LEGISLATIVE COUNCIL

Tuesday 11 September 1984

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

SUPPLY BILL (No. 2)

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

PETITIONS: FIREARMS

Petitions signed by 206 residents of South Australia praying that the Council will defeat any firearms legislation which is further restrictive; consider the effectiveness of present legislation; refuse further unwarranted increases in fees; and apply a significant part of the revenue gained to promote and assist sporting activities associated with firearms were presented by the Hons. J.C. Burdett and C.W. Creedon.

Petitions received.

DEATH OF Mr L.C. HUNKIN

The PRESIDENT: It is with profound regret that I draw the attention of honourable members to the recent death of Mr L.C. Hunkin, a former member of the House of Assembly. As President of this Council I express the deepest sympathy of honourable members to his family in their bereavement and I ask honourable members to stand in silence as a sign of respect for his meritorious public service.

Members stood in their places in silence.

AUDITOR-GENERAL'S REPORT

The PRESIDENT laid on the table the Auditor-General's Report for the year ended 30 June 1984.

PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. C.J. Sumner):

Pursuant to Statute—

The Savings Bank of South Australia—Balance Sheet as at 30 June 1984.

The State Bank of South Australia—Balance Sheet as at 30 June 1984.

By Command—

Estimates of Payments of the Government of South Australia, 1984-85.

Estimates of Receipts of the Government of South Australia, 1984-85.

Financial Statement of the Premier and Treasurer on the Estimates with Appendices.

The South Australian Economy, 1984-85.

By the Minister of Corporate Affairs (Hon. C.J. Sumner):

Pursuant to Statute—

Business Names Act, 1963—Regulations—Fees.

By the Minister of Health (Hon. J.R. Cornwall):

Pursuant to Statute—

Geographical Names Board of S.A.—Report, 1983-84.

Advances to Settlers Act, 1930—Administered by the State Bank of South Australia—Revenue Statement, Balance Sheet and Auditor-General's Report, 1983-84.

Chiropractors Act, 1979—Regulations—Recognised Institutions.

Food and Drugs Act, 1908—Regulations—Dangerous Substances.

National Parks and Wildlife Act, 1972—Regulations—Fees.

Wildlife Fees.

Hunting Fees.

Parliamentary Standing Committee on Public Works—Fifty-seventh General Report.

Planning Act, 1982—Regulations—Victor Harbor Development, Crown Development Reports by South Australian Planning Commission on—

The proposed erection of a transportable Demac unit at Modbury Primary School.

Proposed construction of two single transportable classrooms at Gawler High School.

Proposed erection of two transportable classrooms at Banksia Park High School.

Proposed development at Cummins Area School.

South Australian Health Commission Act, 1975—Regulations—Prescribed Incorporated Hospitals and Health Centres for Audit Purposes.

District Council of Blyth—By-law No. 28—Traffic.

District Council of Elliston—By-law No. 25—Caravan Parks.

District Council of Munno Para—By-law No. 23—Keeping of Dogs.

By the Minister of Agriculture (Hon. Frank Blevins):

By Command—

Task Force to Investigate Multiculturalism and Education Report—Education for a Cultural Democracy, June 1984.

Pursuant to Statute—

Motor Vehicles Act, 1959—Regulations—Fees.

Accident Towing Roster Scheme.

Renmark Irrigation Trust Act, 1936—Regulations—Penalties.

Tertiary Education Authority of South Australia—Report, 1982.

MINISTERIAL STATEMENT: REST HOMES

The Hon. J.R. CORNWALL (Minister of Health): I seek leave to make a statement.

Leave granted.

The Hon. J.R. CORNWALL: Rest homes are intended to provide accommodation for people who are ambulant and semi-independent and who do not require full nursing care but choose to be accommodated in other than a domestic setting—they are residents, not patients. If there are people in rest homes who require nursing home care, the appropriate answer is to place those people in nursing homes rather than to turn the rest homes into nursing homes.

The matter of most concern to the Rest Homes Association is access to Commonwealth subsidies. Under existing Commonwealth legislation, private for-profit organisations are precluded from attracting either the hostel care subsidy of $10 per week or the personal care subsidy of $40 per week for the conduct of rest homes. From discussions with the Health Commission it is understood that a factor which has created the immediacy of the Rest Homes Association's appeal for assistance is their financial position.

My immediate concern is for the residents who are presently cared for in rest homes and to ensure that these people have an appropriate and adequate level of care. I am advised that the Rest Homes Association met with the officers of the South Australian Health Commission this morning. As a consequence of those discussions the Rest Homes Association will withdraw its ultimatum to close rest homes on 30 September. It is proposed to establish a task force to:

- assess the individual medical and social needs and dependency of residents in rest homes, and
- to examine the financial viability of rest homes in which these people are presently residing.

I understand that the Rest Homes Association considers this to be a worthwhile course of action and, subject to agreement to the task force's terms of reference, the 30

September ultimatum is to be lifted. It is in the best interests of the people in the rest homes that their individual needs be assessed.

I envisage that the task force will be headed by Professor Gary Andrews, the Chairman of the South Australian Health Commission, who is a leading geriatrician in his own right. I expect to be in a position to make a further statement giving details of the terms of reference and composition of the task force next week.

MINISTERIAL STATEMENT: EARLY CHILDHOOD EDUCATION

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

Leave granted.

The Hon. FRANK BLEVINS: The South Australian College of Advanced Education in June circulated a paper for discussion about the future of the Early Childhood Education programme run through the de Lissa Insititute, Magill Campus. Proposals raised in the document entitled 'Recommendations for the Structure and Content for the Bachelor of Education and Diploma in Teaching (Pre-Service)' raised grave anxieties in the community.

The proposals under consideration at the college were viewed even more seriously when frequently and wrongly linked with misinformation circulating at that time about the role and purpose of the South Australian Government's planned new Children's Services Office. The proposals were the subject of hundreds of letters and signatures to petitions calling for the Government to protect the Early Childhood Education course in its present form.

On 28 August the Minister of Education announced in this Parliament his intention to establish a working party to examine a number of questions relating to the college proposals. His decision to establish the working party was prompted by the very real concerns expressed in the community about the implications of change in the provisions of early childhood education at the college.

The Government has, of course, a proven strong commitment to the early years of education demonstrated, for example, through the instigation of the Coleman Report and the proposed establishment of the Early Childhood Services Office which will enhance educational and care services in this State.

The group's task will be to ensure that appropriate liaison occurs among all interested parties about the extent and nature of the programmes. It will also assess the appropriateness of the programmes to the restructuring of early childhood services being presently considered. It is intended that the working party will be thoroughly aware of the concerns of various people and groups with an interest in the matter. Wide consultation will therefore be an important part of its brief. I am now in a position to announce membership of the working group and its terms of reference. The group will be chaired by the Chairman, Tertiary Education Authority of South Australia, Mr Kevin Gilding.

Other members are: Dr G.R. Teasdale, B.A., Ph.D., Senior Lecturer, School of Education, Flinders University, Past President, South Pacific Association for Teacher Education. He has chaired various TEASA committees on accreditation of early childhood courses. Ms Carol Treloar, B.A.(Hons), formerly teaching fellow in English, University of Sydney, A grade journalist, involved in Women's Electoral Lobby and other such bodies over the past 12 years or so. Women's Adviser to the Premier. Ms Barbara Edmonds, B.A., Senior Lecturer, de Lissa Institute, still employed on part-time basis. She has taught in junior primary schools and kindergartens and therefore has, because of her experience as a lecturer, an overview of practical aspects of early childhood education. Retired in 1983.

The recommendations of the working party will be referred to appropriate bodies including SACAE for further consideration and action. In particular the Tertiary Education Authority of South Australia may be requested to take account of certain concerns in its course approval processes. The working party will report to the Minister of Education by the end of November 1984. The working party's terms of reference are as follows:

1. To consider the provision of early childhood education programmes having regard to both expressed community concerns and the proposed restructuring of early childhood services; and
2. In terms of the above to pay attention particularly to:
   - the relationship of present course offerings at SACAE to the professional development needs of staff at various levels of pre-school through primary education;
   - the relationship of proposed course offerings at SACAE to professional development needs of staff at various levels of pre-school through primary education;
   - the relationship between the early childhood programme at the South Australian College of Advanced Education and other relevant programmes including that within the Department of Technical and Further Education;
   - the number of graduates likely to be needed in the light of Government policies for provision of early childhood education;
   - the need for post-graduate studies and the means by which they might be provided;
   - the desirability of introducing at the college any other relevant programmes related to early childhood studies;
   - conditions of transfer to college programmes for graduates of Department of Technical and Further Education and, more generally, career opportunities for college graduates.
3. To propose the most appropriate measures to ensure continuing liaison and co-operation among educational institutions and between such institutions and interested groups within the community.

QUESTIONS

BOATING FEES

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Minister of Agriculture, representing the Minister of Marine, a question about increased boating fees.

Leave granted.

The Hon. M.B. CAMERON: Increases in a number of fees established by regulation under the Boating Act were approved by Executive Council on 23 August to take effect from 1 September 1984. Two new fees were also introduced for changing of registration numbers and the copying of accident reports, and the fee increases were as high as 200 per cent.

Section 37 (1) of the Boating Act provides that 'all fees recovered under the provisions of the Act shall be paid into a separate fund which will be applied in defraying the cost of the administration of the Act'. This means that if fees are to be increased or new ones levied they must be aimed exclusively at covering the cost of administering the Boating Act and not be put to any other purpose. Subsection 37 (2) and (3) emphasise this requirement and direct the Minister to submit proposals to the Governor for his approval in only certain circumstances. Subsection 37 (2) provides:

> Before registration fees in respect of motor boats are prescribed by regulation the Minister shall submit to the Governor an estimate of the expenditure to be incurred in the administration of this Act, and of the number of registration fees he expects to be paid or recovered pursuant to the provisions of this Act.

Subsection 37 (3) provides:

> In making regulations prescribing registration fees in respect of motor boats the Governor shall have regard to the estimates submitted pursuant to subsection (2) of this section, and the fees prescribed shall not exceed such amounts as will in the opinion

of the Governor, result in sufficient revenue to meet that expenditure.

The Director of Marine and Harbors estimates that revenue from the fees will exceed the cost of administering the Act by $198 000 in 1984-85 and $224 000 in 1985-86. Members who were present when the Act came into force will recall the controversy about it. In order to get public acceptance, this very clear requirement about administration costs was placed on Governments by the previous Corcoran Government. My questions are as follows:

1. Why then have the fees been increased?

2. In view of the fact that there will be surpluses, what will happen to them?

3. Will the Minister give an assurance that the gains through this form of backdoor taxation will not be illegally used to boost Government funding or activities in other areas?

4. Were the necessary estimates of the expenditure on administration and the number of registration fees expected to be paid put forward to the Governor as specifically required under section 37 of the Act? If so, what were they and, if not, why not?

5. Did the Governor agree that the excesses were acceptable?

The Hon. FRANK BLEVINS: I will refer the honourable member's question to my colleague in another place and bring down a reply.

SCIENTOLOGY

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Attorney-General a question about scientology.

Leave granted.

The Hon. J.C. BURDETT: Recently there has been a number of reports in the media concerning the activities of the Church of Scientology in extracting large sums of money, usually from people in some sort of disturbed condition, as payment for a process referred to as auditing. Yesterday's *Advertiser* reports the case of a lady who had just lost her husband and who was persuaded to sign for courses said to be worth $24 000. She was able to recover moneys paid after contacting the Commissioner for Consumer Affairs.

In the *Advertiser* report I was correctly quoted as calling on the Government to institute an appropriate inquiry. I suggested that initial investigations should indicate how widespread the problem is, and therefore at what level the inquiry should be conducted. In today's *Advertiser* the Minister is reported to have said that persons with complaints could go to the Commissioner for Consumer Affairs or to the Psychological Practices Board. However, since the matter was first raised in the media, the number of people who have come forward indicates that the problem is quite widespread.

There are also indications of people being afraid to come forward. Furthermore, many people will be by no means clear which Government agency they should approach. I must confess that I was initially surprised at finding it was treated as a consumer matter. As an example of the confusion that people will have as to which agency to go to, I refer to a report in the *Advertiser* of 9 June this year. This was a case of young unemployed persons signing contracts to work for the church for 2½ years without pay in exchange for courses. In this case the complaint was made to the Department of Labour. Therefore, I suggest that there is a case for a Government initiated inquiry, because it is not clear which agency members of the public should approach. Will the Minister take some steps to make an investigation of this kind of activity by the Church of Scientology and, if so, what steps does he propose?

The Hon. C.J. SUMNER: I understand that the honourable member called for a Government inquiry into the activities of the Church of Scientology. I am not sure what the honourable member had in mind by an inquiry. A number of inquiries have been held into the activities of this church over a number of years, and honourable members will recall the situation that occurred in South Australia in the late 1960s. The honourable member knows that there is the Psychological Practices Board, which has the responsibility for oversight of the practice of psychology. It is possible for complaints to be made to that Board. The Consumer Affairs Department has been involved because of the transfer of money that has occurred, on one occasion at least. As a result of the intervention of that Department, redress for the individual was obtained.

The honourable member is probably aware that the High Court considered the question of the Church of Scientology and determined that it was a religion within the terms of that decision. The honourable member has raised the question again. He has not specified what he envisages by an inquiry into the Church of Scientology. He has not indicated whether he thinks that there should be a Royal Commission, or whether some Government agency should be appointed to look at the issue. I have indicated that if people feel that they have been aggrieved by the Church of Scientology, either in a consumer sense or in terms of there having been a contravention of the Psychological Practices Act or, further, if there are any allegations of breaches of the law, there are agencies that can deal with those matters.

I will make further inquiries of the Commissioner for Consumer Affairs and the Psychological Practices Board to ascertain the level of complaints about the Church of Scientology, but I am not willing at this stage to accede to the honourable member's call for a formal inquiry. As I said, means already exist whereby the actions of the Church of Scientology can be investigated. However, I will see what are the level and nature of complaints about the organisation to the existing agencies and let the honourable member know.

The Hon. J.C. BURDETT: A supplementary question, Mr President. The Minister has said that when he has consulted the Commissioner for Consumer Affairs and the Psychological Practices Board he will let me know. Will he then inform the Council of the result of those inquiries?

The Hon. C.J. SUMNER: Yes, I said that.

CORRECTIONAL SERVICES

The Hon. K.T. GRIFFIN: Has the Minister of Correctional Services a reply to a question I asked on 21 August about Adelaide Gaol?

The Hon. FRANK BLEVINS: The reply is as follows:

1. On 16 August 1984 a fight broke out between two prisoners in No. 4 yard at Adelaide Gaol. This was quickly subdued by officers. Another fight broke out between two prisoners soon after and was again quickly subdued. While two officers, one being Mr Brown, were removing one of these prisoners, a group of other prisoners approached the two officers in a manner which caused the two officers concern. Mr Brown ordered these prisoners to disperse. At about the same time some other officers entered the area and the prisoners dispersed without incident.
2. No disciplinary action was, or could be, taken against the group of prisoners who approached the two officers as they committed no breach of law.

3. The control and discipline of prisoners at the Adelaide Gaol is of a satisfactory level. Any further situation of this kind will, as in this case, be handled quickly and effectively.

SCIENTOLOGY

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Health a question about scientology.

Leave granted.

The Hon. ANNE LEVY: The question of complaints regarding approaches made by members of the Church of Scientology has already been raised in this Council today and on several previous occasions. I am sure that honourable members are all aware of the series of questions and media reports relating to contracts being entered into for counselling or so-called courses conducted by the Church of Scientology. As the Attorney-General has said, this is a matter for the Psychological Board, and the Attorney has indicated his intention to discuss the matter with the Board.

However, the Board is set up under the Psychological Practices Act, which is under the responsibility of the Minister of Health. I wonder whether the Minister of Health can advise whether it is intended that the question of counselling by scientologists can or will be addressed under the Psychological Practices Act as it currently exists or, if necessary, by amendment to that Act.

