LEGISLATIVE COUNCIL

Tuesday 18 September 1984

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

PETITIONS: X RATED VIDEO TAPES

Petitions signed by 203 residents of South Australia praying that the Council will ban the sale or hire of X rated video tapes in South Australia were presented by the Hons J.C. Burdett and Diana Laidlaw.

Petitions received.

WALLAROO HOSPITAL

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

Wallaroo Hospital (Redevelopment).

PAPERS TABLED

The following papers were laid on the table:

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

Pursuant to Statute—

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

Proposed construction of a replacement school for Gawler East Primary School.

Proposal to open a Borrow Pit on Section 13, Hundred of Archibald.

Proposed construction of the Noarlunga Health Village.

Proposal to construct a Police Radio Tower and Communication Building at Sections 121 and 122, Hundred of Riddoch.

Proposed Police Radio Tower, Gawler.

Ranger housing at Balcanoona Homestead.

Erection of one single transportable classroom at Grange Primary School.

Proposal to upgrade and enclose front porch of the Mount Gambier Community Mental Health Centre.

Real Property Act, 1886—Regulations—

Strata Titles.

Land Division.

Fees.

Registration of Deeds Act, 1935—Regulations—Fees.

Roads (Opening and Closing) Act, 1932—Regulations—Fees.

City of Tea Tree Gully—By-laws—

No. 45—Swimming Centres.

Corporation of Tea Tree Gully—No. 49—Inflammable Undergrowth.

The Committee Appointed to Examine and Report on Abortions Notified in South Australia—Report, 1983.

By the Minister of Agriculture (Hon. F.T. Blevins)—

Pursuant to Statute—

Citrus Board of South Australia—Report for year ended 30 April 1984.

Pipelines Authority of South Australia—Report and Revenue Statement, 1983-84.

QUESTIONS

SPEED LIMITS

The Hon. M.B. CAMERON: I seek leave to make a statement before asking the Minister of Agriculture, representing the Minister of Transport, a question about speed limits.

Leave granted.

The Hon. M.B. CAMERON: Just before bringing down the State Budget late last month the Premier announced that the Government, as a road safety measure, intended introducing legislation to reduce the maximum speed limit on the open road from 110 kmh to 100 kmh. He claimed that evidence showed that speed was a major factor associated with road accidents and reference was also made to lower speed limits interstate. The difference between 110 kmh and 100 kmh when involved in an accident is, on advice given to me, negligible. On what basis was the decision to reduce the speed limit made, and what evidence does the Government have to prove that a reduction from 110 kmh to 100 kmh will decrease the road toll?

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

HOSPITAL FOOD

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Health a question about food at the Royal Adelaide Hospital.

Leave granted.

The Hon. J.C. BURDETT: A constituent has contacted me regarding the condition of food served to patients in the Royal Adelaide Hospital. The constituent's wife is a patient there and last Thursday ordered fricasse veal with vegetables (peas, mashed potatoes and pumpkin) and baked plum pudding and custard. She tried the veal and found it quite inedible. The pumpkin was not cooked—in fact it was quite solid. She ate the pudding.

The Hon. K.T. Griffin: Is she still alive?

The Hon. J.C. BURDETT: Yes, but she was so upset that her husband gave me a sample of the pumpkin to show to the Minister. However, I am afraid that the sample did not survive until today. My constituent complained to the doctor in charge, mentioning that this type of food was being served day after day. It was not only my constituent's wife who complained but all the other patients complained as well. I add that I have also received complaints from other persons. The doctor in charge—

The Hon. J.R. Cornwall: How many?

The Hon. J.C. BURDETT: I guess the complaints referred to me have numbered about half a dozen or so.

The Hon. J.R. Cornwall interjecting:

The Hon. J.C. BURDETT: They were fair dinkum.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.C. BURDETT: The doctor in charge told my constituent that he would be delighted if something could be done about the problem, because both he and the nursing staff had done their best and had not succeeded in improving the food. I am told that day after day relatives and friends arrive at the hospital with food for their loved ones. I was told that not only is the food not good but the general environment of the R.A.H. is unpleasant. Before my constituent's wife was transferred from another hospital, an apology was made to her for the condition of the R.A.H. mentioning that in comparison with the previous hospital she would find a vast difference. Will the Minister investigate the claims of my constituent that the food is not of a good standard and that it is undercooked?

The PRESIDENT: Before the Minister replies, I draw the attention of honourable members to a gentleman in the gallery to whom I gave permission to take some photos—

no recording—for an educational magazine. How long he will stay there I do not know.

The Hon. J.R. CORNWALL: I am rather disappointed that the Hon. Mr Burdett has seen fit in his general remarks to attempt to denigrate one of the great teaching hospitals of this country. He made it sound rather more like the Municipal Hospital No. 7 in Moscow.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: I know the Municipal Hospital No. 7 in Moscow because I have been there; I do not recommend the general environment in that hospital to anybody. The Hon. Mr Burdett said that the general environment at the Royal Adelaide Hospital was most unpleasant, that the conditions were not good and so forth.

In fact, it is well known that the Royal Adelaide Hospital is one of the biggest, and certainly one of the best teaching hospitals in this country; it has an international reputation. As one who is very proud to be an adopted South Australian of more than 20 years standing, I find it most regrettable that the Hon. Mr Burdett should have made those general comments. The fact is that that remarkable hospital has 40 000 in-patients per year and something in excess of 330 000 out-patients (that is, people who attend at either accident and emergency or by appointment to see consultants). It has a remarkable record. As Minister of Health I receive on average perhaps two dozen complaints a year from those 40 000 in-patients, 330 000 out-patients and their relatives. That is a remarkable record by any standards.

Furthermore, I recently established with full Cabinet support a Patient Information and Advisory Office, which is listed in five places in the telephone book. If anyone feels aggrieved by any of our hospitals anywhere in this State they can now immediately ring during office hours and receive sympathetic advice and prompt action.

With regard specifically to the food at the Royal Adelaide Hospital, it is balanced and nutritious, although perhaps not *nouvelle cuisine* in the generally understood way. *Nouvelle cuisine*, I think, is defined as very small quantities at rather large prices, among other things. The food at the Royal Adelaide Hospital is not *nouvelle cuisine* or Ayers House type food, but it is high quality, nutritious food. However, if the Hon. Mr Burdett would like to provide me privately with further details, including the name of the constituent, I will certainly have the individual matter that he has raised investigated. I might add that, when there are 40 000 in-patients a year, it is quite impossible to please each and every one of them.

The Hon. J.C. BURDETT: I wish to ask a supplementary question. In view of the fact that the Minister has made certain comments about the food at the Royal Adelaide Hospital being nutritious and so on, will he say whether the food is adequately cooked (that is, it is not undercooked) and edible?

The Hon. J.R. CORNWALL: The food at the Royal Adelaide Hospital, I am pleased to say, is tasty, nutritious and adequately cooked, according to the overwhelming majority of the 40 000 in-patients who pass through that hospital every year.

POLICE OFFENCES ACT

The Hon. K.T. GRIFFIN: My questions to the Attorney-General are as follows:

1. Is the drafting of any Bill to amend the Police Offences Act presently with the Attorney-General's Office?

2. What changes, if any, are likely to be proposed to the Police Offences Act?

3. If any changes are likely to be proposed, when will they be introduced into the Parliament?

4. What consultation, if any, is taking place with the police?

The Hon. C.J. SUMNER: A Bill is being drafted. I do not intend to outline the changes at this stage: the honourable member will have details of the Bill when it is introduced into this Parliament. A number of issues relate to the Police Offences Act, some of which were being considered when the honourable member was Attorney-General, and there are other issues as well. That Bill is being drafted at present by Parliamentary Counsel. I do not know when the Bill will be introduced into Parliament, but I hope that it will be available during this session. There have been consultations and discussions with the Commissioner of Police and other officers of the Police Department about the Bill.

ETHNIC AFFAIRS INFORMATION OFFICERS

The Hon. C.M. HILL: Has the Minister of Ethnic Affairs a reply to a question I asked on 21 August about information officers within the Ethnic Affairs Commission?

The Hon. C.J. SUMNER: In the course of my reply when this matter was previously raised, I explained that the number of information officers employed by the Commission is being reduced as individual Government agencies develop their capacity to deal with non-English speaking people. The Commission's overall resources have been significantly increased, but there are changes of emphasis in the Commission's work and services, and this is one of those changes.

I can, however, assure the honourable member that the Commission's ethnic information service will continue to function. Its staffing strength has been stabilised at a supervisor and four ethnic information officers (of whom one is a part-time worker). These officers are able to assist people in the Cambodian, Chinese, German, Greek, Italian, Polish, Romanian, Thai, Ukrainian and Vietnamese languages, both by providing direct services and by guiding people to the proper agencies to attend to their particular needs.

NAME SUPPRESSION

The Hon. I. GILFILLAN: Has the Attorney-General a reply to a question I asked on 12 September about name suppression?

The Hon. C.J. SUMNER: Further to the matter of the suppression order made by Mr Amey, S.M., of the name of an employee of the Adelaide City Council who stole coins from parking meters, section 69 of the Evidence Act empowers a court to exercise its powers of suppression when it considers it desirable to do so either in the interests of the administration of justice or an order to prevent undue prejudice or undue hardship to any person. In special cases orders may be made because of the ill health of relatives. The special magistrate, who was in possession of all the relevant facts, obviously determined that it was desirable to exercise his powers. It is inappropriate for me to comment any further.

ROXBY DOWNS PROTEST

The Hon. R.C. DeGARIS: Will the Attorney-General inform the Council whether any of the organisations that took part in the Roxby Downs protest received financial assistance from the Government? If they did, for what purpose was that financial assistance given to any of those organisations?

The Hon. C.J. SUMNER: I will try to ascertain that information for the honourable member and bring back a reply.

SPEECH PATHOLOGISTS

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Minister of Health a question about defence of South Australian standards of patient care.

Leave granted.

The Hon. R.J. RITSON: Last week I asked the Minister a question about alleged cuts in training places for speech pathologists. He replied that he had no knowledge of such cuts and that if there had been cuts he would support a lobby to increase rather than decrease the number of such training places. This is largely a Federal matter so, having heard more about the cuts and their effects, I was moved yesterday to send a telegram to Senator Susan Ryan and another to Dr Blewett asking them to consider the long-term effect of these cuts on patient care in South Australia. In view of the obvious bipartisan approach indicated by the Minister in relation to this matter on the occasion that I asked my question, what lobbying of Canberra does he particularly intend to undertake?

The Hon. J.R. CORNWALL: I was unaware at the time I rose to my feet last week to answer the honourable member's question that the shadow Minister of Education in the other place had asked the Minister of Education (Hon. Lynn Arnold) a similar but rather more specific question. I now know that there is a proposal to cut the student intake from 20 to 14 in the speech therapy course at the Sturt campus of the South Australian College of Advanced Education. I have spoken to the Minister of Education to ascertain what we can do about this matter. The Hon. Dr Ritson is right: it is primarily a Federal matter and principally a matter of tertiary education funding. Notwithstanding that, I am told that the State Minister of Education has a formal power to object to this cut, has done so, and will continue to do so officially within the powers at his disposal.

In addition, when I have more formal advice on my desk I shall also take up the matter with the Federal Minister for Education and the Federal Minister for Health. I said last week, and repeat, that there is a real demand for speech therapists in this State. To at least a marginal extent, there is an unmet need: we could certainly use more of them. It seems ludicrous to me that we continue to train large numbers of medical practitioners and create difficulties in terms of funding internships so that those young medical graduates can complete their training through an internship so that they can become registered, while at the same time in some other faculties we either maintain inadequate numbers or, indeed in this case, have to endure (albeit, I hope, temporarily) the prospect of actually reducing student intake. I have long been an advocate of far more accurate manpower statistics in the health professions. I have raised this matter, and spoken to it, on both occasions I have attended the annual Health Ministers Conference and will continue to raise it in broad terms. It is quite irrational to train too many people in areas such as medicine and dentistry while training too few in areas such as speech therapy, speech pathology and physiotherapy.

I will certainly make formal representations to my Federal colleagues as soon as I have all the facts in writing on my desk and I anticipate that that will be in the very near future.

The Hon. R.J. RITSON: I have a supplementary question. Is the Minister aware that the reduction from 20 to 14 student places will so alter the character of the Speech Pathology Training Unit as to make it totally unattractive to lecturers and post-graduate students and may, in fact, result in the ultimate death (as it were) of that unit? Will the Minister bear that in mind when he assesses the professional advice that he will receive?

The Hon. J.R. CORNWALL: That is largely a matter of internal politics at the SACAE—like many institutions it occasionally plays politics that are far tougher than those we play on North Terrace. As the Hon. Dr Ritson would know, the same applies to medical politics. I further understand that the proposal to cut student numbers in the undergraduate course may have been inspired by the wish to make savings so that some resources could be diverted or reallocated to a post-graduate course in speech therapy. If that is so then, in my view, that certainly should not proceed. I do not have enough fine detail at my disposal at the moment to be able to respond further. I repeat that speech therapy is a difficult and arduous course and an area in which there is a substantial demand. I will do everything that I reasonably can to ensure that the intake of 20 students a year is at least maintained for the triennium 1985-87.

SALVATION JANE

The Hon. PETER DUNN: I seek leave to make a brief statement before asking the Minister of Agriculture a question concerning the control of salvation jane.

Leave granted.

The Hon. PETER DUNN: Debate on the biological control of salvation jane (or, as otherwise known, Paterson's curse) has a long history which varies, depending on the part of the State one lives in—from north to south. The argument revolves around whether salvation jane is of nutritious value, whether it is a poison, whether it is in competition with useful pastures or whether it is a supplementary feed in dry years. However, the High Court recently upheld an injunction stopping the CSIRO from releasing a biological control agent. In response to that I received a letter from Mr Len Malin, from the Coalition for Jane. I will quote several passages from this letter for the enlightenment of the Minister. It states:

> ... last month the Biological Control Bill survived its second reading ...

The Hon. B.A. Chatterton: Are you going to read out the bit about Medicare?

