, I think, because the fact of the matter is that children under the care and control of the Minister have already become uncontrollable and have been passed over to the Minister because their parents have not been able to control them at home.

Mr Lewis interjecting:

Mrs HUTCHISON: The member for Murray-Mallee has had his chance to make his contribution in this debate and I would hope that he would not interject when I am making mine. There are a number of reasons why the Minister may be asked to take responsibility for uncontrollable children. Their parents might have opted out as parents, no longer wanting control of that child. It could be that the child is removed for his own or his parents' safety. There are many reasons. But why should the State and the taxpayer have to pick up responsibility for payment of any damage done by those children? I think it is irresponsible and stupid for members, such as the member for Murray-Mallee, to say that this is what should occur.

Mr Lewis interjecting:

The ACTING SPEAKER (Mr Blacker): Order!

Mrs HUTCHISON: I think the honourable member should look more carefully at the legislation and at the implications of it before he goes off half-cocked in this House and makes statements such as those that he has made in the debate today.

Mr Lewis: What about the victims?

Mrs HUTCHISON: I totally support the victims' claims. That is not what the member for Murray-Mallee has done. He has completely forgotten about the victims' claims—but he now wants 20c each way; he now wants to intrude in my contribution, asking 'What about the victims?' I say to the member for Murray-Mallee that he should have dealt with that when he had the opportunity to contribute to this debate. The member for Murray-Mallee had the opportunity to raise this matter then but he considered other matters to be more important than those concerning the victim.

That was one of the reasons why the select committee was set up, namely, because of the victims, who were so concerned about what was happening to their property and to their homes and about the trauma and financial loss it was causing them. That was the reason we had this select committee, and it was one of our main terms of reference to look at that damage. I believe that the select committee did that in a very responsible way and that the recommendations it came down with were responsible. I feel that the legislation that is currently before us is responsible and that the Opposition's foreshadowed amendments are irresponsible. I support the legislation.

Mr SUCH (Fisher): I wish to make a brief contribution in this debate. What we have before us is really a belated reaction by the Government to its failure to act in respect of juvenile crime. We have had serious problems in this area of juvenile crime, not just recently but going back for years. We have seen the graffiti problem get right out of hand: this has happened not only in the past 12 months but goes back years. The Government sat back, sat on its hands and fiddled, and now we have a major problem. Similarly with other juvenile crime: young people realise that the juvenile justice system is a joke. This is not something that happened last year, it has been happening for years but, all of a sudden when the community is sick and tired of the lack of action and the inactivity on the part of the Government, the Government thinks, 'Crikey; we had better do something; let's trot out something and make the parents pay.' In theory, that is good and I support the theory of this Bill, but the problem is whether it is realistic, whether it is workable and whether it is fair. In that respect, I think the Bill as presented does not meet those criteria. It is over simplistic.

Everyone in the community would accept the general theory that parents should be responsible. It is a motherhood-type notion—we would all support it—but the question is whether this legislation proposed by the Government would do the job, whether it is fair and reasonable and whether it is aimed specifically at a small number of middle class families which will have the resources—the income and the assets—to cough up. It will not apply to parents who do not have the resources, because there is no point pursuing the matter; there will not be any recompense in that situation, because no money will be forthcoming. So, it is really an attempt to get stuck into the middle class, and what will happen is that decent, honourable parents who try to do the best thing will be the ones who foot the bill.

The member for Stuart referred to victims. Everyone on this side has continually highlighted the plight of victims of crime, whether crimes have been committed by juveniles or by adults. We want the victims to be catered for but, more importantly, we do not want any victims at all. If the Government had done something years ago, we would not have the number of victims we have today. The Government has created a growth industry in the area of crime. The big developments that have occurred under this Government have been related to increasing the number of prisoners and prisons, and that is because of its failure to tackle the root cause of the problem years ago. Members on this side are fully aware of the impact on victims, we are very sympathetic and we support any reasonable action that will assist victims of crime, whether the crime was committed by juveniles or adults.

One of the problems that we have today is that the rights of parents have been undermined, and that is really the nub of the problem. It is not so much that legislation has been changed but that Government agencies, in their behaviour and their interpretation of the law, have sought to undermine the authority of parents. Here we have in this proposed legislation an attempt to give the parents a kick in the backside when the Government has done everything possible through its agencies to undermine their authority and power. We cannot have it both ways. We are trying to put the blame on the parents for not doing their job, yet we undermine their authority and opportunity to carry out their task, so that children of 10 years of age and even younger come from school saying, 'You cannot touch me; I am a law unto myself.'

That message has been put forward and promulgated by Government agencies, so the rights of parents have been taken away. It will be more serious in relation to juveniles over the age of 15 years, and I recognise that this Bill is dealing with children under 15, but the problem is even more serious in relation to children 15 years old and older. The parents are in a no-win situation. Their rights are being undermined—white anted—and as a consequence we have teenagers running amok in the community.

As I indicated, I believe that many of the Government agencies have much to answer for, but they are not the only

villains in undermining the rights and authority of parents. The media have played a major role in it as well and, when we see some of the rubbish that is dished up—the constant diet of violence and so on in the media—it is hardly surprising that that diet of violence and bad example is reflected in the behaviour of juveniles. What can we expect in a community that allows that sort of material? So, there has been a constant watering down and undermining of the authority and ability of parents to control and discipline their children. The implication of this Bill is that, under the age of 15, somehow we are dealing with little robots that can be controlled by parents just by their pulling a few strings. I do not know how many members opposite have children of that age, but I can assure them that that is not the case. With children of the age of 12, 13 and 14 years we are dealing with what are really premature adults, in a sense, and they are not easy to control.

Members interjecting:

The ACTING SPEAKER: Order!

Mr SUCH: I think their conscience is pricking some of the members opposite. As I indicated at the outset, I believe in the theory of this Bill but, as it is presented to us, it is unreasonable and unacceptable. The Opposition has put forward a series of what I believe to be reasonable amendments which will allow this Bill to function but which will provide adequate safeguards to ensure that this legislation does not operate in a draconian way. What we need are some commonsense amendments, which the Opposition is proposing. I do not intend to repeat them; members are well aware of them, and I look forward to their support at the appropriate time during the passage of this Bill.

I conclude by highlighting a couple of additional points. If, despite their best efforts, parents find that a child goes off the rails (and it does happen) under this legislation they will cop it. I am aware of a case—and I will not mention the name—where a youngster did about $1 million worth of damage. The parents were fantastic people who had done everything possible and it turned out that the child did a lot of damage in the community. Where would those parents stand under this law?

Members interjecting:

The ACTING SPEAKER: Order!

Mr SUCH: Under this proposal I believe it will be those sorts of parents who will cop it in the neck—the middle class families who have done their best, the parents who have tried hard constantly to do the best by their child in the community. Occasionally, where a child goes off the rails and does something they should not do, those parents who are in a position to pay—it will not be the others—will cop it in the neck. So, in that sense this Bill is quite discriminatory. The measure will have my support if it is amended along the lines suggested by the Opposition. If not—

Mr Groom interjecting:

The ACTING SPEAKER: Order! The honourable member for Fisher has the floor.

Mr SUCH: If it is not amended, this Bill is likely to have a very short life. I conclude on that point, and I commend to the House the amendments to be moved.

The Hon. T.H. HEMMINGS (Napier): Some months ago I gave a piece of advice to the member for Fisher: I told him to discard written speeches and to speak from the heart. I am pleased to say that in one respect he has picked up that advice, but my next piece of advice is to go back to what he used to do before. This debate is all about a lesson in hypocrisy. It is the classic case of a political Party caught up the creek without a paddle. I go back to the 1989 election at about which time a select committee brought down recommendations to this Parliament dealing with the problem of juveniles and the matter of who would be held responsible. The select committee came down with a report and the Government responded accordingly with some very tough legislation to appease (although not only to appease) members of the community who were saying, 'We want some action', and one member of the Liberal Party, the Hon. Mr Griffin, believed that it was opportune for his Party to oppose that legislation.

Mr Quirke: A notorious wimp.

The Hon. T.H. HEMMINGS: I know that I should not respond to interjections, but my colleague the member for Playford is spot on when he says that the Hon. Mr Griffin is a notorious wimp. One man led the Liberal Party by the nose prior to that election because he felt that it would be opportune to oppose that legislation.

Mr Groom: For political reasons.

The Hon. T.H. HEMMINGS: That is right, it was a political act. He was not in the least bit worried about whether it would be good for the community or whether we as a Parliament should respond to the call from the community. Although I was not a member of the select committee, my colleague the member for Stuart was. She informed me that members opposite—that so-called backbench law and order group—had come in in droves with submissions from outraged members of the community. Consequently, the select committee dealt with those concerns. However, when it came to the line, when they should have acted as responsible members of Parliament regardless of the political Party to which they belonged, they balked and ran. I now hear these hypocritical reasons why the Opposition did not support the Bill then and why this tough legislation has to be watered down.

At least the member for Fisher did not sound convincing. For that, I compliment him, because he did not really agree with instructions that came from his Party room. The member for Bright, who is always talking to his constituents about law and order and what this Government is not doing, had the temerity to stand up and say, 'I didn't really mean it. I've just been saying that to get a few votes from the constituency.' Now that the time has come for members opposite to put up their hands and vote for tough legislation, they do not want to.

The member for Bragg gave us his classic two bob each way speech. The honourable member has a problem. Basically, he is a 'wet'. Basically, he is a compassionate man, but he knows that to satisfy all those young Turks behind him he has to be a 'dry'. Either the member for Bragg acts like a responsible member of Parliament or he makes it perfectly clear that he is changing his tactics to achieve what he ultimately wants in this Parliament, and that is to lead the Liberal Party.

Mr Such: He wants a copy of your book.

The Hon. T.H. HEMMINGS: The member for Fisher mentions my book. Although I cannot quote from it, my book—

The ACTING SPEAKER: I hope this is relevant.

The Hon. T.H. HEMMINGS: It certainly is relevant. My book canvasses the problems that I have experienced in this House seeing hypocrisy paraded before the Parliament time and time again. I look forward to all members attending the launch of my book next week. Let them read a few home truths. Let them read about the vision I have where we should stand as members of Parliament in relation to what the community wants. That is the relevance of what I am saying. If the member for Fisher wants to interject,

he should do so with a fair degree of cleverness, not just mouthing words hoping to get them into *Hansard*.

We have heard talk about the rights of parents being taken away. I ask the next speaker for the Liberal Party to highlight in *Hansard* the rights of parents that are being taken away, because we hear that comment echoed time and time again: this Government has taken away the rights of parents. This Government has never taken away the rights of parents. Like my colleague the member for Albert Park, who made a rather impassioned speech about discipline, I believe that parents have a right and a responsibility to bring up children in the correct and proper way. If they do not, if they abrogate that responsibility, they then have a responsibility to make things right. Members opposite want to put a limit of $10 000 on that responsibility.

Mr Hamilton: Money, money, money.

The Hon. T.H. HEMMINGS: The member for Albert Park is exactly right. Because the Liberal Party comes from the moneyed classes, it sees things in dollar terms. They do not worry about what is right or what is wrong or whether parents have a responsibility. The member for Adelaide asked how we could expect parents to be responsible when they have a 6ft. 3in. son who climbs out of a window at 3 o'clock in the morning. What a weak and puerile excuse for opposing the Government's proposed legislation. In your constituency, Sir, I am sure that people would not see that as an excuse to water down this piece of legislation. My constituents want action, and this Government is giving them action. I do not like to admit freely some of my problems, but two months ago my home was burgled, and a lot of my wife's and my prized possessions—

Mr Such interjecting:

The Hon. T.H. HEMMINGS: I hope that the member for Fisher does not see anything funny in this.

Mr Such: They left your book behind.

The Hon. T.H. HEMMINGS: The member for Fisher talks about law and order in a defenceless community, but when I, as a member of the community who happens to be of a different political persuasion, try to describe the problems that my wife and I have experienced, he sees it as a joke. So, he is very selective in his compassion and in his sympathy and he is also very stupid, because people read what the member for Fisher says.

Mr INGERSON: Mr Acting Speaker, I rise on a point of order. The member for Napier is reflecting on another member in the Chamber. That is unreasonable and should be withdrawn.

The ACTING SPEAKER: I am advised that it is the responsibility of the offended member to take offence. There is no point of order.

The Hon. T.H. HEMMINGS: As I said, I suffered the indignity of having my own home broken into. I am sure that, with the exception of the member for Fisher, I would receive a degree of sympathy from all members opposite. In that initial half hour after we arrived home to find that our house had been burgled, both my wife and I joined the 'law and order hang them brigade' until I realised that we had merely lost possessions. So long as there was no vandalism or damage to anyone, we had lost only possessions, and that sudden urge went away.

Perhaps I look at things differently, but I could equally argue a case and rationalise that, if the culprit was actually brought to justice, the parents of that person should be required to pay the costs that my wife and I encountered through that burglary. It seems that, because I am a member of Parliament and because I happen to be of Labor persuasion, the member for Fisher sees that as being all good fun and I deserve everything I get. I hope that one day he comes to terms with the rather silly comments he has made.

Let me go back to members opposite. If they are going to start a campaign of law and order and tell us who are the people responsible for perpetrating crime (that the parents have a responsibility)—and the backbench group were running a good law and order campaign—when the time comes for the Government to do something, they should not go to water. At least let them have the courage to stand up and say, 'We opposed this before, because the Hon. Trevor Griffin felt it politically opportune to oppose it and now the only way we are going to support it is to move some amendments that will guarantee to water down the legislation.' I say to those members opposite, particularly the members for Bright, Hayward and Newland, who spearheaded the attack against the Government on law and order, that they have to stand up and be counted.

Mr Hamilton: What happened to the self-defence Bill? Where has it gone?

The Hon. T.H. HEMMINGS: Do I hear the members for Bright, Newland, Fisher, Hayward or any other member opposite asking where that Bill is? They do not ask because it does not suit their political purposes to see such a Bill go on the statute book. That is why—

Members interjecting:

The Hon. T.H. HEMMINGS: Then we hear members saying that this Government has done nothing about it, because it suits their political purposes. They are hypocrites (I am sure that term is permissible under Standing Orders). I would like to see at least some members opposite support the measure. Obviously, the Opposition will divide on the Bill; in fact, I insist that they do.

The Hon. G.J. Crafter interjecting:

The Hon. T.H. HEMMINGS: They would not divide on the Privacy Bill because they wanted to hide on the voices. The Opposition did not want to expose those members who agree with what the Government was doing. I implore the Opposition to divide on this Bill so that we can expose them for ever and a day and show that, when they had the chance to support some decent legislation, they just ran like rabbits down a burrow. I do believe the Opposition will oppose it on the voices and hide in the anonymity of that method of voting.

Reference has been made to a $10 000 limit or not having a limit because some people could not afford such an impost. I do not have one jot of sympathy for anyone who allows their kids to run riot out in the community and then come back and say, 'I didn't know my 6ft 3in. fat son was missing at that particular time.' I do not accept that, nor do my colleagues on this side of the House. If we are going to have tough legislation we should make the penalties really tough. If someone burns down a school or does all the other things that the Opposition has been bleating about in the past, let the parents pay. Certainly, I am lucky because my four children have all behaved themselves.

Mr Hamilton: It's the good parents.

The Hon. T.H. HEMMINGS: The member for Albert Park says that it is because they have good parents. I would like to think that I brought them up with good values in life but, if I was unfortunate enough to have one of my children do some of the things that Opposition members have been bleating about, I would expect the full weight of the law to act against my children and I would expect to be caught in the net of this legislation.

Members interjecting:

The Hon. T.H. HEMMINGS: That is another thing. How many times have we heard when juveniles go before the Juvenile Court all they get is a smack on the hand, a bag

of lollies, and are sent on their way? There is a project before the Public Works Committee, and the member for Morphett wants a torture chamber included; he wants incarceration for life; he wants people hanged from everywhere—but not with their voting parents. Not with their voting parents: that is what it is all about! That is how the Liberal Party operates. We have only one person to blame for our being here today and listening to the hypocrisy from the Opposition, and that is the Hon. Trevor Griffin. He has a pretty shallow legal mind and when he saw good, tough legislation resulting from the select committee—it was not dreamed up by the Minister, Attorney-General, Cabinet or the Labor Caucus; the select committee which was responding to the views out in the community and the Government picked it up—the Hon. Mr Griffin, in his calculating way (and we all know how calculating he can be), decided in 1989 that it would not serve the interests of the Liberal Party.

That is what this debate is all about. That is why the Bill has been introduced at this stage—because the Liberal Party was led by the nose by its shadow spokesman on legal matters. In a way it is a reflection on members opposite; they were led by the nose in 1989 and they have cheerfully come up and have been led by the nose today. I would like to think that there may be a spark of decency in some members opposite. I do not particularly pinpoint the member for Eyre, but he is one of the few members who have the admiration of this side of the House, and I look forward to hearing his views. The member for Eyre is his own man, and I would like to know his opinion. I would like to think that the member for Kavel would vote on the basis of the same view he held back in 1989, but I doubt it.