The Hon. J.R. CORNWALL: Let me say at the outset that I have been concerned for quite some time about the methods used by the Church of Scientology and at least one of its front organisations, as have other honourable members, of course, including the Hon. Dr Ritson. Indeed, very soon after assuming office as Minister of Health I asked for advice on the application of various provisions of the Psychological Practices Act to such activities. Section 32 (1) of the Psychological Practices Act provides that:

> . . . after the expiration of the third month following the commencement of this Act, a person other than a registered psychologist shall not—
>
> *(a)* hold himself out as competent to undertake or carry out; or
>
> *(b)* undertake or carry out,
>
> a prescribed psychological practice.
>
> Penalty: Five Hundred Dollars.

Prescribed psychological practice is defined as a psychological practice relating to:

> *(a)* the administration or interpretation of individual tests of intelligence; or
>
> *(b)* the interpretation of personality tests or inventories,
>
> prescribed as being a psychological practice for the purposes of this Act.

No psychological practices have been prescribed by regulation. Discussions between the Psychological Board, the Health Commission's senior legal officer and the Crown Law Office have indicated the problems involved in framing regulations.

Indeed, honourable members, if they refer to *Hansard* of 1973, will note that the Select Committee which reported on the Bill at that time had considerable difficulty in arriving at some form of definition of psychological practice. Doubt was expressed during the debate as to whether, even with the definition finally included, the Board would be able to prescribe sufficiently the conduct to be prohibited to unauthorised persons. For instance, all that can be prescribed is a long list of tests used by psychologists, although the definition really does not call for tests to be prescribed but, rather, practices relating to tests.

If prescribed psychological practice were given meaning by reference to a list of tests, it would seem to be relatively simple for someone to obtain a copy of such a test and change its name and slightly change its substance, so that, even if the test and similar tests were prescribed, there could well be an argument as to whether that particular test used by the unauthorised person was covered by the regulation.

I have been advised that the preferable course is to make an amendment to the Act. The Psychological Board has recently completed a comprehensive review of the Act and several weeks ago submitted a 60-page proposal, which is virtually a rewrite of the legislation. These proposals are currently being examined, particularly in relation to 'psychological practice'. It is my intention to have legislation drafted which will allow us to deal with the situation in the best manner possible under health law. I stress the words 'under health law', because I believe that the issues highlighted by recent media reports are wider than can be covered by health law alone.

The Attorney-General and I have agreed in a very recent discussion that an inter-departmental group, comprising representatives from the Health Commission, the Attorney-General's Department, the Department of Consumer Affairs, together with a member of the Psychological Board, should be set up to consider the proposed changes to the Psychological Practices Act and recommend any action, including legislative action, which may be necessary or desirable in other portfolios in addition to the proposed amendments to the Psychological Practices Act.

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Minister of Health a question about psychological practices.

Leave granted.

The Hon. R.J. RITSON: As was indicated by the Hon. Mr Burdett and as was indicated in the Attorney-General's reply to a question on this subject, the practices that give rise to problems can present in a number of ways to various departments, whether it be the Department of Labour or the Department of Consumer Affairs, or a health agency.

In view of the complexity of the situation, and of the fact that members of the public recently have come forward with what amount to horror stories relating to the practice of scientology, is the Minister prepared to open the Act up for consideration by a Select Committee not only so that the report to which he refers can be considered in depth but also so that evidence from the public as to the nature of some of these practices can be taken and so that people giving such evidence can, if necessary, give it *in camera* and receive the protection of this Parliament?

I have a related question which does not directly follow from what I have just said. Has this Minister heard of an organisation called 'Narcanon', an organisation presented to me as one which has connections with scientology and which purports to assist young people with alcohol and drug addiction problems? As I lack the research facilities to enable me to assess the organisation of Narcanon in a fair way, will the Minister use his resources to gain information so that he can inform me and members of this Council of the nature and origins of the Narcanon organisation?

The Hon. J.R. CORNWALL: First, Mr President, I think that the Hon. Dr Ritson is inclined to be too self-effacing with regard to his ability to conduct research. He has become an expert, as we all know, in diminished responsibility. I say that in the very serious sense in that he has taken the trouble to go to the United Kingdom, among other places, to study the whole question of that small but significant number of people on the fringe of society who have severe behavioural problems due to diminished responsibility. I have, indeed, heard of Narcanon. I do not know a great deal about it, but I presume that it stands for 'Narcotics Anonymous'. I have presumed that it has something to do with people who have drug addiction problems. I am not

in a position to say more than that at this point. I am happy to take that question on notice and bring back a reply as soon as I reasonably can.

With regard to the desirability or otherwise of a Select Committee in relation to this matter, I have already explained to the Council on a previous occasion, and again today, that we are in the midst of a lengthy, difficult and complex rewrite of the legislation concerning the Psychological Practices Act. As I said a little while ago, I recently received from the Psychological Board a 60-page submission which is in the process of being dissected by the Senior Legal Officer of the Health Commission and my Chief Administrative Officer. When that is completed, and following further discussions with the Board, the profession and other interested parties, I intend to take the matter to Cabinet. I hope that legislation relating to this matter will be introduced before the end of the Budget session. That does not mean that it will pass, but certainly I hope to have it introduced to lie on the table during the Christmas period. During that period, of course, it will be possible for all interested parties, groups and individuals to make submissions to my office. No impediment whatsoever will be placed in their way—there will be an open-door policy.

I wonder, in those circumstances, whether yet another Select Committee is justified. A Select Committee is examining the St John Ambulance Service in this State. There is a proposal for a committee to examine the *in vitro* fertilisation programme. I believe the Government will probably support and participate in that Select Committee which, indeed, I may be fortunate enough to chair if current discussions between the Attorney-General and I proceed on the same amicable basis as they have been proceeding. It is my intention to move within a few short weeks for a Select Committee on the question of consent to sterilisation for intellectually disabled people.

Now we have a suggestion that we appoint another Select Committee, which I presume I would probably chair, and a suggestion from the Hon. Dr Ritson, which of course echoes a suggestion made by the Hon. John Burdett in the popular press a few days ago, that it may well be desirable to have a Select Committee, based on the Psychological Practices Act, into the activities of the Church of Scientology and its affiliates or fronts. There are only 24 hours in the day, I have a very busy portfolio and, as I understand it, there are no residential arrangements proposed for Parliament House. I must say that I am not immediately attracted to the idea of a Select Committee, but by no means do I reject it.

Members interjecting:

The Hon. J.R. CORNWALL: I am very attracted to the idea of Select Committees of the Upper House, generally, and, particularly in relation to contentious social issues, on which there should be bipartisan or tripartisan approaches. Select Committees of the Upper House perform a very useful role. I think that it is quite stupid for the Opposition to try to treat this matter as some sort of political thing. As I said in answer to a question from the Hon. Ms Levy a short time ago, very early in my first term as Minister of Health I asked our Senior Legal Officer in the Commission to look particularly at this question of whether or not we could control the undesirable activities of the Church of Scientology and its front organisations by regulation or legislation.

There have been a number of people working on that very difficult and very complex subject ever since. It was not able to be solved by legislation introduced in the late 1960s or by legislation and a Select Committee of this Parliament in 1973. This matter was not able to be solved by the then Attorney-General, that distinguished jurist Mr Justice King—certainly, not solved to the satisfaction of a significant number of people. Therefore, I do not know whether or not this matter is entirely capable of resolution one way or the other. What I do say is that we have to be very careful to guard the interests of the legitimate mainstream churches.

We have to be very careful of extremists on either side who would have us do things that are either too libertarian or too Draconian. We must try to adopt a commonsense middle ground approach. In those circumstances it may be appropriate, ultimately, for a Select Committee of the Legislative Council to examine these matters. However, it would be premature to talk of a Select Committee until the very extensive amending legislation I have mentioned has been presented by the Government for the consideration of this Chamber.

MEMBERS' SHAREHOLDINGS

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question regarding the Constitution Act.

Leave granted.

The Hon. K.T. GRIFFIN: Section 49 of the Constitution Act provides that any member of Parliament who enters into any agreement or contract with any person for or on account of the Government of the State is incapable of sitting or voting as a member of Parliament, with section 50 declaring the member's seat to be automatically void.

Within the last week the Hon. Anne Levy and the member for Elizabeth in another place have received payment from the TAB for their shares in Festival City Broadcasters Ltd, the operator of 5AA. The value of shares held directly by the member for Elizabeth is understood to be $115 691 and by the Hon. Anne Levy $13 547. Payments were made by cheques drawn by the TAB funded by a loan from the South Australian Government Financing Authority, with the approval of the Premier and Treasurer.

The TAB is a legal entity subject to the general control and direction of the Minister; the Board is appointed by the Governor on the recommendation of the Government; the Board may borrow money from the State Treasurer; and any liability incurred with the consent of the Treasurer is guaranteed by the Treasurer. Any liability incurred by the Treasurer is to be satisfied out of the general revenue of the State. The TAB is an instrumentality of the Government of South Australia.

The only dealing which the Constitution Act allows a member of Parliament to have with the TAB is the placing of a bet, and no more. The present Chief Justice, when he was Attorney-General, introduced this exception and he clearly recognised the risk to a member of Parliament of forfeiting his or her seat in any dealing with the TAB. What steps will the Attorney-General now take in respect of the seats of these two persons in the light of this serious breach of the Constitution Act?

The Hon. C.J. SUMNER: As I understand it, the question of a breach of the Constitution Act is not as definite as the honourable member attempted to make out in his statement. He made an assertion during the question that he asked. The question that the honourable member raised was drawn to my attention earlier. I suggested to the honourable members concerned that they should seek, before proceeding with this transaction, their own legal advice about the matter. I did not think at this stage that it was appropriate for me to provide directly to them advice on this particular issue. As the matter was raised, I obtained some advice from the Crown Law Office and, as a result of that advice, I advised the honourable members concerned to seek their own legal advice. I do not know what the result of that was. I can

only assume, as the honourable members proceeded with the transaction, that they obtained their own legal advice and that that legal advice was such that they felt able to proceed with the transaction and the sale of the shares.

I trust that the Hon. Mr Griffin is not suggesting that there is any malpractice in the sale of the shares themselves but that he is merely raising the question of the Constitution Act. In that respect, as I said, the matter was drawn to my attention and I obtained some advice about it. However, that advice was not firm or final because I was not aware of all the details of the potential transactions involving the individuals and, as a result, I suggested to them that they should seek their own legal advice.

The question of whether or not there has been a breach of the Constitution Act is, I suppose, ultimately one for Parliament to determine in relation to a member's seat. If the honourable member and the Council wishes me to carry out further inquiries into the matter I will certainly do that and will approach the honourable members concerned to see whether they have obtained any advice on the matter in accordance with the suggestion I made to them.

The Hon. K.T. GRIFFIN: I have a supplementary question. Will the Attorney-General now take steps to clarify the position in respect of these two persons in the light of the action that I have outlined as a breach of the Constitution Act?

The Hon. C.J. SUMNER: I want to make it quite clear that the Hon. Mr Griffin has asserted that there has been a breach of the Constitution Act: that is not clear. I assume from the advice that the honourable members obtained themselves that they felt able to proceed with the transaction having been alerted to the potential problems under that Act. So, it needs to be said now that the bland assertion made by the Hon. Mr Griffin is not necessarily accepted by the honourable members concerned.

I would be very surprised, given the suggestion that I made to them, if they had not obtained their own private legal advice and, on the basis of that advice, proceeded. But, that is a matter they will have to outline to the Parliament should they feel fit. I am prepared to look at the question that the Hon. Mr Griffin raised, without in any way conceding that what he says about the Constitution Act is correct.

TROUBRIDGE

The Hon. K.L. MILNE: I seek leave to make a brief statement before asking the Minister of Agriculture, representing the Minister of Transport, a question concerning the MV *Troubridge.*

Leave granted.

The Hon. K.L. MILNE: In a recent letter to me the Kangaroo Island Branch of the Australian Democrats stated their 'strong opposition to the policy of complete recovery of operating costs of the MV *Troubridge'*. Their letter made the following three points in supporting their position:

1. Notwithstanding the inefficiency of the present vessel, we believe islanders are entitled to freight rates on a parity with rates enjoyed by users of Australian National Railways, as we contribute to all the mainland transport subsidies which we cannot use.
2. Consideration should also be taken of the fact that rail freight charges include the cost of a container for the goods, whereas on the *Troubridge,* trailers are an extra expense on top of the freight charged for the space on the ship.
3. It must be recognised that a policy of complete recovery of *Troubridge* operating costs would impose extreme hardship on islanders relative to the rest of the community, because of the extreme inefficiency of the current vessel.

It was also suggested that 'there should be a replacement vessel as soon as possible that is labour efficient and cargo efficient'. In another place, the member for Alexandra (Hon. Ted Chapman) spoke of this matter on 14 August. Among other things he advocated 'a schedule of space rates similar to those applying to other forms of mainland public transport over comparable distance'. This is the nub of the matter and, as the member said in that speech, the present policy of operational cost recovery from the users of the *Troubridge* compared to other Australian public transport systems is quite unprecedented. It was also pointed out that the manning levels have doubled since the *Troubridge* was taken over by the Government, and now absorb all the freight revenues.

It is, I repeat, unreasonable to discriminate against country dwellers and to expect rural utilities to pay or break even, while city equivalents show huge losses. I regard this as a bad form of political bullying. On 12 September a three point resolution will be moved in the other place by the Hon. Ted Chapman calling on the Government to act. In support of Mr Chapman there, I put it to the Government that the matter requires a quick response along the lines suggested by him and by the Kangaroo Island Branch of the Australian Democrats. In essence, they amount to the same reasoning. My questions are:

1. Why does the Government wish to penalise the small community on Kangaroo Island?
2. What amount of money does the Government hope to save each year as its scheme for complete cost recovery progresses?
3. What percentage does this minor saving bear to the annual losses in the STA?
4. Will the Government give an undertaking to reverse its decision regarding full recovery of operational costs on the *Troubridge* immediately?
5. If not, why is it not prepared to do so?

The Hon. FRANK BLEVINS: I will refer the honourable member's question to my colleague in another place and bring back a reply.

VIDEO CENSORSHIP

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Attorney-General a question about video censorship.

Leave granted.

The Hon. ANNE LEVY: As there has been considerable discussion and press comment recently about censorship of videos and as I know that there are petitions relating to this matter which will be presented soon to this Council, can the Attorney-General outline the current Government position on the question of censorship of video material?

The Hon. C.J. SUMNER: I thank the honourable member for her question. I should say at the outset that I am concerned about the incorrect and misleading information that still exists about the question of the law relating to the control, sale and hire of video tapes and, in particular, the so-called video nasties. There was another example on *Nationwide* last night where the impression was given that snuff movies, child pornography and the video *Black and Blue* were classified as X in this State and, therefore, available in South Australia. That is not the situation.

The Hon. R.C. DeGaris: How available are they?

The Hon. C.J. SUMNER: They are not available. If there is any evidence of their being available then that should be reported to the police and action will be taken—prosecutions will be issued. That material is not legally available in South Australia. I appreciate a rational debate on the censorship laws, but the impression given on some occasions has been

misleading. Under this Government, South Australia was the first State to introduce legislation to bring the sale and hire of videos under some control, and that was passed last year.

As a result, videos depicting child pornography, bestiality, detailed and gratuitous depictions of acts of considerable violence and cruelty, and explicit and gratuitous depictions of sexual violence against non-consenting persons are refused classification and, if sold or hired, would be the subject of prosecution. Further, the South Australian Government, following a request from the South Australian Parliament, successfully advocated a system of compulsory classification of videos, legislation for which will be introduced shortly.

In addition, the Government is considering making it an offence to show an R or X-rated video to a minor without the consent of the parent or guardian of that person. The question of X-rated videos is also under consideration and will be further looked at following a meeting of Ministers responsible for censorship called following the disuniformity that has developed amongst the States. This meeting will be held on 28 September 1984. As the South Australian Minister responsible in this area I also argued at the April meeting of Ministers responsible for censorship for a tightening up of the guidelines, particularly relating to violence. I acknowledge the concern about excessive violence on film and video and will further argue for tougher guidelines in this area on 28 September. However, I point out that the banning of X-rated videos may not achieve the objectives of those advocating it. Prohibition inevitably leads to black markets and is more likely to involve criminal elements than if there is an open and regulated system.