The Hon. PETER DUNN: There is nothing in here about Medicare. The letter continues:

> While we do not oppose the need for uniform biological control legislation, we firmly believe the Bill is an expedient, politically motivated and therefore an unacceptable attempt to override a fairly fought and won High Court injunction to ban the use of control agents for salvation jane, or Paterson's curse, in Australia.

He goes on to state:

> The retrospectivity provision in the Bill also denies previously won individual rights. It is, we believe, designed to intervene directly and absolutely in fair and just legal proceedings which have been in progress since 1980.

He finishes by saying:

> ... we reiterate our full support for the basic principle of a public inquiry system to determine the worth to the community of biological control programmes.

My questions are as follows:

1. Has the Department of Agriculture in South Australia carried out such a survey with specific reference to salvation jane or Paterson's curse in this State?

2. Has the Federal Minister offered funds that would allow the public inquiry into biological control programmes to be carried out?

3. Is there to be legislation complementary to the Federal Bill on biological control introduced in South Australia?

4. Does the Minister see the introduction of such a Bill as a legitimate means of hurdling the High Court injunction banning the release of biological agents to control the plant in question?

The Hon. FRANK BLEVINS: The answer to question No. 1 is that I believe that the Department did some work some years ago on salvation jane. How relevant that is today I am not sure, but I assure the Hon. Mr Dunn that the Department will be asked to do further work on the question at the appropriate time in order to assist the Government in presenting a position to a public inquiry. The answer to question No. 2 is 'Not yet', and the answer to questions Nos 3 and 4 is 'Yes'.

YATALA INDUSTRIAL COMPLEX

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Correctional Services a question about the Yatala industrial complex.

Leave granted.

The Hon. I. GILFILLAN: Two points were made in the Auditor-General's Report that may be connected; that is, the quite substantial increase in call backs and overtime in the Department of Correctional Services, a portion of which I suspect is related to the salaries of correctional services officers, and the second point is that the Yatala Labour Prison industrial complex, although having been prepared for use in April 1982, still remains only partly utilised. Although I realise that plans are afoot and that the actual programme may well be progressing, it certainly leaves some areas of questioning not yet satisfactorily answered. My questions to the Minister are as follows:

1. Why has the complex been so long delayed in being fully utilised?

2. What are the average and the minimum total salaries for correctional services officers, including overtime and allowances for officers working at Yatala?

3. Does the Minister believe that there has been a problem in making satisfactory arrangements for the salaries of correctional services officers working in the complex, and that that is one of the reasons why the complex has been delayed in coming on stream?

4. Is there a variation in the average salaries for correctional services officers working at Yatala compared with those working at other penal institutions in South Australia?

The Hon. FRANK BLEVINS: The industries complex has not been fully utilised to date basically because of questions of staffing and funding that have been the subject of negotiations. The Hon. Mr Gilfillan will be as delighted as I am to know that the proposed opening date for the total complex is 5 November 1984.

The Hon. Diana Laidlaw: Will it continue to operate after it is open?

The Hon. FRANK BLEVINS: The Hon. Miss Laidlaw asks whether it is intended to continue to operate the complex after it is opened. That is probably the most stupid interjection that I have heard since I have been a member of this Council. To imagine that the Government is opening the complex and having a ceremony on one day and to then close the complex on the next—

The Hon. Diana Laidlaw: Nothing would surprise me!

The Hon. FRANK BLEVINS: I see; I think I will leave that matter there. In regard to the Hon. Mr Gilfillan's second question, I will get details. I do not know the minimum, maximum or average salary rates of correctional services officers. I will have the honourable member's question examined and get whatever information is available to enable me to answer that question. The answer to question No. 3 I believe I have covered in my reply to the first question, and the answer to question No. 4 is that I will ascertain that information for the honourable member.

The Hon. I. GILFILLAN: I desire to ask a supplementary question. I may not have understood fully the Minister's answer to my first question, and I hope he will make it plain. Does the Minister believe that salary arrangements for staffing of the complex have been a significant factor in the delay of the complex's coming on stream?

The Hon. FRANK BLEVINS: As I stated, the complex did not come on stream, as the Hon. Mr Gilfillan put it, when it was completed—not entirely on stream—because of staffing and funding problems about which we have been negotiating with the unions over a considerable period. I am delighted to advise the honourable member that a substantial measure of agreement has been reached in regard to the number and classification of staff to work in the complex, and I hope that on 5 November we will open it. To satisfy the Hon. Miss Laidlaw, we intend to continue operating the complex on 6 November and onwards.

PUBLIC SERVICE GUIDELINES

The Hon. B.A. CHATTERTON: Can the Attorney-General say whether the Government has guidelines in respect of public servants working as private consultants? If so, can these guidelines be made available to the Council?

The Hon. C.J. SUMNER: I am not sure whether there are any guidelines of that kind. I will have some inquiries made and will bring back a reply for the honourable member.

EYEWITNESS NEWS

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Attorney-General a question about the channel 10 *Eyewitness News Extra* report.

Leave granted.

The Hon. R.I. LUCAS: Channel 10 is currently running a series of *Eyewitness News Extra* reports on missing children. An advertisement in this morning's *Advertiser* states:

> Adelaide. The city of missing children.
> Two thousand children are reported missing each year in Adelaide. Most show up again hours or days later. But for thousands of anguished parents in a city known for bizarre disappearances, the real fear is that their children won't show up at all.

I am informed that last week and over the weekend there were advertisements on channel 10 publicising this week's report or series of reports using language similar to that used in this morning's *Advertiser* advertisement. The advertisements were accompanied by film of young children in the streets of Adelaide, and I think in Rundle Mall. Last night on talk-back radio on 5DN one mother of a child complained that her son had been filmed whilst in Adelaide without his knowledge or permission and that that film had been used in the advertisement. She complained that the advertisement implied that her son was a street kid and a missing child. She indicated that he had been teased about the matter yesterday at school—

The Hon. C.J. Sumner: I did not hear your last sentence.

The Hon. R.I. LUCAS: It implied that her child was a street kid or a missing child. She then indicated that yesterday her son had been teased about the matter at school. This is a genuine question. I believe that this matter raises an important principle: one which I am not sure is covered by present legislation but which might be covered by proposals for privacy legislation. Will the Attorney-General outline what recourse under present law might be available to the child or his mother if they wish to pursue the matter? If the account is accurate, is this the sort of complaint that

will be covered under proposals for privacy legislation as discussed by the Attorney-General on occasion?

The Hon. C.J. SUMNER: I think the tenor of the advertising for this programme was somewhat unfortunate. To describe Adelaide as the city of missing children is a very emotive way to advertise a television programme. In comparison with other cities in Australia I do not believe that Adelaide can be placed in that category. After all, that is the situation that we should be considering. Certain attention has been drawn to some disappearances in Adelaide that are well known, but similar occurrences are also found in other capital cities of Australia. I believe that the channel 10 advertising for this programme provided a misleading impression of the situation in Adelaide.

Without in any way wishing to indicate that channel 10 or other media outlets should not draw to public attention issues of concern, I believe that the advertising for this programme has given an incorrect impression of Adelaide. I think that is unfortunate, particularly when what was alleged in the programme has to be considered by comparing it with the situation in other cities in Australia and throughout the world. With respect to that, I certainly do not believe that Adelaide is in a worse position than are other cities, in particular the larger cities of Australia. I do not believe that that is borne out by any surveys that have been conducted. I think it is unfortunate that this type of publicity has been given to our city, particularly when at the same time many laudable efforts are going on in the community to promote South Australia, particularly the city of Adelaide, as a good place in which to live, and in particular a good place for families.

Although I have not seen the programme, if it was in the same vein as was the advertising, I do not believe that it would have assisted the image which the Government is trying to promote for Adelaide and which many sections of the media are trying to promote through support for campaigns such as the 'SA Great' campaign. As to the specific question raised by the honourable member, I do not think that any law is available to the parent of the child who felt that the child should not have been filmed or, if he had been, that he should not have been used in the television programme. I am not in a position to give the honourable member or his constituent legal advice through the avenue of this Chamber. I do not believe that any section of the criminal law can be brought into play in this area.

Depending on the circumstances of the case—and the person concerned would have to inquire into the matter and take legal advice—it may be that there is some question involving the law of defamation. As I said, that would have to be looked at.

With respect to privacy, the Australian Law Reform Commission report on privacy was made public late last year, I think. That topic is on the agenda of the Standing Committee of Attorneys-General with a view to attempting to get some consistent approach to privacy legislation and principles throughout Australia. In South Australia we have a smaller committee operating, chaired by an officer from the Attorney-General's office. The committee will produce a discussion paper in the near future dealing with information aspects of privacy (although that may be a broader topic).

What has happened in this case may be covered by the principles of privacy when they are formulated. Of course, in New South Wales a privacy committee already exists. I believe that an allegation of breach of privacy could be taken to that committee which would then lay down guidelines as to what is considered to be acceptable in this area and what is considered to be an invasion of privacy. Certainly, it does raise questions of privacy. I do not believe that the discussion paper from the South Australian committee will specifically direct itself to this question as it is primarily concerned with privacy of information, and that sort of thing. Nevertheless, in broad terms it is a question of privacy, which is something that will be considered along with the general consideration of that topic when we look at the Australian Law Reform Commission report and other discussion papers through the Standing Committee of Attorneys-General.

SUBMARINES

The Hon. DIANA LAIDLAW: Has the Attorney-General a reply to the question I asked on 28 August about submarines?

The Hon. C.J. SUMNER: During 1983-84, actual State Government contingency and salary expenditure for the submarine programme was $85 000. Further funding of $209 000 has been provided in the Department of State Development Estimates for 1984-85. Neither of the figures shown above includes the significant contributions provided by the South Australian Chamber of Commerce or those private industry organisations closely involved with the project.

SECONDARY MORTGAGE MARKETS

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Treasurer, a question about secondary mortgage markets.

Leave granted.

The Hon. L.H. DAVIS: Honourable members will recollect that last week I referred to the fact that other States have removed stamp duties from the transfer of fixed interest securities on Stock Exchanges. My question relates to a similar challenge which exists in respect of secondary mortgage markets. It is estimated that 20 per cent of Australia's financial assets are in the home mortgage market. Australia's rapidly growing building society movement has lent about $10 million on home mortgages. In overseas countries, particularly the United States, a secondary market has developed in home mortgages. Indeed, it is said to be the second largest of all secondary markets in the United States. However, until recently the development of a secondary market has been difficult in Australia notably because of the existence of stamp duty on the transfer of mortgages and mortgage backed securities.

The Victorian Government has recently announced that it will exempt mortgage securities from the 60c in the $100 stamp duty, and New South Wales abolished stamp duty some time ago. Little more than a week ago Australia's first national secondary market for mortgages was announced. In Melbourne a new corporation—the National Markets Mortgage Corporation—was floated for this purpose. The Victorian State Government has a 26 per cent equity interest in this Corporation, with the State Bank of Victoria and other merchant and investment bankers, mortgage brokers and building societies also taking an equity position.

In New South Wales, Premier Wran said that the New South Wales Government would also sponsor a corporation in conjunction with private sector participants. The creation of a secondary mortgage market will facilitate the selling of home mortgages, lessen pressure on interest rates and free up funds available for home finance, and minimise the commercial risk on mortgages as well as provide a new and valuable investment instrument for major financial institutions and larger individual investors.

Over the past two or three years there has been a growth in the transfer of mortgages or mortgage-backed securities, facilitated by companies specialising in this area. Indeed,

some of Adelaide's largest financial institutions have participated in this mortgage market by buying an interest in mortgages, given the attractive interest rates on offer and the high security nature of the investment. However, my inquiries with financial institutions in Adelaide suggest that the State Government has apparently taken few initiatives to establish a secondary mortgage market in Adelaide. The Attorney may well remember that I asked a question on this matter some months ago.

Whilst the proper development of a secondary mortgage market will necessarily require some co-operation between the States, it is disappointing to see that this State Government yet again is trailing when it comes to taking the lead in broadening the base of the capital market in Adelaide. What action, if any, has the State Government taken to assist in the development of a secondary mortgage market in South Australia?

The Hon. C.J. SUMNER: The first thing to be said is that this State Government is not 'once again trailing' in this or any other area. That accusation is without foundation, as the honourable member knows. The State Government has done a considerable amount in attempting to promote South Australia and in providing greater financial independence and viability in South Australia through, for instance, the merger of the State Bank and the Savings Bank.

The Hon. L.H. Davis: That has nothing to do with what I am asking about.

The Hon. C.J. SUMNER: I appreciate that it is not directly—

The Hon. L.H. Davis: Just answer the question.

The Hon. C.J. SUMNER: I will answer the question. I am just pointing out that the honourable member has made an allegation that I am refuting. A number of initiatives have been taken, such as the merger of the State Bank and the Savings Bank, which honourable members did not do anything about for years and which, in fact, they actively opposed for most of their political lives. The Enterprise Fund is about to be established. A number of initiatives have been taken. I am refuting what the honourable member said about the current South Australian Government's activities in the financial field. As to the question of secondary mortgage market, there have been discussions about this—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! The Hon. Mr Davis has asked his question.

The Hon. C.J. SUMNER: —but I will refer the honourable member's question to the Treasurer and bring him back an up-to-date report.

SUBMARINE FACILITY

The Hon. R.C. DeGARIS: Has the Attorney-General an answer to the question that I asked on 9 August about a submarine facility in South Australia?

The Hon. C.J. SUMNER: There are two points to the question. The first point concerns the suitability of diesel electric powered submarines when compared with nuclear powered submarines. The modern diesel electric submarine is a very effective weapons platform and quite capable of meeting the RAN's requirements for the defence of Australia. On this point, the former Fraser Government and the current Hawke Government are at one in recommending the use of conventionally powered submarines. In fact, no less than 24 countries have current building programmes for modern diesel electric submarines intended for service into the next century.

The second point deals with facilities for building nuclear powered submarines. The honourable member is aware that the Commonwealth is evaluating tenders for project definition study contracts for the purchase of modern diesel electric submarines. Major defence equipment procurement takes place only after a lengthy process of defining the requirement and assessment of all the issues involved. The submarine replacement programme, for example, has been in train for some six years and the year of decision is still two years away; a sudden change of mind is extremely unlikely.