Mr Groom interjecting:

The Hon. T.H. HEMMINGS: The member for Hartley claims that the honourable member has been nobbled. Unfortunately, that is the case: he was nobbled in 1989 when he was the Deputy Leader. The member for Kavel had a position of power in the Liberal Party, but now he is a has been on the way out and I doubt that he will have the courage to vote with his head. Unfortunately, the once great Liberal Party of Tom Playford is led by a very shallow spokesperson for legal affairs, the Hon. Trevor Griffin. I urge all members to support the Bill.

Mr GUNN (Eyre): We have just listened to an interesting contribution by the member for Napier, who engaged in quite reckless behaviour and failed to address the issues of which the Parliament ought to be made aware. For 20 of the past 25 years the Labor Party has controlled this State. The Labor Party appointed the judges and magistrates. It is the wobblies in the Labor Party—the trendy Lefties, such as the member for Hartley—who have gone soft on villains and scoundrels in the community. They are the ones who have said, 'Tut-tut, we cannot make examples of these people.'

The sorts of policies inflicted on this State by these people have made this legislation necessary. They started with the education system. First, they tried to get their trendy Lefty mates into administration. They had woolly and wobbly ideas, such as doing away with the traditional values to which we are accustomed. They have interfered with the Education Department to the extent that it is now regarded as naughty, wrong and draconian to use corporal punishment in schools. Where is the member for Hartley? We have not heard him defending corporal punishment to make an example of unruly children.

We have had community welfare officers and trendy teachers telling children that they do not have to take notice of their parents. The Government then has the audacity to make parents responsible. Where is the member for Napier? How does he account for it? Where is the Minister of Education? He is another trendy. It is the feather duster approach to solving problems. The attitude is not to chastise these 'little darlings' and not to put them in a paddy wagon.

I can give some examples to the member for Napier. He ought to be ashamed of himself for trying to pull the wool over our eyes with his diatribe. In my electorate some of these villains smashed 50 or 60 windows in a school. Parents and staff were very angry and called up the local police sergeant. They soon found out who it was and the sergeant said that he could not interview the child until someone from Legal Aid was present. The Legal Aid character said to the child, 'You do not have to answer any questions.' He only broke 50 or 60 windows! He must not do that! We must give him another chance! We cannot have the sergeant putting him in a paddy wagon or a cell! We cannot have that! What happens? They are given a packet of lollies, and they go out and do it again. This Government has encouraged such behaviour.

What is the situation with principals of schools? With a bully or villain a few strokes of the cane is the right answer. If this Government had the courage of its convictions it would say to the courts that children and others in the community who steal motor cars and smash up homes should be given 10 strokes of the cane. We would then not have this sort of nonsense and the Government would be seen as fair dinkum. If members do not believe me, they should ask the majority of decent law abiding citizens in this country what they think. About 80 per cent would support what I am saying.

Mr Quirke: Have a referendum.

Mr GUNN: I am happy to do that. I look forward to the honourable member's support. If he puts up a motion I will second it with no trouble at all because the community at large would support us. We are happy with that bipartisan approach, and I thank the honourable member for his initiative. This matter is very important. The community at large has suffered under the 'do nothing, hands off' approach of this Government. It was once the 'in thing' to treat with a feather duster criminals and others who came in contact with the law. That approach has now caught up with the Government and it is now introducing a piece of legislation that will be particularly difficult to enforce and will blame parents for the wrongs that the Government has inflicted upon the community.

Parents do have a responsibility—I have no problem with that. However, we must be careful about that responsibility when forcing parents to accept liability in respect of their children. If the children are told by education institutions that parents do not have authority to chastise them or to prevent them from going out, what hope does a parent have of controlling them? We have a court system which in my judgment has been absolutely irresponsible. It is all very well for the senior judge to complain now—he has been in charge of the system for 10 or 12 years. Why did he not make representations to the Government years ago? It is all very well to bleat now when we have reached a stage where community tolerance is at breaking point.

The Government has introduced this measure for the simple reason that it knows the community has had enough. It is a typical piece of legislation that is not only difficult to administer and enforce but also attempts to pass the buck to parents who in many cases have lost the ability to adequately control their family because of the social engineering that has taken place within the community by trendy Left wingers and others with a rather odd and out of character

attitude. The Opposition's amendments approach the matter in a sensible way and will achieve the object of making the legislation easier to administer.

The Hon. E.R. Goldsworthy: Social engineering?

Mr GUNN: That is what it is. They destroyed the family unit because it was not seen as trendy. We should whack them, chastise them or keep them in after school—that is the sensible approach. I make no apology for saying that—it is terribly important. If you want somebody to act as manager, you have to give them the ability and authority to do it. You cannot manage a farm unless you have the ability to make decisions. You cannot run a family effectively unless you have authority. A lot of people with trendy Left wing socialist attitudes got into the Education Department, and social welfare workers have the most peculiar attitude to life. They are really out of touch with reality and have no regard for parental control. Some of their attitudes, which are quite frightening, are responsible for many of our problems.

We have to ensure that young people who break the law and who are out stealing motor cars and taking on the police are caught and brought before the appropriate tribunal. The penalties should be sufficient to discourage them from coming back for a second taste of the tonic. If we were able to hold them in prison for a short time, they would know what it was like to lose their liberty. The court should be able to give them a caning, because it is too expensive to keep them in gaol for a time. If elderly and innocent people are bashed by these people, the courts should have the power to order a caning or birching. From inquiries I made whilst on the Isle of Man, I found that that was a most beneficial deterrent.

Mr Groom interjecting:

Mr GUNN: If the member for Hartley wants to go on with his soft sell and trendy friends, such as Peter Duncan, he can wear it, but he cannot blame the parents for the wrongs of this Government. I look forward to the continuation of this debate and to strongly supporting the amendments.

Mr QUIRKE (Playford): I am pleased to see that the member for Napier has come back into the Chamber, because I blame him for much of the last contribution. The member for Eyre made a number of valuable points and a number of which I disagree with. The member for Napier should not provoke the Opposition like that. I can understand the embarrassment of a number of members opposite over the proposed amendments to the Bill.

The reality is that the community wants the Government to get serious about crime, and juvenile crime in particular. It wants the Parliament to start reflecting some of the standards that most people—I believe the overwhelming majority of people—who vote for us hold. This $10 000 limit is an absolute sop. Members opposite want this so that they can go out there and say that they think the principle is right—and I have heard that a lot this afternoon—but they do not like the details.

It is beginning to sound like the same old sop. Members opposite were right into deregulation and free enterprise but, as soon as a Bill involving deregulation was introduced, they said that although they believed in deregulation they did not believe in it in this instance, that in this instance it was wrong and inappropriate, that it would hurt someone and that the Government had not thought it through. It does not matter what it is, members opposite do not support it. I have been here for only two years, but I have seen five or six examples where members opposite say one thing out in the community and the exact opposite in this Chamber. I wish that some of the constituents of members opposite would come in here and listen to some of these debates—this one in particular.

I do not disagree with a number of the points that were raised by the member for Eyre. I know him to be a man of integrity. For the past two years, when the opportunity has arisen, I have heard him consistently talk about and advance certain points about this topic. The other week on ABC television on Sunday night there was a very interesting program about justice Malaysian style. It is a shame, because of the ABC's particular problems over the past 20 years, that it now has an audience share of about 2 per cent or 3 per cent, if that, and that it was not seen by the broader community. In Malaysia, out of a population of about 9 million, there are 800 000 drug addicts. However, Malaysia also has the death penalty, the rattan and full gaols. Obviously, the issue is deeper than would seem to be the case. So, it is not just the question of penalties—we need to have programs in place, as well.

The issue today is whether or not parents should shoulder the responsibility for the actions of their children. I am a father, and in 12 months one of my kids will be in the age bracket that is addressed by this Bill. I believe that I have a responsibility to ensure that he is not out at night roaming the streets, stealing cars, setting fire to schools, breaking into houses or doing a number of other things such as painting fences and walls, and all the rest of it.

Mr Such: How old is he?

Mr QUIRKE: The member for Fisher asks how old my son is. Obviously he has a lot of trouble adding up. A moment ago I said that in 12 months my son would come under this legislation. I do not want to tell the member for Fisher that nine plus one is 10. If he read the Bill, he could see that it comes into effect when children are 10 years of age. Therefore, if he deducts one year, he should come up with the age of nine.

The other day I went to buy some chlorine for my swimming pool, and underneath the chlorine was a petition from none other than the honourable member who just interjected. In fact, it was doing pretty well—there were about 30 spaces on it and three signatures. I like to look at petitions in case they are relevant. This petition concerned decreasing the criminal age from 18 to 16 years. The honourable member's electorate is some 30 kilometres from mine, but the petition is doing the rounds of my electorate in a couple of spots. It was mentioned in the local newspaper, and I thought it was interesting and worth looking at. However, the only thing wrong with it is that, for serious crime, juveniles are already treated as adults at 16 years. No-one bothered saying anything about that—why ruin a good story? That is what it is all about.

The member for Fisher, who now wants to join in this debate this afternoon, has made a number of comments. He asks, 'Why should parents be responsible?' I would like to hear him say that at a public meeting out in his patch. In fact, I will set up a public meeting in my electorate, and he can come and say it there. That is 30 kilometres away from his electorate, so it will not hurt him. I think the Electoral Commissioner is very unlikely to extend the boundary of his electorate in my direction. Any time the member for Fisher wants to get up on a soap box, he is welcome to come to my electorate and say, 'Why should parents be responsible?' I would be more than happy to sit back and watch that.

I think that the petition of the member for Fisher about reducing criminal age would be much better than doing that, because it reflects, at least in part, a growing concern in the community that something has to be done. In this

Chamber today we are doing it. This Bill redresses the imbalance of the past 20 years which the member for Eyre, in a philosophical sense, raised—that there has been far too much consideration of the criminal rather than the victim. Today that equation is being looked at seriously, and we are reflecting the community's demand for responsibility. We have been told by members opposite that this is a 'do nothing' policy. I can understand the embarrassment of some members opposite who really want to support the Bill but find that very hard. They have been going around—

Mr Such interjecting:

Mr QUIRKE: The member for Fisher is one of those who believes what he is saying, whereas some other members opposite are saying it with a degree of embarrassment. They really want parents to be responsible for their kids, and support those parents in that responsibility. They want parents to be able to say to their kids that they are responsible, and that is a corollary of this Bill. Although they want to do that, they come in here and, in an embarrassing way, waffle around the topic or talk about something else.

There are, unfortunately, some notorious wimps over there, but the member for Fisher is not one. I remember listening to his maiden speech. He told us that community standards were appalling. He told us that the education system was dreadful and that there was no more responsibility on the part of families. I took his comments seriously.

Members interjecting:

Mr QUIRKE: I did. I listened in here and took him seriously, because the member for Fisher is a much smarter man than I am. I took him very seriously; the member for Fisher has much more education than I. So, when the member for Hartley and others came to me and said, 'Look, we are thinking about this measure to make parents responsible for their kids,' I thought that I had heard that somewhere before and that I must think about that.

Eventually, in thinking about this, late at night, while listening to other droning debates in this place, and maybe even participating in them, I remembered the member for Fisher's maiden speech and his comments about community responsibility, parental responsibility and community standards, and the member for Hartley had me—in one go he had me! I then came to the conclusion that we must support what is the overwhelmingly vast majority of parents out there and not some silly sop which stipulates, 'Well, we really want to do it but we will put a limit on it.' What is at issue here concerns a measure to give parents power, authority and control. What do we find over the way? It is not supported. It is deregulation all over again.

There is no doubt that members of the Opposition in this Chamber like to go out there and sell themselves as the hard law and order option in this State. They are out there saying, 'Well, the Government has not done this, that or the other, that it ought to be doing more.' They go on at great lengths about how dreadful the world is. We heard this afternoon that we on this side of the House have been in charge for far too long. However, we on this side of the fence take law and order seriously, and with this measure we are putting the responsibility back on the shoulders of parents, and in my electorate, in the Neighbourhood Watch groups and in all the other areas where these issues have been raised, the measure has overwhelming support. Any member who would like to do so is welcome to come to my electorate at any time and tell people that parents should not be responsible. They will get the message very clearly. People in my electorate believe that parents ought to be responsible.

It is an amazing thing that members opposite do not like having their hypocrisy pointed out to them. They are embarrassed by this measure. They are frightened that they will be forced into some sort of action to establish those community standards that they like to waffle on about. Having listened to some of the contributions in this debate, I would say that some of them were very sincerely presented, while with others we would have been better off without them.

The Hon. T.H. Hemmings: Which one?

Mr QUIRKE: I think the member for Eyre made a good point, and I can understand his embarrassment in being singled out before. However, the reality here is that in future I am going to look very long and hard at what the member for Fisher says, because two years ago he told me that parents ought to be responsible. Now, this afternoon, through his speech I find that suddenly it is a terrible idea, that we should not do this at all, because parents ought to be able to let loose their kids all over the place without any controls whatsoever—because this $10 000 limit is just a mild sop, trying to present a public face out there. The reality is that in many instances $10 000 would be seen by some kids simply as a charge, that by the time they had done so much damage they could do the rest of it with impunity.

Mr Heron: A mob of cream puffs.

Mr QUIRKE: My good friend here, the member for Peake, says they are a mob of cream puffs. Suddenly I must concur with him. I think that is a correct analysis. They are notorious wimps and cream puffs. I fully support the Bill. I support the role that the member for Hartley has played in this issue, and I must say that I think he has been subject to some very vicious and nasty attacks about wrongful political affiliations that he is supposed to have. However, the reality is that we all know and love the member for Hartley for what he is, and we respect him on this issue. We know that many members opposite would really like to come over here and support the member for Hartley as well—some probably by the neck and others by voting with him!

Mr S.G. EVANS secured the adjournment of the debate.

[*Sitting suspended from 5.59 to 7.30 p.m.*]

STATUTES AMENDMENT (ILLEGAL USE OF MOTOR VEHICLES) BILL

Mr BRINDAL (Hayward) obtained leave and introduced a Bill for an Act to amend the Children's Protection and Young Offenders Act 1979, the Criminal Law Consolidation Act 1935 and the Road Traffic Act 1961. Read a first time.

Mr BRINDAL: I move:

That this Bill be now read a second time.

It amends the Children's Protection and Young Offenders Act 1979, the Criminal Law Consolidation Act 1935 and the Road Traffic Act 1961. In an effort to assist their shadow Ministers in the better development of a law and public safety policy, a group of backbenchers have been concerned for some time with the illegal use of motor vehicles. To all thinking South Australians, it is incongruous that, while the Criminal Law Consolidation Act provides severe penalties for a number of offences, the legislative wisdom of this Parliament as it is reflected in the Government of the day does not seem capable of adequately addressing the crime which is of major concern to all South Australians.

Thus, we will read in our statutes that any person who maliciously or unlawfully sets fire to any hedge or fences or any stack of corn, grain, pulse, hay, straw, stubble or any cultivated vegetable produce, or to any furs, gorse, heath,

fern, coals, charcoal, wood or bark shall be guilty of a felony and may be imprisoned for life. We further read that anybody who attempts to unlawfully and maliciously kill, maim, poison or injure cattle shall be liable to a term of imprisonment not exceeding three years and that any person who kills, maims, wounds or disfigures any dog, bird, pest or animal, not being cattle, but being either the subject of larceny at common law, or being kept ordinarily in a state of confinement or for any domestic purpose, shall be guilty of an offence and liable to be imprisoned for a term not exceeding six months.

Similarly, people who are guilty of larceny and who steal any beast, bird, other animal or fish ordinarily kept in a state of confinement shall be liable to six months imprisonment. Anybody who steals any goods or merchandise from any dock, wharf or quay shall be liable to a term of imprisonment not exceeding eight years. Finally, any person who steals from any dwelling or house any chattel, money or valuable security shall, if the value of the stolen property amounts to more than $10, be guilty of a felony and be liable to a prison term not exceeding eight years.

Perhaps, Sir, you are wondering what this has to do with the Bill before the House. I am seeking to make the point that the Bill is necessarily brought into this House because of the incongruities between the penalties that apply currently to the illegal use of a motor vehicle and those applicable to other classes of offence under the Criminal Law Consoliation Act. So, we have an extraordinary situation in which quite severe penalties may be applied by our courts for the theft of many categories of property. I raise this matter merely to highlight the ludicrous situation when it comes to what (and I speak in plain words, for I am not a lawyer and do not pretend to be one) amounts to the theft of a motor vehicle.

For the average South Australian, the family vehicle is the second most valuable possession that each of us will acquire in our lifetime. As it is very difficult to steal a dwelling, I would put to this House that it is certainly the most valuable single item which can be stolen by those who have a mind to do so. Yet, in this matter, to date the police have encountered nothing but frustration because of the state of the existing law. The problem in this respect relates to proving the elements of a larceny. My understanding of this matter is that to obtain a conviction on a charge of larceny the court must be convinced that the offender meant permanently to deprive the owner of his goods and that the offender had the mental intention to do so.

In respect of a motor vehicle, this charge is almost impossible to prove, since all the offender has to do is to announce that he had borrowed the vehicle and had every intention of returning it to its rightful owner, even when the vehicle has been totally destroyed by some irresponsible hooligan. The offender, still sticking to his claim that he intended to return the motor vehicle, will allege that he had an unfortunate accident and that the subsequent damage to the vehicle was accidental in nature, and so he still cannot be charged with the larceny of a motor vehicle.