Further, by banning X-rated videos one may not achieve the reduction in explicit violence that is desired. Much X-rated material is concerned with sexual acts between consenting adults. Banning this would still leave the question of violence in R-rated movies and videos open. I believe that the most important concern is explicit violence, whether sexual or otherwise, and this will not be addressed simply by banning X-rated videos. I believe that we should look at the guidelines relating to violence in particular. The debate about censorship has changed considerably since the days of *Lady Chatterley's Lover* because of the increase in explicit depictions in magazines and now videos of violent and sexually violent acts.

Therefore, it is necessary to arrive at a proper balance between the rights of adults to read and view what they wish and the understandable abhorrence that the community has of some of the depictions of violence and sexual violence and, in particular, the possible effects that this may have on the behavioural patterns of some individuals and, in particular, the possible effects on children. However, in making these decisions much more emphasis and attention needs to be given to the effects of violence and sexual violence and the guidelines surrounding this. The preoccupation in the censorship debate until now with the sexual acts involving consenting adults or pornography has tended to overlook the excessive violence which is now portrayed and which in my view should be of more concern.

The action taken by the Government to date effectively renders illegal the worst excesses of the so-called video nasties. In any debate about censorship there are important issues of principle that have to be addressed: the right of the individual to freedom of thought and action, provided that action does not harm others or the community; the right of people to be free from exposure to material that they consider to be offensive; the question of community reaction to material that is abhorrent to it, for instance, because of the excessive violence in it. The question that we must now consider is what is the proper balance between these different principles. The Government will consider the question of X-rated videos after the Ministerial meeting on 28 September. However, I will be making further strong representations on the guidelines relating in particular to violence for consideration at that meeting.

COMPANY DISCLOSURES

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General a question about disclosure requirements for company directors and executives.

Leave granted.

The Hon. L.H. DAVIS: Last week the Ministerial Council comprising Federal and State Attorneys-General resolved that the Companies Code should be amended to require a greater degree of disclosure by company directors and top executives of fees, salaries and other benefits. In particular, the council suggested that publicly listed companies should publish all fees and allowances paid to individual directors where at present fees are published in aggregate in company balance sheets. In addition, the council has recommended publication of the aggregate salaries of the five top executives in publicly listed companies. Newspaper reports suggest that the Queensland and Tasmanian Attorneys-General voted against the proposal—one can only assume that the South Australian Attorney-General (Hon. C.J. Sumner) supported the proposal. The Victorian Attorney-General (Mr Kennan) has been quoted as saying that he hoped that company directors would react to the move constructively. He claimed that the move was in line with the prices and incomes accord. Meanwhile, the Attorney-General has been silent on this issue, which has attracted widespread criticism from many employer associations and leading businessmen, including Sir Arvi Parbo.

The argument for requiring disclosure is that publicly listed companies have an obligation to keep shareholders fully informed—they have a public responsibility. However, the plain fact is that many publicly listed companies have profits that fall well short of the annual accumulated surpluses of many of Australia's trade unions. Many of these unions wield much greater power in the community than, say, a South Australian publicly listed company with a few dozen employees and an annual profit of, say, $500 000. For example, the publication *Inside Australia's Top 100 Trade Unions* by Ian Huntley points out that the Amalgamated Metal Workers and Shipwrights Union in 1979 had 160 000 members and made a surplus of $1.1 million, with accumulated funds in that year of $7.6 million. The AWU had accumulated funds of $5.2 million and 130 000 members, and the TWU had 100 000 members and $4.3 million in accumulated funds.

However, the Labor dominated Attorneys-General Ministerial Council has made no move to require key union officials to reveal their remuneration allowances and perks of office. The 1982 report by Commissioner Winneke into the activities of the Australian Building Construction Employees and the Builders Labourers Federation reveals in several instances benefits in cash and kind accruing to key officials in those unions. My questions to the Attorney are as follows:

1. Did the Attorney-General or his representative support the move at the recent Ministerial Council to require public disclosure of directors fees, allowances and executive salaries?

2. If the Federal Government continues to press for legislation requiring such public disclosure by company directors and executives, will not the Attorney-General concede that it is in the public interest and in the spirit of consensus that key union officials' salaries and other benefits should also be required to be publicly disclosed?

3. Will the Attorney-General give an undertaking that the South Australian Government will raise this matter with the Federal Government at the first opportunity?

The Hon. C.J. SUMNER: The honourable member seems to be somewhat confused. He is trying to suggest that the Ministerial Council on companies and securities somehow or other has responsibility over the affairs of the trade union movement.

The Hon. L.H. Davis: I'm not suggesting that.

The Hon. C.J. SUMNER: The honourable member is suggesting that. During his explanation the honourable member asked why the Ministerial Council did not take action in relation to the salaries and emoluments of trade unionists. I merely point out to the honourable member that he is confused. We do not have that responsibility or that power. As for the honourable member trying to suggest that the assets of the AWU and the AMFSU somehow singly or jointly equal those of BHP, CSR or the ANZ Bank—that is absolutely absurd. That the honourable member should even come into this Chamber and put that forward as a serious—

The Hon. L.H. Davis: I didn't put that proposition. I compared it with a small publicly listed company in South Australia. Stop twisting it. Stop being a twister.

The PRESIDENT: Order!

The Hon. L.H. Davis: I gave a specific example.

The Hon. C.J. SUMNER: The honourable member suggested that the AWU had certain assets. I am suggesting to the honourable member that to even vaguely suggest or hint that there is any equation between those assets or in relation to power and income levels in Australia's major companies is nonsensical.

The Hon. L.H. Davis: You don't think that unions have power—is that what you're saying?

The Hon. C.J. SUMNER: Yes, I believe that unions have some power and position in the community. I am suggesting to the honourable member that I suspect that union officials of those organisations do not have salary levels which equate with the managing directors of BHP, CSR or Western Mining Company. There may be a question of public disclosure of union officials' salaries and emoluments; I would not oppose that.

The Hon. Frank Blevins interjecting:

The Hon. C.J. SUMNER: The Minister of Agriculture interjects that they already are.

The Hon. L.H. Davis: They are not. Where are they disclosed? I rang the TLC and it said they are not.

The Hon. C.J. SUMNER: I suggest that details of the salaries and emoluments of union officials are readily available. I have no objection to that. Details of my salary are publicly available for everyone to see. I file a declaration of interests which is publicly available for all to see. I have no hang-ups about the open disclosure of salaries and emoluments by politicians, trade union officials or by top executives in Australia's companies. I support the move taken by the Ministerial Council. I do not know where the information about Queensland and Tasmania came from. The minutes of Ministerial Council meetings are supposed to be confidential, but I suspect they were trying to scuttle away from something that they did not like. In principle, I support the proposition.

As I understand it, the proposition will become part of a draft Bill that will be exposed for comment. There will be an opportunity to comment on the Bill and a further opportunity for Ministerial Council to consider it. I do not have any difficulty with the matter raised by the honourable member. I believe that public disclosure of salaries and emoluments of senior executives of Australia's companies is a desirable move. The perks of office can be disguised in many ways. Many advantages can be given in terms of benefits to people in companies, apart from a listed salary. I do not see any reason why in the interests of the prices and incomes accord details of salaries and emoluments should not be made available.

The Hon. L.H. Davis: And by unions.

The Hon. C.J. SUMNER: I have already said that. The honourable member cannot hear. I have no objection to union salaries being made available.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Davis will come to order. I point out to the Attorney-General that Question Time has expired.

The Hon. C.J. SUMNER: If the honourable member would like me to refer his question to the Federal Minister concerned I will certainly do that.

HOSPITAL BED DAYS

1. **The Hon. J.C. BURDETT** (on notice) asked the Minister of Health: What was the cost per occupied bed day over the 12 months ended 30 June 1984 in each of the following hospitals:

1. Royal Adelaide;
2. Queen Elizabeth;
3. Flinders Medical Centre;
4. Modbury;
5. Lyell McEwin;
6. Whyalla;
7. Mount Gambier.

The Hon. J.R. CORNWALL:

	$
1. Royal Adelaide Hospital	257.71
2. Queen Elizabeth Hospital	268.83
3. Flinders Medical Centre	282.57
4. Modbury Hospital	242.12
5. Lyell McEwin Hospital	219.83
6. Whyalla Hospital	203.57
7. Mount Gambier Hospital	226.39

SPEECH PATHOLOGY STAFF

2. **The Hon. J.C. BURDETT** (on notice) asked the Minister of Health:

1. Will immediate appointment of speech pathology staff be made in the Central Northern CURB region to make staffing levels in that health area comparable to other areas?

2. Will there be an immediate upgrading of the speech pathology position at Ingle Farm Community Health Centre to full time?

3. Will speech pathology services be made available at the Modbury Hospital?

4. Will speech pathologists be employed within specialist geriatric services being developed within the region?

The Hon. J.R. CORNWALL: The replies are as follows:

1. No.

2. No.

3. This will be considered when the assessment of speech pathology service needs of the hospital and the region, currently being undertaken, is completed.

4. This will be considered when the assessment of speech pathology service needs of the region, currently being undertaken, is completed.

ISUZU TRUCK

The Hon. I. GILFILLAN (on notice) asked the Minister of Agriculture:

1. Is the Minister aware that in June 1983 Mr Andrew Shore had the load rating of his Isuzu truck cut to GVM 2 650 kg and GCM 2 650 kg?

2. Is he aware that in a letter to me on 7 August 1984 the Minister restored the load rating of the same truck to the original rating of GVM 5 790 kg and GCM 7 100 kg?

3. Is the August rating, being the most recent rating, correct?

4. *(a)* Was the June 1983 rating of Mr Shore's truck in error?

(b) If not, why not?

5. If so, who is responsible, and what action does the Minister intend to take to redress the effects of the error to Mr Shore and to ensure that such a mistake does not occur again?

6. If he does not intend to take any action to redress the effects on Mr Shore or to ensure that such a mistake does not recur, why not?

The Hon. FRANK BLEVINS: The answers are as follows:

1. The Minister is aware that the load rating was reduced to GVM 2 650 kg and GCM 2 650 kg as from 31 May 1983, following a recommendation by the Advisory Committee of Load Rating to the Registrar of Motor Vehicles.

2. The Registrar of Motor Vehicles, after considering a second expert opinion and evaluating all of the information provided, restored the load rating of the vehicle as nominated by the manufacturer, that is, GVM 5 790 kg and GCM 7 100 kg as from 24 July 1984.

3. The load ratings referred to in 2 above are now recorded on the register.

4. *(a)* No.

(b) The ACLR which makes recommendations to the Registrar on these matters was of the view and still is that the modifications made to Mr Shore's vehicle increased its top speed potential and, as such, that it was not satisfactory for carrying more than a minimal loading in the general traffic flow. A second expert professional opinion considered that the vehicle in its modified form still was capable of carrying loads as nominated by the manufacturer. Experts on some occasions can have different opinions.

5. No mistake or error was made.

6. The original load rating assessment of Mr Shore's modified vehicle was made in good faith by a group of experts based upon road safety considerations. Likewise, the second opinion was given by an expert in good faith, also based on road safety considerations, and was sufficient to persuade the Registrar to change the load rating. In the circumstances there is no reason to consider any compensation for Mr Shore.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 29 August. Page 605.)

The Hon. K.T. GRIFFIN: The Opposition supports this Bill, although we would like to have some aspects of it clarified and, in some respects, amended. I propose to deal with the Bill under the same headings as the Attorney-General used when he introduced it. The first group of amendments relates to mental health and to the powers of the Guardianship Board. All members will know that the Guardianship Board has the ultimate responsibility for the administration of estates of persons who are mentally ill. In some respects, the powers of the Board and of an administrator appointed to handle those affairs of a mentally ill person are somewhat limited. For example, a property owned by the mentally ill person can be sold where its value is less than $20 000 and over that amount the approval of the Supreme Court has to be obtained. It is very rare to have any reasonable accommodation presently valued at anything as low as $20 000 and I agree that there is a need to increase that amount to a reasonable sum. However, there is still ultimately a need for accountability, and the amendment that is proposed by the Government proposes that accountability.

While I have some concern about amounts being prescribed by regulation, this is probably one of those occasions on which, because of increasing property values and the depreciation in the value of money, it is appropriate to fix by regulation an amount which will be the point up to which a property can be sold without the consent of the Supreme Court and above which the approval of the Supreme Court must be obtained. The Attorney-General has indicated that the Government's present intention is to fix the amount at $80 000. In the context of current market values, that is a reasonable sum.

There is also the difficulty of expenditure on maintenance. Presently, the figure fixed in the Act is $2 000, which, as the second reading explanation indicates, largely related to the question of drainage. Obviously, if a property deteriorates while under the responsibility of the mentally ill person and before an administrator is appointed, the sum of $2 000 on the basis of current wage and contract costs is not likely to provide very much maintenance to the property. So, I understand from the Bill that it is intended that that sum will also be fixed by regulation. There is no indication in the second reading explanation as to exactly what sum is proposed. I would like the Attorney-General to indicate what sum is envisaged for the upper limit for maintenance of property.

The Bill also provides for an administrator to purchase or lease property on behalf of the mentally ill person or to pay a donation necessary to secure accommodation in a home such as a church home. That is a very important power because occasionally the expenditure of a reasonable sum will enable an administrator to provide adequate accommodation for the mentally ill person.

The other amendment in the area of mental health is to overcome a technical difficulty that an administrator may so administer the estate of a mentally ill person as to change the nature of that estate, which on the death of the mentally ill person may not then pass according to the terms of that person's will. For example, if the will provides for the testator's house to go to a particular beneficiary and for other identifiable assets to go to other beneficiaries and, under the administration of a mentally ill testator, the administrator decides to sell the property, unless there is some other provision in the will the devise of the house property to a particular beneficiary is defeated.

I am pleased to see that there is now to be included in the Act a provision that enables a beneficiary or beneficiaries to take action in the Supreme Court to ensure that that sort of defeat of a testator's intention is rectified as far as possible by ensuring that equity is done as between beneficiaries under a will. The next group of amendments relates to Public Trustee.

The Bill makes clear that Public Trustee will have authority to instruct another authority outside South Australia to act for and on behalf of Public Trustee where there is an estate administered by Public Trustee outside South Australia. Conversely it will allow Public Trustee to act on behalf of some similar authority outside South Australia in respect of the estate of a person outside our State but who leaves property within South Australia. There is no difficulty about that: it is quite proper for that to be provided for in the

context of the work of Public Trustee. To a large extent, that does not apply to an individual executor or administrator because of the general provisions existing at least within Australia for the resealing of grants of probate or grants of letters of administration either in this State by an interstate executor or administrator or in other States of Australia in respect of a South Australian executor or administrator.

The only major area of difficulty in respect of Public Trustee is the question of acting in situations where Public Trustee will have a conflict of interest. I recognise that there may be occasions when Public Trustee has a conflict, and perhaps those occasions will be more frequent than in respect of individual executors, administrators or trustees but, notwithstanding the perhaps greater frequency with which that will occur, I am concerned that the Bill authorises Public Trustee to act in those situations of conflict with the approval of the Supreme Court. It is not clear to me whether that provision enabling Public Trustee to act in a situation of conflict subject to the directions of the Supreme Court is meant to mirror the provision relating to individual trustees, executors and administrators. I understand that, under the rules of the Supreme Court, where a conflict is experienced by an individual acting in more than one capacity, an application is made to the Supreme Court and directions are given by the Supreme Court to that individual with respect to the handling of the estates or interests in regard to which the individual acts in different capacities.

That resolution of the conflict is under the direct supervision of the Supreme Court. If it is clear (and I am not sure that it is clear in the Bill) that the position of Public Trustee is to be no different from that of an individual, I would certainly support that provision of the Bill, but if it means that Public Trustee is being given something more than an individual trustee, executor or administrator is given in a situation of conflict, I would want to seek an amendment that would clarify the position and put Public Trustee in that context in a position that was no better than that of an individual. If the Attorney-General will have his officers give advice in respect of that matter, I will then be able to make a final decision in that regard in Committee.

