LEGISLATIVE COUNCIL

Thursday 21 February 1985

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

PETITION: CHILDREN'S SERVICES BILL

A petition signed by 135 residents of South Australia praying that the Council postpone the Bill until written guarantees are given regarding certain concerns was presented by the Hon. J.C. Burdett.

Petition received.

QUESTIONS

PAROLE

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Minister of Correctional Services a question about parole.

Leave granted.

The Hon. K.T. GRIFFIN: Colin William Conley, the Mr Big of the drug scene in South Australia, was sentenced to 15 years imprisonment on 5 April 1982. He was convicted on two charges of trading in heroin and two charges of possession of heroin for sale. One charge related to a drug transaction involving about 260 grams of pure heroin with a street value estimated at about $150 000, of which Conley would have received about $52 000 in cash. The 15 year penalty was probably the toughest that had been imposed up to that time for drug dealing. The trial judge fixed a non-parole period of four years, which meant that Conley could not make application for parole before the expiration of that period and, even when he did, it was most likely that the former Parole Board, recognising the policy of the Liberal Government, would not have granted release on parole for about 10 years.

Now we see that under the Labor Government's parole system, which is radically different from that of the Liberals, Conley gets out in less than three years, yet everyone in the community is expressing a very real desire to get tough with drug dealers. Even the Government says that it wants tough laws, but Conley's incredibly early release denies that thrust. My questions are:

1. Is Conley to be released next week?

2. Will action be taken by the Government to stop that release?

The Hon. FRANK BLEVINS: The facts, inasmuch as the Hon. Mr Griffin stated facts and not supposition or opinion, are substantially correct. Mr Conley was sentenced by Justice Walters in the Supreme Court to 15 years imprisonment with a four year non-parole period. That sentence was handed down on 5 April 1982, when the Hon. Mr Griffin was Attorney-General. The question that should be asked here is this: with such an apparent and manifestly inadequate non-parole period, why did not the Hon. Mr Griffin instruct the Crown to appeal? The policy of this Government, quite the contrary to what was apparently the policy of the Hon. Mr Griffin and his Government, is where a non-parole period is set by a court and, in the opinion of the Government it is totally inadequate, we appeal.

This is demonstrated by several examples, the more recent ones being Colin Creed and Mr Von Einem. While very extensive non-parole periods were set in those cases, the Attorney-General, on behalf of the Government, instructed the Crown to appeal. In one appeal (concerning Creed) the sentence was increased; the other appeal (concerning Von Einem) is still before the court. I would appreciate the Hon. Mr Griffin telling us why the Liberal Government did not appeal against what on the surface appears to be a manifestly inadequate non-parole period. The question of whether Mr Conley serves three years or four years, while it is important, is not the important question. The important question is this: where the sentence given was 15 years, when the court decided a four year non-parole period was adequate, why did not the then Attorney-General, the Hon. Mr Griffin, on behalf of the then Liberal Government, appeal?

It would be very simple for the Hon. Mr Griffin to tell us that. My suspicion is that the first time that he heard of the case of Conley would have been yesterday. He could not have been aware of what was occurring in the courts during his time as Attorney-General if he did not see the apparent discrepancy between the non-parole period and the 15 year sentence and take some action. Was the Hon. Mr Griffin asleep, did he not care, or did he feel that the non-parole period was adequate? The Hon. Mr Griffin—

The Hon. K.T. Griffin interjecting:

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: The Hon. Mr Griffin must have felt that the four year non-parole period was a proper non-parole period, or he would have appealed. I remember that very early in the previous Liberal Government's administration the Hon. Mr Sumner, as shadow Attorney-General, introduced a Bill to give the Crown the right to appeal. Subsequently, the Government took up the Hon. Mr Sumner's suggestion and the Government had power to appeal—but it did not use it. The Hon. Mr Griffin, as the Attorney-General of the day, must have thought that the sentence was totally appropriate. On the other hand, I am left with the problem that the Hon. Mr Griffin gave us because he did not appeal.

The Hon. K.T. Griffin: You created the problem.

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: He did not appeal.

The Hon. K.T. Griffin interjecting:

The PRESIDENT: Order! The Hon. Mr Griffin has asked his question, he should now listen to the reply.

The Hon. FRANK BLEVINS: The new parole system, as it applies to Mr Conley, gets him out of the prison system about 12 months earlier than would have been the case under the previous system.