Only when the vehicle has been deliberately disguised, dismembered or 'torched' do the police have a reasonable chance of obtaining a larceny conviction, but by definition this is most serious category of motor vehicle theft is the most difficult to detect and the most difficult area in which offenders may be caught, since a burnt out wreck or a mangled heap at the bottom of a suburban cliff especially provides few clues as to who destroyed it.

We have the ludicrous situation where in one case the young offenders climbed a six foot cyclone fence, smashed a side window of a car, hot-wired a brand new vehicle and drove it through padlocked gates, finally abandoning this brand new Holden after doing more than $8 000 worth of damage, and they could have claimed that they were merely borrowing the vehicle. Indeed, there is, as I understand it, no clear offence related to the entry onto a secure property for the purposes of stealing a vehicle.

My proposed legislation firmly addresses what is obviously a major concern to the South Australian community and an area in which the law is simply inadequate to deal with the problem. Government members opposite have sought of late to harangue this House, clothed in some armour of righteousness and wielding the banner of law and order. I and many of my colleagues remain unconvinced that their pontifications are any more than the final encore of the clown who has been made redundant by the circus, but this Bill will at least give them a chance to stand firm with a Party that is truly committed to law and order and to do something about an area of concern, and to do it in a manner that is in the best interests of all South Australians.

Of late we hear screeching like so many galahs—and I hear one now; I may be mistaken—in a gum tree, 'What about the victim' then throw the challenge back to them. This Bill securely seeks to help those who would be victims by the categorical statement of this legislature that we will no longer tolerate the immature and irresponsible actions of a tiny segment of our youth and not even reprimand them for their wilful destruction.

It seeks, by a clear statement of this House, to place such offenders on notice, to state quite simply that we have had enough, and hopefully thereby to ensure that there will, in future, be fewer victims of this sort in South Australia. It further provides that, where those offenders are not prepared to heed the collective wisdom of the people, penalties will be applied commensurate with the damage done and that the courts may order the payment of compensation to victims. I need not remind the House that this squares absolutely with the Government's recent endeavours to make the parents responsible for the destructive damage of their children.

Recently, I have heard a number of Government members chortling that they were strong on law and order and that there were no jelly backs on that side of the House. Well, they now have a chance to prove their words. Not only does this legislation provide for penalties commensurate with the value of the damage done, it further states quite clearly that any child charged with a second or subsequent offence involving the illegal use of motor vehicles must be tried and sentenced in the appropriate adult court.

I make no apology for raising this matter for debate in this House. I believe, that the current system of juvenile justice is woefully inadequate, a travesty of the concept of justice and a festering insult to the people of South Australia. While I concede that anyone can do the wrong thing and has the right to a second chance, I believe that even young children know the difference between right and wrong and, having been given a second chance, if they subsequently re-offend a sterner punishment is called for. Quite simply, our juvenile justice system as it currently exists has proved itself incapable of providing that measure of justice to residual offenders that society has a right to demand.

I have considered what this provision might mean to an already crowded court system. I refer to the House the words of the Attorney-General when he said that 95 per cent of those who appear before a juvenile aid panel never re-offend. He went on to acknowledge that our problem was with the 5 per cent who are hardened and who are part of a cycle that goes on and on until it leads to Yatala. We are dealing not with that 5 per cent but with a subsection

of that 5 per cent, a subsection which this Government acknowledges it does not know how to tackle and which now it has a chance to debate in this House.

I am prepared to accept any decent and reasonable amendment to the measures I propose, but I will not tolerate—and I hope that my colleagues will not tolerate—any amendment that seeks to water down this legislation to give us the insipid gruel that this Government serves up to the public of South Australia as its law and order policy, its strong law and order platform. It simply will wash no longer either with this Party or with the people of South Australia.

So, we are talking not about juvenile offenders but about a small subsection of that 5 per cent who are involved in the illegal use of motor vehicles. It is a subsection for whom the current remedies have patently proved to be inappropriate and for whom radical new solutions are required. This is possibly one of them. Let those opposite who believe they have better ones stand up and put them before this House for legitimate debate. Otherwise, let them do what they normally do, that is to bray and prate like so many cattle in a pen offering the public nothing, always being prepared to criticise but never to show the flame and light which this Premier promised the people of this State two years ago and which so far in this place has been very sadly lacking.

I feel that little more need be added to the debate at this stage. This measure is designed to give those South Australians whom I am proud to represent something on which the whole of our society is built: justice and protection before the law. I look forward to the contribution of other members. I say with confidence that I expect an intelligent and rational contribution from this side of the House, and I hope that members on the Government benches opposite will actually surprise me by contributing something constructive and by doing something other than they normally do, which is to criticise, carp and moan—saying that the whole world revolves around a Labor Government which is tired, which has lost its direction and which is lacklustre. This Opposition is no longer prepared to tolerate the antics of a Government that has lost its direction. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it, and in doing so I commend this Bill to the House.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 is an interpretation provision.

Clause 3 inserts new section 45a into the Children's Protection and Young Offenders Act 1979.

Proposed subsection (1) requires a child charged with a second or subsequent offence against section 86a (1) or 86b of the Criminal Law Consolidation Act 1935 (inserted by this Bill) to be tried and sentenced in the appropriate adult court.

Proposed subsection (2) defines 'appropriate adult court' to mean—

- in the case of an offence against section 86 (1) of the Criminal Law Consolidation Act 1935 that may be disposed of summarily—a court of summary jurisdiction;
- in the case of an offence against section 86 (1) of that Act that is an indictable offence—a District Criminal Court;
- in the case of an offence against section 86b of that Act—a District Criminal Court or the Supreme Court.

Clauses 4 and 5 amend the Criminal Law Consolidation Act 1935 by, respectively, inserting new sections 86a and 86b and amending section 87.

Proposed new section 86a deals with the illegal use of motor vehicles.

Proposed subsection (1) makes it an offence for a person to drive, use or interfere, on a road or elsewhere, with a motor vehicle without first obtaining the consent of the owner of the vehicle. The maximum penalty for a first offence is division 5 imprisonment (two years). The maximum penalty for a subsequent offence is not less than division 7 imprisonment (six months) and not more than division 4 imprisonment (four years).

Proposed subsection (2) empowers the court, in addition to imposing a penalty, to order the defendant to pay to the owner of the motor vehicle driven, used or interfered with in contravention of the section such sum as the court thinks proper by way of compensation for loss or damage suffered by the owner.

Proposed subsection (3) provides that subsections (1) and (2) do not apply to any person acting in the exercise of any power conferred, or the discharge of any duty imposed, under the Road Traffic Act 1961 or any other Act.

Proposed subsection (4) provides that the terms 'drive', 'motor vehicle', 'road' and 'owner' have the same meanings as in the Road Traffic Act 1961.

Proposed section 86b makes it an offence for a person to enter onto land or premises with intent to commit an offence against section 86a. The maximum penalty is division 3 imprisonment (seven years).

Clause 5 amends section 87 by substituting a new subsection (2). Subsection (2) presently provides that an offence against Part IV of the Act may be disposed of summarily if the offence does not involve damage to property exceeding $800. Proposed new subsection (2) makes the same provision and also provides that an offence against section 86a may be disposed of summarily if the value of the motor vehicle involved in the offence does not exceed $2 000.

Clauses 6 and 7 amend the Road Traffic Act 1961.

Clause 6 amends the heading to sections 44 and 44a of the principal Act. This is consequential on the repeal of section 44.

Clause 7 repeals section 44 of the principal Act.

The Hon. T.H. HEMMINGS secured the adjournment of the debate.

PARLIAMENT (JOINT SERVICES) ACT AMENDMENT BILL

Mr M.J. EVANS (Elizabeth) obtained leave and introduced a Bill for an Act to amend the Parliament (Joint Services) Act 1985. Read a first time.

Mr M.J. EVANS: I move:

That this Bill be now read a second time.

This brief Bill has but one purpose: it reconstitutes under the same name the existing Joint Parliamentary Service Committee, but it does so with a different membership. The membership of the committee proposed by this Bill is simply that of you, Sir, as Speaker of the House of Assembly, in conjunction with the President of the Legislative Council. The two Presiding Officers of the Parliament are to be constituted as the Parliamentary Joint Service Committee and of course, all the decisions of the committee will be required to be made unanimously.

The interest of both Houses would, of course, thereby be automatically represented. Given that each Chamber invests

its respective Presiding Officer with considerable trust and authority, one would assume that between the two Presiding Officers it would be possible for them, very efficiently and expiditiously and in the interest of both Chambers and of all members, to manage the affairs that are necessarily taken jointly between the two Houses. It would of course be recognised that the most important functions of the Presiding Officers are with their own Chamber. Indeed, their most onerous tasks rest in the management of their respective Houses.

The joint services in this place are just that—services and facilities that are provided for the convenience of both Chambers, for example, the administrative processes of *Hansard* and the library and, of course, the dining services. Those tasks, while being extremely important in their own respect, are by no means as significant as the management of each of the respective Chambers. Therefore, I am sure that the people in whom each Chamber entrusts the level of management expertise that is required to manage the respective Houses would be prepared to entrust it in the Presiding Officers acting jointly. That, of course, would have significant benefits in terms of the expedition with which the business of the committee could be conducted, in terms of the coordination that would take place between the respective Houses and in terms of the way in which the services could be properly integrated. I am sure that the Presiding Officers would respect the provisions of the Bill, were it to be enacted, which require, for example, under new section 5 (9) that the committee must, in carrying out its functions under the Act, consult as widely as practicable with members of both Houses of Parliament. I am sure that that would occur and would obviate any problems or concerns that members may have with respect to consultation if the present wide-ranging committee were not to be so constituted.

The Presiding Officers, of course, would manage, as they do their respective Houses, in the interests of all members, and would consult as widely as practicable in their management function. It must be remembered that this is primarily a management function: it is the Presiding Officers managing the joint services. It is not particularly a policy oriented area, which of course each individual House is, but it is a joint services management function, and I think we need to consider it in a management context. I believe that the most efficient process would be for the committee to be reconstituted in its present terms, as suggested in the Bill. Indeed, no other provision of the Act is to be changed. Simply, the committee will be established to provide for the most effective, expeditious and efficient management in the interests of both Houses and all members. In that context, I commend this brief Bill to the House.

The Hon. J.P. TRAINER secured the adjournment of the debate.

ACTS INTERPRETATION (COMMENCEMENT) AMENDMENT BILL

Mr M.J. EVANS (Elizabeth) obtained leave and introduced a Bill for an Act to amend the Acts Interpretation Act 1915. Read a first time.

Mr M.J. EVANS: I move:

That this Bill be now read a second time.

This is also a fairly short Bill, indeed, even briefer than the former Bill. The Parliament will be aware that there are a number of occasions, albeit limited, on which Bills are passed by both Houses of this Parliament. They receive the royal assent but then, for various reasons, they are not brought into operation by the Government for many months or years after they have received that assent.

As the member for Spence says, this is indeed a shame, because these Bills have received the approbation of both Houses of Parliament; they have been signed by the Governor in Executive Council and, therefore, it could be said that they have the endorsement of the people of the State. Unfortunately, they are not always brought into operation.

This Bill requires that, where an Act is not brought into operation within 12 months from the day on which it receives that royal assent, it comes into operation 12 months from the date it receives royal assent. It is my view that, if there are any reasons why an Act should not come into operation, it is incumbent on the Government of the day to return to Parliament to give those reasons and to amend or repeal the Act and not simply allow it to lie on the statute books without being proclaimed to come into effect.

This is something that has the potential to bring the law into disrepute, because people are aware that these Acts have been passed by the Parliament but are then ignored on occasions by the Executive. I believe it is then important that the Executive should respect the processes of this Parliament—the people's Parliament—and should treat the enactment accordingly.

Mr Atkinson: Don't get carried away.

Mr M.J. EVANS: I am sure that when the member for Spence reads the Bill he will share my enthusiasm for it. The Bill consists of but one clause, which requires that legislation must be brought into effect within 12 months or at least on a day fixed within that 12 month period, otherwise it occurs automatically. This is a brief Bill which makes a small but significant contribution to the statute law of this State and I commend it to the House.

Mr S.G. EVANS secured the adjournment of the debate.

SUBORDINATE LEGISLATION ACT AMENDMENT BILL

Mr M.J. EVANS (Elizabeth) obtained leave and introduced a Bill for an Act to amend the Subordinate Legislation Act 1978. Read a first time.

Mr M.J. EVANS: I move:

That this Bill be now read a second time.

In many ways this Bill is the most significant of the package of three that I have brought before the House this evening. The Bill seeks to make a significant change to the way regulations are dealt with in this State. At the moment regulations are published in the *Government Gazette* on the Thursday and, by law, the regulations are deemed to have come into effect at one minute past midnight that morning. At that stage people have not really had the opportunity to read the *Government Gazette* to peruse the regulations or determine the impact they will have on their lives or businesses.

As this House well knows, regulations are now becoming the preferred method of law-making in this State and in most western democracies. Regulations deal with the complex minutia of the legislative agenda and Acts are increasingly just a framework or enabling legislation around which legislation in the form of regulations is constructed.

It was a reasonable proposition in those days, when regulations were but small enactments that filled in minor details in relation to an Act, that they came into effect immediately. That is now quite unreasonable, given the complex nature of many regulations and the effect they have on business and individuals in this State. It is not

unreasonable that people should have a dignified period in which to read and consider the regulations before they come into effect.

This Bill provides that regulations will come into effect 120 days after the date of gazettal. A regulation may not take effect from a date earlier than the date on which it is published in the *Gazette.* However, I recognise fully that modern Governments require a process whereby regulations can be brought into effect immediately, because there will often be occasions of an emergency nature or where some immediate action is required to be taken. Naturally, the Bill provides such an opportunity for the Government of the day if it is essential, but there is a penalty.

Where regulations are brought into effect prior to 120 days, and that indeed can be the day on which they are gazetted, then those regulations expire 12 months from the date of gazettal. That means that the regulations can be remade 12 months later, but at that time they can be reconsidered by this Parliament and if necessary disallowed. Regulations can be extended under this proposal. As members will know, all regulations expire seven years from the date on which they are made and, under the Act as it now stands, the Government by regulation may extend the life of those regulations indefinitely.

The indefinite period of extension is not a valid procedure, in my view, and I believe there is general agreement that one should limit the period of extension. The Bill seeks to limit that period to two years. So, ordinary regulations could have a life of seven years, plus a two year extension. Emergency regulations brought into effect forthwith can have a life of one year with one two-year extension, making a total of three years.

The Bill further provides that regulations may be extended only once. The effect of this Bill will be to give people a reasonable and rational period in which to consider the impact of regulations and for this Parliament to consider and debate the impact of regulations, and it would provide a feasible means of this Parliament's disallowing a regulation before it actually took effect.

I believe that that is a far more rational procedure than to allow regulations to take effect, to have the force of law and put people to the trouble and cost of obeying those regulations and, if Parliament subsequently disallows them, the law has to be set back to where it was before and the whole process is undone. While the regulations will have been valid for the period they were made, the public will have been subject to considerable inconvenience for no purpose if Parliemant subsequently disallows them and, of course, Parliament is put under pressure not to do that, given that the regulations are law.

I believe that, although providing Parliament with a 120 day window of opportunity (in the modern vernacular), we will all be able to take a much more serious look at the regulations without the weight and pressure of the fact that they are already law. While some members of the Executive may feel that a period of 120 days notice is too long, I do not believe it is unreasonable to expect the Government to plan 120 days in advance and to declare regulations with that kind of lead time.

It will definitely give the public the opportunity they deserve to examine and study the regulations. It will give the Parliament the opportunity which it is given in law but which it finds hard to exercise to disallow those regulations during that period if required. I believe it is constructive legislation, which will complement the regulation making process of the Executive Government, and it is in conformity with the public interest. For those reasons I commend the Bill to the House.

Mr McKEE secured the adjournment of the debate.

FIRE CONTROL

The Hon. TED CHAPMAN (Alexandra): I move:

That a select committee of this House be established to inquire into and report on the application of fire control management and suppression of fire on:

(a) public broadacre lands and road sides generally; and

(b) national parks, fauna and flora and recreation reserves in particular; and, where required, identify recommended changes to the relevant fire control Act(s).

In support of this motion I propose to be very brief. The motion, which is self-explanatory, follows an unfortunate period of conflict that has developed between a number of parties, albeit each with good intent, at the scene of fires around South Australia. More especially has this occurred in the past few years and indeed since major changes were made to the Country Fires Act. I mentioned earlier that it has been with good intent, by and large, that people have applied themselves at the scene of a fire but, unfortunately, in the country regions of this State we have a situation where the chain of command is divided between two specific authorities. It is in that arena, generally speaking, that problems have developed and festered and now become quite out of order with very unfortunate results for those directly involved.

I explained to the House on an earlier occasion that the central and single authority in command of a fire scene in metropolitan Adelaide and other identified metropolitan areas of the State is the Metropolitan Fire Service, or MFS as we know it. That authority, whilst engaging most of its firefighters on a permanent and paid basis, is a well organised, well orchestrated and very publicly identifiable entity in its own right and does not have a problem with other administrative authorities in the community. It has powers of authority over the police and other Government bodies and absolute authority at the scene of a fire in a public or private place, on a roadside or anywhere else. It is by recognition of that single entity that the community at large becomes aware and respects its powers of authority and accordingly its powers of control. It has the authority accordingly, before a fire starts, to demonstrate, dictate and indeed direct what sort of fire protection measures—not may, should or could but—shall be taken in relation to the protection of personal property and, indeed, human life.