I refer now to the disclosure of assets and liabilities in respect of deceased estates. I believe that all honourable members will recognise that, when succession duty was payable in South Australia, every executor and administrator was required to file a succession duties statement with the succession duties office. That statement disclosed all the assets and liabilities of the estate as at the date of death. If some were not known at the time of filing the statement but came to the knowledge of the executor or administrator during the administration, there was an obligation on the executor or administrator to disclose the details of that asset or liability to the Commissioner of Succession Duties. In that context, it was not only the detail of the asset but also the value of the asset that had to be disclosed. However, nowhere under the Succession Duties Act or the Administration and Probate Act was there an obligation upon a trustee to disclose details of assets and liabilities acquired or incurred during the course of a trusteeship.

If in fact the Government intends to enact that provision in the Administration and Probate Act, I have very grave concern, because in the context of this Act it will require executors or administrators to disclose assets which may result from the conversion of property disclosed at the date of death but which might be converted, say, from real estate to cash or from cash to real estate. There may be the question of bonus shares and a variety of other assets that come into the hands of the executor or administrator during the administration of the estate.

It is not clear from the Bill whether it is intended that, in applying for a grant of probate, the value of particular assets will have to be disclosed. If that is the case, again I express grave concern because surely we are seeking to require executors and administrators to disclose the assets and the liabilities of the estate as at the date of death with sufficient particularity to identify them but without necessarily requiring expensive and time consuming valuations which will be a cost to the estate and which will undoubtedly hold up the applications for grant of probate or letters of administration and then the administration of the estate. In respect of trustees, it seems to me that that is not well conceived, because the Bill will seek to require a trustee, during the course of trusteeship, to disclose all assets and liabilities that from time to time are acquired or incurred, as the case may be, to the Registrar of Probate. That may span 20, 30, 40 or even 50 years, particularly where there is a life interest in the estate and the executor, having completed the administration of the estate, ceases to be an executor as such and assumes the responsibilities of trustee. There are already provisions under the Trustee Act for the keeping of proper records by trustees and I believe that there is also adequate provision for access to be given to beneficiaries and those with an interest in the estate in respect of the administration of a particular trust by the trustee.

To some extent the inclusion of 'trustee' in this context will, in fact, double up the work for trustees if they have to disclose information under the Trustee Act and also under the Administration and Probate Act. I also mention that in the course of a long trusteeship (or, for that matter, a short one) the incurring of rates and taxes and other costs during the course of administration would, under the terms of this Bill, have to be disclosed. I would hope that that is not to be required because I believe, again, that it is unnecessary. It does not achieve anything and will unnecessarily increase the cost of administration of estates.

I will put to the Council, Mr President, what I see as a fair proposition which will achieve, to a very significant extent, the objectives that the Government is seeking to achieve. I have no criticism of the objectives, but I do have a criticism of the extent to which added responsibilities will be placed on executors, administrators and trustees in achieving those objectives. I suggest to the Attorney-General that the Bill ought to be limited to the responsibilities of executors and administrators and that the executors and administrators are required to disclose assets and liabilities as at the date of death with sufficient particularity to identify the assets, but without valuations having to be obtained.

That would put on the record in the office of the Registrar of Probates all of the assets and liabilities as at the date of death. It would give information to interested persons, including beneficiaries, as to what is in the estate, and if the administration subsequently becomes a long period of trusteeship then the Trustee Act will step in and cover the obligations of the trustee in the administration of the trust. That, to me, will not incur a substantial additional cost to an estate. It is something that is easily achievable without unnecessary, bureaucratic red tape. It is also sufficient to give information to those who need it as to what is in the estate.

There are two miscellaneous amendments that the Opposition supports. The first is an amendment to overcome difficulties created by the 1979 Income Tax Assessment Act amendments at the Federal level, which placed a penalty upon trusts held on behalf of infants where one or both parents died intestate. I am prepared to support the Bill to the extent that where there is such an interest of a child it should vest on the death of the intestate and not be postponed until the child reaches 18 years. I cannot see that there are any difficulties there. It was a matter that was referred to me when I was Attorney-General. I must say that I had some hesitation about it at the time but, upon reflection,

and in the light of additional penalties that are imposed on children's interests by the Federal Income Tax Assessment Act, I believe that it is something that I can now support.

The other amendment relates to section 105 of the Act, which presently provides that property can be settled on a female under the age of 18 years when she marries. The Bill removes the reference to 'female' and provides that any person under the age of 18 years is entitled to have property settled on them if they are married before reaching that age. That seems to me to be an appropriate amendment.

I will now raise a couple of other matters. The first relates to clause 11, particularly new section 118q (3). The difficulty I see in this provision is, I suppose, a matter of drafting, to some extent. However, I would like the Attorney-General and his officers to give some consideration to the power of the court to exempt a disposition of property or a contract from the operation of the section that allows an administrator to avoid a disposition or a contract entered into by a person whose estate is subject to administration under that part of the Act.

The courts can only exempt a disposition in circumstances where it is both for the benefit of the person whose estate is subject to the administration and the court is satisfied that that person has an adequate understanding of the nature of the transaction. It seems to me that that requirement may not really be necessary and that the court could perhaps be given a wider jurisdiction to exempt such dispositions where it is only for the benefit of the person whose estate is subject to administration. It may, of course, be difficult to establish that the person whose estate is so subject to administration has an adequate understanding of the nature of the transaction. It is not clear whether the adequate understanding of the nature of the transaction relates to the time of entering into the contract or making the disposition, or to the time when the court is asked to make an order to exempt a disposition.

The other area which I have not had time to research adequately, but to which the Attorney-General might give consideration, is where, for example, there is a disposition of property by the person whose estate is subject to administration and the person to whom that property is disposed then grants a security over it, or otherwise deals with it. In those circumstances the question is whether the third party has any rights in the light of the way in which this provision is drafted.

It may be that, until avoided, the disposition of property or the contract is a valid disposition or contract as the case may be and that any action taken up to the point of avoidance by the administrator is valid in relation to third parties. I would appreciate it if there could be some clarification of the position in the circumstances to which I have referred. There will be, as I have indicated, some amendments moved during the Committee stages, but in essence the Opposition supports the Bill at the second reading stage.

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

AGED AND INFIRM PERSONS' PROPERTY ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 29 August. Page 606.)

The Hon. K.T. GRIFFIN: The Opposition supports the second reading of this Bill. It is, to some extent, a reflection of the amendments contained in the Administration and Probate Act Amendment Bill, to which I have just addressed some comments. The Aged and Infirm Persons' Property Act enables any person to apply to the Supreme Court for an order appointing a person as manager of the estate of an aged or infirm person who is not able to conduct his own financial and other affairs.

On the production of appropriate evidence the court will appoint as manager either an individual who may or may not be a relative of the aged or infirm person or Public Trustee. The practice of the court varies depending on who makes the application and on the size of the estate to be administered. It is possible for an individual, and from time to time it happens, to take an appointment as manager of an estate.

One of the provisions in the Bill seeks to ensure that beneficiaries of a will of a person in respect of whose estate a manager is appointed under this Act are able to apply to the Supreme Court for a share of the estate where the administration by a manager has changed the nature of the estate to such an extent that the intention of the testator expressed in the will can no longer be carried out. I support the provision in this Bill that enables equity to be done by the Supreme Court as between beneficiaries in the light of that change in the nature of the assets in the estate.

There is also provision for a manager of an estate to avoid a disposition of property or a contract entered into by a protected person but, of course, there is the safeguard that if the other party to the transaction did not know and could not reasonably be expected to have known that the person with whom he dealt was unable to manage his affairs, then there is no avoidance of the disposition or the contract.

I raise the question under this Bill concerning new section 27 (3) as to the power of the court that I raised on a similar provision in the Administration and Probate Act Amendment Bill. Perhaps the Attorney-General will obtain some responses as to the desirability of giving the court power to exempt the disposition of property for a contract from the operation of that section if it is satisfied only that the transaction would be for the benefit of the protected person. There is also the question as to when the protected person is to have an adequate understanding of the nature of the transaction, that is, at the time of the transaction or at the time of the application for exemption. I think that that matter needs to be resolved.

I also draw attention to clause 8 of the Bill which again provides for some reciprocal arrangements between Public Trustee in South Australia and a similar authority in another jurisdiction, whether in Australia or overseas. I have no difficulty with that so far as it goes, but it seems that as individuals can be appointed as managers it may be appropriate, in the context of this Act, to authorise managers who are natural persons to appoint agents outside South Australia with the approval of the Supreme Court or to act as agents for managers who reside outside the jurisdiction.

I would appreciate it if the Attorney-General would give some consideration to the extension of clause 8, because it seems to me that in these circumstances it is quite reasonable, for example, for an individual who is a manager to be able to appoint agents outside the State to handle property outside the State and, in some instances, to act in South Australia on behalf of the manager of a protected estate under similar legislation outside South Australia.

In light of those comments it is obvious that there may be some amendments, but again they are matters which I would not expect to be controversial and which, I would hope, can be resolved during the Committee stage without any great difficulty. To that extent, and so that we can get to the Committee stage of the Bill, I support the second reading.

The Hon. C.J. SUMNER (Attorney-General): I thank the honourable member for his support of the second reading and, in the light of the questions he raised, I seek leave to continue my remarks later to enable me to obtain some responses.

Leave granted; debate adjourned.

JUSTICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 August. Page 607.)

The Hon. K.T. GRIFFIN: The Opposition supports this Bill. It seeks to do two things: first, to give more flexibility to a justice in dealing with a warrant for non-payment of a fine or other penalty and, secondly, to provide a more effective procedure for dealing with statements of prosecution witnesses in committal proceedings.

The present position with respect to warrants issued for the non-payment of a fine or other penalty is that once issued they have to be executed if the defaulting debtor is found by the police.

While informally police officers, when they knock on the door and present the warrant, are prepared to give some time to the defaulting debtor to get the money together, there is no legal power for them to do so. There is also no legal power to accept payment by instalments because the acceptance of an instalment in consequence of a warrant would, in fact, nullify the warrant. The Bill seeks to give a greater level of flexibility to enable such a debtor to apply to a justice who is a Clerk of the Court for a suspension of a warrant or for the postponement of the issue of a warrant and for that suspension to be made on such terms as the justice deems appropriate, including the provision of payment by instalments.

It would be most unusual for anyone ever to seek an order to postpone the issue of a warrant because, generally, people are not aware of it unless they keep a fairly close tally of the time that has elapsed since the imposition of the penalty. So, while it is important to have that provision for those rare occasions where a debtor may make early application for postponing the issue of a warrant it is, I think, more important to have the more flexible provisions that enable a justice to deal more flexibly with the situation of a defaulting debtor.

There is only one point that I want the Attorney to consider. The Bill actually provides for the application to be made to a justice who is Clerk of the Court. I wonder whether it is necessary to be so strict as to require all such applications to be made to a justice who is Clerk of the Court and whether it would be sufficient to allow that application to be made to any justice, which would include a magistrate, a Clerk of the Court and others. There may be good reasons why the Attorney has limited it to justices who are Clerks of the Court, but on the face of it it appears rather restrictive.

The other matter I would like the Government to consider is whether the scheme of community service orders ought now to be considered for extension to those who have been convicted of an offence where a penalty has been imposed, and there is default in the payment of that penalty. Under the Children's Protection and Young Offenders Act there is provision for a community service order to be made in respect of a young offender who fails to pay a fine awarded by the court. In some circumstances it may be appropriate that a defaulting debtor, in the circumstances to which I have referred, that is, an adult, should be able to serve out the penalty by community service order where a justice so directs. I know that the scheme is costly to implement across the State. However, I understand from public comment that has been made by the Government that it intends to extend the community service order schemes across South Australia and, in that context, I raise this additional question as to whether it could usefully be applied to those who default in payment of fines.

The other aspect of the Bill is to provide a mechanism for dealing with statements of prosecution witnesses in committal proceedings. I accept that it is appropriate to provide a more formal basis upon which statements of prosecution witnesses can be dealt with, and the Bill proposes that not less than 14 days before the committal proceedings the Crown will make available statements of prosecution witnesses, and that within not less than seven days of the committal proceedings the defence counsel must give notice to the Crown Prosecutor requiring particular witnesses to be available for cross examination, although that is not necessarily the end of it if the presiding magistrate believes that there is good cause for allowing a Crown witness to be called where no notice has been given. The procedure at the moment is something of a random procedure that often results in delays in committal proceedings, and it is for that reason that I think the formalising of the procedure is a good thing. Again, the Opposition supports the general thrust of the Bill and, in order to consider the clauses in more detail, we support the second reading.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

ACTS INTERPRETATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 August. Page 612.)

The Hon. ANNE LEVY: I want to speak only very briefly on one aspect of this Bill, an aspect that has been either ignored or dismissed in one sentence only by all members of the Opposition except the Hon. Diana Laidlaw. Clause 4 of the Bill will make symmetrical the use of gender in Acts of Parliament. Until now the Acts Interpretation Act has stated that the male includes the female. Now we will have the symmetry that the female includes the male. We already have in section 26 of the Act that the singular includes the plural and that the plural includes the singular. So, with this Bill the symmetry will be complete.

This is not a trivial matter. Language does influence people and the use of particular language can indicate the attitudes of the speaker and can affect the attitudes of the hearers. Much of our language has been developed in a patriarchal society, so it is not surprising that often the male is taken as the norm and the female is something less than the norm. Sexist language therefore acts more negatively on females than on males because it automatically limits and subordinates them. Sexist language assumes that anything male has inherent superiority over anything female. It is often stated that the use of the words 'man' and 'men' means the entire species—*Homo sapiens*—and so it includes both men and women. But whatever the grammarians may say on this matter—and honourable members should note of course that the great seventeenth century grammarians were all men—it has certainly been shown—

The Hon. Peter Dunn interjecting:

The Hon. ANNE LEVY: It is true. It has certainly been shown many times that this assumption is just not true for many people. As an example of the many many experiments that have been conducted on this matter, I will quote one from 1973, where a very large sample of university students in the United States was examined. Half were asked to find

illustrations for three chapters of a book that were to be entitled 'Social Man', 'Political Man' and 'Industrial Man'. The other half were asked to find illustrations for exactly the same three chapters but with the headings 'Society', 'Political Behaviour' and 'Industrial Life'.

The first group, both men and women, always came up with pictures of males, showing that the use of the word 'man' in a title conjures up images of only males and not of humanity in general, whatever was intended by the use of the word. However, the second group, where the word 'man' was not included in the title, produced pictures of both males and females, showing how non-sexist titles result in a more comprehensive view of humanity in the minds of the students. Experiments such as this have been repeated many times, always with the same results. Where the word 'man' is used in a title, whatever is said, for the majority of people this conjures up images of only males.

The use of titles such as *The Ascent of Man* in the well known television series perpetuates the strange idea that the male is the species and the female merely some sort of subspecies. Whatever people may say about 'man' meaning the species, it is only too evident that for many the word conjures up images or ideas only about males. There is an automatic assumption that all people are male until proven female. That is demeaning for half the human species.

A great deal has been written on this topic and on the effects of sexist language on the attitudes and values of the community. It is not a trivial and unimportant matter whether the title 'Chairperson' or 'Chairman' is used. I am glad to say that the ALP has officially adopted the use of the title 'Chairperson' in all its documents. Likewise, the use of the term 'police officers' instead of 'policemen' should be encouraged, along with 'workers' instead of 'workmen', 'technical staff' instead of 'technical men', and so on. If members would like to learn more about the effects of sexist language, I refer them to the numerous writings of Dale Spender, who is a remarkable Australian.

The Hon. R.J. Ritson: Who's he?

The Hon. ANNE LEVY: She. Dale Spender is her name. She is a very well known Australian who has written considerably on this topic and others.

The Hon. Peter Dunn: Is she related to Sir Percy?

The Hon. ANNE LEVY: Yes, she is related to Sir Percy, if the honourable member is interested.