The Hon. K.T. Griffin: That's not correct.

The PRESIDENT: Order! The Hon. Mr Griffin will have the opportunity to explain further at a later date but, at the moment, I want to hear the Minister's reply.

The Hon. FRANK BLEVINS: The reason for that is that an amendment was moved in the Council (not by the Government, and it was not in the Government's Bill) to apply the new system of computing remissions retrospectively, so that those people in the prison system at that time gained their release somewhat earlier and in varying degrees—some by only a few days. In the case of Mr Conley, he was very fortunate; in that case he has been released from prison 12 months early. One could say that that is unfortunate, or simply that there are winners and losers. In his explanation, the Hon. Mr Griffin put forward the theory that Conley would have been in gaol for 10 years. That is pure and utter speculation.

The Hon. K.T. Griffin: That's consistent with the Parole Board's finding.

The Hon. FRANK BLEVINS: It is not consistent with the Parole Board at all. The Hon. Mr Griffin had no control over the recommendations of the Parole Board whatsoever. I would be very surprised indeed to learn that he felt that that was the case and that the Government could order the Parole Board to keep an individual in prison for a particular

period of time. The reality is that murderers—not drug dealers—under the system administered by the Hon. Mr Griffin were released after serving a sentence of just over eight years on average, and I assume that he will reintroduce that system if he ever becomes a member of Government again.

To suggest that a drug dealer should be imprisoned for longer than a murderer is, of course, absolute nonsense. All members should recall that, in this case, the Hon. Mr Griffin was the Attorney-General and had the power to appeal against the four year non-parole period but chose not to do so. I can only assume that the Hon. Mr Griffin was on top of his portfolio, was aware of the case and thought that the court's sentence was appropriate. If that was not the case, it was within his power to do something about it. Had he done something about it, appealed against the non-parole period and the court upheld the Crown's appeal and increased the non-parole period, Mr Conley would not be out of prison today.

The present situation stems from the action of the Hon. Mr Griffin in not appealing against that non-parole period. Those are the facts of the situation. All that the Department of Correctional Services does is administer the law as it is. It is a custodial Department. If the courts say that the sentence is up on a certain day, we have no authority—nor would we want any—to detain that person a day longer than the courts and the law state that he should be released. That is absolutely the correct way to deal with prisoners and with sentencing because we do not believe that anybody is better equipped to sentence a prisoner than the court that tried the prisoner and found him guilty.

The Hon. Mr Griffin apparently has a different viewpoint. He thinks that there is a body, whether it is politicians, a Parole Board or whoever, that is better equipped than the court to decide how long a person should be in prison. The Hon. Mr Griffin never tells us his policy in this area, and I look forward to hearing it. Will he revert to the system that was used prior to 1982? If so, I hope that he takes a lot more care in administering that system because, if he does, where a non-parole period on the surface is manifestly inadequate the Hon. Mr Griffin—if he is ever in the position again to do so—will appeal against that non-parole period. I hope that he will follow the example of this Government. Where a non-parole period is seen by the Government to be manifestly inadequate, we appeal, and we win. I hope that the Hon. Mr Griffin, if he is ever in the position again to do so, will do the same thing. It is a great pity that he did not do it in the case of Mr Conley when he had the opportunity when Mr Conley was sentenced.

The Hon. K.T. GRIFFIN: I ask a supplementary question. The first question—is Mr Conley to be released next week—has not been answered. The second question—will the Government take any action to stop that release—has not been answered. Does the Minister agree that under section 42a of the Prisons Act the Crown may apply to the sentencing court for an order extending the non-parole period?

The Hon. FRANK BLEVINS: I thought that I had answered the question adequately, but I am happy to go through it again. The principle—

The Hon. R.C. DeGaris: Not all that again!

The Hon. FRANK BLEVINS: He obviously did not understand.

An honourable member: The Minister obviously did not answer the question.

The Hon. FRANK BLEVINS: I did, but obviously the honourable member was not satisfied with the answer, so I will have to go through it again. The principle on which this Government works in the case of prisoners is that they will be released at the completion of the sentence that was established by the court and under the law. That is the principle that we uphold. I hope that particularly the lawyers in the Opposition would agree that that was a perfectly proper principle to uphold. If Mr Conley is due for release on a certain date, this Government has a policy that these people ought to be released when the court and the law say so.

The Hon. J.C. Burdett: Why don't you answer the question?