It is unfortunate that in the country areas of the State, where fire so often occurs by accident or through natural forms such as lightning and so on, we have no longer in this State a single authority identified by the wider community and respected for its single control over such situations because, in accordance with the current legislation, we have the occupiers of certain public lands, as in forests, parklands or national reserve lands, who take precedence over the management of their respective areas and over the control of a fire as and when it occurs, whether or not that fire occurs initially within the boundaries of those public

lands or outside them and, by way of prevailing winds or circumstances, enters those areas.

I repeat that the agents of the Government on those particular identified public lands become the boss. As a result, we have two sets of command: we have those inside the boundary of the park in what is currently deemed to be their own territory; and we have bosses on the outside represented by the Country Fire Service and their chain of command for the purposes of being in charge and in fact controlling fires outside the boundary. It is a totally unsatisfactory division in the line of command and, after having been well and truly tried—indeed, tempers have been tried and frayed often—it is found to have not worked.

This matter is not raised for the purposes of identifying incrimination or who is to blame: the framework of the law is historic, and the practices indeed have gone on in the past. As a result of those experiences, hopefully we have learnt enough to be able to say, as a rational Parliament of community representatives, that we can have a go at fixing up the situation and putting into proper context a chain of command which not only causes those parties—both paid and voluntary personnel—to get along fine together, but also identifies the group in charge so that members of the community at large know where they stand, understand who is running the show and develop a level of respect for those people, as they so well deserve.

It is in that context that I will more particularly address my remarks on this subject. I indicated to the Minister that I will be only five minutes. However, I am interested in this subject. I am getting on in years and I do not want to be pushed and shoved around. Nor do the people in the community want to be pushed and shoved around. When they have a job to do they like to do it in their own reasonable time. That is my position. I do not want to be pushed, shoved or manipulated at my stage in life.

The SPEAKER: I agree with the honourable member but draw his attention to his own motion before the House, and to the Standing Order relating to relevance.

The Hon. E.R. Goldsworthy interjecting:

The Hon. TED CHAPMAN: The member for Kavel is out of order in interjecting, but this time he happens to be right. He says that I am endeavouring to reflect the feelings of the community at large when I say that I do not want to be shoved around. That is precisely the position, because out there in the community a category of people, particularly among the voluntary groups, has been there in many cases for generations. They know the position and understand, when a fire is started by accident—or, unfortunately at times, by a fire bug—how to handle it. As soon as the matter is brought to their attention they are into their trucks or wagons and out there doing the things in the community that they know best. In those circumstances they do not want the hierarchy of the organisation whether it be the CFS, National Parks and Wildlife or any other bureaucracy stationed far and beyond in the metropolitan area—telling them how to suck eggs. They do not need that.

They are simply going about their work in the way they understand best. As I have stated before, it is my view—and I ought to be very careful about having firm views on the eve of setting up a select committee—that, while these people know what they are doing and volunteer their services in the way they have traditionally done, far be it from us to interfere with them. Where they are seen to be interferred with by others, for whatever purpose or motive, and where dissent, distresss and disturbance occur, it should be not only our desire but our responsibility to do something about it.

In this particular instance the Minister for Environment and Planning has agreed to accept the motion, and I place on record my gratitude for that. In this place the Minister has proven that she can be very difficult from time to time. One has only to ask my colleague, the member for Heysen—and I promise that I will not ask him, otherwise we will be here for a long time and my 20 minutes will well and truly have expired. We all know how the little lady can react when she gets upset, but in this instance there is no question that she has seen commonsense, because she has picked it up and run with it. I am grateful to run with her and put this outfit together.

I hope that when the Minister identifies her nominees for this select committee—as long as she does not muck around with the motion too much and make it too wide—we can all get together, act like a well-meaning family, take on board the evidence from all those parties who believe that they have an input and come back to the Parliament next year (after the summer is over and hopefully no-one has been burnt), and make recommendations that will put the Act in order and put the conflict that has unfortunately developed to rest once and for all.

I know that that is a bit of an ideal, and sometimes the Democrats in the other place get carried away with ideals. In this place we are more realistic, and that is an objective that I believe we ought to sincerely pursue. I am grateful to have been a party to this. I am grateful that the member for Kavel, a senior member of the Liberal Party and a former Minister of a Liberal Government, has signalled his desire to be on this select committee with me. It may not be absolutely proper for me to say these things, but I am so proud that we have two Ministers—the Minister of Emergency Services, who is in charge of all these sorts of community responsibilities, and the the Minister for Environment and Planning—seated together in this Parliament, working together on this subject in absolute harmony. On this side of the House we have this elder statesman, the member for Kavel, who is a former Minister, and old Ted, working together. It is a very cosy arrangement.

I hope that this little family affair that we have going—and my partner in this is the Minister for Environment and Planning, I would remind my colleagues—will approach this subject with the highest degree of harmony. I hope and pray that we have the support of the members who are nominees on the committee, that we get the response from the community that this important subject deserves, and that the committee puts together recommendations which the Government of the day can pick up and develop for the harmony, safety and good working relations that this whole subject of land management with respect to fire control and fire suppression deserves.

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

The Hon. T.H. HEMMINGS (Napier): It is always a pleasure to follow the member for Alexandra. As I have said on many occasions, I have learned a lot from him. I think I speak for all members on the Government benches when I say that there is a fair degree of support for this motion. No-one could ever question the member for Alexandra's depth of sincerity in relation to this matter. On many occasions in this House and privately to me—because he regards me as a close personal friend—he has waxed eloquently on this subject of bushfires, especially in recent weeks when sections of his beloved Kangaroo Island have been ravaged.

On those two occasions when the fires were raging and they were sending firefighters to Kangaroo Island from as

far away as the Riverland, there was the local member in this House explaining to the Parliament and the people of South Australia the problems that existed on that island. After the member for Alexandra had finished speaking, I do not think that many of us were dry eyed. I understand that the Government will move to amend the motion, and the member for Alexandra confirmed in his speech that that is a result of the wide discussions between the Ministers and him. I am sure that when that amendment is debated fully it will be to the satisfaction of members on this side of the House who are as passionately concerned about this matter as the members for Alexandra and Kavel. I am sure that the resultant select committee will be in a better position, because of the amendment, to understand the problems of the community. I understand that my name is being freely bandied about to be a member of the select committee.

Mr S.J. Baker: You're already on the other one.

The Hon. T.H. HEMMINGS: The Deputy Leader says that I am already on the other one. I am well used to the Deputy Leader making inane comments, but I remind him that I have a passionate interest in work. I hate to come into this—

The Hon. Frank Blevins: You hate sloth.

The Hon. T.H. HEMMINGS: One of the three Ministers on the front bench, the one who is ostensibly in charge of the House, said that I hate sloth, and I do. In fact, I was one of those who voted against the eight hour day because I believe we should all be working at least 12 hours for the money we get.

The SPEAKER: Order! The honourable member will address his remarks to the motion.

The Hon. T.H. HEMMINGS: Sir, I support the motion.

The Hon. S.M. LENEHAN secured the adjournment of the debate.

STATE FIRE SERVICES

The Hon. T.H. HEMMINGS (Napier): I move:

> That this House endorses the current constructive moves to rationalise the communications and training facilities of the South Australian Metropolitan Fire Service and the South Australian Country Fire Service.

The reason for this motion stems from questions that have been asked in the Estimates Committees in the past two years. On both occasions questions have been put to the Minister of Emergency Services, last year by the member for Bright and this year by the member for Goyder. I am not saying that the member for Goyder was as foolish in making allegations as was the member for Bright, but there is some indication from members opposite that they think there is some kind of Machiavellian plot to somehow integrate the Country Fire Service with the Metropolitan Fire Service.

In fact, in 1990 the member for Bright not only accused the Government of surreptitiously amalgamating the two services but he said that there were 20 fire trucks at MFS headquarters with a new logo. At that time the Minister, in his usual precise way, gave a clear indication to the Committee when answering the member for Bright that it would be humanly impossible to physically achieve what the member for Bright was alleging. He then followed that through in a debate in this House and said that it could not have happened. I wanted to find out for myself and so I asked the member for Bright to come down with me.

In his usual manner, the member for Bright chooses to make allegations in this House with no substantiation. When he received an offer from the head of the Metropolitan Fire Service, Mr A.V. Macarthur, and Mr W.W. Haby, who was Acting Chief Executive Officer, to go down and have a look, the honourable member chose not to. I received an identical letter from those two officers, although unlike my colleague the member for Henley Beach I will not read it into *Hansard*.

In the time that I have remaining I want to make other comments. What eventually transpired in this case only went to prove that the member for Bright was on some sort of flight of fancy. I do not say that he had been on magic mushrooms, but he was obviously acting very strangely that day when he made those allegations. One would think that he would have had the decency to respond to the letter that we got from the fire services or do what I did, and go and inspect them. In fact, I even offered to give him a lift down there in my car, so that he would avoid any parking problems.

The Hon. Frank Blevins: Can't be fairer than that.

The Hon. T.H. HEMMINGS: Yes, I agree with the Minister on the front bench. That is the way I live, that is the way I keep my job, and if I can give a hand across the Chamber to anyone and guide them along I am only too keen to do so. However, the point is that after a thorough inspection was made we could find no 20 fire trucks, 20 helmets, 20 fire buckets or 20 badges. Now we have it once and for all on the record, although I very much doubt that the member for Bright will believe me, or the member for Goyder, and the question will probably be asked again at the next Estimates Committee.

Let us consider exactly what is happening with the Country Fire Service and the Metropolitan Fire Service. Members opposite talk about efficiency and about getting value for the taxpayer's dollar, and the member for Goyder at the last Estimates Committee dealing with this matter, in a long preface to a question from a Minister—and they are always far too long—

Mr Holloway: They were well chaired, though!

The Hon. T.H. HEMMINGS: I can only speak for the Committee that I was on and can only concur in what the honourable member says! Let us look at what is happening with the CFS and the MFS. Members opposite are all talking about more efficient Government, better use of the taxpayer's dollar, and all those things, so that we can get a better service to the community. It is relevant that this motion is closely following the Hon. Ted Chapman's motion that will result in a select committee being set up. The current proposal that is before both services is an effort to rationalise the communication and training facilities of the MFS and the CFS, following a detailed report that was commissioned by the Minister of Emergency Services. I imagine that no-one has any objection to that at all.

I know that the bulk of members opposite are country members and heavily involved in supporting their Country Fire Service operations, and so they should be. In his speech, the member for Alexandra talked about those volunteers who go out and give hours and hours of their time in fighting fires. I have the utmost admiration for those people. In fact, within my own electorate there is the Smithfield Country Fire Service, which I assist as much as I can—although they never let me get on the truck when it is moving, and I can perhaps understand why! In talking to the people involved in the Smithfield Country Fire Service group I find that they are only too keen to seek a better way in which to undertake training, especially in the area of communication. The end result will be a better service for the community.

I am not saying that better training or better communication provides any more raw courage and guts that the people use in dealing with fires, but it makes for better logistical support, and that is what this motion is all about. I would have thought that the member for Goyder, who is the Liberal Party spokesman on these matters, had more sense. I have said many times that the member for Eyre or the member for Alexandra should be put back on the front bench, because they have a better understanding of country matters in regard either to agriculture or services related to country folk than has the member for Goyder.

That is digressing slightly and I should come back to the motion, but I had to get it off my chest, because I think the member for Eyre and the member for Alexandra have been tossed to the back bench. Regardless of their age, they can still contribute more to this Parliament in relation to those matters than can the member for Goyder. Anyway, let us look at the principal objectives of this rationalisation in the area of communications and training. It covers seven main areas which, if the report commissioned by the Minister is adhered to, can only result in a better service to the community.

Debate adjourned.

At 8.30 p.m., the bells having been rung:

WRONGS (PARENTS' LIABILITY) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).
(Continued from page 2145.)

Mr S.G. EVANS (Davenport): I wish to say at the outset that I do not support the Bill in its present form. I know that, like me, many members have grown up children who are no longer a risk as far as this legislation is concerned, because they are past the danger period, but some of us have grandchildren and some of our children will either adopt or have children by natural means some time in the future. As much as I know this Bill appeals to those who have suffered because of crime committed by juveniles under the age of 15—or older—and it would appeal to them to think that the parents can be held responsible, I know also that, if the Bill is put into practice as it is worded, it will destroy many other families very quickly. It will also make it more difficult for people to decide whether or not they will have children in a society where a Government states through its family and community services organisation that if a child does not want to stop at home it need not.

An example is in my own area where a girl of 14 left home. They believed they were quite good parents. She went to live with a youth of 17 years of age and, when the parents found that out from the departmental officers, they were not allowed to meet or talk with the girl. However, an arrangement was made for them to discuss the difficulties the family faced with that girl and the young man involved on a Friday, with the departmental officers present. On the Thursday before the meeting the family received a phone call saying that the meeting was not on, because the department believed they were unsatisfactory parents. At no time were the parents invited to a discussion; at no time did the parents have an opportunity to put their point of view. Whatever the daughter or the boyfriend had told the departmental officers was accepted as the truth.

In this society, what hope does one have of raising a family if departmental officers take that approach? We have the juvenile court, as we know, which the senior judge has said has failed, and it is still failing and is crying out for some change to make it better. That has very little to do with the parents. We have a court system where we say that the names of children shall not be disclosed. Under pressure from the media a few years ago, this parliament changed the law so that it is more difficult to suppress the names of adults who are alleged to have committed an offence—not found guilty, but alleged to have committed an offence. We changed that law and at the same time we have a law that provides that we cannot publish the names of children.

Now we are passing or attempting to pass a law that provides that parents can be charged, so that the names of either the or the adoptive parents can be bandied all over the State. Their names can be spread around, but that of the offender—the child—cannot. In some cases, if one sees children of 14 or 15 out playing sport or in the community dressed up, one would say that they would pass for 18 or 19. They set out to do that and they claim the rights of an adult in many areas. Our Federal Parliament ratified an international convention in recent times which gives children rights. It gives no rights to the parents but it gives rights to the children to do virtually what they like.

An honourable member interjecting:

Mr S.G. EVANS: The honourable member says this is 'rubbish'. The member knows that within the school system—and it is something I will admit I did not know until recent times—they have a policy called the protective behaviour policy where teachers are instructed to tell children that they do not have to take notice of their parents. If they do not want to wash up the dishes they tell the parents, 'We will not do it'. If any honourable member tells me I am wrong, let us sort it out with the Minister, because the Minister who is in charge of this Bill tonight on behalf of his colleague in another place is the Minister of Education.

The children (and I am not talking about secondary school children but primary school children) are told, 'You do not have to do what your parents ask you to do—the sort of chore you might be asked to do in any normal home—if you do not want to.' Most children will accept them as a family responsibility and do them responsibly, but those who are born with different genes or different attitudes, regardless of who the parents are, will take it upon themselves to test the system. If they say to the parents that they will not wash the dishes or stay home at 13 years of age, the parents then face the challenge of a court finding the child guilty of some offence of doing damage and then, subject to court approval, the victims can claim damages against the parents.

The court then has to make a decision about whether or not the parents acted responsibly in attempting to cater for the needs of that child. That in itself is a burden, and we come back to the old argument today that the law is beyond the capacity of middle income earners; it is there for the rich to exploit, while the poor get legal aid. Who will sue someone who has nothing anyway? There is no benefit in that. The Bill provides in the second to last clause that, for the purposes of this section, a parent of the child means the child's natural or adoptive mother or father. I believe that can be read to mean that, if one believes one has a chance of claiming money because of an offence committed by a child, and the adoptive parents have nothing much to give but the natural mother has done very well somewhere down the track after originally offering the child for adoption, one can sue the natural mother. The child may have been given up at one day, one week or one month of age. Are we then to charge that parent because of some heredi-

tary trait or an attitude that has been passed down by nature?

In the Hills we had a bad case that can be used as an example, where a family had three sons. They wanted a girl, so they adopted a daughter. They had no problems with the three sons. It appeared on the outside, and I believe it to be the case, that they were excellent parents who had achieved the right goal. The adoptive daughter did some immense damage—over $1 million—through fire. Under the terms of this legislation, those adoptive parents would appear in court. They have satisfactorily raised three sons but something has gone wrong in the case of the daughter and, if they lost the case in court, where there is no limit on liability, they would lose everything—every cent they owned in the world—first, because they wanted a daughter and could not have one through natural means, and secondly because they took a burden off the State and raised the child.

That is the truth of it. The member for Hartley and the Minister in charge of this Bill are lawyers. They know that they would have a reasonable chance of winning the argument in court. Because they know the system, and because of the way in which the Bill is written, they would be able to stop the matter going before the court when the court considers whether or not it should hear it. The vast majority of people who have children, especially those in the middle income group, believe they will never be in this sort of situation. However, if one or two are challenged, they know that they are in the firing line. We as a Parliament have to consider that aspect.