The Hon. R.C. DeGaris interjecting:

The Hon. ANNE LEVY: He came first; he is a good deal older than she. If members would like to avoid sexist language, I suggest that they read a recently published book by Sorrells entitled *The Non Sexist Communicator.* With a little practice, members could then achieve the goal of non-sexist communication. I have a copy of the book and I would be happy to lend it to anyone interested. Indeed, perhaps the book should be prescribed reading for Parliamentary Counsel so they could draft legislation using non-sexist language. At least the Bill before us is a step very much in the right direction, according the female gender the same rights in law as the male gender. I support the second reading.

The Hon. C.W. CREEDON secured the adjournment of the debate.

FAMILY RELATIONSHIPS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 August. Page 615.)

The Hon. ANNE LEVY: In supporting the second reading of this Bill, I will reply to several points made by the Hon. Mr Griffin in his speech on this measure. In particular, it seems to me that in some areas he introduced complexity and confusion where none exists. This is a very important Bill which clarifies the legal status of children resulting from AID and IVF procedures. Such children exist in the community and though not many in number it is most unfair to these individuals not to clarify their status as soon as possible. I agree that many other issues are important and should be considered by members of Parliament and by members of the community. This can be done either by general community debate, Select Committees, expert inquiries, and so on. Quite a variety of methods is possible and perhaps all should be employed.

In no other place that I know of has a Select Committee of Parliament been used to examine these questions. In New South Wales, Victoria and the United Kingdom committees of experts have been established. I am not suggesting that committees of experts are necessarily the best means of investigating such issues; I merely point out that the question of how best to carefully consider these matters is not in itself clear cut. The South Australian Government has already convened one important seminar on these issues, at which considered and rational discussion occurred over a full day. No-one present pretended that one days discussion would solve the important matters considered, and there was general agreement among those present that resolutions and legislation should hasten slowly to allow for full community debate before any important decisions were taken. However, there was complete agreement amongst those present at the seminar that consideration of the urgent question of the legal status of children resulting from AID and IVF should not be delayed.

It is to the credit of the Government that this Bill has come before us so soon. The main provisions of the Bill are as summarised by the Hon. Mr Griffin, as follows:

> *(a)* a child born as a result of implantation of an ovum into the uterus of a woman, whether or not that ovum is that of the woman into whom it is implanted, is the child of that woman [legally]; and
>
> *(b)* a child born as a result of artificial insemination or *in vitro* fertilisation, whether or not the sperm is that of the lawful husband, but where the husband has expressly consented to the procedure, is the child of that husband [legally].
>
> So, where the husband of the woman has consented, and where either one or other contributes genetic material, or where both the sperm and the ovum are donated by persons other than the married couple, a child is the lawful child of that couple and the donors of any genetic material have no rights or obligations in respect of that child.

The Hon. Mr Griffin then went on to criticise the clause that provides that the consent of a husband to his wife undergoing AID or IVF is presumed unless evidence is presented to the contrary. I am afraid that I cannot understand such an objection. Currently in law, when any married woman has a child, the husband is presumed to be the father of that child, though presumably he can present evidence to prove that he is not the father, if that is the case.

The clause to which the Hon. Mr Griffin refers merely extends that same presumption where artificial fertilisation procedures have been used and ensures that the same principles apply as when natural fertilisation procedures have been used, that is, that the husband of a woman who has a child is legally the father unless proven otherwise. To suggest that the onus should be reversed and proof of consent to fertilisation procedures is necessary is equivalent to saying that every husband must prove that he is the father of his wife's child. That is utterly impractical and often impossible, anyway.

The Hon. Mr Griffin objected to the inclusion of *de facto* couples in the legislation. I think he is ignoring reality. There are many *de facto* couples in our society, and the

reasons for their choosing to live in such a relationship are probably as many and varied as there are numbers of such couples. I read Archibishop Rayner's article in the *Advertiser* on *de facto* relationships with great interest, but I cannot accept his distinction between public and private relationships, distinguishing married and *de facto* couples. I personally know many *de facto* couples who regard their relationships as just as public and just as committed as those of any marriage. Why they choose not to get married I do not know. In some cases they probably reject marriage because of its Christian or religious overtones, which they do not accept. In other cases, they may reject many of the stereotyped notions of what a marriage consists of and feel that they can best express their opposition to those stereotypes by not going through a marriage ceremony. In yet other cases I suspect that the couple feel that a piece of paper is utterly irrelevant to their commitment to each other and that they do not wish to be hypocritical by going through a formality that is utterly meaningless to them.

Whatever the reasons, *de facto* relationships exist in large numbers, and we as legislators should not penalise in any way couples who choose not to go through a marriage ceremony for whatever is a good reason for them. It is no business of ours. If we were to suggest that help for infertility when a couple want children but cannot have them naturally is available only to those who have gone through some civil ceremony, we would be making unjustified moralistic judgments about how people should make commitments to each other. This would be a denial of civil liberties to the individuals concerned. What is important is that a couple are committed to each other and wish to share in the joys and difficulties of bringing up children together. If they are unable to have children naturally and help from the medical profession would overcome their infertility, such help should be available regardless of their marital status. I would strongly oppose any legislation that would discriminate between married and *de facto* couples in regard to fertility procedures. I trust that the majority of members of this Council will agree with me.

The Hon. Mr Griffin also objected to a *de facto* husband being designated as the father of the child if the woman is separated from her legal husband and living with a *de facto*. He even suggested that this is polygamy. This is utterly absurd! The Bill is not saying that she has two legal husbands—which, anyway, is not polygamy but polyandry; polygamy is a man having more than one wife; polyandry is a woman having more than one husband. At least the honourable member should get his terminology straight.

The Bill is not saying that a woman in this situation has two legal husbands. It is merely stating who is to be regarded in law as the father of the child if fertilisation procedures have been used. If a woman in this situation gave birth to a naturally conceived child, I do not imagine that the Hon. Mr Griffin would want the separated but legal husband to have any rights or responsibilities regarding the child, who clearly would not be his, but the child of the *de facto*. The Bill before us is extending to artificially conceived children what currently applies to naturally conceived children.

The Hon. Mr Griffin is also proposing amendments both to this Bill and to the Anti-Discrimination Bill to remove the rights of *de facto* couples to be able to undertake either AID or IVF procedures. I hope most sincerely that he will not proceed with this. No children currently exist who result from artificial fertilisation procedures with a *de facto* couple. The existing children, however, do need legal protection and clearly defined legal status. So the Bill before us is urgent. If further community debate is required on a whole range of issues—and I certainly agree that it is—that is an area where further discussion on the rights of *de factos* can occur. *De factos* should not be discriminated against, and the law should not take sides and imply a virtue or superiority in conventional morality. I do not want to be part of passing moral judgments on people's sexual behaviour where it is between consenting adults and where no individual suffers adverse consequences.

The Hon. Mr Griffin has already proposed the setting up of a Select Committee and has suggested terms of reference. The wording of some of the matters that the Hon. Mr Griffin has suggested as terms of reference is rather loaded and could be proposed in a more neutral manner that does not show his personal preferences or what he considers to be the desirable outcomes. For example, instead of saying:

> ... whether or not to prevent the maintenance of fertilised gametes in laboratory culture medium beyond the physiological stage at which implantation will occur,

one could put in a more neutral fashion:

> ... to what stage of physiological development should an early embryo or zygote be able to be maintained in a laboratory culture medium.

As a former biologist, I must object to the use of the term 'fertilised gamete'. This is an impossibility: a gamete by definition is a form of life in the haploid phase: that is, no fertilisation has occurred. It has a single set of chromosome material. Once fertilisation takes place the gamete no longer exists. A zygote has been formed that is diploid in genetic content; that is, it has chromosomal material from two separate gametes that were arbitrarily designated as male and female gametes. One can talk about fertilised ova, zygotes or early embryos, which is once cell division has started, but never about fertilised gametes. It is a biological nonsense.

The Hon. Mr Griffin also spent a lot of time discussing surrogacy, which does not form part of this Bill. So did the Hon. Mr DeGaris. I agree with the Hon. Mr DeGaris that surrogacy without AID or IVF does occur in our community. I have heard of several cases where a woman has borne a child for her infertile sister. I do not know whether the woman's husband or the sister's husband fathered the child or even whether a rough and ready, self-administered AID using a teaspoon was employed for conception.

I, too, hate the idea of rent-a-womb. I do not wish to regard a woman's uterus as something to be hired out. That to me is completely out. In the cases that I mentioned, certainly no financial transaction was involved, and the mother of the child handed it over to her sister to bring it up once it was born. At a later stage the sister applied to adopt the child, then aged between two and three years, and the formalities of adoption were gone through, but there was never any suggestion that the mother was other than the person who gave birth to the child.

This important principle forms part of the Bill that is now before us. The woman who gives birth to a child is legally the mother, regardless of whether or not she produced the ovum from which the infant developed. There seems to be complete agreement that the donor of sperm is to have no rights or responsibilities regarding a child resulting from such donation. I would hope that there is equal agreement that the donor of an ovum likewise has no rights or responsibilities regarding a child resulting from such donation, and that the privileges and duties of being a mother attach to the woman who gives birth to the child.

This is basically one of the reasons why I oppose the amendment proposed by the Hon. Mr DeGaris. It suggests that the donors of an ovum and sperm should in one particular case have rights that the donor of an ovum or the donor of a sperm never have if considered as individuals: that is, it suggests that somehow the married couple is greater than the sum of its parts. While it is true that marriage confers rights and duties on the participants, this

is only in relation to each other and should not extend to rights or privileges in relation to a third party.

This Bill, by ensuring that a woman who bears a child is legally the mother of that child, is in effect preventing surrogacy according to some definitions of surrogacy. This is not to say, of course, that any mother cannot choose to give up her child soon after its birth, provided it is a free choice on her part. If the Parliament wishes to extend the prohibition of surrogacy, I suggest that we could pass legislation to provide that any contract entered into before the birth of a child to give up that child after its birth should be an unenforceable contract or a null and void contract, or whatever the appropriate legal terminology may be. I hope that no-one deduces from my remarks that I oppose a woman bearing a child for someone else if that is her wish. A woman should have the right to determine what happens to her own body and, if she wishes to bear a child and then give it up, that should be her right.

The Hon. K.T. Griffin: What about the rights of the child?

The Hon. ANNE LEVY: Are you going to prohibit adoption? That is the logic of it.

The Hon. R.J. Ritson: There are standards relating to the rights of the child, and your speech has been devoid of any such consideration.

The Hon. ANNE LEVY: It certainly has not been devoid of consideration for the child. I have stressed again and again that the reason why the legislation is before us is the necessity to do something for the children who currently exist.

The Hon. J.C. Burdett interjecting:

The Hon. ANNE LEVY: What I am saying is that, if a woman wishes to bear a child and then give it up, that is her right. It is now her right, and I hope that no-one is suggesting that that right will be removed. However, to me she will always be classed as the mother of that child, regardless of who produced the ovum. Decisions as to whether to keep the child or give it up can be made only by the mother after the child is born. That is a further reason for opposing the amendment put forward by the Hon. Mr DeGaris.

I seem to have wandered a fair way from the topic of the Bill before us, but so have other speakers in this debate and I wanted to state my views on some of the ancillary matters that they raised. I will certainly not go as far as the Hon. Mr Lucas and discuss the unknown probability of scientists ever developing an artificial placenta, as the relevance of that to this Bill is to me non-existent. The Bill states that the legal mother of a child shall be the woman who gives birth to that child and that the legal father will be the man with whom she lives, unless he can demonstrate either that he is not the biological father or that he did not consent to donated sperm being used. This seems to me eminently fair and reasonable and I would hope that it would have the support of all members of this Council and of the South Australian community.

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

LIBRARIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 August. Page 607.)

The Hon. C.M. HILL: This Bill makes a relatively minor alteration to the Libraries Act that was passed in 1982. At that time I was the Minister responsible for the libraries and I was involved, therefore, in the preparation of the Bill that passed on that occasion. Under that legislation the Board consisted of eight members, and the amending Bill deals with the composition of the Board. The original legislation laid down that the Board include within that group of eight members three members who were to be members or officers of councils; two of those three members were to be nominated by the Local Government Association of South Australia.

The people who were elected to the Board under that provision were Mr McClure, who was the Town Clerk of Marion at the time; Mrs Merideth Crome, who was President of the Local Government Association; and the Chairman of the previous Board (or perhaps I should call it the old Board), Mr Jim Crawford, who was serving in local government on the Brighton council. Those three appointees were very senior people within the local government area and after their appointment they carried out their duties under the new Libraries Act very well indeed.

However, it seems that with the passing of time their positions within local government have changed. I understand that Mr Crawford is no longer serving at Brighton; because of business commitments, he retired from local government. Mr McClure has either retired or is about to retire, and Mrs Merideth Crome resigned from local government at Gawler after she completed her term as the South Australian President of the Local Government Association in this State. I would presume that the Government, which has the right to appoint the members of the Board, expects to use the expertise of such people or other people in a similar situation. Therefore, the Government has now brought forward this amending legislation which deletes the reference to the three members to whom I have just referred and in lieu thereof includes a new provision stating that the membership of the Board must include one member who is a member or officer of a council and is nominated by the Local Government Association of South Australia.

Secondly, there must be one member with experience in local government (who may, but need not, be a member or officer of a council) nominated by the Local Government Association of South Australia and, thirdly, one other member with experience in local government who may, but need not, be a member or officer of a council. This means that the new appointees will be deeply involved with the practice of local government because each of them must have experience in local government. However, they all need not necessarily be serving members of councils in this State. The Local Government Association retains the right to nominate two of the three members, so I would imagine that they would not object in any way to this relatively minor change.

I think that it must be agreed that it is a more sophisticated approach. It provides the Government with an opportunity to retain the expertise of a Board member who might leave the local government scene. Therefore, it would appear to me that it is an amendment that is worthy of approval by this place. Accordingly, I support the Bill and hope that the Government gives consideration to the reappointment of at least two of the people whose names I have mentioned. I cannot say that it can appoint the three, because, of course, one of the three must still be a member or officer of the council. So, at least the expertise of two such people can be retained, if they wish to continue as Board members.

I conclude by complimenting the three people concerned on the way in which they have given service, not only to local government but in particular to the Board of the State Library. Mr Crawford has been Chairman of the Board for many years. I worked closely with him from 1979 to 1982 and found that the dedication he displayed and the time he gave to the cause of libraries in this State were absolutely remarkable. Mr McClure, who upon retirement will, in my opinion, go down in history as being one of the best town

clerks that this State has ever seen, also applied himself with great dedication. Of course, Mrs Crome, who holds the rather unique record of having been President of the Local Government Association and who served local government very well in her term, I have no doubt has done a very good job while a member of the Libraries Board. I support the Bill.

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

JURIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 August. Page 203.)

The Hon. K.T. GRIFFIN: This Bill makes a number of significant amendments to the Juries Act. To enable us to give more detailed consideration to the clauses, the Liberal Party is supporting the second reading of this Bill, but will want to make a number of amendments to it to reflect what we regard as a more acceptable community view of some aspects of the jury system. I will deal with a range of issues that the Bill touches upon.

The first relates to the so-called capital offences of murder and treason where presently the Juries Act requires 12 persons to make a unanimous decision as to whether or not the Crown has established its case beyond reasonable doubt.

When I was Attorney-General this issue raised its head on several occasions. I was then more inclined to the view that there ought to be a thirteenth juror to sit with the jury and participate in all discussions up to the point where the jury was contained within the jury room to make its final decision. If a juror was discharged through illness or incapacity during the course of the trial the thirteenth juror could step into the shoes of that discharged juror and participate in the decision that the jury was required to make.

I was not particularly attracted to the proposition that up to two jurors in a murder or treason case could be discharged because of illness or other incapacity and the balance of 10 jurors could make the decision of innocence or guilt. However, I am persuaded by the background presented in the second reading explanation and the Liberal Party accepts that, in the light of the fact that capital punishment has been abolished, and in the light of the fact that difficulties arise from time to time in murder cases where a juror may have to be discharged thus aborting the trial, in those circumstances a unanimous decision by 10 or more remaining jurors is an appropriate mechanism for dealing with the innocence or guilt of a person accused of murder or, in remote or infrequent cases, treason. Therefore, the Opposition accepts that part of the Bill which reduces the requirement of a unanimous verdict of 12 jurors to a unanimous verdict of not less than 10 jurors.