The next major procurement decision for submarines other than conventional submarines is in all probability 30 years away. It is considered pointless to comment on such a distant and hypothetical scenario.

GOVERNMENT ADVERTISING

The Hon. M.B. CAMERON: Has the Minister of Agriculture a reply to the question that I asked on 29 August on Government advertising in the Labor Party's *Herald*?

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

1. The cost of this advertisement, including advertising agency service fees, was $384.31.

2. No further advertisements or insertions are booked for the *Herald.*

STATUTORY AUTHORITIES

The Hon. L.H. DAVIS: Has the Attorney-General an answer to the question that I asked on 8 August about statutory authorities?

The Hon. C.J. SUMNER: The Government is giving consideration to establishing a system which can provide such consolidated information.

STATE DEVELOPMENT BROCHURE

The Hon. L.H. DAVIS: Has the Attorney-General an answer to the question that I asked on 16 August about the State development brochure?

The Hon. C.J. SUMNER: The answers are as follows:

1. Five thousand copies of *Living in South Australia* were printed by the Department of State Development in the first print run. Of these, approximately 2 000 were sent to South Australia's overseas representatives, Australia's Trade Commissioners and selected Government departments; a further 1 000 were used by the Department in response to business, trade and investment inquiries; and a further 2 000 approximately were used to respond to advertising requests. The Department has recently ordered a further 7 500 copies which will be used for trade, business and investment inquiries and to respond to advertising requests.

2. Considerable research was carried out by the contracted writer for each chapter of the book.

3. The features of bluestone and sandstone houses were mentioned in the body text. In addition, the Department is producing a video tape to complement the book, and the video tape includes visuals of bluestone and sandstone houses.

QUESTIONS ON NOTICE

GOVERNMENT EMPLOYEES

The Hon. K.T. GRIFFIN (on notice) asked the Attorney-General:

1. What were the numbers of public servants in each Government department as at 30 June 1984?

2. What were the numbers of teachers in the State education system as at 30 June 1984?

3. What were the numbers of daily paid and weekly paid employees in each Government department as at 30 June 1984?

4. What were the number of employees in the Health Commission as at 30 June 1984?

5. What were the numbers of police employed as at 30 June 1982, 30 June 1983 and 30 June 1984?

The Hon. C.J. SUMNER: The answers are as follows:

1 and 3. The number of public servants and daily/weekly paid employees in each Government department as at 30 June 1984 is as follows:

Public Servants in Departments (Full-Time Equivalent), June 1984
(excludes C.E.P. employees)

Department	Public Service Act	Daily/ Weekly Paid
Agriculture	859.4	235.5
Arts	103.2	42.0
Attorney-General	171.9	0.0
Auditor-General	89.0	0.0
Community Welfare	1 128.7	174.9
Corporate Affairs	91.0	0.0
Correctional Services	715.8	6.5
Courts	400.7	8.0
Education	849.1	457.7
Electoral	13.0	0.0
E & WS	1 590.4	3 228.0
Environment and Planning	450.5	205.0
Fisheries	96.0	1.0
Highways	974.4	1 719.0
Labour	316.6	4.7
Lands	871.1	23.5
Local Government	278.0	78.0
Marine and Harbors	270.2	531.0
Mines and Energy	289.7	116.5
Police	388.5	77.1
Premier and Cabinet	96.7	1.0
Public Buildings	872.4	1 285.0
Public and Consumer Affairs	399.0	4.0
Public Service Board	155.1	0.0
Recreation and Sport	53.3	6.0
Services and Supply	586.4	128.6
State Development	64.0	0.6
Technical and Further Education	512.1	433.7
Tourism	112.4	2.0
Transport	488.8	57.8
Treasury	243.6	0.0
Woods and Forests	243.2	1 303.6
Ministry of Technology	14.0	0.0
Other	0.0	0.0
Total	13 788.2	10 130.7

2. The number of teachers in the Education Department as at 30 June 1984 was 15 206.8 FTE.

4. The number of employees in the Health Commission as at 30 June 1984 was 19 963.1 FTE.

5. The police active strength as at 30 June each year from 1982 to 1984 was:

1982	3 241
1983	3 286
1984	3 277

DETAILS OF ORGANISATIONS

The Hon. L.H. Davis, on behalf of the **Hon. R.I. LUCAS** (on notice), asked the Minister of Health in relation to the undermentioned bodies—

(a) Trotting Control Board;
(b) Greyhound Racing Control Board;
(c) S.A. Totalizator Agency Board;
(d) Betting Control Board;
(e) Racecourse Development Board,

to provide the following information:

1. Names of members of the bodies.

2. Level of fee, salary or allowance, payable to the members.

3. Date of expiry of each member's term of office.

The Hon. J.R. CORNWALL: I understand that this relates to the Hon. Mr Lucas's Masters thesis. There are a lot of names, dates, amounts of money, and percentages. The information is of a statistical nature, and I seek leave to have it inserted in *Hansard* without my reading it, taking up the time of the Council and boring members to death.

Leave granted.

List of members, expiry dates and fees for specific bodies.

(a) Trotting Control Board
H.D. Krantz, $5 500 p.a., 31.7.87.
M.A. Trenerry, $90 per session, 31.1.85.
F.R. Jones, $85 per session, 31.1.85.
P.A. Rehn, $85 per session, 31.1.86.
R.J. Zerella, $85 per session, 31.1.85.

(b) Greyhound Racing Control Board
J.D. Corcoran, $4 600 p.a. + $900, 31.1.86.
R. McGee, $90 per session, 31.1.85.
D.R. Delaine, $85 per session, 31.1.85.
B. Johnstone, $85 per session, 31.1.85.
D. Newton, $85 per session, 31.1.85.

(c) S.A. Totalizator Agency Board
D. B. Hamilton, $7 800 p.a. + $1 325, 8.2.87.
J.H. Doyle, $4 000 p.a. + $1 000, 8.2.85.
J.D. Corcoran, $3 450 p.a. + $725, 8.2.86.
H.D. Krantz, $3 450 p.a. + $725, 31.7.87.
K.S. Ricketts, $3 450, p.a. + $725, 8.2.85.

(d) Betting Control Board
K. Gay, $3 775 p.a., 31.12.86.
A.G. McEwin, $3 175 p.a., 18.12.84.
N.D. Prime, $3 175 p.a., 18.12.84.

(e) Racecourses Development Board
B.J. Taylor, nil, 16.2.86.
D.R. Coles, nil 16.2.85.
J.D. Corcoran, nil, 16.2.85.
E.J. Haddow, nil, 16.2.85.
N.M.L. MacKay, nil, 16.2.85.
P.A. Rehn, nil, 16.2.86.
R.J. Zerella, nil, 16.2.85.

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

(a) Teachers Classification Board;
(b) Teachers Salary Board;
(c) Teachers Registration Board;
(d) Non-Government Schools Registration Board;
(e) Advisory Curriculum Board;
(f) School Loans Advisory Committee;
(g) Accreditation Standing Committee;
(h) S.A. Council of TAFE;
(i) Teachers Appeal Board,

to provide the following information:

1. Names of members of the bodies.

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 reply inserted in *Hansard* without my reading it, as it is very extensive. It must have cost a fortune to compile.

Leave granted.

(a) Teachers Classification Board:
(i) Colin Andrew Laubsch (Chairperson)
David Charles George

Donald James Pallant
Lawrence Edward Golding
Allan Andrew Lawson
Deputy members:
Joseph Edward Tyney (deputy of D.C. George)
Janet Vila Keightley (deputy of D.J. Pallant)
Dennis John Whiting (deputy of A.A. Lawson)

(ii) No fees are payable as all meetings are held during office hours.

(iii) The date of expiry of each member's term of office is 31 January 1985.

(b) Teachers Salaries Board:

(i) The Honourable Mr Justice Leslie Trevor Olsson (Chairperson)
His Honour Judge Peter Thomas Allan (Deputy Chairperson)
Reuben Goldsworthy
Christine Venning
Deputy member:
Philip Glenn Edwards (deputy of R. Goldsworthy)

(ii) No fees are payable as all meetings are held during office hours.

(iii) The Honourable Mr Justice Leslie Trevor Olsson has resigned but his resignation will not take effect until the part heard matters have been determined.

The remaining member's terms of office expire on 31 January 1986.

(c) Teachers Registration Board.

(i) and (ii)	Expiry Date
Ms H.W. Parsons I.M. (Chairperson)	31 January 1987
Mr M. Schiller	1 February 1986
Miss B. Creaser	1 February 1986
Mr R.L. Munro	31 January 1986
Mr A. Mugford	31 January 1986
Ms M. Smith	31 January 1986
Sister J. Dundon	31 January 1986
Mr K. Brennan	31 January 1986
Mr R.R. Leane	31 January 1986
Mr M. Critchley	31 January 1986
Ms M. Slater	31 January 1986
Temporary members:	
Dr V.G. Eyers	8 February 1985
Dr J.B. Hicks	8 February 1985
Deputy members:	
Mr B. Thorpe (deputy to Mr R. Leane)	
Mr W.S. White (deputy to Mr M. Critchley)	

(iii) Fees of $2 125 per annum are paid to Ms M. Smith, Sister J. Dundon, Mr R. Leane, Mr M. Critchley and Ms M. Slater. Other members receive no payment.

(d) Non-Government Schools Registration Board.

(i) Mr D.A. Harris (Chairperson)
Mr J.A. McDonald
Mr R.R. Leane
Brother J. Bourke
Mrs M. K. Ward
Ms H.M.J. Reid
Mr R.P.P. Webbe
Mr M.H. Presdee

(ii) The Chairperson is paid at the rate of $100 per meeting. Members are paid at the rate of $85 per meeting.

(iii) The expiry date of the term of office for all members is 10 May 1987.

(e) Advisory Curriculum Board.

(i) Professor I. Laurie (Chairperson)
Mrs C. Fuller (Vice Chairperson)
Dr B. Keepes (Vice Chairperson)
Mr P. Buckskin
Ms B. Creaser
Ms R. Ellis
Mr R. Felmingham
Mr A. Gardini
Ms P. Hansen
Mr J. Hill
Mr I. Jones
Mr R. Ellis
Mr C. Moller
Mr T. Muecke
Mrs S. Nolan
Mr M. O'Brien
Mr D. Ralph
Miss R. Rogers
Mr C. Senior
Ms M. Sleath
Mr H. Schulze
Ms M. Travers
Dr K. Were
Ms L. Wilkinson
Mr N. Wilson
Dr G. Speedy

(ii) The chairperson is paid at a rate of $55 per ½ day. Members are paid at the rate of $45 per ½ day (up to 4 hours).

(iii) The expiry date of the term of office for all members is 31 December 1984.

(f) School Loans Advisory Committee.

(i) Mr A.B.S. Daw (Chairperson)
Mr A.C. Purvey
Mr P.G. Edwards
Mr G.T. Manning
Mr I.S. Wilson
Mr A. Pratali

(ii) The chairperson is paid at a rate of $60 per session. Members are paid at a rate of $50 per session. (Fees not applicable to persons who are employees of the Government or officer of the Crown except where specific Cabinet and Executive Council approval has been granted.)

(iii) The expiry date of the term of office for all members is 14 June 1985.

(g) Accreditation Standing Committee.

The Accreditation Standing Committee was abolished by amendment to the Tertiary Education Authority of South Australia Act, assented to on 24 November 1983. Most of the functions of the committee have been taken over by a subcommittee of the Authority, the Advisory Committee on Accreditation. Members of the Advisory Committee are appointed *sine die* by the Authority and are paid no additional fee, salary or allowance for attendance at Advisory Committee meetings.

The members of the Advisory Committee on Accreditation are:

Professor A.M. Clark (Chairperson)
Ms B. Fergusson
Dr R.D. Linke (as Director of Academic Planning, TEASA)

Mr C.J. Hill, a member of the Australian Council on Awards in Advanced Education, attends Advisory Committee meetings as an observer. He is paid no fee, salary or allowance for this attendance.

(h) S.A. Council of TAFE.

(i) (ii)	Expiry Date
Mr T. Morris (Chairperson)	December 1986
Ms V. Battye	December 1985
Ms D. Bradley	December 1984

Mr R. Brockhoff, expiry of term of office as Chair-

person, Association of Councils of Colleges of TAFE

Ms R. Davies December 1984
Mr R. Felmingham December 1986
Mr G. Fry December 1986

Mr K. Gilding, expiry of term of office as Chairman, Tertiary Education Authority of S.A.

Mr R. Holmes December 1984
Ms L. Holt December 1984
Ms P. LaMotte December 1986

Ms G. Mill, expiry of term of office as Chairman, Industrial and Commercial Training Commission

Mr N. Napper December 1985
Mr B. Powell December 1986
Mrs A. Raggatt December 1985

Mr G. Sims, expiry of term of office as Deputy Commonwealth Statistician and Government Statistician of South Australia

Ms J. Sloan December 1985
Mr M. Stock December 1985

Ms J. Tiddy, expiry of term of office as Commissioner for Equal Opportunity

Mr M. Uzelin December 1984

(ii) The Chairperson is paid at a rate of $55 per ½ day. Members are paid at rate of $45 per ½ day. (Council members who are not State Government employees are eligible for sitting fees for attendance at council meeting and at meetings of council committees.)

(j) The Teachers Appeal Board.

(i) Her Honour Judge Iris Elisa Stevens (Chairperson)
John Charles Cusack
Ian Philip Lang
Brian Snowball Edmondson
Anthony McGurie
Lester David Russell
David Alan Westover
Brian John Murphy
John Nagel
John Francis Thomson
John Robert Amadio
Helen Joy Stacey
Alan Andrew Lawson
Peter John Norman
Brian William Tyler
Colin Geoffrey Leaker

(ii) No fees are payable as all meetings are held during office hours.

(iii) The acting Chairperson: Helen Webster Parson's term of office is from 1 May 1984 to 31 October 1984.

The remaining members' terms of office expire on 31 January 1986.