There has to be a limit. The Northern Territory has a limit of $5 000. If there is no limit it will open a Pandora's box for all sorts of things. For example, it is not uncommon for some children to say to their parents, 'We'll get our own back on you.' So, they do something deliberately to get back at their parents. When challenged, they tell a pack of lies to those investigating the matter and later to the court, saying that the parents were bad at this or that, and the parents have to prove the opposite. We know which way the courts have come down in recent times: children are believed before their parents. Parents are considered to be liars. From questioning by Family and Community Services officers, it will be seen that they seek to show that the child is right and the parent is wrong.

Victims have a right; I understand that. Many people come to my office concerned about juvenile crime. There was a police station in my area, but it has been closed. Police officers would patrol the streets a few years ago and, if they saw a person of a young age in the street, they would tell them to go home. They are not allowed to do that now. They can ask them what they are doing, but if the youths say that they are just walking along the street, the police can do nothing about it.

Parliament amended the closing time of places that sell alcohol from 6 p.m. to 10 p.m.; now they can remain open to 3 a.m., 4 a.m. or 5 a.m. We lowered to 18 years the age limit for the drinking of alcohol. At that time—and this was a long while ago—I said in this place that lads normally go out with girls two years younger than they are, so if a lad aged 17 years sneaks into a drinking place the girl is probably aged 15. That has occurred. We are trying to correct that situation now by the use of voluntarily accepted identity cards. However, that is what happens and we wonder why we have problems.

So, if someone has a son or a daughter aged 14 years whose mates are going to a disco on a Friday or a Saturday night, and if the parents try to act responsibly and say, 'No, you can't go', unless they get up and check the child's bed every hour during the night, they will not know whether the child gets out through the window and goes to the disco. The argument will be put forward that the parents tried to control the child, but they will have to go to court to prove the point. They will have to employ lawyers, and that, as I said earlier, is a very expensive exercise. Much of the damage is done by children under the control of Ministers, not under the control of parents. This Bill excludes the Crown from liability. It does not matter if a child is under the control of the Minister of Family and Community Services—

Mr Groom: You have missed the point.

Mr S.G. EVANS: I have not missed the point. I challenge the member for Hartley to accept an amendment that will bind the Crown so that, where a child under the age of 15 years is under the control of the Crown, it will be liable for any damage that the child does. I would be happy with that.

Mr Groom: They are uncontrollable children. That is why they are under the care of the Minister.

Mr S.G. EVANS: The honourable member says that they are uncontrollable children and that is why they are under the control of the Minister. I will accept that argument. Is the honourable member saying that, if a parent finds a child impossible to handle, automatically the Crown will accept responsibility for the child? If the parent says, 'This child will not stay at home; it is yours', will the Crown accept responsibility? Of course it will not. That is where the argument of the member for Hartley, who is a lawyer, takes us if we accept the argument that every child under the control of the Minister is an uncontrollable child and that, therefore, we should accept whatever they do, and victims of crime have no claim. What a ridiculous argument. That is the sort of argument that the member for Hartley is attempting to put.

I want to finish on the following point. We live in a society that uses film, whether it be on television or in the theatre, for entertainment. Books that are part of compulsory reading in schools depict violence. Films shown on television, in the theatre and through videos show crime being committed. We do not say that that is right, but we use film as a form of entertainment. Does any member really believe that it should be used as a form of entertainment? I challenge members to sit down on any night and see how much violence—whether it be on news services or wherever—is shown on television from 5 o'clock until 9.30 p.m. when many 14 year olds are still out of bed. Of course, this Bill covers children up to the age of 15 years.

We only need one child in a thousand—but it is more likely to be one in a hundred—to accept as the norm the violence they see on film. If they accept it as the norm, what will be the outcome? If the parents say, 'You can't watch television', the children might say, 'We want to go down to Sally's place.' Who knows what the children end up watching at Sally's place unless the other parent carries out the same sort of supervision?

Right through the whole structure of our society we are using violence as a form of entertainment. Federal or State Governments do not have the courage to tackle this problem. Likewise, we do not have the courage to raise the age limit for the drinking of alcohol to 20 years. That was the age limit for nine months when in 1969 the Liberal Government brought it in. I led a renegade group to win that argument, but it was brought in with the support of, I think, six or seven ALP members. However, on 30 May 1970 the Dunstan Government came in and in that year it lowered the age limit to 18 years. That is part of the problem in our society. Young people aged 15 years and under are going out, and that is accepted as part of our society.

Recently we changed the law so that people under the age of 18 years could not drink in public. Yet, members on both sides of Parliament argued that I was wrong, that that was already the case. The Minister in this Chamber, when I tried to move an amendment on the first occasion, said that it was not possible. The Attorney-General in another place said it would not be acceptable, it could not be done, but eventually the Government did that itself because it did not have the common decency to allow a member of the Opposition to win a point. The Government did this for no reason other than sheer political humbug.

Mr Groom interjecting:

Mr S.G. EVANS: If the honourable member wants to know about alcohol in Europe, I point out that France has 14 million alcoholics in a population of 62 million. That country is as worried about this problem as we should be. The honourable member should stick to his Privacy Bill, and he might get my support. I believe that we have gone too far in reducing the power of the police to say politely to young people, 'Get home to where you belong. Get off the streets; you shouldn't be here.' I do not think there is anything wrong with that. It happened in the past. If this Bill goes through as it is, many families will suffer despite the fact that they have tried to do their best in a society where Governments say, 'Your children can do what they like. They have the right.'

Parents can attempt to coerce or bribe their children to try to bring them up correctly but, if they go against them, someone is able to take the parents to court and they have to prove that they have done the right thing. If they have not, they do not only have the legal bills to pay: they have compensation to pay to someone who is claiming against those parents for an injustice that they have suffered in the main because we have changed the rules in society. I do not support the Bill in its present form.

Mr. S.J. BAKER (Deputy Leader of the Opposition): The legislation as it stands reminds me of a prostitute with AIDS who said she would go out and give service to the community. This is a flawed piece of legislation: it could be described as diseased legislation. I would like to remind the House exactly what has happened over the past nine or 10 years in this State and then reflect on what the Government has done about it and how it thinks this Bill will correct all those ills, and obviously it will not.

I would like to put on the record what has happened since 1981-82 to 1990-91. For every 100 000 South Australians, the number of violent crimes increased from 92 in 1981-82 to 254 in 1990-91—a massive 176 per cent—or 23 crimes per week in 1981-82 to 71 in 1990-91. So the crime rate increased by 176 per cent.

For every 100 000 South Australians, the number of property crimes increased from 5 712 in 1981-82 to 9 516 in 1990-91—an increase of 66 per cent, again, an increase in the rate. There were 1 455 property crimes per week (or 208 per day) compared with 2 650 in 1990-91 (or 378 per day). How many of these crimes involved juveniles? Every one of these crimes involved juveniles, and in some areas the majority of the crimes involved juveniles.

Between 1981-82 and 1990-91 the number of break-ins of dwellings increased by 142 per cent, and the number of breaking and entering offences during that period increased from 1 594 per 100 000 to 3 295 offences per 10 000—an increase of 107 per cent. One break-in in 1990-91 occurred every 11 minutes, compared with one every 25 minutes in 1981-82; 49 per cent of offenders were under 18 years of age in 1990-91. Those statistics show that the number of break and enter crimes committed by juveniles in 1991-92, is greater than the number of all break and enter offences in 1981-82. Robberies are up 246 per cent or 217 per cent per 100 000 of population between 1981-82 and 1990-91. There were 29 robberies for every 100 000 South Australians in 1981-82 compared with 92 per 100 000 South Australians in 1990-91.

Serious assaults are up by 144 per cent in the period 1981-82 to 1990-91—from 43 for every 100 000 in 1981-82 to 105 in 1990-91. There are now 37 assaults of all kinds (including sexual assaults) each day, or one every 39 minutes, compared with 19 a day, or one every 76 minutes, in 1981-82. Rapes and attempted rapes are up by 243 per cent or 205 per cent per 100 000 of population—17 for every 100 000 South Australians in 1981-82 compared with 52 in 1990-91. The number of drug offences (including offences covered by cannabis expiation notices and expiated) has increased by 99 per cent, 3 470 in 1981-82 to 7 858 in 1990-91.

Cannabis offences (including cannabis expiation notices) have rocketed from 4 433 in 1982-83 (or 331 per 100 000 South Australians) to 7 858 in 1990-91 (or 543 offences per 100 000 South Australians). This is an increase per 100 000 South Australians of 64 per cent in just seven years. The number of cannabis expiation notices is difficult to determine. Arson and wilful damage (which includes vandalism) offences are up in number by 104 per cent in 1990-91 compared with 1981-82. Motor vehicle theft is up per 1 000 registered motor vehicles by 92 per cent. For every 100 000 South Australians in 1981-82 there were 421 motor vehicle thefts compared with 1 056 in 1990-91, an increase of 151 per cent. More than 72 per cent of the adult prisoners have previously been juvenile offenders.

That is a record about which we should all be ashamed. This Government stands condemned, because the record speaks for itself. What has this Government done to counteract the problems which always start with juveniles? People at an adult age do not suddenly turn to crime: they become involved in crime sometimes at an early age, but most of the offenders of today have committed some offences by the time they were 14 or 15 years and, depending on what action was taken then, they go on to bigger and better things in the criminal world, or they may take the medicine handed out and become good citizens.

Unfortunately, the mechanisms that have been in place have been insufficient to stop the huge escalation in crime rates in all areas, and juveniles have led the way. They have not been followers: they have led the way. What has this Government done about this problem in the past nine years? It has certainly made the smoking of dope much easier. It has certainly allowed the revolving door to operate in the Juvenile Court, where the kid goes in one end, gets a bag of lollies and goes out the other end. Invariably, the child is back time and time again, and we have seen that in the statistics.

The Government has promoted the idea of children's rights. A Bill of Rights was touted by the ALP that gave no rights to parents whatever. It provided that parents had responsibilities but that, ultimately, the child had rights that overrode the rights of parents. I have looked through the United Nations charter to find where it is laid down that parents have some rights, too, and I could not find it. If there was an even-handed promotion of children's rights in this country, perhaps we might have seen an even-handed approach to this Bill, but Governments, both State and Federal, have pursued this measure. It has been opposed by my colleagues in the Federal Opposition, and quite rightly so, but the Government has been a signatory to that charter.

The Government has never taken seriously the job of combatting crime. I said earlier that it has made the smoking of dope a lot easier and that a lot of kids have taken up the challenge. The Government has made it difficult for the police to control unconscionable behaviour by changing or removing the loitering laws. In almost every area of endeavour where we could have done something constructive to improve the situation of juveniles in this State, the only response by the Government has been to take measures that have made it worse.

It has been to the detriment of the families and the children themselves. Crime is out of control. What is the Government's reponse? Having done so many things wrong over the past nine years and having taken no action whatsoever to turn around the situation, the Government suddenly brings forward this half-baked Bill. That is the response of the member for Hartley, and I understand why it is coming from him. He could not make it onto the front bench, and he is trying to get up from the rear end. I can assure the House that it will not be over the bodies of parents who are responsible and who might get caught up under this legislation if, by some fluke, it should succeed.

Let us look at what the Bill does. It assumes that parents are guilty and therefore liable for the actions of their children. The onus of proof is on the parents to persuade the courts that they had operated with due diligence. This concept goes right against the tenet of the law under which we operate. The member for Hartley I assume swore an oath at some stage. I assume that he dedicated himself to the law. The law says that at least in Australia—not in France—a person is innocent until proven guilty. Yet, in principle this Act goes completely in the opposite direction. The legislation does not cover the issue of aid panels. As the member for Hartley would be well aware, most juveniles charged with offences such as vandalism, graffiti or damage progress through the juvenile aid panels. It does not cover those situations whatsoever.

Mr Groom interjecting:

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

Mr S.J. BAKER: It is in conflict with the confidentiality provisions that apply in the Juvenile Court. I have not heard from the member for Hartley (and I have read his speech with great interest) the argument as to somebody sueing the parents of a juvenile when the name is confidential. I cannot imagine how it can happen, but perhaps the member for Hartley or the Minister can explain this. We are well aware that the names of juveniles are suppressed unless they have been before a more senior court. How can a person be sued when in fact the name is in fact meant to be kept confidential? How can the parents be sued, presuming the child bears the same name as the parents? The Bill starts to show its cracks.

It is bad law and bad justice, because it automatically assumes that the parents have been responsible. It is a cop out—a diseased piece of legislation—because it does not take account of what is happening out there and does not take account of the problems that need to be addressed. It is a very poor solution to a great challenge before us. It abrogates responsibility for what is indeed a very vexed problem. It seems that we can somehow use legislation to force parents to be responsible. I have approached the police on a number of occasions to assist with the rehabilitation of young offenders, and I believe that in the Mitcham community we have many people who would like to help in this situation. The police have said that they cannot give us the names of the offenders. There have been a number of ways in which we could realistically address the problems of escalating crime, particularly among juveniles, yet no initiative has been taken by this Government on that matter.

I have already addressed the reverse onus, which I believe is in conflict with the very basis upon which our law has been determined over centuries. I also remind members of problems in relation to residency. I read with great interest a contribution by the member for Hartley who said that a person in Canberra or the United States is responsible.The honourable member asked why they should not be absolved from responsibility if they have no residential relationship with the offender. Obviously a person can draw that conclusion.

The member for Hartley confirmed that parents are guilty *per se*, which is inconsistent with the law. He states that, because kids are uncontrolled, the Minister of Family and Community Services bears no responsibility. They can go out, wreak havoc and the Minister bears no responsibility. I would have thought that if the Labor Government had any perspective it would assume that people have a right to be protected under all circumstances, not just because a person is in the care of a parent, guardian or a community welfare worker, but in fact under all circumstances. If it is good enough for the goose it is good enough for the gander, yet the member for Hartley has said that this is a different case. The member for Stuart said that all parents should be made responsible for going to panels and to court. Of course they should be made responsible. How many times are they not there?

Mr Groom: Why are you copping out of tough laws?

Mr S.J. BAKER: The member for Hartley has had his say and said it poorly. I would like his contribution to be framed by the Law Society. I would like the ethics committee of the Law Society to look at the contribution of a member of the Bar and ask whether indeed that person is competent to practise when we have witnessed the drivel contained in this speech and criticised the contribution made by a person who is supposed to be upholding the very essence of the laws under which we operate. The member for Hartley defied objectivity when he said that kids will go out and do damage by numbers. I will refer to those interesting sections of the speech by the honourable member. It was emotional rubbish. What about the kids from 15 to 17 years? Into which special categories are they to be placed? What about the kids over 18 years?

Mr Groom: They are adults.

Mr S.J. BAKER: That is exactly right. When a person turns 18 years, how much access does an injured person have to their property? None! How many 18-year-olds do we know with the capacity to repay the damage they have caused? We are saying that if a person is under 15 years the parents are responsible, will wear the bills and are guilty. Children between 15 and 17 years, can be sued, but people will not get too much out of them, and if they are 18 years—adult—one will not get anything at all. What a crazy set of laws! It absolutely defies description. Anyone bringing legislation before this House and deeming it responsible in this form needs to be seriously examined.

I will send a copy of the member for Hartley's contribution to the Law Society for its adjudication—and I will send my speech as well—because I cannot believe that the honourable member is serious when he behaves in this way. We are all aware of why the legislation was introduced. It was a device for the 1989 election. I presumed that it would be buried thereafter as being nonsensical, unworkable and quite unjust, but it has come back into the system to haunt us once again. I am assured that some sense may prevail

in another place to modify the legislation and assist parents to be more responsible.

The Hon. G.J. CRAFTER (Minister of Children's Services): I thank all members who have contributed to this debate in one form or another. I particularly thank those members of Government who have contributed to this debate and were able to enlighten the House on the work done by the select committee whilst bringing some factual basis to the debate and putting the Bill into perspective. This is the third occasion on which this Bill has been brought before the House, and on the two previous occasions it has been rejected by members opposite. From my judging of the debate, some members opposite are committed to this concept being in law in one form or another; others simply reject it out of hand, as does obviously the Deputy Leader. It would take me many hours to correct some of the misconceptions and incorrect statements that have been made, and I will not go through all the contributions of members opposite.

This evening on the radio the Opposition spokesperson on legal matters was asked a question about a child being found guilty of arson of public property or a school and whether the parents of that child would be bankrupted if they fitted the various tests that are set up in this legislation, and the response was, 'Yes, they would be bankrupt for life', but that was quickly corrected to be, 'Well, almost.' I was very disturbed to hear that. I think that that is an indication of the barracking that has been going on with respect to this legislation—in fact, the blending of the truth somewhat with respect to what this Bill really means. That Opposition spokesperson was asked a further question, when arguing that there should be a limit on the monetary penalty or award that could be granted in the civil court, about the penalties that could be imposed, and said, 'Well, after all, these are criminal sanctions', and then quickly corrected that and said, '—well, *quasi* criminal—

Mr BRINDAL: On a point of order, Madam Acting Speaker. I ask whether it is relevant to bring into this debate a matter that was not debated in this Chamber but is an alleged media report that was on the radio this evening? I do not think that it is relevant or that it should be allowed into this debate.

The ACTING SPEAKER (Mrs Hutchison): The Minister is closing the debate, and I do not uphold the point of order.