A significant proposed amendment to the Act will allow an accused person to elect to be tried by a judge alone rather than by judge and jury. It has been the cornerstone of judicial administration and of our judicial system that for indictable offences, where an accused is committed for trial and does not plead guilty, the trial is conducted by a judge and 12 jurors (12 men and women) picked from the community at large to make a decision whether or not guilt has been proved beyond reasonable doubt. I believe that that is an important cornerstone of our judicial system and that any move to water it down or to give options is something to be carefully examined before a decision is taken.

At present a judge presides over the conduct of the case, ensures that only the evidence that is admissible is, in fact, given, makes rulings on material or assertions that may be made or introduced by the Crown or by defence counsel and then is responsible for summing up to the jury the facts as disclosed by the evidence, identifying to the jurors the issues as well as the necessary ingredients of an offence that have to be proved. Then immediately after the judge has given his or her summing up, it is a matter for the jury to make a decision on the evidence, the demeanour of the witnesses and the accused—all the material that is presented to the court—on innocence or guilt.

If I use the word 'innocence' it is to some extent inaccurate technically because the jury has to determine only whether or not the Crown has proved each ingredient of an offence beyond reasonable doubt. It is for those 12 ordinary men and women to make their decision based on their own experience, and perception of the evidence and the witnesses. This is not for the judge, except in some cases where there is so little evidence that it would be dangerous to convict. In those circumstances, the judge is entitled to give a direction to the jury which, it has been suggested, is only a recommendation and not a formal direction with which the jurors are required to comply. I will touch on that matter later.

I have some concern about the right of an accused person to elect to be tried by judge alone and, although there may be emotive arguments raised about the complexity of the evidence, particularly forensic material or in difficult fraud cases, I do not believe that a judge is any more suited to making a decision on that evidence than are 12 ordinary men and women.

In the Bill there is provision that an accused person may make the election in accordance with the Rules of Court, which will be made by the judges of the Supreme Court. There is no indication what those rules are likely to contain. For example, when does an accused make the election? Is it immediately after a committal? Is it within a certain time before arraignment day? At what time is the decision to be taken and, if taken, is the accused entitled to change his or her mind?

One can envisage a situation where, if the decision was to be taken by the accused so close to the commencement of the trial that he or she might be able to determine whether the judge was more likely to acquit or convict, that would be a relevant consideration to the decision. In those circumstances, I do not believe that it is in the interests of the administration of justice. That is something, as I have indicated, that certainly has not been canvassed in the Bill.

A decision in those circumstances might well lead to what could be loosely described as 'judge shopping'. I think that that is an undesirable aspect of the administration of justice, just as 'jury shopping' may be. An interesting article in the *Advertiser* on 22 August reflected on jury practice in America where, in fact, there are now consultants available to advise on the attitude that may be displayed by jurors who are on the jury panel list. Some consultants particularly during the DeLorean trial were, as I understand it, paid up to $1 000 a day for advice on prospective jurors. So, a very profitable consultancy was established to give advice to both the Crown and the defence in that case, as well as in many others cases in the United States. This detracts from the general position that juries are drawn from the ordinary members of the community and that there is no hint of any particular bias in those jurors. I suppose that this is detracting from the subject to which I have been giving some attention.

The other question that obviously arises in respect of the right to elect is what rights of appeal there may be against a decision of a judge. Under the jury system an acquittal is an acquittal for all time. In the Magistrates Court, for example, where criminal matters are disposed of summarily, there is a right of appeal both against an acquittal and a conviction. If a judge alone is sitting in judgment of both the facts and the law in a criminal matter, should there not then be a right of appeal by the Crown against the decision

of a judge, whether it is in respect of an acquittal or concerning penalty for a conviction, just as there is presently a right for an accused to appeal against a conviction by a jury? That issue has not been addressed in this Bill.

There is also the difficulty that a judge, in making the decision on innocence or guilt, being one identifiable person, is more likely to be subject to influence—although I would not suggest that any of our current judges is in that position. There may well be a greater opportunity to influence, directly or indirectly, the decision of a judge rather than that of the 12 jurors picked at random whose likelihood of sitting on a particular jury is not known very much in advance. There is also the problem that judges will become more the focus of anger and antagonism, as they have been in the Family Court jurisdiction, where the issues are highly emotive and the judge alone makes decisions.

I would foresee that, if a judge alone were to become the arbiter of questions of fact in criminal trials, the judge may well become more the subject of such anger and antagonism than is the case at present. Fortunately, in South Australia we are remarkably free of threats against members of the judiciary but I fear that, if judges were to become the arbiters of matters of fact in criminal trials, they would be subject to much more pressure and violence than happens at present.

It is correct that the Mitchell Committee on Criminal Law and Penal Methods Reform supported the right of an accused person to make an election to be tried by judge and jury or by judge alone, and that committee focused on certain cases where that election might be appropriate. I have already referred to several of them, particularly forensic cases and also those of corporate crime. Although a judge might be exposed perhaps to more of the day-to-day criminal activity that passes through his or her courts and might be at least familiar with some aspects of technical evidence, I would suggest that members of a jury are in as good a position to make an assessment of forensic material, for example, as a judge. Just because they do not practise on a daily basis within the courts does not make them any less able to interpret the scientific material that might be presented in evidence. In any case, they presently have the benefit of a summing up, which includes an assessment of evidence by the trial judge.

It is for these reasons that, while the giving of an election might be superficially attractive, there are far greater risks inherent in that proposal when one goes below the surface. I understand that the Law Society has made a submission to the Attorney-General that opposes the granting of the right to an accused person to make an election, but the Society puts it on the much longer-term basis of it being the thin edge of the wedge to gradually remove juries from certain cases. It states in its submission to the Attorney that it is important to retain the jury system because it means that the community at large retains a direct involvement within the administration of justice, and that it is a community responsibility that should not be removed from people because of the important part that the community plays in the administration of justice in the criminal system.

I am not so sure that this Bill is what the Law Society calls the thin edge of the wedge, although I appreciate the strength of its argument in this context. I have had some discussions with lawyers practising in the criminal jurisdiction who have indicated that they would be most unlikely ever to advise their clients to elect to be tried by a judge alone, and they point particularly to the difficulty of lawyers giving advice to clients as to which might be the better course to follow. I do not believe that, just because it places a heavier responsibility on lawyers, the proposal ought to be opposed, but they do indicate that the decision would be difficult. While it confers a right on an accused and does not detract from an accused, they do not believe that the election will ever be made but, if it is ever made, it will be made only rarely. So, it is in this context that the Liberal Party opposes the granting of a right to an accused person to elect to be tried by judge alone.

I now want to refer to the disqualification from jury service. There is no doubt that the existing section 12 of the Act is drafted in language that is certainly not modern. I would not go so far as to describe it as archaic, but it certainly is in need of updating. There is no doubt that the proposed new section 12 certainly brings the language up to date as well as clarifying the basis for disqualification. The Law Society raises some questions about disqualification for trivial offences, particularly in respect of a driver's licence being disqualified for six months. It argues that there is a very large range of minor offences for which imprisonment is theoretically available but rarely imposed and that, if a juror is to be disqualified for being convicted of a minor offence which is punishable by imprisonment but for which no period of imprisonment has been imposed, this will react harshly against a range of people in the community.

The Liberal Party's view is that the Bill should be supported. We are not talking about a person being unfairly prejudiced in the way in which he or she is disqualified, but we are looking at the question of who should participate in the decision whether or not an accused person—a person who is accused of a serious criminal offence—is innocent or guilty. The exposure to the criminal law process, even where it may be of a relatively minor nature, is a factor that may influence a juror or potential juror in determining innocence or guilt. It is for that reason that that part of the Bill has support. However, we would seek to have even tighter conditions for disqualification included in the Bill, and particularly in respect of new paragraphs *(b)* and *(c)* in new section 12 (1) as set out in clause 7.

Paragraph *(b)* provides that anyone who at any time in their lifetime has been sentenced to imprisonment for more than two years is disqualified, and any person who is sentenced to any period less than two years is eligible under paragraph *(c)* to serve on a jury if, during the 10 years immediately preceding the date of jury service, he or she has not been in prison; that is, that at least 10 years should separate the end of the prison term from the date of jury service.

It is a matter of judgment whether such a person is suited to jury service. The Liberal Party and I take the view that no matter what period of imprisonment has been imposed or what length of time has elapsed since the end of that prison sentence a person who has been sentenced to imprisonment of whatever duration ought not to be eligible to serve on a jury. However long has elapsed since the end of the prison sentence and service on the jury, the experience of imprisonment is likely to colour that person's view in the assessment of innocence or guilt of an accused person. Therefore, it is our intention to move an amendment that will extend the basis of disqualification to all those who at any time have been sentenced to a period of imprisonment.

In relation to the reduction in the minimum and maximum ages for jury service, the Act presently provides 25 years as the minimum age and 65 years as the maximum age. There are a number of persuasive arguments on both sides of the spectrum. On the one hand, the Law Society submission to the Attorney-General states:

> The Society is opposed to any reduction in the minimum age for jury service. Jury service is an important social responsibility. Of its very nature, it is different from the right to vote or the right to drink on licensed premises. It is different from the obligation to render military service. In its performance it requires maturity, experience and sound judgment. At 25, some people

will have none of these attributes, and that simply can't be avoided. But more persons in the community are likely to have them at 25 than at 18.

The Society opposes any reduction in the right or obligation to render jury service from the present age of 25. The extra few years in a juror's life are likely to add considerably to his or her maturity, experience and ability to exercise sound judgment.

However, on the other hand there are a number of equally persuasive arguments for reducing the age from 25 years to 18 years, including the fact that marriage is permitted at 18. Even in this day and age, that carries fairly heavy responsibilities. The age of 18 years is also the age of majority, the age for military service, and the age at which persons may be elected to Parliament. Those points all suggest that 18 years is an appropriate age for jury service. Further, if 18-year-olds were involved, juries would reflect a broader cross section of the community than is the case at the moment.

The Liberal Opposition is prepared to support the provision in the Bill to reduce the minimum age for jury service to 18 years. However, it also proposes that the maximum age of 65 years be increased to at least 70 years, and there are a number of reasons for that. The age of 70 years is the age at which judges retire. The age of 72 years is the age at which directors thereafter must be endorsed by annual meetings of public companies before they can continue as directors from year to year. The age of 70 years is the age at which justices of the peace cease to sit in courts of summary jurisdiction. Therefore, in that context, I think it would be quite appropriate to increase the maximum age from 65 years to 70 years. There are many men and women who after retirement and certainly up to and well beyond 70 years retain their full faculties and who could make a useful contribution to the administration of justice by being eligible to serve on and in fact serving on juries at that age. While the Liberal Party supports the reduction to 18 years, it also proposes to amend the Bill to increase the maximum age for eligibility from 65 years to 70 years.

I turn now to the categories of persons not eligible for jury service. There is quite a comprehensive list in the present third schedule which, in fact, relates to the exemption from jury service—not ineligibility. The proposed amendment specifies a number of persons who are ineligible for jury service, so the emphasis is different between the present third schedule and the new third schedule. In some cases there are references to spouses being ineligible for jury service, for example, the Governor, and the Lieutenant-Governor and their spouses, the Judiciary and the Magistracy and their spouses, justices of the peace who perform court duties and their spouses, and members of the Police Force and their spouses. I suggest and will move that spouses also be included in other categories, for example, members of Executive Council. That ineligibility should be extended to their spouses, remembering that members of Executive Council ultimately may have to make decisions in respect of pardons or in respect of those who are sentenced to indeterminate terms of imprisonment.

The Executive Council is comprised of Ministers who form the Executive branch of Government. I think it would be improper for a spouse of a member of Executive Council (that is, a member of the Ministry) to serve on a jury in that context. I also propose that the spouses of legal practitioners who are actually practising as such should be ineligible. I believe it is quite wrong for the spouse of a legal practitioner who is appearing before the courts, perhaps in criminal matters, to be able to serve on a jury and to make decisions in which their spouse as a legal practitioner may be directly or indirectly participating. The same applies equally to public servants who work in Government departments concerned with the administration of justice or the punishment of offenders, and those who are employed in the administration of courts or in the recording or transcription of evidence taken before courts. Again, I think it is appropriate to make the spouses of those public servants ineligible because of the direct involvement of certain departments in the administration or implementation of justice.

In that context I would like to see public servants who within, say, the previous two years from the date on which they would otherwise be eligible for jury service also excluded from such service because within Government departments, particularly those referred to in the schedule, officers may take an active part in relation to certain persons who come up for trial, sentence or review of sentence, or for parole. Therefore, it would be quite wrong for a public servant who has been recently transferred from such a department to be eligible for service on a jury.

The other matter in that context is a technical amendment which we propose to ensure that persons employed in departments responsible for the supervision of offenders should also be ineligible to serve on a jury. That is because the Community Welfare Department has a supervisory role in respect of young offenders who may be dealt with by trial by jury under the Children's Protection and Young Offenders Act.

I now refer to the questionnaire. The Bill provides for the Sheriff to require a person whose name appears on the annual jury list to complete a questionnaire and then forward it to the Sheriff. A person who fails to fill it in or who returns it and includes information that is false or deliberately misleading is guilty of an offence, and the penalty is a maximum of $1 000. The detail of the questionnaire is to be included in the regulations. There is no indication within the Bill as to the scope of the questionnaire.

While it may be appropriate for the Sheriff to send a questionnaire in respect of those matters that may be the subject of scrutiny in order to determine eligibility, it is inappropriate to leave the decision to regulation and to proceed with the rather wide provision in the Bill without having any information as to what that questionnaire is to include. If there is to be a questionnaire, the form of it ought to be included in a schedule to the Bill and not be left to Government regulation, because it contains the potential for abuse. I would like the Attorney-General to give a clear indication as to what is to be included in the questionnaire with a view to incorporating that in a schedule to the Bill or, at worst, to include more specific references to the ambit of the questionnaire in the Bill itself so that the Parliament can determine the ambit of any questionnaire.

There are two other matters; one is addressed in the Bill and the other is not. There is a provision for the Sheriff to excuse a potential juror from attendance in compliance with a summons by reason of ill health, conscientious objection or any other reasonable cause. It is not clear what 'reasonable cause' may be. I will take a number of instances: the first relates to a student at the university, who will become eligible to serve on a jury. The interruption of, say, a month or even longer if the trial is a complex one may seriously prejudice that student's study at a tertiary institution. In those circumstances, there ought to be some specific provision which will allow exemption from jury service.

Another instance is that under the present third schedule dentists, doctors, teachers and a variety of other persons may be exempted. That does not mean that they are ineligible; it just means that they are exempt from jury service if they so wish. There are a number of instances where, for example, a medical practitioner, a dentist, or some other professional person may be a sole practitioner or be in a small practice where to leave the practice for a month would seriously prejudice their livelihood. In those circumstances

there ought to be a right to be exempted or otherwise excused.

I take also the example of small business. A businessman or a businesswoman in a small business may find it financially prohibitive to put a person into, say, a small hardware shop or a delicatessen for any long period so that they can serve on the jury. It may be inappropriate to put somebody into such a business because a person new to the business may not have any knowledge of how to run it. In those circumstances, there ought to be a right to be exempted or excused from jury service. The advantage of the present third schedule is that a number of those people are automatically exempted if they are summoned and do not desire to sit on the jury.

The new third schedule merely sets out a category of ineligibility and the Bill gives to the Sheriff the power to excuse from jury service 'for reasonable cause'. I would like to see some clearer definition of what 'reasonable cause' may be, particularly in the context of those persons to whom I have specifically referred. There may well be many other persons in the community who likewise would have good reasons to be excused, who may have been exempted under the present third schedule, but who now have an obligation to serve and are subject only to a discretion exercised by the Sheriff. It is correct that a judge may review the decision of the Sheriff, but really no guidelines are specified by which the judge may review the decision of the Sheriff. That is an area that needs to be considered.