The Hon. FRANK BLEVINS: I have answered the question. In principle, we believe very strongly that people should be released when the court and the law say that they ought to be released. I think that that answers the honourable member's first two questions.

The Hon. K.T. Griffin: Yes or no?

The Hon. FRANK BLEVINS: I am advising the Council that all prisoners are released when they are due to be released. If Mr Conley's sentence is up next week he will be released next week. On the other hand, if his sentence is up in three weeks he will be released in three weeks. Whenever he is to be released, the reason for his release at that time is because of the law and because the Hon. Mr Griffin—

The Hon. K.T. Griffin: The law you brought in.

The Hon. FRANK BLEVINS: It was not brought in by us.

The Hon. K.T. Griffin: It was brought in by a Labor Government.

The Hon. FRANK BLEVINS: It was not brought in by us: it was an amendment moved in this House not by the Labor Party but by the Hon. Mr Griffin.

The Hon. K.T. Griffin: You accepted it.

The Hon. FRANK BLEVINS: That is different. The Hon. Mr Griffin said it was brought in by us. The honourable member's accuracy on this occasion leaves a little bit to be desired as was his action when Mr Conley was given the four-year non-parole period. I am sure that the whole of South Australia would be interested to know why the Hon. Mr Griffin did not appeal against that four-year non-parole period.

The Hon. K.T. Griffin: I would be more interested to know what you are going to do about it—you are the Government.

The Hon. FRANK BLEVINS: What we are going to do is pick up the pieces from the slipshod way the Hon. Mr Griffin administered his department.

The Hon. Peter Dunn: You've had three years in which to do that.

The Hon. FRANK BLEVINS: We cannot go back in time. Regarding the fact that the Hon. Mr Griffin was negligent in not appealing when he thought the sentence was inadequate, there is no way we can go back and correct the mistakes of the Hon. Mr Griffin. In regard to the legal opinion that the honourable member wanted from me in this third question: I do not give legal opinions.

CONSENT FOR PROSECUTION

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

Leave granted.

The Hon. J.C. BURDETT: Yesterday in the Adelaide Magistrates Court a case involving an attempted prosecution over pornographic video tapes was dismissed because it was found that the Attorney-General had signed a consent for prosecution without the authority of the current Minister in charge of Police Services (Hon. J.D. Wright). From reports in the media and from reported comments of the Officer-in-Charge of the Vice Squad, it appears that approximately 15 prosecutions, all related to pornographic video tapes,

presently before the South Australian courts have been thrown into doubt because of a foul-up by Government Ministers.

The Attorney, I understand, previously had the authority of the former police Minister, the Chief Secretary Mr Keneally, to authorise consent for prosecutions. However, this authority was not transferred from the new Minister to the Attorney when Ministerial responsibilities were reshuffled.

It is concerning that this is another example of how the administration of law is fouled up through so-called technical oversights. Honourable members will recall the case of the prisoner who was released from prison early prior to Christmas and of a prisoner who, along with his legal counsel, indicated that he was due for trial on another matter but was released from prison without the second charge being pursued. Both of these matters were dismissed by the Minister of Correctional Services as nothing more than technical oversights.

In relation to the present difficulties, complaints have to be filed within six months of any offence occurring and it is likely that some of the prosecutions will fall outside the six month timeframe. This means that some cases may not be able to be prosecuted again, or, in effect, at all. My questions are:

1. How many likely prosecutions are affected by this so-called technical oversight? Do all prosecutions relate to pornographic video tapes?

2. How many complaints will be unable to be fully pursued in the courts because the six-month time limit will have expired?

The Hon. C.J. SUMNER: The report in the *Advertiser* this morning was, I understand, substantially correct, although I am having the question of the magistrate's decision to dismiss this complaint (one complaint, I might add—one case that was before the courts) examined by the Crown Solicitor, so the matter is not necessarily beyond doubt at this stage. The magistrate has made a decision and obviously the Crown will examine that decision. In 1982 there was a delegation from the Chief Secretary as the Minister who had responsibility for the Police Offences Act to the Attorney-General. The Hon. Mr Wright was appointed Chief Secretary early in 1984 after a Cabinet reshuffle. When the Hon. Mr Keneally resigned as Chief Secretary, a new position of Minister of Emergency Services was created and Mr Wright was given that portfolio. Therefore, Mr Wright took over responsibility for the Police Offences Act.