The Hon. G.J. CRAFTER: This is very much part of the public debate on this matter. I think it is important that the forum of this House be used to put on record the factual basis for the Bill before us, particularly when there are attempts to influence the community in a way that I believe is unfair. As I said, that spokesperson then backtracked a little and said, '—well, *quasi* criminal sanctions', or words to that effect. The reality is that these are not criminal sanctions but decisions of civil courts, and can in no way be construed to be a criminal sanction.

The Deputy Leader talked about the increase in crime in our community, referring particularly to juvenile offenders. I refer the honourable member once again to the facts about this. We know that over the past five years, where statistics have been collected, approximately 85 per cent of children appearing before aid panels in this State make no subsequent Children's Court appearances, and that approximately 96 per cent of all South Australian youth have had no occasion to appear before courts or panels at any time during their juvenile years.

The Deputy Leader tried to advance the theory that political ideology was the factor that increased crime in our community. I defy the honourable member to prove that thesis and take statistics from Social Democrat or Conservative Governments throughout the world and compare the crime rates. If he did so I think he would find that criminality is on the increase around the world, and that it is not possible to say that one political philosophy or another is responsible for its occurrence.

Obviously we have an Opposition in this State that believes that there is no place in law for asserting what I would suggest is something quite fundamental in terms of human values and respect for other people and their property. I believe that it is something very much at the centre of moral responsibility. What this legislation is doing is trying to put it in a codified way. I think that any one of us who is faced with a situation of a child of ours having committed some offence or caused some harm in the community would want to make reparation for it and see that the harm that has been done is remedied in the best way possible and that the damage is made good in some way. I think that that would be our natural reaction as responsible parents and responsible members of the community; that people have respect for others and for their property.

This legislation is doing no more, I would suggest, even in a limited set of circumstances, in codifying that moral sense of responsibility. I think we need to look at Australian society in particular to see what is happening to the traditional supports which have existed in our community and which are based on the family and a sense of community, and see what can be done to reassert some of those values and support structures for young people, particularly those in need.

In speeches that I make I often quote statistics indicating that by the end of this decade, only a few years away now, in this country 60 per cent of children will live other than with their two natural parents; 40 per cent of children will live in reconstituted or blended families; and 20 per cent of children will live in single parent families. We live in a country where, by the end of this century, 50 per cent of the Australian population will be dependent on the other 50 per cent. We know that average household sizes in this country have declined from an average of 3.5 persons in 1961 to under three persons today. So, in the past 30 years for every two houses there is one less person.

We can see that the spread of people in our community, the number of people in households and the number of people in respective communities have diminished greatly. The spread of people throughout our cities in particular has changed quite dramatically because of factors such as the ageing nature of our Australian community, the fewer children in those communities, parents having their children later in life and having smaller families, and a number of other similar factors. We know of the higher average life expectancy that has been achieved in this country. It is said that life expectancy has increased by six years in the past 20 years. I understand that the life expectancy of women has increased this century by almost 11 years.

That huge change in life expectancy is a great tribute to the delivery of health services in this country and a number of other factors. Nevertheless, when looking at the structure and nature of supports that we have available to care for people in our community we need to take into account the allocation of resources and the disproportionate amount of resources that are having to be placed in a whole range of health, welfare, housing and similar programs to care for elderly Australians.

There is a further projection that by 2006 almost 50 per cent of income units in this country will consist of single people or childless couples aged over 35. It is once again a very strong statement about the units of persons in our

community. Whether they are described as families, or however they are described, they are very important groupings of people, which traditionally have provided the strengthening factor in the community with the care that is given to other people, particularly to children in need. That has obviously changed very dramatically in recent years. Then there is the increased labour force participation by women, creating different housing needs and different needs in our community for services, as well as different patterns of care for children and provision of services.

I have raised these issues this evening to illustrate some of the factors that are occurring in Australian society and some of the changes that are occurring that have a marked effect on the lives of young people in this country and on the support structures that are available for them, and indeed to illustrate how we might tackle some of these issues in the years ahead. It is estimated that over the next decade we will need an additional 1.2 million dwellings in this country. One knows that the pattern of development in urban Australia is that these houses, in the main, will be built on the fringes of our cities, often a long way from employment and from health services and educational services in the community, in places where community support structures are the weakest. In places where community support structures are the greatest, we have aggregations of people who perhaps have the least need to access those support structures.

When looking at patterns of criminality in this country and at some of the factors behind juvenile offending in particular, we need to take account of what is occurring in Australian society. We cannot simply make bland statements and generalisations of the type that have been made all too often in this debate and just point to simplistic solutions. The reality is that the legislation presently before us is about putting in legislation for the community matters pertaining to the responsibility of parenthood, to the relationship of parents to their children and to the relationship of adults to the community at large. It is simply not tenable, as the Opposition seems to be advancing, that we remain silent on this issue. We do not simply assert that we must have these values in our community but then find the issue too hard to codify and so set it aside and leave it for the victims of crime to battle away the best way they can.

In this debate we have heard some very interesting reasons advanced as to why this legislation is not satisfactory to members opposite. It has been said that some children are in fact larger than other children, that they are taller and heavier and therefore it is not possible to supervise children in a way that is in conformity with this legislation. I think that is a frightening concept to advance. It is one that asserts that the supervision of children is something over which one asserts power or force, or some sort of control of that type.

I would have thought that we would see this as an element of the past in respect of human relationships. We are seeing the effects of that philosophy in domestic violence in this country, in child abuse, and in so many other ways that are quite frightening. I think all right-minded citizens want to see this eliminated as the basis for relationships, whether it be a child-parent relationship or a husband and wife relationship, and so on.

We have seen some objections advanced on the basis that the legislation would fall unfairly on those who are the wealthiest in the community and that we should protect the wealthy from unfair burden with respect to this legislation. Once again, I would have thought that that was not an appropriate basis on which to eliminate the thrust of this measure. In fact, if damage is caused as a result of the criminal actions of a young offender, then each one of those cases should be judged on its merits by the courts, as the legislation provides, and should be dealt with accordingly, rather than to have a moral value, such as that which has been advanced by members of the Opposition, and then to artificially impose some monetary barrier here to enforce that moral value. I find that to be unacceptable.

Another argument that was advanced was the suggestion that these young offenders are really young adults. I am not quite sure how one arrives at that, because we are talking about young people aged between 10 and 15. But it was maintained that in reality these were really young adults and that therefore they should be treated in that way and their parents should be absolved from a duty of care for these young people. The logical extension of that argument is a frightening one indeed. If we grant that young adult status to all these young people, we would see some pretty dramatic changes in the application of laws in this country, and indeed the logical conclusion is that parents are not responsible for maintenance of their children, and so on. That is a ridiculous assertion to make, that young people between 10 and 15 years of age are really young adults and therefore their parents should be absolved of responsibility for their children's actions.

So, we had that argument and we had the one about height and weight, and other members have said that the monetary penalty would be too great and that therefore parents should not be responsible for the behaviour of their children, because their wealth would be diminished in an unfair way. Then, of course, the last resort of many members was, 'Look, the law really doesn't suit me, it is a nice concept, but the law isn't written properly or fairly or in the way in which I would like to see it written and therefore I oppose it.' I guess that is the argument of last resort.

The theme that we gather from this, of course, is that many members of the Opposition are trying to have it both ways. They want to find some way in which to say that they really do support the legislation, that they really want to see parents made responsible for the acts of their children where substantial damage is caused to the community as a result of negligence of these parents, as judged according to this legislation, while on the other hand indicate that there are fundamental flaws in the legislation or that, for other reasons, it is not considered an appropriate time to pass this legislation.

So, speech after speech has seen members sitting on the fence, trying to find some reason or other to reject the legislation and yet remain faithful to their constituents, who I know are very concerned indeed about this issue and who are requesting the Government to pass this legislation. As I have said, this is the third time it has come before the Parliament. I can assure honourable members that if it is rejected again the Government will continue to bring the measure into this Parliament, because it is being sought by the community at large. As I said, it is a codification of what is really a moral code in our community, a moral code that is upheld by the vast majority of people in our community in everyday life, as responsible adults and as responsible parents.

I will not go through the amendments that the Opposition has advanced in any great detail except to say that the obvious thrust of the amendments is to render the Bill almost useless. They would bring it into disrepute in the community and render it divisive in its application. For those reasons the amendments are unacceptable, apart from the drafting amendment which I think may well clarify the definition of 'parent'. I think that amendment can be accepted, but the other amendments work very much to the

destruction of the measure that we have before us. As I said, it would bring the Bill very much into disrepute in the community and certainly make it very difficult indeed for the courts and any victim or aggrieved person to succeed in an action before the courts. If the Opposition opposes the measure, it ought to say that it wants it thrown out and state its reasons for that. However, by simply moving amendments in this form and hiding behind them it does very little justice to the issues that we are grappling with as a Government and as a community.

We owe it to our community to advance measures of this type, and we are looking at the whole issue of our juvenile justice system through the forums of this Parliament—through the select committee process, which is the most appropriate process for dealing with an issue of this type. The select committee will look at all the issues surrounding the debate that has been raised around this Bill and put it into its proper context. I would suggest that that is probably also an appropriate forum to monitor this legislation. I do not think we should be seeing it as a piece of legislation that is cast in concrete forever. Because of its very nature we need to monitor it, to look at it carefully, to see how it is applied, to determine the response to it of the courts and the community and to have an open mind to it. To simply reject it as too hard or for the facile reasons which I believe have been advanced in opposition to it very much lets down our community and the very standards which I believe we should be asserting in this Parliament at this time when we all acknowledge that we do have a problem of criminality in our community. For those reasons I commend the measure to the House this evening.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Insertion of s.27d and heading.'

Mr INGERSON: I move:

Page 1, lines 22 to 25—Leave out all words in these lines and insert 'the following persons are jointly and severally liable with the child for injury, loss or damage resulting from the tort—

(c) a parent of the child with whom the child was residing at the time of the commission of the tort, if the parent was not at that time exercising, and generally failed to exercise, a level of supervision and control over the child's activities appropriate in all the circumstances of the case;

(d) the Minister of Family and Community Services, if at the time of the commission of the tort the child was under the guardianship of the Minister.'

My reason for moving the amendment is that the Opposition believes that there needs to be a clarification that the parent responsible for any tort is in fact the person with whom the child is currently residing. We believe that that is a very important issue. There are many occasions in which children will be at a different parent's place in the case of a divorce or a split family, and there will be occasions when single parents have the child away from them. In our opinion it should be clearly defined that the parent with whom the child is residing at the time should be totally responsible. We recognise that there should also be a very positive step in recognising the responsibility of the parents and not the reverse onus of proof that follows in another provision of this Bill. I ask the Committee to accept this very important definitional change.

The second part of the amendment in essence binds the Minister of Family and Community Services as well as the parents outside the case because we believe that in essence the Crown should clearly be bound in this concern, as many children are within its control and we believe that it is unreasonable that if a child under the control of the Crown commits a tort they are not also covered under this Bill.

Mr GROOM: I would indicate opposition in relation to this proposed amendment to the clause. The principle of the clause is that parents are jointly and severally civilly liable for the damages caused by their children within that age bracket, and it should not really matter in the first instance whether or not the parents are divorced. That is taken care of in a later subsection. What should be important is the fundamental principle that parents should be both jointly and severally liable for the wrongs of their children. What has been imported in this proposed amendment (there has been a little bit of fiddling around with the words and nitpicking) is the concept of residence. It does not state whether that residence is temporary or permanent—it is not defined. It is ambiguous, so we immediately have a very serious legal problem to tackle, which we do not need.

In addition to that the amendment uses the conjunctive: '. . . if the parent was not at that time exercising, and generally failed to exercise . . .', so several elements are being inported into the provision. In relation to the Minister of Family and Community Services, it is really quite silly. The whole purpose of making parents liable is to cover a situation where they should have been but where they were not exercising effective control and supervision over their child.

If the child is an uncontrolled child, under this clause the parent is not liable, but for a child to be under the control of the Minister or the Director-General of the department the child is, by location, uncontrolled and in need of care and control. So, by this amendment the Opposition is making the Minister strictly liable for an uncontrolled child, and that is absurd.

Mrs Kotz interjecting:

Mr GROOM: Well, in the first instance, the parent would not be liable for an uncontrolled child because the parent would be able to show that he or she was not capable of exercising effective control over the child because of the uncontrollable elements in the child's personality. So, the parent would not be liable. This amendment would make the Minister liable for an uncontrolled child, and that is an absurdity. There is a double banger attached to it in that the Minister or the Director-General is already picking up the tab for an uncontrolled child. Because there is now an order on the child that it is in need of care and control—

Mrs Kotz interjecting:

Mr GROOM: I was a prosecutor in the welfare department from 1966 to 1970 for deserted wives and unmarried mothers, and I also defended State wards and uncontrolled and neglected children in the juvenile courts. I had very extensive experience in the juvenile courts in the 1960s, 1970s and 1980s. I can tell members that children in the category about which we are talking who are placed under the care and control of the Minister are by and large uncontrolled children. How can the Opposition make the Minister liable civilly for an uncontrolled child when the parent will not be liable for that child? That is the whole basis of the provision. The real reason for the child being under the care and control of the Minister is simply because the parents cannot control that child for a variety of reasons. Therefore, the State is already picking up the tab for looking after an uncontrolled child.

Not only that, this amendment is plain silly because it means that the Minister is strictly liable. A defence concerning supervision, control and the rest of it is available for the parent, but there is no similar defence for the Minister. So, it is strict liability. If a child gets out of McNally or some other institution—or it might not even need to be in an institution but just under the care and control of the Minister in a foster home—the child can strike back at

society by burning down a school and the Minister would be liable. It may not be a school, it could be a warehouse, and suddenly the Minister has to fork out half a million dollars. Under the amendment the Minister is strictly liable with no defence.

Mr Gunn interjecting:

Mr GROOM: No. If an uncontrolled child commits criminal acts whilst in the custody of its parents, there is no liability on the parents, but if that same child was an uncontrolled child in the control of the Minister, this amendment would make the Minister strictly liable. It is a silly amendment.

Mr OSWALD: I would like to focus my remarks on paragraph *(c)* of the amendment. The Minister claimed in his second reading contribution that the Opposition's amendments would be divisive. I put to the Committee that the Bill itself is divisive because it will create two classes of parent: parents who have custody and those who do not have custody. The custodial parent has the child at home and can supervise the child. During the debate several Government members said that when they were children and came home late their father was waiting with the strap and would lay into them. They were proud of the fact that their father influenced them with this sort of discipline, because they felt that they benefited by it. Why should not the children of today be disciplined by their parents in the same way? We all applaud that idea which would affect custodial parents, those who have access to their children and who are in a position to influence them.

The other type of parent about which I have some concern is the non-custodial parent. I emphasised this point last night, and I am sorry that the Minister did not pick it up in his second reading speech. I refer to the non-custodial parent who, by order of the Family Court, is permitted to have access to the child for, say, only one day a month. If the law says that a father can have access to his child for only one day a month, that father (a non-custodial parent) would not be in a position to influence the child or to exercise discipline. That is what this amendment is about. It seeks to do something about that sort of scenario.

An honourable member put to me this evening that, if a child visits a non-custodial parent for a week, does that mean that that parent is liable for the child? I am not talking about that scenario. My scenario concerns the non-custodial parent whom the court has said the child can visit on only one day a month. That parent cannot be caught up in this net, because he is not in a position to influence the child's upbringing. Yet, under the Government's legislation, if that child commits an offence and causes damage, that parent becomes legally liable for the cost.

In the interest of fair play, no member of this place should pass legislation that puts a man or a woman who legally cannot influence their child into a position of having to be financially responsible for that child. Think on it. This scenario exists in the community on every day of the week and in every week of the year. I am interested in the Minister's response.

The Hon. G.J. CRAFTER: The Opposition's amendment is unacceptable to the Government. I suggest that the Opposition has a number of misconceptions. It believes that its amendment overcomes the problems to which the honourable member refers whereas, in fact, it only complicates the situation, as I said in my second reading speech. Paragraph *(c)* of the Opposition's amendment does two things: first, a parent will be responsible only if the child is residing with the parent at the time the offence was committed. The *Concise Oxford Dictionary* defines 'reside' as 'to dwell permanently'. I ask: what of a child who, for example, spends weekends with one parent and commits an offence on the weekend? Is that parent responsible? To which definition of 'residency' does the honourable member refer?

What of children who do not even have a structured domicile, as is the case with many children, children whose domicile is not the subject of a court order but simply an arrangement between parents or even between *de facto* parents or with guardians or other persons in extended family situations? This is why the law has been written in this way, and this is why the select committee took the approach that it adopted. Obviously, it discussed this matter very carefully before bringing down its recommendations. So, the Bill vests this investigative function in the court. That is why leave is required of the court before action can proceed. There needs to be a preliminary investigation of the facts involved in the situation and a judgment made as to whether the case is appropriate. So, it has to go through all the hurdles that are set out in the Bill that the Government has brought into this place. New section 27d (3) of the Bill provides:

> It is a defence to a claim against a parent under this section to prove that the parent generally exercised to the extent reasonably practicable in the circumstances an appropriate level of supervision and control over the child's activities.

Subsection (4) provides:

> A person cannot commence an action in damages against a parent pursuant to this section except with the leave of the court in which the action is to be taken.

That is the test of practicability in respect of the appropriate level of supervision and control of a child's activities. Various examples were advanced by members opposite during the debate. Some of those arguments, when looked at in the context of the factual basis of this legislation, were found to be very much wanting.