An area which is not dealt with by the Bill, but which is equally important, is that of interference with jurors. On a number of occasions in recent years there have been instances of persons soliciting from jurors information as to the way in which they voted on a jury decision, what occurred within the jury room and what their present view may be as to the decision that the jury took, maybe some years ago. As a result of some soliciting from jurors when I was Attorney-General the Chief Justice caused a notice to be put up in the jury room drawing the attention of jurors to the necessity for secrecy and confidentiality in the deliberations of the jury. While that is generally something that may have an effect, there needs to be something stronger in the Bill.

I will propose at the appropriate time that it be an offence for any person to solicit from a juror any information as to that juror's views or as to any of the deliberations within the jury room. That does not prevent the publication of information; it does not place a penalty on a juror for disclosing, but it focuses on the obligation of a juror to maintain confidentiality and at least partially deals with the problem by making it an offence to specifically solicit information about jury deliberations.

There are several other issues that I can raise more effectively in Committee. I have dealt with the principal issues on which the Liberal Party wishes to express a point of view. At the appropriate time there will be amendments to deal with those issues that we believe ought to be amended to make the Juries Act a more effective mechanism for enshrining what is a very important public and community duty, namely, service on a jury. Therefore, I support the second reading.

The Hon. L.H. DAVIS secured the adjournment of the debate.

DOG FENCE ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 29 August. Page 608.)

The Hon. PETER DUNN: I rise to support this Bill and to say from the outset that it is an example of co-operation between people who could quite legitimately not co-operate, that is, owners of land on either side of the fence. It is to the credit of those people who are involved because it involves considerable sums of money. There have been lengthy discussions regarding this Bill between the people involved and the United Farmers and Stockowners. They have come to an agreement that there ought to be a change of circumstances in that there has been pressure over the past few years to maintain the dog fence, and that pressure has been monetary. A fence of that dimension is unique to Australia. To my knowledge, nowhere else in the world is a fence used to such a degree to keep out a pest or pests, and it has the ability to do just that.

However, the fence is becoming increasingly costly to maintain, and the cost is falling on those who live south of the dog fence, mainly sheep graziers. The people who live north of the fence, the cattle owners, contributed nothing towards its maintenance. However, a change in the past few years has been the requirement on cattle owners and exporters of cattle meat to clean up bovine tuberculosis and brucellosis in those areas. In so doing, they have been required to fence or subdivide their properties so that they can run their cattle and divide them off; I believe this leads to better management anyway. The cattle owners use that fence in that regard, mostly on their southern boundary. The increased subdivision will lead to better management and financial advantage for those people, helping to offset what they will have to pay to maintain the fence.

The sheep graziers also believe that there should be a better fence, because recently there has been an increased menace from dingoes. As the fence gets older, it requires more maintenance. Improvements in fencing techniques are on the horizon, and it would appear that we could erect a cheaper fence. Solar generators could be used for electric fences, and there could be a storage system attached. This would mean a much less substantial looking fence but one which could keep out unwanted animals such as dingoes and wombats. Wombats break up the fence, and that allows the dingoes to get through. That occurs particularly on the western portion of the fence. Sections of the fence have been electrified successfully.

Section 4 of the principal Act defines those people who live inside the dog fence, basically on the southern side, as those who are responsible for its maintenance. As well as contributing to the cost of maintenance, those people will be required to do the physical maintenance work. New section 28 provides:

> The board may, in respect of a financial year, levy a charge on the occupier of land to which this section applies.

That section is the area north, or on the top side, of the present dog fence. A levy has been set on the owners who live outside the area but who border the fence. I believe that the agreed levy is considerable, being $37.50 a kilometre. As only seven people whose properties border that fence for 900 miles are involved, the cost works out to about $4 700 a year for each occupier of land on the fence line. That is a considerable cost, and it is very generous of those people to come to that agreement to help property owners on the southern side of the fence.

By comparison, the levy relating to property owners on the southern side of the fence, principally the sheep graziers, is determined on a square kilometre basis. Taking an arbitary basis of 2 000 square kilometres for each property on that side of the fence at a rate of $1 per square kilometre, the sheep owner will be contributing about half the cost that the owner on the northern side will contribute. However, it is the responsibility of the owner on the southern side of the fence to maintain it and keep it in shape, and therefore he will be putting considerable work and effort into it. Cattle owners on the northern side of the fence will pay the levy

of $37.50 for five years, and I would hope that at the end of that period the cost does not increase too quickly. I know only too well that fencing costs are extremely high and can be a burden. Fences do not generate money, but they are a necessity. It would be wrong of us to increase the cost willy nilly. I note that there is a safeguard in the Act in that the Minister must ask the United Farmers and Stockowners to agree to a sum before it is set in regulation.

I agree with the provisions of the Bill. It is significant, since it introduces a new facet to the dog fence—people on either side of the fence will now contribute to its maintenance and erection. I support the Bill. After the President (the Hon. Mr Whyte) raised this matter some years ago it has now come to fruition, and we have been lucky enough to have all those involved agree.

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

COMMISSIONER FOR THE AGEING BILL

Adjourned debate on second reading.

(Continued from 29 August. Page 610.)

The Hon. J.C. BURDETT: I support the second reading of this Bill. I do not propose to speak to it at any length as it is a short Bill of only 11 clauses. There is nothing very controversial in the clauses. I will, however refer to some of the clauses later. The Bill has been adequately explained by the Minister and was fully debated in the other place. I refer particularly to the excellent speech given by the Hon. Harold Allison, shadow Minister of Community Welfare.

It is very true that we have an ageing community and that the average age of the community is increasing. We are living longer and more people can now be categorised as 'aged' or 'ageing' than could be in the past. It is very important that ageing people, as far as possible, be treated as part of the community and not be set aside and categorised as ageing. They should take part in community life in the same way as anybody else. At the same time, it is necessary to acknowledge that ageing people, like many sections of the community, do have particular needs and problems. As a total community we owe it to the ageing to see that their needs and problems are properly taken care of and that full consideration is given to their problems.

This Bill is in fulfilment of a promise made by the Labor Party before the last election to set up a Commissioner for the Ageing. The concern of both major political Parties for the ageing was very apparent. The Liberal Party in its policy took a different approach, but an equally caring one, to the problems of the ageing. Its approach was to change the name of the department and the portfolio to 'Department (Minister) for Community Services and the Ageing', to demonstrate our concern for, and recognition of, the part in the total community that the ageing occupy.

Our policy was to set up an 'Office of the Ageing' within the Department for Community Welfare. I believe that, in many respects, that would have been a more flexible mechanism than a Commissioner for the Ageing will be. The term 'Commissioner' seems to have connotations of formality and rather to set that person aside, and, in a sense, that is exactly what the ageing do not want. Therefore, I prefer the approach that the Liberal Party took. Nevertheless, this Bill does very much the same thing and provides for an advocate for the ageing, a person who can act in a consultative capacity and who can carry out the various functions that are set out in the Bill.

Ageing people clearly want something like this Bill. When I consulted with such people before the Liberal Party policy on community welfare was prepared before the last election they were pleased about what we were suggesting. Now that the present Government is in office, those people certainly want this Bill: there is no doubt about that. As has been the tradition with community welfare Bills, with Governments of both political persuasions, there has been full consultation. You will recall, Mr President, that the Bill was introduced during the previous session of Parliament, was allowed to lay on the table and has now been revived. There has been input from various organisations such as SACOTA and other organisations representing the ageing. They certainly support this Bill. They support having an advocate, by whatever method, whether by the one we proposed or the one proposed in this Bill. I therefore have pleasure in supporting this Bill.

I turn now to a few of the detailed provisions of the Bill. Clause 4 (2) *(a)* states:

> The Commissioner shall be appointed—
>
> *(a)* for a term of office, not exceeding five years, specified in the instrument of his appointment;

I have quite often complained before about terms of appointment including the words 'not exceeding'. I have pointed out before, and point out now, that technically the term could be one month, a very minimal term which would not allow the Commissioner any real independence of any sort. I notice in the Anti-discrimination Bill, where a Commissioner is also mentioned, that the Commissioner is appointed 'for a period of five years' and not 'for a period not exceeding five years'. I would have thought that a term of office of, say, three years in this case might be appropriate.

I turn to clause 6 of the Bill, which involves the objectives of the Commissioner, and to what I think is an interesting subclause. When the Hon. Trevor Griffin spoke earlier today in the debate on the Family Relationships Act Amendment Bill, he referred to putting the law into modern form. I do not know whether this provision is in modern form, but it is certainly a form that has not been traditionally used in legislation. Under the objectives of the Commissioner, paragraph *(c)* provides:

> To create a social ethos in which the ageing are accorded the dignity, appreciation and respect that properly belong to them;

I do not criticise that form of language, nor do I approve it—I simply point out that I do not recall having read in Bills brought before this Parliament before such language as setting an objective to 'create a social ethos'.

Clause 7 sets out the functions of the Commissioner and makes clear that his functions are to advise, monitor, undertake research, compile data, disseminate information and things of that kind. In other words, his powers are consultative. He does not have, generally speaking, executive power, and I believe that that is proper. It is what we would have done with regard to an office of the ageing. What is needed is somebody to take up the cudgels on behalf of the ageing, to be an advocate and to undertake the research and things of that kind.

There are questions I intend asking during the Committee stages of this Bill. However, I certainly approve of the principle of the Bill. As I have said, the Liberal Party would have acted differently but achieved the same result. The Bill certainly has the support of ageing people (I do not think necessarily in this form as opposed to the form in which we would have introduced it). They feel the need to have somebody official to look after them. As I have said, there is nothing very controversial in the clauses of the Bill and for those reasons I support the second reading.

The Hon. R.I. LUCAS secured the adjournment of the debate.

QUESTIONS ON NOTICE

COUNCIL FOR THE ETHNIC DISABLED

The Hon. R.I. LUCAS (on notice) asked the Attorney-General:

1. What was the original name for the Minister's advisory committee now known as the Council for the Ethnic Disabled?
2. When was the name changed and what was the reason for the change in name?
3. Did the Minister approve of the change in name?
4. Has this body ever made application for funding under the CEP scheme?
5. If so, when was application made and what were the reasons for the application?
6. What amount of funding, if any, was applied for?
7. If there was an application, when was the Minister made aware of the application and did he approve of the application?
8. As a general principle, does the Minister support advisory committees making application for funding under schemes such as the CEP scheme?
9. Is the Minister aware of any other advisory committees making application for similar funding?

The Hon. J.R. Cornwall, for the **Hon. C.J. SUMNER:** The replies are as follows:

1. Ethnic Disabled Committee.
2. September 1981. The Ethnic Disabled Committee was one of a number of committees formed to work during the International Year of the Disabled. There was considerable support for it to continue beyond the IYD, and the change of name was part of the arrangements for it to have continuing existence.
3. No. The Minister's approval was not necessary as, although the council serves as an official advisory body to the Ethnic Affairs Commission, it operates under its own constitution.
4. No. However, the Ethnic Affairs Commission has applied for funding under the CEP scheme for a person to work with the Council for the Ethnic Disabled in compiling a register of handicapped people of ethnic background in South Australia; organising the Disabled Seminar to be held in November 1984; and enhancing participation of the council and the Commission in the DPI International Convention following the seminar.
5, 6 and 7. Not applicable.
8. No.
9. No.

SOUTH AUSTRALIAN ETHNIC AFFAIRS COMMISSION

The Hon. R.I. LUCAS (on notice) asked the Attorney-General: In relation to the South Australian Ethnic Affairs Commission—

1. What are the names of members of the Commission?
2. What is the level of fee, salary or allowance payable to the members?
3. What is the date of expiry of each member's term of office?

The Hon. J.R. Cornwall, for the **Hon. C.J. SUMNER:** The replies are as follows:

1. Mr B. Krumins (Chairman and Chief Executive Officer)
Mr M. Z. Schulz (Deputy Chairman and Deputy Chief Executive Officer).
Mr A. Grivec
Dr J.J. Smolicz
Mr J.C. Colussi
Mrs W.J.W. Douglas-Broers
Mr B. Taliangis
Sister Elizabeth Nghia
Ms F. Kaider
Mr A.M. Radis
Mr J.K. Lesses
2. The Chairman, who is a full-time officer of the Commission, receives salary equivalent to Public Service classification EO-1 plus $1 000 per annum, and the Deputy Chairman, also full-time, Public Service EO-1. The other members receive an allownace of $1 500 per annum.
3. Mr Grivec, Sister Elizabeth Nghia and Dr Smolicz 30 June 1985.
Mr Krumins, Mr Taliangis, Mr Radis and Mrs Douglas-Broers 30 June 1986.
Mr Lesses, Mr Colussi and Ms Kaider 30 June 1987.
Mr Schulz 12 April 1989.

MEMBERS OF ORGANISATIONS

The Hon. R.I. LUCAS (on notice) asked the Minister of Agriculture, in relation to the undermentioned bodies—

(a) Artificial Breeding Board;
(b) Citrus Board;
(c) South Australian Egg Board;
(d) Metropolitan Milk Board;
(e) South Australian Potato Board;
(f) SAMCOR;
(g) Vertebrate Pests Control Authority;
(h) Pest Plants Commission;
(i) Country Fire Services Board;
(j) South Australian Timber Corporation;
(k) Meat Hygiene Authority;
(l) Phylloxera Board,

to provide the following information—

1. Names of members of the Boards of each body.
2. Level of fee, salary or allowance payable to the members.
3. Date of expiry of each member's term of office.

The Hon. FRANK BLEVINS: I seek leave to have the answers incorporated into *Hansard* without my reading them.

Leave granted.

Reply to Question

A. ARTIFICIAL BREEDING BOARD

This Board is currently in the process of being disbanded.

B. CITRUS BOARD OF SOUTH AUSTRALIA

	Fees per annum	Expiry date
J.A. Carnie (Chairman)	$4 050 + $725 expenses	14.2.85
C.A. Binks	$2 125	14.2.85
W.C. Davis	$2 125	14.2.85
J.B. Fulwood	$2 125	14.2.85
G. Harrington	$2 125	14.2.85
D.R. Ingerson	$2 125	14.2.85

C. SOUTH AUSTRALIAN EGG BOARD

	Fees per annum	Expiry date
R.B. Fuge (Chairman)	$45 081 + $1 000 allow.	30.6.87
M.C. Mair (Dep. Chair.)	$4 125 + $1 020 allow.	31.3.85
J.S. Harvey	$4 125	31.3.85
D.R. Huezenroeder	$4 125	31.3.86
D.J. Oliphant	$4 125 + $1 020	30.3.85
J.G. Simpson	$4 125	31.3.87
Ms J. Yeomans	Govt. employee	28.2.87

D. METROPOLITAN MILK BOARD

	Fees per annum	Expiry date
B.D. Hannaford (Chairman)	$45 081	1.5.87
G.A. Bywaters	$4 175	10.3.86
Ms J.B. Russell	$4 175	1.3.89

E. SOUTH AUSTRALIAN POTATO BOARD

	Fees per annum	Expiry date
G.E. Muir (Chairman)	$4 100 + exp. + travelling	30.6.85
A.F. Bradshaw	$1 725 + exp. + travelling	30.6.85
B.R. Braendler	$1 725 + exp. + travelling	30.6.86
T.J. Buckley	$1 725 + exp. + travelling	30.6.87
R. Cannizzaro	$1 725 + exp. + travelling	30.6.85
B.F. Clark	$1 725 + exp. + travelling	30.6.87
G.L. Hodge	$1 725 + exp. + travelling	30.6.86
D.C.H. Paschke	$1 725 + exp. + travelling	30.6.87
D.P. Schirripa	$1 725 + exp. + travelling	30.6.87

F. SAMCOR

	Fees per annum	Expiry date
G.J. Inns (Chairman)	No remuneration	30.6.87
R.G. Atkinson	No remuneration	30.6.87
J.W.E. Tidswell	No remuneration	30.6.87
J. Harnett	$5 700	30.6.87
K.S. Kelly	$5 700	30.6.87
R.F. Price	$5 700	30.6.87

G. VERTEBRATE PESTS CONTROL AUTHORITY

	Fees per half day	Expiry date
A. Tideman (Chairman)	Govt. employee	—
R.G.M. Harvey	$85 per ½ day	30.6.85
J.E. Bromell	Govt. employee	30.6.87
S. Barker	Govt. employee	30.6.87
K.R. James	$85 per ½ day	30.6.86
A.D. McTaggart	$85 per ½ day	30.11.86
J.H. Ridgway	$85 per ½ day	30.6.87

H. PEST PLANTS COMMISSION

	Fees per half day	Expiry date
A. Tideman (Chairman)	Govt. employee	21.7.85
S. Barker	Govt. employee	21.7.85
R.D. Brockhoff	$85 per ½ day	21.7.85
M.J. Groth	$85 per ½ day	21.7.85
D.J. Ross	$85 per ½ day	21.7.85

I. COUNTRY FIRE SERVICES BOARD

	Fees	Expiry date
Prof. P. Schwerdtfeger (Chairman)	$3 000 per annum	18.5.85
Mr L. Dwyer	$85 per ½ day Board Meeting	18.5.85
Mr L. Murray		25.5.87
Mr L. O'Driscoll		18.5.85
Mr M. Prior	$45 per ½ day Subcommittee Meeting	25.5.87
Mr M. Arnold		18.5.85
Mr K. Treloar		18.5.85
Mr A. McArthur		25.5.87
Mr L. Parsons	No remuneration	18.5.85
Mr L. Johns (Director)	No remuneration	18.5.85

J. SOUTH AUSTRALIAN TIMBER CORPORATION

	Fees per annum	Expiry date
P.M. South (Chairman)	No fees	—
R.M. Cowan	No fees	8.3.87
N.W. Lawson	No fees	8.3.87

K. S.A. MEAT HYGIENE AUTHORITY

	Fees per half day	Expiry date
J. Holmden (Chairman)	Govt. employee	Appt. by virtue of office.
J.L. Robinson	Govt. employee	11.6.85
C.G. Williamson	$85 per ½ day + travel allowance	30.6.86

L. PHYLLOXERA BOARD OF SOUTH AUSTRALIA

	Fees	Expiry date
O.D. Redman (Chairman)	$100 per session	1.3.86
E.W. Boehm	$85 per session	1.3.85
R.M. Cirami	Govt. employee	At Minister's discretion.
A.E. Gilgen	$85 per session	1.3.86
I. Smith	$85 per session	1.3.86
L.E. McCreanor	$85 per session	1.3.85
K.G. Schwarz	$85 per session	1.3.85
P.J. Wall	$85 per session	1.3.85
P. Birks	Govt. employee	At Minister's discretion.