CHILD CARE

The Hon. J.C. Burdett, on behalf of the **Hon. DIANA LAIDLAW** (on notice), asked the Minister of Health:

1. What is the maximum number of children that each subsidised child care centre in South Australia is registered to enrol?

2. As at the last quarter how many families were enrolled at each centre and what was the extent of the waiting list for each centre?

3. What was the total subsidy allocated to each centre in the last financial year?

The Hon. J.R. CORNWALL: This reply is primarily statistical in nature and it is quite lengthy. I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

1. The licence for a child care centre is for the total number of children to be on the premises at any one time. The total number of different aged children involved in the centre exceeds the licensed numbers because of part-time participation.

LICENSED (REGISTERED) CAPACITY—SUBSIDISED CENTRES

Centre	Children		
	Total	Over 2 years	Under 2 years
Eastern Area			
Catholic Women's League	60	45	15
MacKinnon Parade (University of Adelaide)	60	40	20
North Adelaide Baptist	30	20	10
Hills Community	38	28	10
Campbelltown Children's Centre	55	40	15
St Peters	60	40	20
Rose Park (University of Adelaide)	35	35	—
Goodwood Community	27	17	10
Tilbrook House	20	20	—
Parkside Community	30	25	5
Rachel	25	20	5
Northern Area			
Elizabeth	60	45	15
Gilberton (University of Adelaide)	20	8	12
St Marys	40	30	10
St Francis	60	45	15
Gullywinds	15	15	—
Salisbury Campus	28	20	8
Direk	38	30	8
Southern Area			
Kate Cocks	50	35	15
Glenelg	25	21	4
Flinders University/Sturt Campus (1)	30	30	—
Flinders University/Sturt Campus (2)	25	15	10
Flinders University/Sturt Campus (3)	20	—	20
Seawinds	20	20	—
Noarlunga	63	43	20
Western Area			
Parks	40	27	13
Le Fevre	40	30	10
Thebarton	54	36	18
Underdale (SACAE)	30	24	6
Lady Gowrie	60	60	—
Brompton	60	45	15
Hindmarsh (Greek Community)	35	25	10
Athol Park	54	47	7
Country Areas			
Whyalla	60	45	15
Mount Gambier	60	50	10
Neighbourhood Centre (Pick Avenue)	25	20	5
Nangwarry	20	15	5
Millicent	60	40	20
Naracoorte	15	11	4

2. This information is not available centrally.

3. Child care subsidies are allocated by the Federal Department of Social Security. Specific inquiries should be directed to the Federal Minister for Social Security.

HEALTH COMMISSION ADVERTISING

The Hon. L.H. Davis, on behalf of the **Hon. R.I. LUCAS** (on notice), asked the Minister of Health:

1. Why did the Health Commission change its advertising agency?

2. Who made the decision to change the advertising agency?

3. For what period had the previous advertising agency held the account?

4. What was the Health Commission's advertising budget worth for the past three financial years?

5. On what date was the decision taken to appoint Mr Ralph?

6. On what date was the decision taken to change the advertising agency?

7. At the time the decision was taken to appoint Mr Ralph, what amount of the Health Commission's 1983-84 advertising budget was unexpended?

8. What happened to the unexpended portion of the budget?

9. Since the time of the decision to appoint Mr Ralph, what specific advertising has been undertaken by the Health Commission through Mr Ralph, and what has been the cost?

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

1. The agency for health promotion work was changed because of dissatisfaction by Health Promotion Services management with the service provided by the agency.

2. Health Promotion Services, South Australian Health Commission.

3. The Health Promotion Services' advertising account had been held previously between February 1981 and January 1984.

4. The advertising budget of Health Promotion Services for the past three financial years was:

1981-82—$166 090
1982-83—$265 475
1983-84—$513 867

5. 10 January 1984. Mr Ralph was initially appointed to undertake the co-ordination of advertising activities of Health Promotion Services, South Australian Health Commission, for the early part of 1984.

6. A recommendation to terminate the engagement of the advertising agency retained by Health Promotion Services was approved by the Director, Health Promotion Services, on 16 December 1983. The agency was formally advised by a letter dated 21 January 1984.

7. $306 932.

8. Expended on approved programmes.

9. Five specific advertising programmes:

(i) State stop smoking campaign.
Production of radio and TV commercials. Placement of radio, TV and press material. Cost: $248 277.

(ii) Statewide drink/driving campaign.
Placement of radio and TV material. Cost: $12 645.

(iii) Statewide breast self-examination campaign.
Placement of TV material. Cost: $18 000.

(iv) Statewide immunisation campaign.
Production of radio commercials. Placement of radio and press material. Cost: $11 810.

(v) Information for consumers (healthy State shop).
Advertising and promotion of shop. Cost: $16 200.

NEW OPPORTUNITIES FOR WOMEN

The Hon. ANNE LEVY (on notice) asked the Minister of Agriculture: Up to the present time—

1. How many people have completed a programme under NOW (New Opportunities for Women)?

2. How many NOW programmes are planned for this financial year, and how many people can be accommodated in these courses?

3. How many people have applied to undertake a NOW programme, and what percentage of those applying have been able to be accepted?

4. *(a)* Is there any monitoring of graduates from NOW programmes to see whether and where they obtain employment?

(b) If so, what are the figures on subsequent employment rates?

5. Does the Department of Technical and Further Education help NOW graduates obtain employment, and, if not, will it consider doing so?

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

1. 92 women have completed the NOW programme.

2. Five courses this financial year. 75 students admitted.

3. 650 students have applied. 17 per cent have been admitted.

4. Planning for a longitudinal research project is in hand to ascertain what career paths graduates choose, and from the raw data available it appears that a great majority have chosen to continue with some form of study, either within TAFE (matriculation, basic electronics) or with another tertiary institution.

5. No, as most graduates use the NOW course as an entrance to further study.

CRIMINAL INVESTIGATION (EXTRA-TERRITORIAL OFFENCES) BILL

Adjourned debate on second reading.

(Continued from 12 September. Page 774.)

The Hon. K.T. GRIFFIN: At this stage the Opposition is prepared to support the Bill if it is nothing more than an extension of the general programme that the Standing Committee of Attorneys-General has been pursuing over many years to remove a number of impediments to cross-State border relationships in the legal field. Such elimination of impediments to one State taking action in another State in pursuing its judicial process was the subject of the Service and Execution of Process Act many years ago. In recent times legislation has been introduced into the Parliament both when I was Attorney-General and subsequently that sought to allow the transfer of prisoners between the States and to enable the transfer of parole orders.

I think that they are healthy developments within Australia to facilitate exchange between the various legal systems and jurisdictions. This Bill is yet another in that process. It is an issue that has been discussed by the Standing Committee of Attorneys-General for several years. I suppose another matter in that bracket of legislation would be the question of hot pursuit of criminals across State borders where in some instances there are impediments imposed by State law on the police of one State proceeding across the border of another State and arresting an alleged criminal, or suspect, who has moved from one State to another and is being pursued by the law enforcement agencies of the State of origin.

That, originally, was a question raised by the then Attorney-General for Western Australia (Hon. Ian Metcalf), who expressed the view (a view shared by a number of Attorneys-General) that there ought not be such an impediment to the apprehension of offenders or suspected offenders across State borders. To some extent that is overcome by making police officers of, say, South Australia, who operate in the border areas of this State, special constables of, say, Victoria, New South Wales or Western Australia as the case may require. To some extent, the problem of hot pursuit is not then raised. However, it is a problem if a South Australian police officer pursuing a suspect across the border into Victoria does not, in fact, hold a special commission to arrest within Victoria.

The other difficulty obviously is the extent to which the South Australian police can operate in Victoria in pursuing

a suspect if a long period has elapsed between that person moving across the border from South Australia into Victoria. I have always felt that that sort of technical problem can be resolved. Regrettably, some of the then Labor Administrations did not think that it was a major problem and were not really prepared to pursue it. I hope that it can be revived in the future.

In respect of this Bill, however, I am prepared to support it so far as it relates to reciprocal enforcement of search warrants. The difficulty I see (and this is a matter that the Attorney-General may be able to clarify with a little time) is that the Bill apparently sets out a codification of the law in relation to search warrants which in many respects is contrary to those provisions that currently appear within the Police Offences Act where there is power to issue general search warrants which are valid for six months. They are issued by the Commissioner of Police to such members of the Police Force as he thinks fit. There is very wide power given to the police officer holding a general search warrant in respect of the entry of premises and searching of those premises. There is, of course, power in other legislation as to search and entry, but the Police Offences Act contains the most comprehensive set of statutory provisions regulating search warrants available to the police.

Under this Bill, if it is proposed that it be a comprehensive code relating to search warrants and that the Police Offences Act provisions will be repealed, I express considerable concern about that. If, on the other hand, the provisions set out in this Bill are intended only to complement the provisions of the Police Offences Act and to provide a basis upon which in certain cases search warrants will be enforceable in another State, then I have no difficulty with the Bill. If this Bill is intended to set out a comprehensive scheme in relation to the issue of search warrants, it is very much more restrictive than what presently appears in the Police Offences Act.

I did not see any reference in the second reading explanation to it, in fact, taking over from the Police Offences Act. However, under the Bill, a member of the Police Force can make application to a magistrate for the issue of a search warrant in respect of particular premises. In hearing the application the magistrate has to be satisfied that there are reasonable grounds to believe that an offence to which this Bill applies has been, or is intended to be, committed and that there is in any premises an object relevant to the investigation of that offence.

There is provision in clause 4 of the Bill for an application to be made by a police officer by telephone to a magistrate for the issue of a search warrant. In that event, and also if made personally, the grounds of an application for a search warrant have to be verified by affidavit. The application for the issue of a search warrant is not to be made by telephone unless, in the opinion of the police officer who is applying for the issue of that search warrant, a warrant is required urgently and there is insufficient time to make the application personally. Where the application for the issue of a search warrant is made by telephone there are a number of provisions set out in the Bill that are designed to act as a safeguard against abuse. For example, the applicant has to give his name, rank, number and inform the magistrate of the grounds for issuing the warrant.

Upon the applicant giving an undertaking to provide an affidavit the magistrate is to note on the warrant the facts on which he relies for its issue, and a number of other procedural matters have to be attended to. I do not have any objection to proper safeguards being imposed where an application is made for the issue of a search warrant by telephone. I think that that is quite appropriate but, of course, it depends upon the magistrate being, first, accessible and, secondly, amenable to the issue of that warrant. When the search warrant is issued, the member of the Police Force is then able to enter and search the premises to which the warrant relates, and anything in those premises. The member of the Police Force can use such force as is reasonably necessary for the execution of such a search warrant. It cannot be executed at night unless the magistrate specifically authorises that it can be so executed.

The person to whom the warrant is issued may seize and remove any object that he believes on reasonable grounds to be relevant to the investigation. Upon execution of the search warrant the member of the Police Force is to prepare a notice that details his own name and rank, the name of the magistrate who issued the warrant, and the description of any objects seized and removed pursuant to the exercise of the powers granted in consequence of the issue of the warrant. The warrant, when issued, is not to be executed after the expiration of one month from the date of issue.

There is no provision in the Bill that a police officer to whom the warrant is issued may be supported by other police officers in the exercise of the power granted to him. It may be that that is not necessary, but it may also be a defect that requires some consideration. I ask the Attorney-General to give some consideration to whether, in the execution of a warrant issued pursuant to this Bill, the officer may be accompanied by such persons as may be necessary to enable it to be effectively executed.

I return to my principal point: I am not sure what the status of the general search warrants will be under the Police Offences Act when this Bill is passed through the Parliament and is proclaimed to come into effect. If they are then to be concurrent, and this Bill is not in any way to have any effect on general search warrants, I have no problem. But, if it is to override the provisions of the Police Offences Act or, ultimately, is intended to take the place of the provisions in the Police Offences Act, then I place firmly on the record that I do not believe that it is appropriate for this Bill to pass in this form. That consequence would, in fact, remove quite significant powers from police officers in the exercise of their duties, in the apprehension of suspected criminals and in the obtaining of evidence, and anything that impedes the opportunity of police to exercise their responsibilities reasonably is, in my view, to be opposed.

From time to time I have heard of the occasional difficulty with general search warrants, but I have not heard of problems of such significance or of such number as would warrant the repeal of those sections in the Police Offences Act that relate to general search warrants. So, the major matter of concern is the status of general search warrants in the context of this Bill. Certainly, I believe that there needs to be a reciprocal enforcement of search warrants but, if it is at the price of ultimately repealing section 67 and subsequent sections of the Police Offences Act, then I would have to say that the convenience of reciprocal enforcement ought to take a second place to the retention of general search warrants under the Police Offences Act. So, to enable that matter to be considered by the Attorney-General and also for at least the question of reciprocal search warrants to be considered in the context of the Police Offences Act, I am prepared to support the second reading of the Bill.

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

SOIL CONSERVATION ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 29 August. Page 603.)

The Hon. PETER DUNN: I support this Bill. In so doing I indicate that I have a few queries about it and that I will

be moving an amendment to clause 3 (3). The principal Act has been in force for some time in this State and I believe that it has been very successful. Those who may cause soil to be shifted from one area to another are primarily farmers, but also the Crown in the guise of the E & WS Department, the railways and the like. This is a short Bill with some rather significant changes.

Section 2 of the principal Act deals with the Soil Conservator who comes from the Soil Conservation Branch of the Department of Agriculture. Over a period the Soil Conservation Branch has been changed in that there is now a division under which the Soil Conservation Branch operates, that division being much larger than it was previously, but retaining control over all matters in relation to soil. In fact, it incorporates areas such as vertebrate pests, Pest Plants Commission, land use, etc.

I believe that the Soil Conservator should be appointed from this area, but clause 3 (2) of the Bill provides:

The office of Soil Conservator may be held in conjunction with any other office in the Public Service of the State.

If my interpretation of this provision is correct, any public servant can apply for the position and become the Soil Conservator. I am not saying that that is likely to happen, but it is right and proper that we make our intention clear. The amendment I have on file ensures that the Soil Conservator would come from that division of the Department of Agriculture which primarily deals with soil conservation.