The delegation was not personally renewed from the Minister, Mr Wright, to the Attorney-General. There is a question of whether or not the delegation is still valid, in any event, having been given by the then Chief Secretary, Mr Keneally to the Attorney-General, who is still me. So as indicated in the *Advertiser* this morning, the magistrate has made a decision, but I will examine that decision. If the views of the magistrate are correct, or if for some reason it is not considered worthwhile appealing, that would only have occurred (as the honourable member indicated) as the result of a very technical question of law.

Regarding the other questions, I do not have details of the other complaints, but the figure of 15 has been bandied around. I do not believe that they all relate to video tapes: a number of prosecutions that have been instituted in recent times have related to publications. Consent can be given again if the complaints are not out of time, and that is the point which I made and which has been reported already in the *Advertiser*. I will obtain details of the complaints but at this stage my information is that there are not 15 complaints that will be at risk.

Some of those complaints had not even been presented to the Minister for his consent. Others are within time, so 15 is not the number of complaints that may be in jeopardy as a result of this technical oversight. If, in fact, it turns out to be that once the Crown Solicitor's assessment of it is made—

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: It may be. That may depend on any advice given. I have not examined the reasons for the magistrate's decision and neither has the Crown Solicitor. The question is not absolutely beyond doubt, but the magistrate has made a decision and that obviously now has to be assessed by the Crown. The Crown Solicitor will do that and tender certain advice to me and, if it turns out that it is not worth appealing, then we will, of course, proceed with the other matters that can still be proceeded with.

I also indicate that it is Government policy that the Police Offences Act, if the amending Bill is passed by the Parliament, will become the Summary Offences Act and should, in any event, be committed to the Attorney-General as the Attorney has generally been the Minister responsible for censorship in recent years under section 33 of the Police Offences Act. That should overcome any problems in future.

I think, in any event, that at some stage during the 1970s section 33 of the Police Offences Act was amended to insert the Minister rather than the Attorney-General. Until 1972 or 1973 it was always the Attorney-General who had to authorise so-called obscenity prosecutions under section 33 of the Police Offences Act. That was changed to mention the Minister on the basis that perhaps it would not always be the Attorney-General who was the Minister responsible for the Act. I take the view that it is probably appropriate for the Attorney-General to prove those complaints irrespective of whether he or she is the Minister responsible for the legislation because it is the Attorney-General who is responsible for prosecution policy generally in the Government and it may be that it was a mistake in the 1970s to remove the Attorney-General as the responsible authority for consenting to those prosecutions.

The information that I have given is substantially that that has already been reported this morning in the *Advertiser*. As I said then, I will have the decision of the magistrate examined. If that particular matter cannot be proceeded with then those complaints that can be re-presented will be re-presented to the Minister. There may be some (and my information is that it is not 15) that will not be able to be proceeded with because they are out of time.

PERSONAL EXPLANATION: AGENT-GENERAL

The Hon. K.L. MILNE: I seek leave to make a personal explanation.

Leave granted.

The Hon. K.L. MILNE: Yesterday there was some discussion concerning my appointment as Agent-General for South Australia by the then Walsh Labor Government in 1966. I was a member of the Labor Party at that time and had assisted the Party in a number of ways to achieve Government after some 30-odd years, or more, of Liberal-Country Party rule. I see nothing to be ashamed of in that. The incident to which the Hon. Murray Hill referred did occur. At the Federal elections prior to 1966 I handed out 'How-to-Vote' cards for Chris Hurford and was proud to do so—and my judgment of him was not misplaced. That was on a Saturday and, by Monday afternoon, I had been largely removed from my father's will. That is the kind of thing that happened in those days, and it was very expensive.

Soon after taking office, the Labor Government had to face a change of Agent-General and, largely through a suggestion of my friend the late Lester Johns, then Secretary of the Tramways Union and later a Conciliation Commis-

sioner in South Australia, my name was considered, along with others. During my interview with the then Premier, when he officially offered me the job, I said 'What do I have to do, Frank?' and he said, simply, 'I'm damned if I know, but I think you can do what I want done in London'. That was a great compliment and I was then, and still am, very proud of that appointment. Frank kindly came to the airport to see me off, but unfortunately he died while I was away, so I can only hope that he was pleased. He appeared to be when he came to see me in London.