It was the member for Davenport who said that people are going to suffer when they have done their best, and obviously that is not the situation. There is no basis at all for making that assertion. Certainly, that is not what is intended by this legislation. It is where there has been gross dereliction of duty that the courts would want to pursue actions of this type. Therefore, I would suggest that the amendment introduces unnecessary uncertainty into the legislation by restricting residency.

I have no doubt that the parent in the example I gave a moment ago should be responsible. Should parents be responsible in many other situations, even though the child does not dwell permanently with them? To exclude that parental relationship from responsibility, as I said, renders the Bill quite ineffective and divisive, because one group of parents in one situation would be responsible and another group of parents in another situation would not be responsible. I do not think there is a basis for bringing about that division.

Secondly, paragraph *(c)* requires the plaintiff in any action to prove that the parent generally failed to exercise an appropriate level of supervision. This is something not within the plaintiff's knowledge. Again, this is simply a device to bring the Bill into such a situation that an action could not succeed, or could succeed only in rare circumstances. For example, how is the plaintiff to prove that situation? The Bill as introduced takes a much more sensible approach, I would suggest. If the child's actions were the result of a lapse of supervision and if the parent can show that usually the supervision was appropriate, the parent should not be found liable.

With respect to new paragraph *(d)* that the Opposition is advancing, that is also inappropriate. The member for Hartley explained clearly how wrong that is. It was certainly opposed by the select committee. It is a misunderstanding

of the role of the Minister. One would probably find no-one wanting to become Minister of Family and Community Services in the future. Indeed, if the Opposition were to be consistent, it would insist that the child be actually domiciled with the Minister, anyway, which is an illogical situation. There is a different relationship between the Minister's duties under the Family and Community Services Act and the duties of a parent. It is a totally different situation, and it is simply humbug by the Opposition to advance that and then try to argue, as it has, that the Government is dealing with its responsibilities for children brought under the care and control of the Department for Family and Community Services and that of a parent in the normal parenting situation in the community.

Members will recall that this measure had its genesis in the recommendations of the 1989 report of the Children's Protection and Young Offenders Act Working Party. This matter was obviously considered by the select committee. That working party was concerned to impose a measure of responsibility on parents who can be shown to have taken little or no responsibility for their children. The select committee considered and rejected specifically the imposition of any liability on the Minister of Family and Community Services, and I suggest that that is a different situation. This amendment does not even require that the Minister was not exercising the proper level of supervision and control, and one simply asks why the Opposition wants to make the Minister strictly liable in this situation. That is no analysis of the facts of the situation, of intentions or of the circumstances, whereas what the Opposition is doing with respect to direct parental responsibility is weakening the test that is to be applied. So, there is no logic in what is being advanced and no-one has explained that in the debate, I would suggest.

Not only is it unacceptable to place strict liability on the Minister but it is also contrary to what the legislation intends to achieve to place any responsibility on the Minister. Of course, that is not to say that the Minister is not responsible for the torts committed by children under his or her guardianship. That is well settled at law. As I interjected on many occasions during the debate, the Opposition has not acknowledged that a liability is placed on the Minister. If the Minister can be shown to have breached a duty of care owed to a person, the Minister will be liable under ordinary tort principles. That is well settled at law, and it is certainly the law here in South Australia. The Opposition's motives in wanting to do this, contrary to the recommendations of the select committee and contrary to the settled law in this area, are a mystery to me.

The Hon. G.J. CRAFTER (Minister of Children's Services): I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

Mr OSWALD: The Minister knows that I referred specifically to paragraph *(c)*; I gave him a specific example, with a request that he respond to that example. Instead, we got a 10 minute trot around the mulberry bush on every other aspect of the Bill. I would like to bring the Minister back to paragraph *(c)* and the practical case I gave of a non-custodial parent who has been ordered by the Family Court not to have anything to do with a child. I am trying to find some way around the legislation so that that individual will not be up for monetary penalties resulting from the behaviour of that child when he or she is not in a position to do anything to influence the behaviour of the child.

So that I can find out where the Government is coming from, I will rephrase my question. Is it the Government's intention in the Bill to take up in the net the non-custodial parent who is under a Family Court order to have access to the child only once a month? In other words, is it the Government's intention that these non-custodial parents will have to bear full liability for their children's activities when a court order exists so that those parents cannot have access to their children and are never in a position to influence their children?

The Hon. G.J. CRAFTER: I refer the honourable member to new section 27d *(b)* and the words 'at the time of the commission of the tort, exercising an appropriate level of supervision and control over the child's activities'. If there is a court order prohibiting one parent from having contact with the child, the court would take that into account. Obviously, the parent is not in the position to exercise the appropriate level of supervision and control over the child's activities—there is not that contact—and so that situation simply does not apply. There may be a situation where there is a court order, yet the child is still in the custody or under the supervision of that parent contrary to the court order but by an agreement between the parents, or perhaps it is an old court order and relationships have changed, and so on.

Therefore, the court needs to take into account the factual situation. As the honourable member is suggesting by his amendment, the parent in that situation would be absolved because of the court order, whereas it may be, by agreement, that the other parent who had supervision of and control over the child's activities and acted in a way so as to fall within the ambit of the legislation. That parent should not be absolved from responsibility.

Mr BRINDAL: I have listened with interest to the route around the mulberry bush, as the member for Morphett described it, and also to the constant interjections from the member for Hartley, who is indeed clucking around this Bill as if it were his firstborn. He obviously wants to be present at the birth. In supporting this amendment I fail to understand the Government's logic on this issue. I can understand the line of argument that has been developed by the member for Hartley and the Minister, but basically it reminds me of some truly religious practice. The Government is saying, 'Trust me: this is what it means.'

My limited experience in this place suggests that, once we pass a law, it passes from here and it is neither for the member for Hartley nor the Minister to say, 'Trust me: this is what it means.' It is for the courts to interpret and determine. I believe there is more than adequate evidence, from the constant stream of amending Bills brought into this place, that one of the things we cannot do is trust any Minister and the people who bring in these Bills, because time and again we are faced with legislation which embodies the concept that we knew what we meant at the time but, when the courts looked at it, they misunderstood, so we have to rush in with patched up versions of Bills and amend the Acts.

Here again we have a Minister sitting at the table. We look at the words—and we are just simple people on this side—and try to interpret them. We have interpreted them. The Minister may well nod. There are some virtues in being simple. The proud are often put down from their seats and the simple are sometimes exalted.

The Hon. Jennifer Cashmore: The humble.

Mr BRINDAL: The member for Coles corrects me. I do not see that it is not unreasonable for the Minister to be required to exercise more responsibility in a case like this than the parent, if the State is put into a position where it

has to take responsibility for a child, with all the resources it has at its disposal—with the legions of people and experts, the cream of the community—to help it. Why should not the State be expected to exercise even greater responsibility for the welfare of the child than even the reasonable parent?

If the State believes that it can do the job better than that child's natural parents (and that indeed is the statement the State makes when it takes custody of a child), and if the State is saying to the people that it can raise the child better than can its natural parents and it must therefore take responsibility, let it take responsibility and exercise it and, if the State wants to be responsible for the child, let it use its best efforts for the upbringing of those children. There should be no second rate efforts, no apologies from Government members opposite: let them do their best. If they are prepared to do their best, surely they are prepared to accept more responsibility than can be accepted by a poor, humble human being who happens by genetic chance to be a parent.

I do not understand members opposite. I do not understand what they are getting at or why they will not accept these amendments. They are reasonable amendments put forward to try to improve a basically flawed Bill and to assist Government members opposite. They can chortle, laugh and do what they like, but we do not see much sense coming from them. Perhaps we will have to sit here until we get some reasonable answers, because there are members on this side of the House who expect that, as we are paid, we are here to do the right thing by the people.

Mr GROOM: The member for Hayward has difficulty in understanding legislation. It is a pity that he did not serve on the select committee, because he would have come to the same unanimous conclusion as did all members of the select committee, including two Liberal members. The Government is relying on the select committee's unanimous report, which was supported by all members after their extensively considering the evidence and expressly considering these issues. I know it is difficult for the member for Hayward. It is a pity that he was not here earlier to hear some of the explanations on these clauses. I make this comment by way of additional contribution to the debate: by importing the requirement of residence, we are encouraging parents to tip out their kids and put them on the street.

Mr Brindal: This whole Bill does that.

Mr GROOM: No, it does not: it requires parents to take responsibility. It translates a moral obligation that we recognise into law, as was done three centuries ago in Europe under the Napoleonic codes. It works all right in Europe; it is unlimited and puts moral obligation into the law, and that is why there is not a juvenile problem in the ethnic communities. The statistics show that. In my electorate I have a low crime rate. Judges of the juvenile court can confirm that the problem lies not with the ethnic communities, because they look after their own. Why? Because several centuries ago they placed into European civil codes the moral obligation that we are seeking to place into law. Residence has no part of the initial principle.

It will be a defence, if a person could not exercise effective supervision and control, under this part of the Bill. There should be no justification, simply because of a divorce, irrespective of custodial or access orders, for one parent to opt out, accepting no liability and saying that the other parent has all the responsibility. That parent abdicates responsibility for the child. It is a fundamental principle and one that all members of the select committee unanimously agreed upon. Once we start importing elements of residence, apart from the vagaries of that notion, the question arises whether it is permanent or temporary. If asked, 'Who do you reside with?' the child can say, 'I stayed overnight with dad and got into trouble. I am really staying with mum.'

The important aspect is that under the proposed amendment a parent, to escape liability, could say that a difficult child does not reside with them and could tip out that child. I thought that members opposite try to bring families together, to unite children and to require parents to take responsibility for their children. The amendment proposed by the Opposition in plain ordinary terms is silly, and only a misguided member of the Upper House, who is cut off from the reality of looking after an electorate on a daily basis, could conjure up an amendment such as this. I will repeat, in relation to the liability of the Minister, that the select committee looked at this very issue and came down with a unanimous recommendation—not a split, not a division, not a dissenting report but a unanimous recommendation—that it is inappropriate that the Director-General or the Minister of Family and Community Services be subject to the provisions of the Bill when a child is placed under their control or guardianship pursuant to the Children's Protection and Young Offenders Act or the Community Welfare Act.

I know that the member for Hayward has difficulty understanding Bills in this place. I draw his attention to that proposed new section and the evidence that was presented to the select committee. He should try to understand the reasons why—because that child is an uncontrolled child. That is the basic reason why the child is in care and control, and we are not—

Mr Brindal interjecting:

Mr GROOM: The honourable member needs to listen, because I know that he has difficulty understanding. He wants explanations and he wants to understand; I know he wants to learn.

The Hon. Jennifer Cashmore interjecting:

Mr GROOM: Well, you should have heard the member for Hayward. Talk about being patronising. The member for Hayward said that he had trouble understanding, and I am trying to take him through these very elementary processes that the select committee went through.

An honourable member interjecting:

Mr GROOM: No, I was the Chairman of the select committee, and I have the right to contribute to this debate because it is—

The CHAIRMAN: Order! I ask the member for Hartley to address his remarks through the Chair.

Mr GROOM: The member for Murray-Mallee was with me at a public meeting at Murray Bridge. There were 300 people at that meeting and he totally endorsed my position and that of the select committee. The fact of the matter is—and I will say it once more because the member for Hayward was not in the Chamber—that, in relation to the Minister, the child is an uncontrolled child. What the member for Hayward wants to do is make the Minister strictly liable. The honourable member said, 'Use your best efforts', but your best efforts will not escape strict liability because the child does not have to be in an institution: the child can be in a foster home.

If the child goes out and commits serious damage, the Minister would be liable for an uncontrolled child whereas a parent, under this Bill and even under the Opposition's amendment, would not. Where is the logic in that? It is silly. The Minister said that the State is picking up the tab for an uncontrolled child already, yet the member for Hayward wants to impose a double banger on the taxpayer. It is just plain silly. I urge members to use their commonsense.

The select committee did that. We heard all the evidence and we came down with a unanimous recommendation on this very issue that the Opposition is now trying to turn upside down, and for what reason—nobody knows. No cogent reason has been advanced.

Mr LEWIS: I need to help the member for Hartley understand two or three things. Notwithstanding the best endeavours of the honourable member and other members of that select committee to obtain all the evidence they could about the matter they were investigating, I do not believe that they have their thoughts accurately recorded in that report or that they otherwise countenanced all the consequences of the proposition that has been read to the Committee by the Chairman.

Mr McKee: You weren't there, though.

Mr LEWIS: It has to be one or the other. If it is appropriate to remove a child from the care and custody of its parent or parents because that parent or both parents cannot control the child and enable it to live in company with other human beings without causing considerable damage or discomfiture through physical violence, theft or other kinds of behavioural aberrations in which they indulge and which caused them to come before the courts in this fashion, the State needs to recognise, and we as legislators on behalf of this institution which is called the State need to recognise, that that child needs to be carefully counselled as well as cared for, and that the way foster parenting is presently being used is not the only answer.

There are definitely instances in which institutionalisation is necessary, where children need to be placed in custody and prevented from wandering around in the wider community until they, as individuals, demonstrate a better understanding of their personal responsibility to others, others' property and themselves as part of that community. For us to fail to recognise that is to demonstrate that we are less than competent in our duty. There are recidivists among children, and they represent the biggest proportion of the people who will come before the courts, case by case, because they have caused things to happen which would be actionable under the terms of this legislation. If those offenders are not in the custody of their parents it means that the victims of their behaviour will go without the ability to obtain any compensation.

If members opposite, including the members for Gilles and Hartley, had their car stolen by somebody who was living with a parent or parents, and the car was damaged by fire or abuse to the extent that it was, say, a write off, they would be able to recover from the parents, under the terms of this legislation, the cost of the damage so caused. But, if their neighbours had their car stolen by a child who was a ward of the State and it was damaged in an identical way, the neighbours would not be able to recover any cost of damage. Is that just or fair? Is that what Government members are trying to tell this Committee tonight? Is that what the select committee agreed—

The Hon. G.J. Crafter: No.

Mr LEWIS: Then why does the member for Hartley say that that is the case, that the select committee recommended such a provision? That is what this Bill will do if it becomes law in its present form. The victim of a crime that was committed by a ward of the State—

Mr Groom: That is different from what you said at Murray Bridge where you agreed with me publicly.

Mr LEWIS: I agreed with you at Murray Bridge in principle—indeed, you agreed with me. I spoke before you on this question.

The CHAIRMAN: The member for Murray-Mallee will not conduct his debate across the Chamber.

Mr LEWIS: The member for Hartley and I addressed a public meeting at Murray Bridge, and we agreed on the broad principle of this Bill, as does everybody who has spoken on it, and also on this particular clause presently before the Committee. However, the member for Hartley has failed to identify the concern I expressed at the public meeting at Murray Bridge—that there needed to be a provision that ensured that, whether the child was in the custody of a parent or parents or in custodial control at the prerogative of the Minister, in the administration of justice the victim ended up with the same result, that the same remedy needed to be available.

It is then, and only then, that the legislators and Executive Government will know that we cannot allow children who are uncontrollable to run riot in the community behaving in an irresponsible and uncontrolled way. Yet, this legislation permits that to be so. It permits the Government of the day, in taking custodial responsibility of the child in whatever circumstances that happens—it does not matter—to be absolved of any material responsibility for the consequences of the behaviour of those children. Make the Government responsible and it will take a more circumspect and responsible attitude to the way in which it treats such children. If it is not safe to let them go in the community, then it is not safe and they should be placed in custody.

That is the burden of our argument. We do not believe that there should be two types of victims where crimes are committed and torts are a consequence of those crimes. We believe that all victims should be treated equally before the law regardless of the status of the so-called 'custodial parent', be it natural parents or the State.

Mr OSWALD: I think I got more answers from the member for Hartley than I did from the Minister as far as the hidden agenda in this piece of legislation is concerned. I think it is pretty clear that the Government intends to ensure that non-custodial parents will bear the cost. The Minister might help clarify this matter for me, but the provision in paragraph *(b)* of new section 27 *(d)* does provide that a parent of the child is jointly and severally liable with the child. I would think that that means that a parent who by order of the Family Court is not allowed to have influence over a child will in fact at the end of the day be caught up. If insurance companies are going to make a claim on a family and they find that the child is living with the mother, who has custody, and that the father might perhaps have some sort of asset in the form of a joint ownership in a home, perhaps with a mortgage, they might then take some action involving that non-custodial parent.

I guess all this has to be tested in law and so at the end of the day we will find out what the result is. However, the member for Hartley has virtually said it, but I am particularly interested in the Government putting it on the record, so that at least we will know and the judiciary will know. As this matter will probably end up in a conference, it will set down the ground rules for the conference. In the interests of fairness, there is no way that I am going to support anything that puts in a position that parents who have no influence are going to bear the cost. There are parts of this Bill that we all support. We agree in principle with the Bill. I wanted to say that, because this is my last opportunity to speak on the Bill. There is something inherently unfair about the wording of the Bill. It makes it messy. It is going to be difficult to implement.