The rest of the Bill deals with the boards and their ability to make an order to a farmer or a person who has contravened the Act by causing soil to shift. Those boards play a vital role—and I believe that they are a very good check and balance for what could be a very Draconian Act—in the promotion and the running of soil conservation schemes in the State. There are approximately six boards in the State made up of men from local government, farmers, and various persons who have a great interest in the reduction of the shifting of soil or of the drifting of soil by either wind or water.

Boards do hear applications from aggrieved persons and councils when soil has drifted up, in an effort to stop people from causing the drift or erosion. Such boards have the power to make orders requiring the person causing the erosion to stop that practice. Previously, after that action the only avenue open to persons was through the due process of the courts. This meant that often soils boards would look at an application for an order from an aggrieved person and deal with it by saying that they did not want to create bad feeling between either local government and the farmer or between farmers, and so they probably did not put heavy restrictions on those orders.

However, the Government is now trying to change the position so that there is an easier process. In some instances where considerable damage is done local government or the farmer involved—the farmer who has had his fence drifted up—may have to shift that soil and in so doing incur a considerable cost. To recover that cost in the past people have had to take court action, but the new provision will allow such people to ask for the recovery of those costs as well as damages. In his second reading explanation the Minister implied that drift sand was the only problem, but I can assure him that there was not much drift sand in the soil erosion involved in the 10 inches that fell in the Barossa Valley in the Easter period in 1983. Action often must be taken. For instance, one can undertake the contouring of hills to stop excess and rapid water run-off that can carry with it much soil. It is indeed necessary that we address soil drift and erosion caused by water.

The Bill also allows local government to act in the same way as the E & WS Department, Australian National, the Highways Department and so forth. All these organisations have the ability to seek an order to be served on a person, and likewise an individual can serve an order on any one of those organisations to recover costs if they cause soil erosion. The Bill operates both ways. In his second reading explanation, the Minister said that clause 8 provides that, where a person fails to comply with a soil conservation order and damage is caused to the land of another person that would not have been caused if the order had been complied with, he may recover damages. That provision is fair and reasonable. If a farmer has lost a crop or if a fence is knocked down, the aggrieved person has a right to recover damages.

However, I am a little gallied about doing that because it could set one vindictive person against someone who in all innocence took action that in his opinion and in that of the community was correct. A vindictive person who believed he had been hurt could see a way of making some money and could try to recover it through an order from the Board. However, there is a check and balance in the existence of the Board itself which, being comprised of local and interested persons who understand the area, will look at the situation and say that the person who had the order served against him had in all honesty worked up a paddock with the full intention of putting a crop on it, when there followed a heavy downpour or series of downpours causing erosion. In another case, there may have been strong, dry winds that caused the soil to drift. In normal practice such an occurrence would not have happened, but because of abnormal weather conditions soil erosion transpired. I have always had difficulty in agreeing that people should be able to claim damages in those circumstances, but we now have a check and balance through the Board that has to authorise the order.

The Bill also provides that the Board must receive from the Department, through the Soil Conservator, a report. If that Soil Conservator came from another section of the Public Service he might not have a good idea of what is involved in soil erosion. It is important that the amendment that I have on file be accepted so that the Soil Conservator is retained within the Agriculture Department. I have a question in respect of clause 9 that I will ask the Minister in Committee.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Soil Conservator.'

The Hon. PETER DUNN: I move:

Page 1, line 23—After "with" insert "an office in the division of the Department of Agriculture responsible for matters relating to soil conservation, but may not be held in conjunction with".

My amendment retains the office of Soil Conservator in the Department of Agriculture. Clause 3 (3) provides:

The office of Soil Conservator may be held in conjunction with any other office in the Public Service of the State.

It is quite clear that the reference in the principal Act to the Soil Conservation Branch is obsolete. The legislation must be brought up to date, but it should be made clear that the Soil Conservator must be a person from the Agriculture Department who is responsible for matters relating to soil conservation.

The Hon. K.L. MILNE: I ask the Hon. Mr Dunn why the Soil Conservator must be an officer of the Agriculture Department. Why could the position not be held by someone who already holds another position? I ask either the Minister or the Hon. Mr Dunn to explain the extent to which the position will develop and whether it will be full time. If the position cannot be held by a person holding another position, it would have to be a full time position. Can the Minister enlighten the Committee whether it will be a full time position? Can the Soil Conservator be appointed from some

other department; perhaps it might be better if he came from another department?

The Hon. PETER DUNN: I thought I explained my amendment very clearly. I can see no point in appointing someone who is not aware of the facts, which could be quite considerable. For example, a soil board in the Murray Mallee could ask for a report from the Soil Conservator in a case where a farmer's land drifts on to another farm. It will be the task of the Soil Conservator and his officers to determine the facts of the case. The Soil Conservation Committee referred to in the principal Act advises the Soil Conservation Board on how it should stop erosion, whether trees should be planted, whether a road or fence should be erected, or whether land should be subdivided or contoured. That is the Soil Conservator's job. A person from outside the Agriculture Department may not be aware of the facts and perhaps may not have a great deal of interest in the matter. I think it is right and proper that the appointment come from within the Agriculture Department.

The Hon. FRANK BLEVINS: At the conclusion of the second reading debate I omitted to thank the Hon. Mr Dunn for his contribution. I do so now. This question and one unspecified query in relation to clause 9 appear to be the only matters in contention. I oppose the amendment as it is totally unnecessary. The reality is that the position of Soil Conservator will not be full time; it will be held in conjunction with another position in the Public Service. I am opposed to spelling out in the legislation that that could not be the case, because it would negate what we are trying to do. As Minister of Agriculture I will administer the Act and, quite properly, that is where the matter should lie. What will probably happen is that the person in charge of the Agricultural Resources Branch of the Plant Services Division will be the Soil Conservator. That is the strong likelihood at the moment.

In principle I see no reason at all why a Government, if it so chooses, should not be able to appoint some other person as Soil Conservator. At this stage the Government has no intention of doing that, nor will it do so in the future—but circumstances may change. I think it would be wrong for the Committee to agree to the Hon. Mr Dunn's amendment, which is an attempt to tie the Government's hands. To some extent I think the Hon. Mr Dunn has been perhaps less than frank with the Committee. I believe that he has some fears which he has not expressed openly, that is, that the Government has some intention of giving the position of Soil Conservator to some other department that will not have the interests of agriculture in this State at heart and may perhaps have a higher priority. I can put the Hon. Mr Dunn's mind at rest, because that is certainly not the case. As far as I know and as far as one can read into the future that will not be the case. The Government will appoint whom it chooses to be the Soil Conservator from wherever it chooses.

The Hon. I. GILFILLAN: I would not accuse the Hon. Mr Dunn of being less than honest with the Committee. I think he is a frank and open personality who usually lays his cards on the table. I think the amendment reflects an effort to achieve the best result. The Australian Democrats share the Government's position, that it should be the Government's prerogative to determine from where the Soil Conservator should be appointed. Obviously, any appointment which is sincere should reflect exactly the details that the Hon. Mr Dunn identified when moving his amendment. It may be that an occasion could arise when the most appropriate and effective person for the job is not an officer of the Agriculture Department. It seems quite pointless to restrict by legislation the right of any Government at any time to appoint a person to this position because of a conceived need now to have the position located within the Agriculture Department.

We believe that the amendment should be defeated but that the Hon. Mr Dunn's contribution clearly emphasises that the Soil Conservator should be someone who is fully conscious of the responsibility and consequences of any decisions made. In those circumstances, and as the Minister has given an assurance, I believe it is most likely that the appointment will come from within the Agriculture Department. However, that may not be the case in the distant future, because there could be a more appropriate person in another department. We oppose the amendment.

The Hon. PETER DUNN: I find the honourable member's logic rather remarkable. All I am referring to is the division in the department that handles soil conservation. That division contains many people who I am sure would be able to handle the position of Soil Conservator. That division also administers the Pest Plants Commission, the Vertebrate Pest Control Authority, the Land Use and Protection Divison, the Plant Industry Division, the Plant Services Division, the soil conservation function, and the Agricultural Resources Branch. Surely, they all deal with land use, and that is what we are talking about. I would not think that it would be very wise. I am not saying that the Minister would choose someone outside of their—

The Hon. K.T. Griffin: He won't always be the Minister.

The Hon. PETER DUNN: Exactly, the Hon. Mr Blevins will not always be the Minister. I would not like to have someone who is a farmer, as an analogy, operating on me, just as they probably would not like someone from the Health Department advising on these sorts of matters. There is no harm in spelling it out clearly in this legislation. I do not know of other Bills where it is made as wide as that and where the holder of that position is selected from anywhere else in the Public Service. I think that the Minister would select people with expertise in the job, not someone from outside. After all, the Soil Conservator position is really an administration job, but he has to know where to get the information and he will be called on—

The Hon. I. Gilfillan interjecting:

The Hon. PETER DUNN: If the honourable member wants to get farmers off side, he should select an academic.

The Hon. I. Gilfillan interjecting:

The Hon. PETER DUNN: I am saying that it should be tightened up that little bit. An enormous cross-section of people dealing with agriculture and land use in the Department could handle that job, I am sure. I can think of half a dozen men who would make very good soil conservators.

The Hon. Anne Levy: No women?

The Hon. PETER DUNN: If there are women interested in it, by all means. If there are women within that division, they could do a very good job.

The Hon. Anne Levy: Why not say 'half a dozen people'?

The Hon. PETER DUNN: We are being pedantic. I do not believe that any women are in that division at the moment. I am referring to something that is basically dealing with men at this stage but, if women are interested in it, by all means; I do not resile from that. I cannot see why we should go out of that Department to appoint a Soil Conservator.

The Hon. FRANK BLEVINS: We are getting into the area of repetition—at the moment, neither can I. As I say, I have even indicated to the Hon. Mr Dunn and to the Committee who the person who will be designated by me as Soil Conservator is likely to be. I repeat: it is likely to be the person who is in charge of the Agricultural Resources Branch of the Plant Services Division.

The Hon. Peter Dunn: Why not spell it out?

The Hon. FRANK BLEVINS: The reason why I do not want to spell it out is that I do not want to commit every

other Minister from here to kingdom come to that position. Also, where other positions are named in other Acts, we do not spell out that the officers have to come from a certain division of a certain area, to the best of my knowledge. It would not be good legislation to do so.

The Hon. K.T. Griffin interjecting:

The Hon. FRANK BLEVINS: The Hon. Mr Griffin says that in some instances we want to. If he wants to do so he can vote for the amendment. I am saying that this Government does not want to spell out the location of that position, and certainly not that it be a full time position, but that is the effect of the Hon. Mr Dunn's amendment in saying that it cannot be held in conjunction with any other office in the Public Service.

The Hon. Peter Dunn interjecting:

The Hon. FRANK BLEVINS: That is why we are amending it.

The Hon. Peter Dunn: You have had problems.

The Hon. FRANK BLEVINS: We have not necessarily had problems, but the Government considers that this is the best way of doing it. If the Hon. Mr Dunn is opposed, as he is, to what the Government is doing, he is taking the proper course: he has moved his amendment and the Committee and ultimately the Council will decide. That is the appropriate way to go about it. The Government has a strongly held view on this, and it will adhere to its view.

The Committee divided on the amendment:

Ayes (10)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, R.C. DeGaris, Peter Dunn (teller), K.T. Griffin, C.M. Hill, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes (11)—The Hons Frank Blevins (teller), G.L. Bruce, B.A. Chatterton, J.R. Cornwall, C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner, and Barbara Wiese.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clauses 4 to 8 passed.

Clause 9— 'Repeal of s. 14.'

The Hon. PETER DUNN: What is the intent of this clause?

The Hon. FRANK BLEVINS: It will repeal section 14 of the principal Act. I am advised that section 14 is superfluous as it has been incorporated into the Pastoral Act.

The Hon. PETER DUNN: The Minister can assure me that that is right?

The Hon. FRANK BLEVINS: That is my advice.

Clause passed.

Title passed.

Bill read a third time and passed.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 12 September. Page 776.)

The Hon. C.J. SUMNER (Attorney-General): I direct my remarks to the Hon. Mr Griffin in response to matters raised by him previously. The honourable member asked in the course of the debate what sum it was proposed would be fixed by regulation as the upper limit for the maintenance of property. The Public Trustee has advised that the sum of $6 000 would be an appropriate figure for property maintenance. The cost of re-roofing a house, for instance, is in the vicinity of $4 500 to $5 000 and this type of work is a common maintenance expense.

The Hon. K.T. Griffin: That is the amount you are considering prescribing?

The Hon. C.J. SUMNER: Yes. In addition, the Hon. Mr Griffin asked whether the provision enabling the Public Trustee to act in a situation of conflict subject to the directions of the Supreme Court is a provision meant to place the Public Trustee in a position that is no better than that of an individual trustee. Whether the Public Trustee is placed in the same position as an individual trustee, executor or administrator is a matter for the court to determine. The provision is facultative only.

The other matters raised by the honourable member concern the proposed new section 121a, which contains provisions relating to the disclosure of assets and liabilities of deceased estates. The Hon. Mr Griffin asserts that the provisions of this Act will require the disclosure of assets which may result from the conversion of estate assets. This is not the effect of the proposed section 121a. The emphasis of the scheme is on identifying the assets and liabilities of a deceased person. The disclosure must be of the assets and liabilities of the deceased, not the assets and liabilities of the estate in the course of the administration.

Similarly, the Bill does not, as the honourable member suggests, require a trustee to disclose all assets and liabilities that from time to time are acquired or incurred in the course of the administration of the trust. The Registrar of Probates has advised me that it is necessary to include reference to trustees because, when the office of executor is *functus officio* (that is, the executor has discharged his duty) and the trustee is administering the trust estate, it may be that an asset or liability of the deceased person which has not previously been disclosed comes to light. There must be an obligation on the trustee (the executor having no further role to play in the administration of the estate) to disclose this asset or liability. This asset may then be disposed of or otherwise dealt with.