I do not want anyone to make fun of that appointment, as the Hon. Murray Hill did yesterday. It was no more, and probably far less, of a political appointment than many made by the Liberal Government. In fairness, it is very difficult not to be slightly political with that appointment. There is just one more thing that I want you, Mr President, and members of this Council to know. That is, in view of the Attorney-General's supportive remarks yesterday—

The Hon. M.B. Cameron: And last week.

The Hon. K.L. MILNE: And last week—

The Hon. L.H. Davis: About 'swanning around'.

The PRESIDENT: Order! Please allow the honourable member to continue.

The Hon. K.L. MILNE: Just before the interview ended, Frank Walsh said, 'Lance, I want you to resign from the Labor Party now so that you are not aligned when this matter is announced and, if you take my advice, you will not re-join when you come back.'

Members interjecting:

The PRESIDENT: Order!

The Hon. K.L. MILNE: When I asked him why, he said 'We are all grateful for what you have done, and we know that it has been costly for you, but to be quite honest, you don't really fit. Nevertheless, I trust that we can remain friends,' or words very close to those. I believe that that was a very decent thing to do and typical of Frank Walsh. While speaking, Mr President, I should like to take this opportunity to place on record my gratitude to a number of people who showed great courtesy to my wife and me during our recent overseas visit: His Excellency, the Australian Ambassador in Vienna, Mr Kelso—

The PRESIDENT: Order! I really do not think that the honourable member should take this opportunity to give public thanks to people who have been helpful to him.

MOTOR VEHICLE DEFECT SYSTEM

The Hon. M.B. CAMERON: I seek leave to make an explanation before asking the Minister of Agriculture, representing the Minister of Transport, a question about the motor vehicle defect system.

Leave granted.

The Hon. M.B. CAMERON: At present a one defect notice system operates in South Australia. This means that all infringements, whether they are related to major or minor defects in motor vehicles, are treated the same way. It has been suggested to me that a two defect notice system, such as used in Tasmania, may be a more appropriate way of treating motor vehicle defects. I understand that in Tasmania minor defects, such as no horn, a noisy exhaust system and so on, receive a yellow notice and that drivers are fined accordingly and given 14 days to remedy the defect and present their vehicle to the nearest police station. Major defects result in a red sticker being applied to the vehicle, which is booked as unroadworthy. The vehicle cannot then be driven on the road and the defect must be remedied before the vehicle can return to normal use. Will the Government investigate the possibility of introducing a two tier defect system in South Australia in line with the Tasmanian scheme?

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

INTERPRETERS

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

Leave granted.

The Hon. ANNE LEVY: The Ethnic Affairs Commission has put out a very useful pamphlet listing its services and responsibilities. This document is useful to all members of the community, whether or not they are of ethnic background. One of the pictures in the pamphlet shows an interpreting service in a hospital where the patient lying on the bed is a woman; the doctor or nurse attending her is also a woman, and the interpreter is a man. Several people have queried this with me and have asked me whether it very often happens that an interpreter of the opposite sex to the patient is provided. While in many cases this would not matter, there would obviously be certain conditions, be they gynaecological, obstetric or their male equivalents, where the individual might feel embarrassed by having an interpreter of the opposite sex. These people wondered whether or not there was any attempt to match the sex of an interpreter with the sex of a patient in order to avoid such embarrassment, while realising that for many medical conditions it would not matter whether or not the interpreter was of the same sex as the patient. Will the Attorney provide information to the Council regarding the care that the interpreting service exercises in such sensitive matters?

The Hon. C.J. SUMNER: The Ethnic Affairs Commission is very sensitive to questions of the sex of interpreters. Indeed, the interpreting branch always tries to have an interpreter of the same sex, particularly in situations involving a gynaecological or obstetric patient or a rape victim giving evidence at a trial. The commission does what it can to ensure that wherever possible the interpreter is satisfactory to the client, and that includes in respect to sex. Unfortunately, the commission cannot guarantee an interpreter of the same sex on every occasion, but it certainly attempts to do this. Full-time hospital interpreters are currently five women and one man as the hospital demand for interpreters is predominantly for females. In the courts there are more men as interpreters, as in that jurisdiction most requests for these services come from men. The commission is sensitive to the needs of its clients for interpreters and, in particular, sensitive to having an interpreter who is satisfactory to the client. Where a female interpreter is requested in gynaecological or obstetric situations every possible attempt is made to meet that request.