We will probably have to go to the conference stage with this Bill if we are to resolve this matter. In summary, will the Minister clarify this matter of joint liability as far as insurance purposes are concerned? Does it mean that the non-custodial parent who does not have access to the child because of an order of the Family Court may have a claim made on them if an insurance company realises what the circumstances of a non-custodial parent might be and decides to make a claim? I think that is a terribly important part of the legislation, because if insurance companies can make a claim on a non-custodial parent who is not in a position to influence the child, then indeed we do have problems with that clause and the whole clause should be rejected.

The Hon. G.J. CRAFTER: I am totally mystified by the honourable member's speech and indeed by his question about insurance liability, because presumably one takes out insurance liability over his or her property as in the ordinary course of events, and as to whether damage is perpetrated by a child in the circumstances of this Bill or by some other perpetrator of crime, I think it is very hard to ask for this legislation to be construed in such a way that would alter its writing for those circumstances. So I do not see that as relevant to the legislation that we have before us. I think the honourable member's own question in fact indicates the undesirability of the Opposition's amendment here, because, given the ordinary interpretation of the word 'residence' or the word 'reside', to have a domicile factor would mean, I think, that we would see an even greater complication in the law, and then there may well be problems in respect to insurance liability as well, if this was to be written into the legislation.

Mr BRINDAL: I think I know what my colleague is getting at and I will endeavour to ask the Minister again. The problem I think is as follows.

Mr Ferguson: You have a lot of problems over there.

The CHAIRMAN: Order! The member for Henley Beach is out of order.

Mr BRINDAL: The problem is this: if a child goes out and burns or destroys a bus for instance and that bus is comprehensively insured, the child might be convicted of the offence and the parent might then be found to be in the wrong; will the insurance company through which the bus is insured and which compensates the owners be able to go to court and seek redress from the child's parents, and does that include non-custodial parents? At present a lot of these wrongs are covered by insurance. The insurance company has to wear the liability for the damage and they cannot get redress. The Minister well knows that any insurance company will try at any time to get back every single cent that it can. What we are asking is whether this gives insurance companies an option to recover that much more money, and sometimes from non-custodial parents?

The Hon. G.J. CRAFTER: First of all one has to go through all the steps required in the legislation in order to get an action advanced and then, secondly, the only party that has a right of audience before the court is in fact the party that is the victim of the criminal activity, and it must be proven criminal activity. Under some insurance policies there is a subrogation of rights from the victim to the insurance company and obviously that applies, and obviously it is in the interests of the community to see that there is a minimising of damage caused in this way, and in fact one has to take into account the spiralling number of insurance claims in the community. Is the honourable member suggesting that in some way insurance companies should be eliminated from the covering damages in these circumstances? I think he would find a very undesirable factor occurring in our community in relation to the cost of insurance premiums, which is already of concern to people who have to insure properties and motor vehicles, and so on which is subject to damage through criminal behaviour.

Mr BRINDAL: I will finish on this occasion. I believe, though, that the Minister is misrepresenting what I was saying. He is taking it out of context. It is not so much that the insurance companies should not be involved but whether this Parliament should consider how much protection from insurance companies it should give to people, because I am not quite so sure that they are as scrupulous as the Minister would have us believe.

The Hon. G.J. CRAFTER: Had the honourable member read the select committee's report and talked to his colleagues who sat on the select committee he would have understood that proposed subsection (5), on page 2 of the Bill specifically refers to this matter. The honourable member conveniently overlooks the facts in relation to this matter and takes up the time of the Committee with this facile argument. The reality is that the select committee did not want to see insurance companies bankrupting people in circumstances of this type and therefore it provided for powers of the court to vary the orders and take into account part payments and instalments, and even in bringing down such an order it would take into account all the circumstances. In fact, it does bring very substantial powers to bear on any harsh or unconscionable action of the type referred to by the honourable member.

Amendment negatived.

Mr INGERSON: I move:

Page 2, lines 1 to 3—Leave out subsection (3).

The essence of this amendment is to remove the reverse onus of proof entirely from this clause and the Opposition believes that this subclause should not be included in the Bill.

The Hon. G.J. CRAFTER: The Government opposes this amendment for reasons I have previously given.

Amendment negatived.

Mr INGERSON: I move:

Page 2, after line 5—Insert new subsection as follows:

(4a) An order for damages made pursuant to this section against a parent cannot exceed $10 000.

During the second reading debate Opposition members made it very clear that we believe there should be a limitation of liability under this measure. We believe the sum of $10 000 is a reasonable figure.

The Hon. G.J. CRAFTER: The Government opposes this amendment and I have outlined our reasons for this as well. I might just add that in the member for Bragg's second reading speech he said that the Opposition had arrived at the figure of $10 000. If anyone is interested in knowing the reason why that figure was used, I understand that it is because the jurisdictions to which the member for Bragg referred were jurisdictions where the limit is imposed on the parents' liability; in those circumstances a strict liability is imposed on parents, and under this Bill parents must be shown to have failed in their obligations to supervise their children. A strict liability is not placed on parents under this legislation and, therefore, there is really a big difference between these two cases. Where parents have been shown to be at fault there is no reason why their liability should be limited in the way in which the Opposition proposes.

Mr MATTHEW: It is important that this amendment be looked at seriously. It is not proposed lightly and I think it is probably the Opposition's most important amendment. It is quite true to say that some legislatures in other parts of the world have imposed limits through legislation that is slightly different from this measure, but the fact remains that the main purpose of this Bill is to make parents respon-

sible for the actions of their children. That does not mean just financially responsible but it includes being responsible for their guidance and discipline.

During the second reading debate on this Bill many members said that it is a sad reflection on today's society that this sort of legislation is necessary anywhere in the world, and it is not just limited to South Australia—we know that—but there is no point in bankrupting a parent. All the Opposition is proposing is that a limit be set in the same way as a limit has been set in the Northern Territory and in almost every State in the United States of America where similar legislation is in place, ranging from $US250 to $US250 000. All this does is ensure that a parent will not be bankrupted. However, $10 000 is still a significant amount. It is enough to force parents to be more accountable and more aware of the penalties that can be imposed on them if they are not responsible for the way their children are supervised and if they do not ensure that their children are supervised at all times.

Mr OSWALD: I remind the Committee that if the State forces a family into bankruptcy we then force that family into the social security system, and the State pays. I support the amendment.

The Hon. G.J. CRAFTER: The Opposition is unbelievable in its gymnastics in these matters. It proposes that there be no limit on the liability of the Minister. In fact, the Minister is already liable at tort and owes a duty of care to children under his or her care, and that is well accepted in law. The Minister has by a line of cases a greater duty of care than other people in the community in a parental role and, as I said, that is well established, yet the Opposition wants to limit the penalty that can be brought down by civil courts. It is not a matter of bankruptcy; it is a matter that, as I have explained, is to be supervised by the courts and appropriate awards given, taking into account all the financial circumstances of the family. So, the Opposition simply cannot have it each way as it wants here. I suggest that, to be consistent, the Bill as it stands is the appropriate, proper and moral way of dealing with this issue.

Mr MATTHEW: The Minister unfortunately seeks to misinterpret, deliberately or otherwise, our words here tonight. It is important to understand that this Bill is only part of the recommendations made by the select committee. As a member of that committee and someone who was proud to serve as a member, I am fairly well placed to be able to comment on that. The select committee's report specifically listed nine recommendations and this Bill covers four. One of those recommendations was put forward by the member for Stuart initially, to her credit, and that was the suggestion for a family group conference. The committee was unanimous in its agreement that the family group conference could be a valuable tool to be able to help determine whether or not leave should be granted before any civil action was taken. In other words, it would be a type of counselling and then screening process but, regrettably, that part of the committee's recommendation is on the back burner.

Certainly, I appreciate that a select committee at the moment is looking at juvenile justice but the greatest fear I have about this Bill is that only part of the measure is passing through Parliament at the moment. That means that, on proclamation, only part of the recommendations of the select committee will be in process. It is that part of the recommendations of the select committee that prompted the member for Stuart and some of her colleagues to say that we need some sort of screening process. This very Bill is doing exactly what that member and other members did not want to see happening in isolation.

That is one of the main reasons why the Opposition is proposing that $10 000 limit at least to bring it back to a realistic level. It is still in keeping with the general thrust of the Bill and it is certainly consistent with the decisions that have been made by other legislatures world wide to impose a limit. It does nothing at all to water down the Bill and it is a very important amendment to make it workable if this Bill is to proceed and be proclaimed in isolation, because it implements only four of the nine recommendations of the select committee. Those four by themselves water down the intent of the select committee recommendations.

Amendment negatived.

Mr INGERSON: I move:

Page 2, line 13—Leave out all words in this line and insert 'mother or father or, if the child is adopted, the child's adoptive mother or father'.

This amendment is purely and simply an improvement on the definition of 'parent', so we ask that the Minister accept it.

The Hon. G.J. CRAFTER: This amendment may or may not marginally improve the Bill but, on the balance of probabilities that it will do so, the Government accepts it.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

FISHERIES (MISCELLANEOUS) AMENDMENT BILL

In Committee.

(Continued from 30 October. Page 1583).

Clause 2—'Commencement.'

Mr MEIER: Can the Minister provide examples of where fisheries officers have had problems policing the taking of dead fish? The legislation is being amended so that fish cannot be taken for the purpose of trade or business from inland bodies of water surrounded by land unless by licensed fishermen or registered fish farmers. I seek an assurance from the Minister that private fishers will still be able to catch fish no matter what the quantity. Is there any possibility that private owners can sell those fish through a special permit if there is a windfall?

The Hon. LYNN ARNOLD: A special permit would be needed for the sale of any fish. The answer to the honourable member's second question is, 'Yes'. In answer to his first question, I refer the honourable member to my second reading reply where I cited an example of the taking of fish as dead fish that were not covered by the Act.

Clause passed.

Clause 3 passed.

Clause 4—'Application of Commonwealth law within limits of State in accordance with arrangements.'

Mr MEIER: Can the Minister cite examples of where the application of Commonwealth law within the limits of the State would take precedence?

The Hon. LYNN ARNOLD: Under the offshore constitutional settlements legislation, I cite the example of southern blue fin tuna. There are, of course, situations such as the shark fishery where, by concurrence, there has been the application of regulations by States to match in a complementary way those that have been applied by the Commonwealth in Commonwealth waters.

Clause passed.

Clause 5—'Objectives.'

Mr MEIER: Clause 5 amends section 20 of the Act by including the word 'preservation'. Why does the Minister see the need to introduce that word, given that the section already mentions conservation?

The Hon. LYNN ARNOLD: New section 48b (5) *(c)* relates to marine park management. Essentially, because this legislation covers marine parks, it is not just a matter of conservation but also a matter of preservation of fish, and this clause merely amplifies the legislation to take account of that marine park situation.

Mr MEIER: Will the Minister define the terms 'conservation' and 'preservation'?

The Hon. LYNN ARNOLD: 'Preservation' is the setting aside of part of the marine ecosystem for non-exploitative use—in other words, simply passive applications—whereas 'conservation' entails the possible management use of the resource but conserving that resource for future use purposes.

Clause passed.

Clause 6—'Fisheries officers.'

Mr MEIER: For how long have reciprocal rights operated in other States and Territories?

The Hon. LYNN ARNOLD: About four years.

Clause passed.

Clause 7 passed.

Clause 8—'Powers of fisheries officers.'

Mr MEIER: Under this clause, fisheries officers will now be entitled to request and pay compensation for the use of any vehicle voluntarily offered to assist with enforcement operations. What assurance can members of the public be given that fisheries officers will not use undue authority to conscript a vehicle against a person's wishes?

The Hon. LYNN ARNOLD: I understand that the use of a vehicle can only be with the concurrence of the individual concerned. Therefore, that individual has the right to refuse. This clause addresses the matter of compensation where a boat or vehicle is voluntarily offered to a fisheries officer exercising his or her powers in relation to enforcement of the Act. In particular, the Minister may pay such compensation considered proper for any loss incurred as a result of the boat or vehicle being made available for use by a fisheries officer. Naturally, this provision is quite broad, and there is scope for compensation to be paid in the event of damage to a boat or vehicle. The important point in answering the honourable member's question is that it is subject to the concurrence of the individual.

Mr MEIER: It could be difficult to ascertain damage if a vehicle is taken over rough country and the damage does not actually show up immediately. The shock absorbers may have suffered some years' wear or the suspension might be slightly out, so it could be difficult to ascertain the extent of damage. I will not pursue that matter any further, but I ask the Minister whether he is aware of how often a boat has been conscripted in the past to help fisheries officers with their work?

The Hon. LYNN ARNOLD: First, as to the shock absorber question, naturally we would see a reasonable approach being taken by the department in this matter. I am certain that, if it was not taken, it would be the subject of questioning in this place in any event. As to the number of occasions, I am told that it occurs frequently. I cannot give chapter and verse but I will attempt to get information for inclusion in *Hansard* later.

Clause passed.

Clause 9—'Protection from personal liability.'

Mr MEIER: I believe this is the appropriate clause to raise an important matter with the Minister. This clause allows an arrangement which recognises that licences and endorsements can be used as security for loans, but at the same time maintains management's prerogative to vary legislative, policy, administrative or procedural matters to properly manage the fisheries resources of South Australia. This clause and others seek to identify that a lender has a financial interest in a licence and for the Director to obtain the consent of the lender in the case of a transfer. A public register identifying licences subject to financial arrangements is to be set up.

Not all those amendments are made under this clause, but I will deal with the question now so that we can get on with the rest of the Bill. I question the effect that imposed conditions on licences will have on banks lending money to fishermen. What assurance is there in respect of people who commit three offences and lose their licence? Also, what is the method of seeking details on and the consent of a lender to a licence transfer? In other words, it is fine to seek to make licences a better lending proposition for banks, but do banks have sufficient guarantees because of regulatory provisions in other areas that they are lending on a safe bet?

The Hon. LYNN ARNOLD: This matter has been the subject of lengthy discussion between the financial institutions, the department and SAFIC. The advice I have is that this proposal is acceptable to financial institutions as being a sufficient advice of asset holding against which they can make the necessary lending arrangements. It takes account of all the limits with respect to licences and their proprietary or other characteristics but nevertheless still enables them to offer more against them than was the previous situation.

The Hon. TED CHAPMAN: Will the Minister further explain the position about the perceived value of a licence for the purpose of offering it as security to a lending institution? He indicates that words in the legislation now suggest that the licence value is more clearly defined for the purposes of lending institutions to lend against as an item of security. How can words in the legislation have any influence over that factor when a lending institution worth its salt would simply value an asset in its own right.

The Hon. LYNN ARNOLD: I repeat the point that the financial institutions have indicated that they accept this as a positive gesture on the part of the Government with respect to licences and their possible use in certain aspects as collateral against lending. If they say that, obviously they are able to factor that into their own considerations. Secondly, the purpose is to provide that there be a reporting mechanism that details any liens that might exist against any licence situation. Of course, all financial institutions will understand that licences are defined by legislation in terms of their ambit and security, so they will understand the tenure and the limits to tenure that exist on the licences.

The Hon. TED CHAPMAN: I take it that a licence as explained by the Minister is now an item of tenure that is not only transferable or marketable but also clearly identifiable as an asset that may be transferred by bequeath.

The Hon. LYNN ARNOLD: If the honourable member had listened, I said tenure or limits to tenure. On a number of occasions in this place I have indicated the Government's view with respect to the definition of 'licences' as property and our view on that issue. However, I have indicated that I recently addressed the AGM of SAFIC, where I said that the Government is prepared to consider some modification of its previously held view on this matter if there can be put in place sufficient management controls that ensure that the management of our fisheries is not put at risk by any recognition by the Government of conversion of licences to

have greater characteristics of property than the Government presently believes they have.

In saying that, I acknowledge that there have been court judgments indicating that licences do have characteristics of property, which is not quite the same as saying that they are property. Nevertheless, they are clearly more towards proprietary character than was previously the situation. The Government indicated at the SAFIC AGM that it will consider moving further down that path, subject to the assurances that we can maintain adequate management controls. If those assurances are not possible, we will not move any further down that path. That matter will be the subject of further discussion between the industry and the Government.

The Hon. TED CHAPMAN: Does the Minister concede that the challenge or offer (whichever is the most appropriate term) to the industry to provide the Government with an assurance that it will progress in the direction that the Government is indicating as an exchange for the Government's recognition of whole property is in fact an ultimatum? Is the Government's offer to progress towards recognition of whole property in the form of a licence in exchange for an assurance from the industry that it will do the right thing a challenge for the industry? Does it set up an ultimatum? Have we got to the stage of an ultimatum involving the recognition of property?

The Hon. LYNN ARNOLD: I would not suggest that it is an ultimatum. I would have thought that it is a significant offer of compromise. It is a significant offer by the Government that we recognise that there are some merits to be had by changes that can be achieved without risking the fishery. We are simply saying that we all have in common the desire to preserve the fisheries and, if that can be sustained, we indicate that we would entertain changes to the definition of 'licences'. Surely no-one would want us to change the definition of 'licences' and put at risk the management of the fisheries. It is not an ultimatum but simply a recognition that the Government is prepared to compromise its position on this issue if the fundamental issue of the management of the fisheries remains sacrosanct because everyone—the Opposition surely included—would want that to be the case.

Clause passed.

Clauses 10 and 11 passed.

Progress reported; Committee to sit again.

ADJOURNMENT

At 11 p.m. the House adjourned until Thursday 21 November at 10.30 a.m.