There is no reason why the scheme should cause unnecessary delays to applicants seeking a 'speedy grant'. The disclosure at the time of application need only be a disclosure of what is known, as the scheme provides for subsequent disclosures to be made. The honourable member suggests that a more appropriate terminology to use may be assets and liabilities that existed at the time of death. This wording would be entirely inapproriate. There are assets which belong to an estate and which are not in existence at the date of death, for example, *choses* in action (the deceased may have commenced civil proceedings which had not been completed at the time of death) and contingent interests. If the wording that the Hon. Mr Griffith suggests is included, then assets such as these would not need to be disclosed.

Provision has been made for the court to exempt a disposition of property from being avoided by an administrator where the court is satisfied that the disposition was for the benefit of the person whose estate is being administered and the court is satisfied that the person has an adequate understanding of the nature of the transaction. The honourable member suggests that the court should not be required to consider whether the person had an adequate understanding of the nature of the transaction. It is considered proper for the court to have regard to the understanding that the person has of the nature of the transaction. A disposition may on its face be for the benefit of the person, but the person may think the disposition has one effect when it has another.

I trust that that attempts to answer some of the questions raised by the honourable member. No doubt the matter can be further pursued in Committee.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Capacities in which Public Trustee may act.'

The Hon. K.T. GRIFFIN: I have raised a number of questions about the position of Public Trustee acting in a situation where there are conflicts of interest. I made the point that, if the amendment referred to in clause 5 merely facilitates Public Trustee acting in a situation where there is a conflict but subject to the approval of the Supreme Court and such directions as the Supreme Court gives, and if it places Public Trustee in no better a position than an ordinary trustee, then I would have no difficulty with it. Quite obviously, I have not had a chance to really delve into the depths of the law relating to conflicts of interest experienced by ordinary trustees. I did indicate that I believed the position to be that in those circumstances the conflicts were resolved by the Supreme Court and the way in which the conflicts were thereafter handled was subject to the continuing scrutiny of the courts.

If I understand the Attorney-General's response to the second reading stage of the Bill to be that this merely facilitates Public Trustee acting in more than one capacity but does nothing more than that beyond what an ordinary individual can do subject to the directions of the court, then I would be prepared to accept it. Will the Attorney-General confirm that it does place Public Trustee in no better a position, subject of course to whatever directions the court may give in granting its approval?

The Hon. C.J. SUMNER: It is not possible to give that categorical assurance, because it will be a matter for the court to determine. Subject to that, I do not believe that the Public Trustee would be placed in any better or more advantageous position than would any other trustee, but it would still be, under the wording of the amendment, open to the court to give directions which did, in fact, place the Public Trustee in a situation that might be different from what would normally be accorded an ordinary trustee.

The Hon. K.T. GRIFFIN: In those circumstances, I am not proposing to take this matter any further. Quite obviously, we will see how it works in practice. What I really wanted to do was ensure that Public Trustee was not getting an advantage that ordinary trustees could not have. The Attorney's explanation seems fair and reasonable and I accept it, but hope that it will be monitored to ensure that we do not have undesirable situations of conflict occurring in the way in which Public Trustee operates from time to time.

The Hon. C.J. SUMNER: We will certainly keep an eye on the operation of the new clause. As I have said before, it is really designed to assist people who have placed their affairs with the Public Trustee. Obviously, if a situation of conflict does exist, as the Public Trustee acting in more than one capacity is something that can only occur with the approval of the court, one assumes that the court would not give that approval if the conflict situation was such as to mean that separate representation, or acting as a trustee for the different interests, should be separated.

Clause passed.

Clauses 6 to 8 passed.

New clause 8a—'Repeal of heading and substitution of new heading.'

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

Page 3, after line 24—Insert new clause as follows:

8a. The heading preceding section 118o of the principal Act is repealed and the following heading is substituted:

Division IV—Reciprocal powers in relation to proclaimed States.

This amendment is a forerunner to other amendments to be moved to clause 10. I think that it is necessary to at least refer to clause 10 in order to explain the amendment I have just moved. I have a concern in relation to clause 10, which grants power to Public Trustee to act through a person outside the State where the other State involved was proclaimed for the purposes of the section and yet the facility was not available to an individual who may be appointed as administrator of the estate of a mentally ill patient. I recognise that there may not be reciprocal arrangements in force or contemplated in relation to an individual, but I think that at least there ought to be an opportunity for those reciprocal arrangements to be negotiated.

If we refer only to Public Trustee there is then a presumption in favour of Public Trustee and against individuals being appointed as administrators, and there will not be an opportunity to even negotiate for someone to act on behalf of an individual administrator appointed in South Australia where there are assets outside South Australia. Therefore, the amendment that I have moved to change the heading is an integral part of subsequent amendments which will at least leave it open that an individual appointed as administrator will not suffer any disability in respect of assets of a mentally ill patient outside South Australia. It certainly will not prejudice the reciprocal arrangements in relation to Public Trustee. It will merely open it up to administrators other than Public Trustee.

The Hon. C.J. SUMNER: I have no objection to the amendment.

New clause inserted.

Clause 9 passed.

Clause 10—'Provision for Public Trustee to request authority in other parts of the world to administer estate of patients.'

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

Page 3—

Line 29—Leave out 'the Public Trustee that a patient' and insert 'the administrator of the estate of a patient that the patient'.

Line 40—Leave out 'The Public Trustee' and insert 'An administrator'.

The amendment I have just moved in relation to this clause I dealt with when referring to the heading and, unless the Attorney-General has a different point of view on these amendments, I will leave matters at that.

Amendments carried; clause as amended passed.

Clause 11—'Power of administrator to avoid dispositions and contracts of patient.'

The Hon. K.T. GRIFFIN: I raised some questions concerning this clause during the course of the second reading debate. I wonder whether the Attorney has answers to them. The first question I raised was in relation to proposed subsection (3) and whether it was necessary to have the last part of that subsection in the Bill, namely, that when the court was to exempt a disposition of property or a contract from the operation of new section 118q, it was necessary for the court both to be satisfied that it would be for the benefit of the person whose estate was subject to administration and that that person had an adequate understanding of the nature of the transaction.

Also, in that context I raised the question whether, if that provision was to stay in, the adequate understanding by the mentally ill person or patient was an understanding as at the date of the application to exempt or at the date of making the disposition or entering into the contract. I think that those questions are important. There is a third question in this area but as it is not directly related to those two questions I will leave it until the Attorney has dealt with those questions.

The Hon. C.J. SUMNER: I shall respond to that question. The provision has been made for the court to exempt a disposition of property from being avoided by the administrator where the court is satisfied both that the disposition is for the benefit of the person whose estate is being administered and that the court is satisfied that the person has an adequate understanding of the nature of the transaction. The honourable member was suggesting that the court should

not be required to consider whether the person had an adequate understanding of the nature of the transaction.

It is not really possible to provide any particular rationale for it except that it is considered proper for the court to have regard to the understanding a person has of the nature of a transaction. Disposition may, on its face, be for the benefit of a person, but the person may think the disposition has one effect when it has another. It seemed to us that the court at least should inquire as to the state of mind of the person concerned, to ensure that that person is aware of the nature of the transaction. That person might have, as I said, some misconceived idea of what the transaction actually is.

The Hon. K.T. GRIFFIN: I do not have a burning desire to change this section. I notice that present section 118q makes reference to an adequate understanding of his obligations, and I suppose to that extent there is a consistency between the present Act and the proposed amendment. It seemed to me to be somewhat curious that it was necessary for the court to have regard to that. I do not really think that it is necessary to pursue it any further—at least I have raised it.

The only other point I make in relation to that clause is that there is the question of third parties. The Attorney may have referred to it in reply at the second reading stage, but I may have been otherwise occupied. I raised the question whether there was any difficulty in relation to circumstances such as the disposition of personal property by the patient to another person, that transaction being voidable at the option of the administrator, but that person either encumbers the personal property or disposes of it to some other person who did not have notice of the possible defect. It was really in relation to the encumbrance that I had some concern. It is probably a fairly remote event but, in the circumstances where personal property is so disposed of and is encumbered by the person to whom it is disposed of, then there is a third party involved, and I would not like to think that there is any way in which that transaction could be avoided to prejudice the encumbrance that had been granted in good faith.

The answer may be that as the disposition is voidable, until it is avoided, then it is a valid transaction, and any dealings with the property may not subsequently be prejudiced by the administrator seeking to avoid the disposition or the contract. Again, I have not had time to look at that particular issue and I wonder whether the Attorney has any particular views on the consequences in those situations.

The Hon. C.J. SUMNER: I refer the honourable member to new subsection (2) of proposed new section 118q which specifically provides that a transaction cannot be avoided where the other party to the transaction (the third party) could not know and could not reasonably be expected to have known that the person with whom he dealt was of unsound mind.

The Hon. K.T. Griffin: Do you mind taking it a step further?

The Hon. C.J. SUMNER: I am not in a position to provide a detailed answer to that. I imagine that the normal law relating to *bona fide* purchases for value, if that is the nature of the transaction, would apply. It is something that I will need to give some further thought to, but I imagine that the situation is as the honourable member has outlined, a contract is voidable but it would not affect, depending on the nature of the transaction, a *bona fide* purchaser.

The Hon. K.T. GRIFFIN: Could I suggest to the Attorney that if this clause goes through—and I will not oppose it at this stage—he might consider recommitting the Bill after he has had somebody look at it. There is a difficulty with clause 13 that might require us to report progress anyway. At least if we get to clause 13 I can explain the extent of the discussions that I have had and the problems that are still outstanding, and we can facilitate the passage of the Bill. I am not suggesting that the Attorney report progress on this clause, but that he let it go through and perhaps give some responses on the next day of sitting if that is possible.

The Hon. C.J. SUMNER: Yes.

Clause passed.

Clause 12 passed.

Clause 13—'Statement of assets and liabilities to be provided with application for probate or administration.'

The Hon. K.T. GRIFFIN: As I foreshadowed, I ask the Attorney to report progress on this clause. I have had some discussions with the Registrar of Probates, who has been kind enough to explain to me the background to this clause. I do not generally disagree with what he indicated to me. We are both trying to get the same result. As I indicated when I spoke in the second reading debate, I believe that the clause goes much further than anyone intends. At this stage it is a matter of trying to find the appropriate form of words to ensure that we attain the objective that the Government, its advisers, others and I believe should be reached.

I also understand from my discussions with the Registrar of Probates, who had an early copy of the proposed amendments that I was putting on file, that there may be some change in the terminology required. Rather than referring to the assets and liabilities, perhaps we should be referring to the real and personal estate and include within liabilities the legal and testamentary expenses, and rather than referring only to assets at the date of death, we should refer to real and personal estate known at the date of death and subsequently coming to the knowledge of the executor or administrator and include certain assets which are not in fact assets at the date of death but which subsequently may accrue to the benefit of the estate.

For example, my attention was drawn to *choses* in action, legal proceedings, for example, current at the date of death but not resolved, subsequently resolved where a benefit then flows to the estate, to contingent remainders, and in that context a recognition that the asset was not in existence at the date of death but might well come into existence after the date of death. As I understand it, there is no intention to include property that accrues to the estate after death such as interest, bonus shares, the natural increase in livestock and other sorts of assets, although I believe that the way in which it is presently drafted will extend to those sorts of assets.

I do understand that it was the intention that the detail be incorporated in rules of court, but I suggest that there needs to be some clear indication as to exactly what is likely to be incorporated in rules of court provided in the section itself. There is still some sorting out to be done in regard to the clause along the lines of what I have suggested; whether it is possible to achieve it or not remains to be seen. In the light of what I have indicated I ask the Attorney to report progress so that we can have further discussions to resolve the matter.

The Hon. C.J. SUMNER: Yes.

Progress reported; Committee to sit again.

COMMISSIONER FOR THE AGEING BILL

Adjourned debate on second reading.

(Continued from 13 September. Page 845.)

The Hon. L.H. DAVIS: Previous speakers from this side of the Council have indicated the differences in approach that existed between the Liberal Party and the Labor Party before the 1982 election when dealing with the important

and growing issue of the ageing in the South Australian community. The shadow Minister (Hon. J.C. Burdett) has already outlined that the Liberal Party's policy was to create a broader approach through renaming the Minister of Community Welfare as the Minister of Community Services and Ageing. That would provide for special attention to be given to the ageing under the umbrella of the enlarged department.

On the other hand, the Labor Party at election time argued for the creation of a Commissioner for the Ageing. Of course, there is common agreement between the Parties as to the desirability and expectation of Government action in the area of the ageing. The difference is one of approach. I will not be so churlish as to indicate outright opposition to the creation of a Commissioner for the Ageing, but I express some reservations about that approach to the problem. It can lead to empire building. Certainly, by creating a statutory position the Commissioner will become accountable to Parliament through the presentation of an annual report but there is no question, as some of my colleagues have already observed, that once such a position as this is created it leads to a permanence that may not be so much the case if the position was contained within an existing or expanded department.

This simple Bill provides for the appointment of a Commissioner for a term not exceeding five years. Budget figures recently to hand indicate $75 000 has been made available for this position, and it will be appropriate in Committee to pursue the degree of financial and staff support that will accompany the creation of the Commissioner for the Ageing.

Quite clearly the Commissioner's functions under clause 7 envisage an advisory and co-ordinating role. The success or otherwise of this position will clearly depend very much on the calibre of the person selected to be the first Commissioner for the Ageing and the degree of co-operation, communication and common sense exhibited in the relationship developed between the Commissioner and relevant Government agencies, semi-government and local government bodies and the very large range of health, recreational and community groups serving the ageing in the South Australian community. Some questions can more properly be pursued in the Committee stage, but I take this opportunity to briefly reflect on the importance of recognising the growing challenge which exists in our community to cope with the various problems associated with the ageing.