STEEL REGIONS ASSISTANCE SCHEME

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for State Development, a question on the Steel Regions Assistance Scheme.

Leave granted.

The Hon. PETER DUNN: There has been a report that Whyalla has been unable to attract Federal funds that have been made available to assist capital works projects in regions having steel works. It is my understanding that the steel manufacturing regions on the eastern seaboard have produced plans and estimates for technological and capital

works projects and, as a result, have received Federal funding for these projects. For example, Wollongong has received $2 million for the development of a technology and business training centre.

There appears to be very restricted criteria for the use of the Steel Regions Assistance Scheme money and it appears that it can only be used for capital works of a community nature although its objects are to relieve unemployment in these regions. Whyalla has several projects that could gainfully use these funds to relieve the unemployed if the criteria of the scheme were less restrictive. There are private enterprise projects which, if launched in Whyalla, could employ significant numbers of people.

However, the areas that the projects are to be built in need infrastructure development by local and State government instrumentalities. The Steel Regions Assistance Scheme funds appear not to meet this criteria. The funds are not available for private companies, so the use of the scheme is indeed limited.

Whyalla is an area that is becoming increasingly pushed towards the high technology industries with BHP using CAD CAM facilities later this year and Santos being a high technology industry. This is then creating a need for a centre which develops and teaches technology and the business format that surrounds it. Whyalla, therefore, needs a project similar to Adelaide's Technology Park and has already made considerable progress towards developing a plan.

The plans would have to be researched and drawn by experts in the field and the costs for these plans are therefore expensive, somewhere in the order of $20 000. It is my understanding that the community of Whyalla are finding difficulty in raising this $20 000 and have therefore been unable to participate in the SRA scheme with all its benefits to Whyalla and this State. My questions are:

1. Has the State made any endeavours to help Whyalla attract the SRA scheme funds, remembering Wollongong has received more than $2 million?

2. If not, will it provide assistance immediately, either physically to develop a plan or financially to employ local or overseas people as experts in the technology development and business training areas, so that Whyalla can submit a project to the Federal Government which would attract SRA scheme funding?

3. Because of Whyalla's isolation and unique situation, will the State Government endeavour to influence its Federal colleagues to have the SRA scheme criteria for funding reviewed to allow a wider use of the available funds?

The Hon. C.J. SUMNER: I will bring down a reply for the honourable member.

ADOLESCENT PSYCHIATRIC SERVICES

The Hon. R.J. RITSON: Has the Minister of Health a reply to a question that I asked on 14 February about adolescent psychiatric services?

The Hon. J.R. CORNWALL: It is a very long and comprehensive answer dealing with adolescent health, and adolescent psychiatric services in particular. Therefore, I seek leave to have it incorporated in *Hansard* without my reading it.

Leave granted.

REPLY TO QUESTION

The answers to the honourable member's five specific questions are as follows:

1. How many medical practitioners are specialising in child and adolescent psychiatry in both the public and private sectors?

Public Sector

Adelaide Children's Hospital

two full-time child psychiatrists

seventeen sessions (1.7 full-time equivalent) are provided by eight people of whom five are child psychiatrists in private practice. The remaining three have mixed adult and child private practices.

two trainee psychiatrists undertaking the specialised child psychiatry training programme.

Child, Adolescent and Family Health Service

two full-time child psychiatrists (one resigning shortly but will continue to provide four sessions)

three sessions (.3 full-time equivalent) are provided by three people of whom two are child psychiatrists in private practice. The remaining one has a mixed adult and child private practice.

one full-time medical officer

six trainee psychiatrists occupy vacant psychiatrist posts and are currently engaged in the general adult section of their course. From next year two per year of these trainees will move into the specialised child psychiatry training programme.

one trainee psychiatrist undertaking the specialised post-graduate child psychiatry training programme.

Private Sector

twelve psychiatrists have mixed adult and child private practices. They see children predominently but not exclusively. Approximately eight of these people are accredited as child psychiatrists by the Royal Australian and New Zealand College of Psychiatrists.