SEX DISCRIMINATION ACT

The Hon. J.C. Burdett, on behalf of the **Hon. DIANA LAIDLAW** (on notice), asked the Attorney-General:

1. How many applications have been made, and by whom, for exemption from any of the provisions of the Sex Discrimination Act, 1975, for each year since the commencement of the Act?

2. Which of these applications have been approved by the Board and, in each instance, what were the terms upon which the Board granted the exemption?

The Hon. J.R. Cornwall, for the **Hon. C.J. SUMNER:** The replies are as follows:

1. A total of 24 applications have been received by the Sex Discrimination Board seeking exemption from the provisions of the Sex Discrimination Act. Of those 24 applications, four were dismissed and four were withdrawn before hearing.

2. Details of the 16 applications granted are attached.

I seek leave to have the details incorporated in *Hansard* without my reading them.

Leave granted.

Details of Applications

APPLICATIONS FOR EXEMPTION FROM PROVISIONS OF THE SEX DISCRIMINATION ACT, 1975

	Name of Applicant	Order
1. -3/76	Dawainne Pty Ltd	Exemption not granted.
2. -5/77	Registered Shearing Contractors' Association of S.A. Inc.	'... The Sex Discrimination Board grants members of the Registered Shearing Contractors' Association of South Australia Inc. exemption from the provisions of section 18 (1) *(a) (b)* and 27 (1) *(a)* of the Act in so far as, where suitable accommodation is not available for both sexes, the members of the association may restrict employment to men. This exemption shall remain in operation until 31 December 1977.'
3. -1/78	Trotting Control Board	Exemption not granted.
4. -2/78	Australian Mutual Provident Society	The Board orders that the criteria of eligibility established by the AMP Society operating prior to 1 October 1977 relating to applications for home finance by its officers being a benefit connected with employment within the meaning of the Sex Discrimination Act, 1975, be exempt from the provisions of the said Act in respect of officers in the employment of the Society on 1 October 1977 for the period up to 1 June 1980.
5. -4/79	Minister of Education	That the Minister of Education be granted exemption from the provisions of section 18 (2) of the Sex Discrimination Act in relation to the appointment of Deputy Principals in secondary schools for a period of three years from the date hereof. (Order given on 20 December 1979).
6. -1/80	Chris Thomas as Proprietor of Eagle on the Hill Self Serve.	We therefore formally grant exemption to Mr Thomas from section 18 (1) of the Act and, in so far as it is necessary, exemption also from section 45 of the Act so as to allow Mr Thomas to advertise and to employ a console attendant of a particular sex. The exemption, however, is limited to the situation in which employment of one sex is necessary in order to ensure that a console operator of each sex is amongst the combined staff of both service stations during the day shift. This exemption is granted for three years. (Order given on 29 May 1980).

APPLICATIONS FOR EXEMPTION FROM PROVISIONS OF THE SEX DISCRIMINATION ACT, 1975

	Name of Applicant	Order
7. -1/81	Meningie & Districts Memorial Hospital	'. . . granted an exemption from provisions of sections 18 and 27 of the Sex Discrimination Act, 1975 in relation to accommodation of nurses in the nurses home for a period of three years.' (Order given 10 April 1981).
8. -3/81	Dr Ruth Dow	Exemption refused. Application dismissed.
9. -5/81	Mount Barker District Soldiers' Memorial Hospital Inc.	'. . . that the applicant be granted an exemption pursuant to section 37 of the Act for a period of one year from the provisions of section 18 (1) *(b)* of the Act and also section 18 (2) *(a)* of the Act so that the Hospital is not required to offer accommodation to male trainee nurses in the Nursing Home if that accommodation is requested and is available.' (Order given 2 April 1982).
10. -1/82	Port Augusta Trotting Club	The Board therefore formally orders that the Port Augusta Trotting Club be given an exemption from the provisions of section 26 (2) *(c)* of the Sex Discrimination Act, in relation to the free admission of women to their trotting meeting on Friday 5 February 1982.
11. -6/82	Minister of Education	That the Minister of Education be exempted from the provisions of section 25 (1) and (2) of the Sex Discrimination Act in relation to the offering and conducting of introductory trade courses at Colleges of Technical and Further Education designed for girls and young women and to which boys and men will be refused entry. Further, that the exemption on the material before the Board shall be for a period of three years. (Order given on 23 July 1982).
12. -7/82	Workers' Educational Association of S.A. (Inc.)	That the Workers' Educational Association of South Australia Incorporated be exempted from the provisions of section 25 (1) of the Sex Discrimination Act in relation to the offering and conducting of the following courses, namely: Deportment for Modern Women; Self Defence for Women; Overcoming Stress for Women; How to Establish and Run a Small Business for Women; Keep Fit—Women; Self Confidence for Positive Living—Women; Car Maintenance for Women; Home Handywoman, and the Board further orders that the exemption shall be for a period of three years. (Order given on 13 August 1982).
13. -9/82	The South Australian Golf Association Inc.	That the South Australian Golf Association Inc. be granted an exemption from the provisions of sections 16 (1) and 26 of the Sex Discrimination Act, 1975 in relation to the conduct of a schoolboys' coaching scheme for a period of two months. (Order given on 14 December 1982).
14. -3/83	D. McCulloch	Application for exemption refused.
15. -4/83	Minister of Labour	That exemption is granted from the provisions of section 18 of the Sex Discrimination Act, 1975 to allow employers under the programme proposed by the State of South Australia and approved by the Commonwealth Minister pursuant to section 6 of the Special Employment Related Programs Act, 1982 to prefer women to men in determining who should be offered employment. That this exemption shall remain in force from the date hereof until 30 June 1984. (Order given on 28 September 1983).
16. -5/83	Nganampa Health Council	That Nganampa Health Council be exempted from the provisions of section 45 (1) of the Sex Discrimination Act in relation to an advertisement published by it in the *Age* and *Weekend Australian* on 17 September 1983 offering employment to Community Medical Officers. That the Nganampa Health Council be granted exemption from the provisions of sections 18 (1) and 45 of the Sex Discrimination Act and that this exemption shall be for a period of three years from the date hereof. (Order given on 22 November 1983).
17. -7/83	Minister of Education	That the Minister of Education be granted exemption from the provisions of section 18 (2) of the Sex Discrimination Act in relation to the appointment of deputy principals in secondary schools for a period of two years from the date hereof. (Order given on 20 March 1984).
18. -10/83	Association of Women Theatre Workers	'. . . exempted from provisions of sections 18 and 26 of the Act for a period of one year from the date hereof.' (Order given on 15 February 1984).
19. -2/84	The Pitjantjatjara/Ngaanyatjarra Health Service	That the Pitjantjatjara/Ngaanyatjarra Health Service be exempted from the provisions of section 45 (1) of the Sex Discrimination Act in relation to advertisements to fill a vacant position of 'nurse' on the staff of that Health Service. That the Pitjantjatjara/Ngaanyatjarra Health Service be granted exemption from the provisions of section 18 (1) and section 45 of the Sex Discrimination Act, and that this exemption shall be for a period of one year from the date hereof. (Order given on 2 February 1984).

APPLICATIONS FOR EXEMPTION FROM PROVISIONS OF THE SEX DISCRIMINATION ACT, 1975

	Name of Applicant	Order
20. -5/84	Minister for Employment and Industrial Relations	That the employers participating in the Commonwealth Rebate Apprentice Full-Time Training, special additional employment incentive for female apprentices, be exempted from the provisions of the Sex Discrimination Act, 1975. That this exemption remain in force for two months from 1 June 1984.

The following four matters were withdrawn prior to a determination being given:
6/79—Public Service Association of South Australia Inc.
2/80—The Co-operative Building Society of South Australia
3/82—The Department of Correctional Services
1/83—The South Australian Ladies' Golf Union Inc.

FLUORIDE

The Hon. J.C. BURDETT (on notice) asked the Minister of Health:

1. Has the South Australian Dental Service undertaken or commissioned an investigation as to whether or not the quantity of fluoride used in our water supply is excessive?
2. If so, what were the findings of the investigation?
3. As a result of any such investigation was the quantity of fluoride reduced?
4. If so, what were the parts per million before the reduction, and what were the parts per million after the reduction?
5. If any such reduction was made, what steps were taken to inform—
   (a) the public and
   (b) the dental profession
of the change?

The Hon. J.R. CORNWALL: As the answers are quite detailed and lengthy I seek leave to have them incorporated in *Hansard* without my reading them.

Leave granted.

Reply to Question

1. Just prior to the incorporation of the South Australian Dental Service, officers of the Dental Health Services Branch of the South Australian Health Commission commenced two studies related to fluoride in Adelaide's water supply. The subjects studied were as follows:

- Enamel hypocalcification (Mottling) in South Australia
- Urinary fluoride levels in South Australian children.

The former study attempted to establish whether the difference in the levels of enamel hypocalcification in fluoridated and non-fluoridated areas of the State was in line with expectations. The latter study attempted to identify any variations in fluoride intake that might occur between summer and winter. This study was not designed to investigate whether or not the concentration of fluoride in the water supply was appropriate.

2. The former study showed a level of dental hypocalcification in Adelaide children higher than that in non-fluoridated areas, but consistent with that expected from fluoride. Previous studies have established that major reductions in dental caries have been achieved. The study of fluoride concentrations in the urine of South Australian children did not reveal any seasonal variations in fluoride intake. However, further conclusions on the absolute level of fluoride intake were not possible.

3. In late 1982, following a review of the operating criteria for fluoridation plants in the light of World Health Organisation recommended standards and the expertise and knowledge gained over 10 years of operating experience, the E. & W.S. Department considered that a modification to the operational criteria would result in significant savings in operating, maintenance and material costs while at the same time maintaining all the positive public health benefits.

Because the South Australian Dental Service was conducting the abovementioned surveys, which might impact on the E. & W.S. recommendations, a decision regarding fluoride levels was postponed until the results of those surveys were available. In October 1983, the Chief Executive Officer of the South Australian Dental Service supported the E. & W.S. proposal. This support was given for a number of reasons.

- Significant financial savings would result.
- Levels of dental caries in children were now relatively low. Only a slight reduction in protection against dental caries may result from the change, and could be balanced by a marginal reduction in the level of dental hypocalcification.
- The urinary fluoride study indicated that there was no need to vary fluoride concentrations in the reticulated water between summer and winter.

The E. & W.S. Department recommendations were put into effect gradually during the first quarter of 1984.

4. Before reduction, the optimum level of fluoride sought was 1.0 P.P.M. within an allowable operating range of ± 0.05 P.P.M., i.e., from 0.95 P.P.M. to 1.05 P.P.M. Following reduction, the optimum level of fluoride sought is 0.9 P.P.M. within an allowable operating range of ±0.1 P.P.M., i.e., from 0.8 P.P.M. to 1.0 P.P.M.

5. No formal statement of the change has been made as the alternation was regarded as a minor administrative matter designed to allow financial savings with no other consequences of significance. The research papers related to the previously mentioned studies have been submitted to an international journal for publication and professional scrutiny.

SOUTH AUSTRALIAN TIMBER CORPORATION

The Hon. R.I. LUCAS (on notice) asked the Minister of Agriculture:

1. The names of the companies in which the South Australian Timber Corporation has a beneficial interest, and the extent of such interest.
2. The purchase price, if any, of such interests and the estimated current value of these interests.
3. The reasons for the purchase, or formation, of each company.
4. For those interests that were purchased, was the South Australian Timber Corporation aware of any other potential buyers from the private sector?

5. Details of the losses, if any, sustained by the South Australian Timber Corporation with respect to these interest over the past three financial years.

The Hon. FRANK BLEVINS: I seek leave to have the answers incorporated in *Hansard* without my reading them.

Leave granted.

Reply to Question

1. Companies:
   (a) Shepherdson and Mewett Pty Ltd (Sawmillers)—total ownership since January 1984.
   (b) O. R. Beddison Pty Ltd (Plywood Manufacturers)—76 per cent interest.
   (c) Mount Gambier Pine Industries Pty Ltd—90 per cent interest.
   (d) Ecology Management Pty Ltd—51 per cent interest.
2. Investments
(a) Original investment of $100 000 in 1978 and further $239 000 on purchase of other shareholdings in January 1984.
   (b) Original investment August 1983, $1 054 000, additional investment and upgrading $208 000, July 1984.
   (c) The financial details of this transaction have not been made public at the request of the vendor. The member may have these figures in confidence.
   (d) This company was formed by the Corporation.
3. Reasons
   (a) Rationalisation of and upgrading utilisation of Adelaide Hills forest resource. Previous owners retiring.
   (b) To ensure that suitable logs in the South-East were converted to high value plywood and the subsequent additional employment in the South-East achieved and maintained. Veneers were previously exported for plywood manufacture.
   (c) On request of previous proprietor who is still imvolved, but planning retirement. The operation has always been compatible with departmental log supply and Mount Gambier sawmill operations.
   (d) Company formed following 1983 fires to utilise fire damaged young wood not salvageable for other purposes.
4. The Corporation was not aware of potential buyers who would offer conditions suitable to the vendors.
5. Losses:
   (a) Shepherdson and Mewett Pty Ltd. The company operated at a loss during its development stages and during the depressed economic conditions in the industry during 1981-82. These losses are now being recouped. 1983-84 figures currently being finalised.
   (b) This company had heavy liabilities due to establishment problems and although the actual results for 1983-84 are not yet available it is estimated that the operating loss will be in the order of $800 000. However, recent restructuring is demonstrating a profit potential.
   (c) The company has a sound profit history.
   (d) The activities of this company involved original technology for Australia. Research and development of product and markets has been carried out. The company expects to be in a trading situation in 1985.

ADJOURNMENT

At 6.11 p.m. the Council adjourned until Wednesday 12 September at 2.15 p.m.