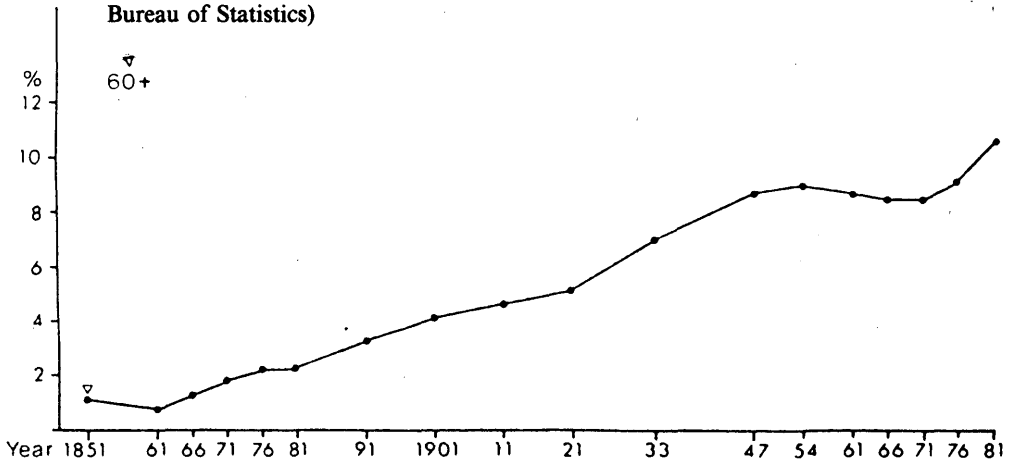
A 1979 Department of Health report suggests that the cost of someone living alone in a nursing home for one week was equivalent to the weekly cost of 15 home nurse visits, five meals on wheels, 7.5 hours of home health, five visits to the doctor, $10 of medicine, and one visit by a paramedic. That is a lot of home care. Statistics show quite clearly that in Australia there is a very large degree of institutionalisation of the aged, perhaps much more so than is the case in other countries of the world. I refer to the population statistics contained in the second reading speech that showed that in 1980 the aged population accounted for 9.6 per cent of the total population. This is projected to increase to 11.7 per cent in the year 2000.

Already reference has been made to this dramatic movement in the population towards those people aged 65 years and over. I think it should be pointed out that already in the United States, as at 1981, 11.4 per cent of the population was over 65 years of age; in the United Kingdom, in 1980, 15.4 per cent of the population was over 65 years; and in Canada the population over 65 years is about the same as in Australia currently, namely, 9.7 per cent. Interestingly enough some of the third world countries such as Brazil have much lower figures, with Brazil having a figure of little more than 5.4 per cent of the population over 65 years of age. In the next 15 years the 85 years and over age group is projected to more than double. The 80 to 84 years age group will also more than double over the next 20 years.

In 1980, 35.5 per cent of the aged population was 75 years and over. By the year 2001 it is forecast to be 46 per cent. The fact that there is this ageing population, not only in terms of people over 65 years of age, but also in terms of people living longer as the expectation of life increases, leads to an interesting sidelight: there is a much more common trend to the so-called four generation family, with two generations of senior citizens. The difficulty arises as to what role they will play. Grandparents, usually in late middle age or in the early years of retirement in their late fifties and early sixties and adjusting economically, socially and psychologically to cope with the pressures of retirement and the advent of old age, find themselves not only with their own problems but also increasingly encumbered with the personal and financial burdens of caring for more elderly parents. There is also the challenge of the aged ethnic population. In the near future large numbers of southern born European migrants will be reaching 65 years of age. I seek leave to incorporate in *Hansard* without my reading it a statistical table which shows the percentage of the population aged 65 years and over from 1851 to 1981.

Leave granted.

South Australia: Percentage of Population Aged 65+, 1851-1981 (Source: Australian Bureau of Statistics)



The Hon. L.H. DAVIS: This table, which shows the steady increase in the aged population in South Australia from a figure of little more than 2 per cent of the population over the age of 65 years a little more than 100 years ago to a figure approaching 10 per cent currently, is contained in the publication 'South Australian Geographical Papers: South Australia's Changing Population', by Graham Hugo, who is associated with the Flinders University of South Australia. Mr Hugo notes that over the next 20 years South Australia will have greater growth in its aged population than any other State in Australia will have. Indeed, he makes the point in the document, published in 1983, that in 1981 South Australia with 10.6 per cent of its total population over the age of 65 years had the largest aged population of any State of Australia. I seek leave to incorporate in *Hansard* without my reading it a table showing that fact.

Leave granted.

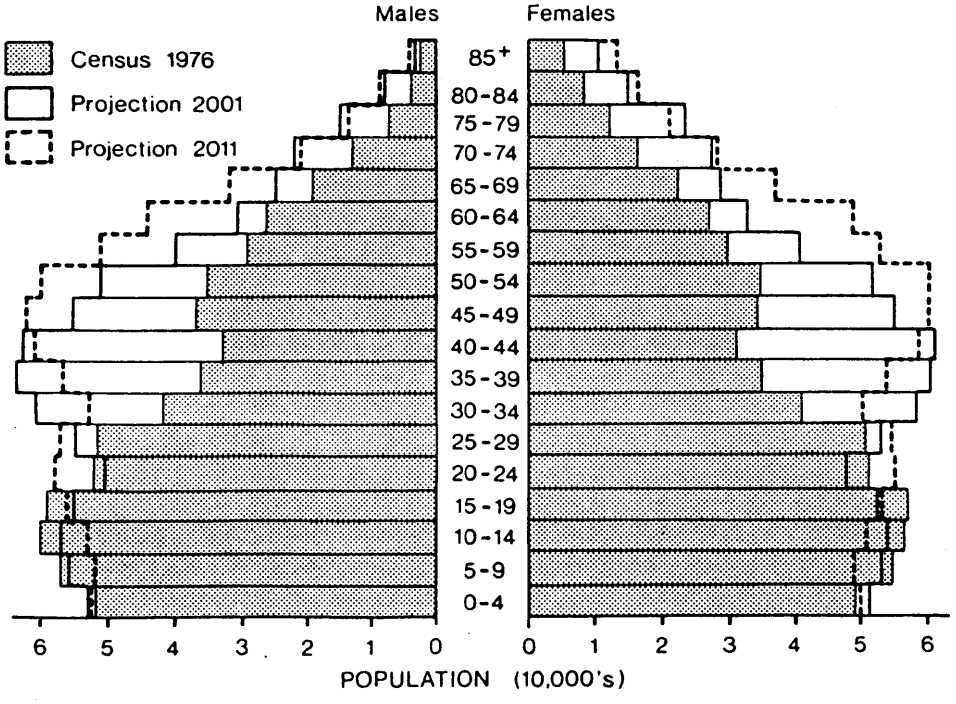
Australian States and Territories: Percentage of the Total Population Aged 65 Years and Over 1971 and 1981 (Source: Australian Bureau of Statistics, 1971 and 1981 Censuses)

State/Territory	1971	1981	Change	No. of Persons Aged 65+ in 1981
New South Wales	8.5	10.1	+1.6	528 468
Victoria	8.6	10.0	+1.4	393 118
Queensland	8.8	9.7	+0.9	226 711
South Australia	8.5	10.6	+2.1	139 196
Western Australia	7.4	8.7	+1.3	112 980
Tasmania	8.1	9.9	+1.8	42 463
Northern Territory	2.1	2.2	+0.1	2 727
Australian Capital Territory	2.7	4.2	+1.5	9 571
Australia	8.3	9.8	+1.5	145 234

The Hon. L.H. DAVIS: In the period 1976 to 1991 Mr Hugo projects a growth rate in South Australia's aged population of nearly 3 per cent per annum, compared with Australia's projected growth rate of 2.25 per cent per annum. In the period 1991 through to the year 2001, again South Australia's projected annual growth rate for the aged population is well in excess of that for Australia as a whole. I seek leave to incorporate in *Hansard* without my reading it a table showing South Australia's projected age distribution.

Leave granted.

South Australia: Age Distribution 1976 and Projected Age Distribution 2001 and 2011 (Source: Australian Bureau of Statistics)



The Hon. L.H. DAVIS: One of the particular challenges faced by the Commissioner for the Ageing and those people involved in caring for the ageing is the dramatic difference in age expectancy between men and women, so much so that whereas only one in six males over 65 years of age are widowed, one in two females over 65 years are widowed. In the age group 65 to 69 years the male to female ratio is 86. In other words, for every 100 females in the 65 to 69 years age group there are 86 males. That ratio has declined to 50 for the age group 80 to 84 years. In other words, for every one man in the 80 to 84 age group there are two women. That is also a social problem and a social challenge.

It is pleasing to see that, partly encouraged by the women's movement, there is a greater acceptance of women living alone, and they are perhaps better equipped psychologically and physically to do so.

There is greater acceptance of this and there is much more help to enable people to remain at home longer. There is also the fact that, with the nuclear family and the break-up of families at an earlier age, children do not look after their parents as much as was the case two or three generations ago. Indeed, the figures suggest the point that I am making: that there really has been a dramatic increase in the number of aged people living alone. That is a trend that can only be encouraged because, as we recognise that people prefer to live at home longer and are given assistance to live at home longer, it will mean these old people living much more contented lives.

One of Australia's leading gerontologists, Mr Rowland, in the *Australian Journal on Ageing*, in May 1982, said:

> Social integration of the aged is widely recognised as a central issue in social gerontology . . . Living arrangements are indicators of social integration, since those who live alone or in an institution have the highest likelihood of being deprived of . . . a meaningful role in family life . . . Nevertheless, overseas studies have emphasised the desire of generations to live apart, 'intimacy at a distance' being sustained through visiting and telephone conversations.

As I have already mentioned, there has been statistical evidence of this fact. For instance, in America, whereas at the turn of the century 42 per cent of married old people lived in the same household with one or more of their children, in 1975 that figure had fallen to 10 per cent. Clearly, more emphasis must be placed on developing acute treatment services for the aged in preference to longer term care, so assisting an earlier return to personal independence. That is being recognised by both Parties in their approach to health care.

Similarly, to accommodate the desire for retaining independence as regards aged accommodation, a greater priority should be accorded self-contained retirement units, hostel style accommodation and serviced apartments. Private and public nursing homes have received generous financial support from the Commonwealth Government as compared with financial support to aged persons who remain at home with some support services or seek to retain their independence by living in self-contained retirement units or serviced apartments. It is perhaps appropriate to look, at least at a national level, at the assistance that is given to people to encourage them to support their aged parents or relatives.

The work of Professor Tony Radford in developing community awareness of existing services for aged persons is worthy of note. In 1982 Professor Radford studied the needs of the elderly living in Prospect, having been commissioned by the Corporation of the City of Prospect. The survey indicated that pride and fear, not wanting to bother the doctor, social worker or nurse, together with lack of awareness of and access to existing resources meant that many people did not use existing facilities in the Prospect area. In fact, only one in 10 of those aged 65 or over had ever used domiciliary care services; only four in 10 people surveyed knew that Prospect corporation employed an aged care officer. One in seven knew that Domiciliary Care Service existed but had no idea of the services available, and one in five had never heard of it at all.

The Radford study showed that many aged persons could cope better at home through assistance with minor house repairs, laundry services and gardening. I am pleased to say that it is obvious that local councils, voluntary groups and other agencies are moving in quickly to fill that very important gap.

Returning to the challenge of health care for the ageing, I am pleased to see that there has been development of geriatric medicine, a recognition of its importance, and that undergraduate and postgraduate medical courses are now paying more attention to geriatric medicine, which can be defined as:

> The branch of general medicine which is concerned with the clinical, preventive, remedial and social aspects of illness in the elderly.

However, it is important that we give greater emphasis to such education at both undergraduate and postgraduate levels for those delivering health care services to the aged. For example, whereas nursing experience in a geriatric unit is now compulsory in all the Common Market countries in Europe, that may not necessarily be the case with all nurse training programmes in Australia.

Our research into biological aspects of ageing in Australia is of international renown, as Dr Prinsley, Professor of Geriatric Medicine at the University of Melbourne, and Director of the National Research Institute for Gerontology and Geriatric Medicine at Mount Royal Hospital, Melbourne, observed two or three years ago. However, he said:

> In contrast, little research has taken place into the clinical and social problems of the aged and how to cope better with growing old.

That is some of the emphasis that is given to the creation of the position of Commissioner for the Ageing. The functions of the Commissioner include that point. I am pleased to indicate my support for the second reading of the Bill. As I have indicated, I, along with my colleagues, will have questions in Committee. It will be a challenge for the first Commissioner to take on this role as a co-ordinator and as an adviser in this area. I look forward to hearing the Minister's response and his answers to questions in Committee.

The Hon. J.R. CORNWALL (Minister of Health): I thank almost all honourable members for their contributions, which, by and large (with one notable exception), have been very constructive. No matter what the nuances are or the lines of best fit, if you like, or the proposals put forward by members on either side, there is certainly general agreement that the ageing (as it has now become fashionable to say) need an advocate.

It is interesting that the aged apparently are always five years older than the individual speaking at any time. While we are all ageing, the Government in its collective wisdom has seen fit to create a Commissioner for the Ageing rather than for the aged. Everybody agrees that they need, as I said, somebody who will act as an advocate.

They need a central focus for that advocacy, and they certainly acknowledge, through SACOTA and other peak councils, that the Commissioner has a very important role in co-ordinating the many services that are, and should be, increasingly available. Whether that is done by creating a statutory authority or whether it is done through a department I suppose is really only a matter of philosophy rather than practicality. The only thing I would say to the person who originally developed a policy to create a position of Commissioner for the Aged when we were in Opposition is that I believe that the additional flexibility that the statutory approach will give will, on balance, be rather better than simply creating a position within an existing department.

I commend the Bill to everyone. A number of amendments are on file. Having examined them at some length, and with the assistance of officers from the office of the Minister of Community Welfare (who are more knowledgeable in matters relating to the Bill than I), at this stage I do not believe that the Government will have any real difficulty in accepting any of the amendments.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. J.C. BURDETT: Will the Minister inform the Committee which Minister will have responsibility for this Bill?

The Hon. J.R. CORNWALL: I presume that the honourable member means to whom will the Bill be committed. As I understand it at present, the legislation, when it is proclaimed, will be committed to the Minister of Community Welfare. I know that there has been some discussion in seminars and other forums as to whether the legislation creating the position of Commissioner for the Ageing should be committed to the Premier. However, the current view is that, on balance, while such commitment has a good deal of symbolism about it and could be interpreted as perhaps in theory at least giving the Commissioner some additional clout, in practice of course if one commits all positions involving everyone from the Adviser on the Disabled through to the Commissioner for the Ageing to the Premier's office, the queue would become so long that such commitment would indeed be only symbolic and not very practical.

The intention at present, principally because of the early request of the aged people in the community through their representative organisations, is to commit the Bill to the Minister of Community Welfare. Originally, of course, under our proposals the Bill was to be committed to the Minister of Health. The people representing the aged in the community very rapidly made known that they did not consider themselves to be primarily a health problem and they did not really want to be slotted specifically into that category. I could argue all day, of course, that health does not mean sickness and that perhaps the decision that they took was not based on the best information available. Health, of course, is a state of well-being—moral, spiritual, physical, and so on.

Certainly, after due community consultation and a great deal of debate (and I cannot recall anything in the human services area which has caused more discussion and about which there has been more consultation in recent years than this particular initiative)—

The Hon. Diana Laidlaw: What about children's services?

The Hon. J.R. CORNWALL: That certainly has not been as constructive, until recently, but there has been a lot of very good and very constructive discussion and debate on this matter. On balance, I believe that there is an emerging consensus that the Bill ought to be committed to the Minister of Community Welfare.

The Hon. J.C. BURDETT: I do not wish to argue the merits of the matter, but I was surprised to hear the Minister say that he understood that the consensus of the organisations of the ageing is for the Bill to remain under the responsibility of the Minister of Community Welfare. My understanding was that the most recent representations of the organisations representing the ageing, particularly those put forward at a recent seminar, were that the Bill be not committed to the Minister of Community Welfare.

The Hon. J.R. CORNWALL: That is a very negative way of putting it. There was some discussion. I was at the seminar to which I believe the honourable member referred. As I said, there was a move, but it was believed that on balance the ageing would be better off under the responsibility of the Premier's office, with the legislation being committed to the Premier. But frankly, as I pointed out at some length, that is not necessarily the best place, and it is not necessarily the best decision.

However, nothing is cast in concrete in regard to this matter: the decision is not being handed down like the Ten Commandments from the mountain, chipped in marble. If experience suggests that the Bill would be better committed to the Premier, so be it. It is a matter of public record (and I have canvassed the matter publicly many times) that it may well be practical and sensible for us to follow the example of many other countries and merge the administration of health and community services. That is certainly something—

The Hon. C.M. Hill: It might be empire building.

The Hon. J.R. CORNWALL: No, I have no need to build my empire, I assure the honourable member. Rarely in the Western world these days does one find a department for community welfare (and I stress the word 'welfare') sitting in isolation. There have already been constructive discussions as to where the human services, particularly as they relate to health and community services generally, might reside administratively. So it should not be taken as read that the Bill will be committed to community welfare because somehow it is a welfare problem *versus* a health problem. It is much more than that. It is an area in which the scope is wide, essentially one which embraces the whole gamut of human services as they impact on the ageing population of the State.

Clause passed.

Clause 3 passed.

Clause 4—'The Commissioner.'

The Hon. J.C. BURDETT: My questions on this clause relate to the funding and staffing of the office of the Commissioner. It is obvious that these matters must have been considered and budgeted for by this time. Therefore, my questions are:

1. What staff will the Commissioner have and at what levels?

2. What will be the cost of setting up the office of the Commissioner?

3. What will be the cost of running the office in the first year and in the first full year?

The Hon. J.R. CORNWALL: The staff complement will be six persons when the office is fully staffed. The full recurrent cost will be around $160 000 a year. The staff will comprise the Commissioner, the ethnic aged consultant (which position was a firm policy undertaking by the Government), two project officers, one information officer and one clerical officer.

The Hon. J.C. BURDETT: I thank the Minister for his replies, but he has not said how much it will cost to establish the office.

The Hon. J.R. CORNWALL: I do not have that figure immediately available. It is intended that it should be a shop front type operation, so the capital cost should not be great. It is not necessary—indeed, it is highly undesirable—that we should create a temple that costs lots of money in terms of bricks and mortar. It is intended that the Commissioner and his staff will be in a down-town location readily available to all those people who wish to avail themselves of the services and information provided by that office.

Clause passed.

Clauses 5 and 6 passed.

Clause 7—'Functions of the Commissioner.'

The Hon. K.L. MILNE: I move:

Page 3, after line 7—Insert the following paragraph:

'(fa) to ensure that financial and investment advice is available to the ageing.'

As I said during the second reading debate, I have found from talking to various groups of the ageing, such as pensioners, that one of the things that bothers them is a lack of financial advisers and the confused financial situation. They try to get information in relation to this matter from the newspapers but get confused, or do something that is not to their advantage. I am suggesting that it will be very helpful if one of the duties of the Commissioner is to ensure that financial and investment advice is available to these people. One might ask how that would work. The answer to some extent would depend on how the service developed and how old people used it.

The service might be free, paid for on a token basis, or be fully paid for—that would vary. The Commissioner might engage advisers part-time at first and perhaps that would develop into full-time positions—who knows. He might engage several different kinds of consultant part-time or on call: for example, a stockbroker, a banker, a portfolio manager, and an estate planner. They would provide a variety of skills to serve people in different circumstances. The Commissioner might encourage a panel of volunteers to help on request on an honorary basis.

I think the important principle I am trying to get across is that the professional people involved should be active in the business world or in their professions at the time of offering this advice. Pensioners and other older people should not have to rely on retired volunteers who, with the best will in the world, might be out of date with their information. People tell me that when they retire they soon get out of touch, politicians in particular.

Furthermore, retired people should not be subjected to stress, criticism or claims for negligence. Therefore, I think that my amendment, in general terms, will leave the Commissioner with plenty of discretion. He would obviously not employ a lot of people if the service were not needed and I think that it would eventually find its own level. I ask all members to consider my amendment carefully.

The Hon. J.C. BURDETT: I certainly agree with the principle that the Hon. Mr Milne is seeking to incorporate, but wonder whether the wording of the amendment is correct. The wording of the amendment is as follows:

To ensure that financial and investment advice is available to the ageing.

In the nature of the functions of the Commissioner, which are mainly advisory and investigative, I would have thought that it is not really possible for him to ensure anything. When an Opposition amendment was moved in the other place calling on the Commissioner to 'ensure' a certain matter it was pointed out by the Government that it is not possible for the Commissioner to ensure anything. I note that in clause 7 (1) *(c)* of the Bill the following wording appears:

To ensure as far as practicable that the interests of the ageing are considered . . .

I would have thought that that would be more appropriate language because the Commission cannot ensure anything. If the honourable member's amendment was in the form to 'ensure as far as practicable that financial and investment advice is available to the ageing', it would be quite acceptable to me. However, in the form in which it now stands it is inconsistent with the functions of the Commissioner and the rest of the clause.

The Hon. K.L. MILNE: I accept that statement and think that that would be an improvement. That is really what I meant. I agree that the service cannot be guaranteed, and therefore seek leave of the Council to amend my amendment and to insert after the word 'ensure' the words 'as far as practicable'.

Leave granted.

The Hon. J.R. CORNWALL: The Government is happy to accept the amended amendment. I think that what the Hon. Mr Burdett has suggested does better join with the spirit and intention of the Bill. As the general thrust of what the Hon. Mr Milne is about with his amendment seems to be very positive, I accept the amendment on behalf of the Government.

The Hon. L.H. DAVIS: I accept the amendment proposed by the Hon. Mr Milne, although it could be said that what it proposes is already covered in the functions set down in clause 7. However, I want to comment on the point made by the Hon. Mr Milne that he is wishing the Commissioner to ensure, as far as practicable, that financial and investment advice is available to the ageing. There is no doubt that financial and investment advice is available to the ageing. I think that what the Hon. Mr Milne is concerned about is adequate, competent professional investment advice to the ageing. I would have thought that in recent months in South Australia it is obvious that there has been a veritable explosion of so-called independent investment advisers who, for high commissions, peddle a large range of products, some of which perhaps may come to grief in future years.

A Commissioner, of course, can only ensure as far as practicable that people who have financial problems are assisted. Perhaps it is worth noting that the South Australian Council on the Ageing already provides an advisory financial service to the ageing. In Western Australia, the Government funds the Western Australian Retirement Education Service, which is also a project of the Council on Ageing. (Interestingly enough, Western Australia does not call it the Council on the Ageing, but the Council on Ageing, which is a broader approach.) So, I indicate that I support the Hon. Mr Milne's amendment but, at the same time, point out the reality of the situation, that people cannot be protected against bad investment advice.

Amended amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 3, after line 10—Insert paragraph as follows:

'(ga) to assess the incidence of discrimination against the ageing in employment;'

During my second reading speech I spent some time reflecting on the very wide range of both the objectives and the functions of the Commissioner. I expressed some reservations about the capacity of that office to fulfil all those functions, especially when the budget of $75 000 this year is considered. Notwithstanding those reservations, I now propose to extend those functions by attributing to the Commissioner a further responsibility which, I suggest, should be to assess the incidence of discrimination against the ageing in employment.

I wish to explain that a little further. The anti discrimination and equal opportunity initiatives are increasingly recognised as important in our community not only to secure the rights of the individual but also to ensure that our State and nation make the maximum potential use of the skills, talents and knowledge of everyone in our community. To that I add that surely our human resources are our most valuable resource in our nation.

It seems to me that we are increasingly, in respect of the older members in our community, squandering these talents, skills and knowledge principally in the area of employment. I suggest that to have anti discrimination or equal opportunity legislation confined simply to sex or marital status, and more recently in a Government initiative to extend that to sexual preference, is not necessarily sufficient, because there are many instances where there is also discrimination on the grounds of age.

At page 35, in her Annual Report of 1982-83, under 'General Inquiries', the Commissioner for Equal Opportunity (Ms Tiddy) states:

It is concerning me that people who are experiencing discriminations on grounds which are outside of the jurisdiction of the legislation I administer often have no avenues of redress, for example, in the area of age discrimination. I have received inquiries from both men and women who have been told that they are too old for certain jobs or employment, several at the age of 40 years.

I am not suggesting that this Bill for the ageing necessarily has to take the interests of 40 year olds into account, but it is interesting that even at the age of 40 people are complaining today that they are being discriminated against on the grounds that they are too old. One necessarily sees at the age of 50 and 55 that this is an increasing complaint. It is no wonder that there is major concern in the community at the unemployment rates amongst our mature aged today.

The Hon. K.L. Milne: That's especially so in relation to the Commonwealth Employment Service.

The Hon. DIANA LAIDLAW: That is correct. There are references under the functions of the Commissioner to look at the incidence of discrimination against the aged, for example:

(d) to undertake or commission research into matters affecting the ageing;

(g) to keep social attitudes towards the ageing under review and to promote a better understanding of the ageing within the community;

While both those areas may necessarily include this issue of discrimination on the grounds of age, I believe that it is of sufficient concern in the community now that it warrants a specific reference in the Bill.

Despite the question of mature age unemployment, there is also the question of the fixed retirement age, and I know that that affects members of Parliament, judges and others as well. I was interested to be told earlier today that President Reagan—and I am not sure whether for reasons of self-interest—has determined that he will lift the fixed retirement age of many categories of employment. That initiative has been received with resounding enthusiasm as a means of maximising the talents in our community.

The Hon. J.R. CORNWALL: I would ask the Hon. Miss Laidlaw to amend the amendment by adding, after the word 'employment', the words 'and to promote action to overcome such discrimination'. The Government would then be pleased to support it.

The Hon. DIANA LAIDLAW: This is the first amendment I have moved in this Chamber and I am pleased that the Minister has agreed to strengthen it and am heartened to see that he does so with such good grace. I seek leave to amend my amendment as follows:

After 'employment' to add 'and to promote action to overcome such discrimination'.

Leave granted.

Amended amendment carried.

The Hon. K.L. MILNE: I move:

Page 3, line 11—Leave out 'subgroups' and insert in lieu thereof 'individual groups'.

I discussed this provision with other members of the Council. Paragraph *(h)* refers to the special needs of 'subgroups of the ageing', and we believe it would be better to use a word that would be clearer to people, especially if they have difficulty with the English language. Under my amendment there can be no suggestion that they are small groups, unimportant groups or lesser groups. They are special groups needing special treatment.

The Hon. J.R. CORNWALL: The Government is pleased to accept the small but constructive amendment moved by the honourable member.

Amendment carried; clause as amended passed.

Clauses 8 to 10 passed.

Clause 11—'Annual report by Commissioner.'

The Hon. R.I. LUCAS: I move:

Page 4, lines 4 to 6—Leave out subclause (2) and insert new subclause as follows:

(2) The Minister shall cause a copy of a report of the Commissioner made in accordance with subsection (1) to be laid before each House of Parliament within fourteen sitting days of his receipt of the report if Parliament is then in session or if Parliament is not then in session within fourteen days of the commencement of the next session of Parliament.

The present provision asks that the Minister shall as soon as practicable after receipt of a report from the Commissioner cause a copy to be placed before each House of Parliament. My amendment seeks to put a time limit on it of 14 sitting days. The form of my amendment is quite common with a number of other QUANGOS established by legislation in South Australia. Whilst my own personal preference would be for a period shorter than 14 sitting days and closer to three sitting days, as the Minister had inserted in respect of the Dental Board, for the sake of getting my amendment accepted I have provided for 14 days, and I will leave the argument in respect of greater consistency between annual reporting provisions of all QUANGOS to a debate on an annual reports Act.

The Hon. J.R. CORNWALL: This amendment does not do anything against the spirit and intent of the legislation. It is perhaps a bit restrictive in the sense that it is not always easy in all circumstances in departments or areas where intermittently at least there tends to be crisis management to ensure that 14 sitting days is as long as the Hon. Mr Lucas might imagine from the distant ramparts of the Opposition back-bench. On balance, it certainly is not against the spirit and intent and is not entirely unreasonable. After the due consultation that we were able to have prior to the debate, the Government accepts the amendment.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

WHEAT MARKETING ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

ABORIGINAL LANDS TRUST ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

ADJOURNMENT

At 5.54 p.m. the Council adjourned until Wednesday 19 September at 2.15 p.m.