2. Does the number of child psychiatrists meet the demand?

Page 10 of the Report of the Inquiry into Mental Health Services in South Australia (1983) states:

> Epidemiological studies indicate that we might expect about 3 500 people under 19 years of age to require help from specialist psychiatric services per year in South Australia (based on 10 per cent prevalence of emotional disorder and need for specialised care in 10 per cent of this group). This figure must be considered an absolute minimum and very conservative. It is apparent and should be recognised that current services meet this conservative minimum estimate.
>
> However there are major anomalies in the manpower distribution and responsibilities of each of the arms of the service delivery.
>
> There are 10 (now 12) child psychiatrists in the private sector. There is one full-time psychiatrist at the Adelaide Children's Hospital (supported by visiting sessional psychiatrists from the private sector). There are two full-time psychiatrists with the Child, Adolescent and Family Health Service and another at Willis House. Clearly a considerable burden is being borne by the psychiatrists in the State services.
>
> It appears that these anomalies, with regard to the functional isolation of the various clinics, their geographical concentration, and the distribution of responsibilities among the agencies, have arisen because there has never been an overall policy for the development of State child psychiatry services, or at least, a policy which considers the services as an integrated whole in relation to community needs.

The South Australian Health Commission is currently developing policy in this area.

3. Is there a need for an increase in such services?

There is a clearly demonstrated need for an increase in public child and adolescent mental health services. Both the current situation and the recommendations of the Smith Inquiry have been considered very seriously and we are hopeful that the current plan of establishing primary level teams in each sector will provide the community with a clear line of approach to the services their children require.

The lack of tertiary level services in the form of an inpatient facility has been of grave concern. This situation is likely to change with the opening of a 10 bed unit at the Adelaide Children's Hospital.

4. Are there any plans to attract practitioners into the field of child and adolescent psychiatry?

The Post-Graduate Training Committee believes that adequate exposure of trainees to child psychiatry is the key to attracting people to work in this specialised area.

Currently the majority of trainee psychiatrists are based in general adult areas. The Royal Australian and New Zealand College of Psychiatrists stipulates that a six month rotation through child psychiatry is essential as part of the basic membership qualifications. The number of trainee positions in South Australia is presently only sufficient for each trainee to undertake a three month rotation period. Child psychiatry is a complex and very difficult area and such a short period of rotation is considered undesirable.

The training committee has indicated that an additional three positions are required to ensure adequate rotation. This request has the approval in principle of the Chairman, South Australian Health Commission, and has been proposed in the new initiatives list in 1985-86.

In addition two new training positions were created at Child, Adolescent and Family Health Service in the last year for training child psychiatrists.

5. What is the approximate number of trainees displaying interest in the field of child and adolescent psychiatry training?

Of the 12 or so applicants per year for the general training course, approximately 50 per cent indicate an interest in the child and adolescent area at interview. However experience indicates that as the training time continues with inadequate contact with children and adolescents their interest wanes.

The six trainees occupying the vacant psychiatrist positions at Child, Adolescent and Family Health Service all plan to undertake the specialised child psychiatry training programme.

6. Trends showing whether child psychiatry training is becoming more or less popular to young post-graduate students.

The subjective impression of the people working in the area is that the area is becoming more popular. However, the length of training necessary before registration can occur as a child psychiatrist is considerable and most do not move out of general psychiatry. The following training sequence is necessary:

6 years as an undergraduate student
1 year as a registered medical officer
4 years in general psychiatry
2 years in child psychiatry.

It is hoped that increased exposure from three to six months during the four-year general psychiatry training will motivate people sufficiently to continue to the final two years of specialised training necessary to become an accredited child psychiatrist.

HACC SCHEME

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Minister of Health a question about the HACC scheme confidence trick.

Leave granted.

The Hon. R.J. RITSON: I refer to the Federal Home and Community Care Scheme. The Federal Government will provide $300 million for home care as an alternative to nursing home and other residential care for the aged and the sick. However, I am informed by people in Canberra that the figure of $300 million is inclusive of money already being given to support agencies in the various States and that, of the $300 million, $290 million is money already granted under a different hat and that it contains only about 10 million new dollars.

It is a scheme that will co-ordinate existing agencies. On a population basis, South Australia's share of the money will amount to less than $1 million, a substantial proportion of which, I imagine, will be absorbed in any administrative structures set up to co-ordinate the existing separate support organisations. Can the Minister say what stage has been reached in planning the use of that money in South Australia, and how many new dollars will come to the State? Does he have an estimate of the percentage of South Australia's share of the new dollars that will be absorbed by the new administration?

The Hon. J.R. CORNWALL: The question was all right and even the explanation was reasonable, but the honourable member's introduction was not too good. In fact, it was highly emotional and tended to be gravely misleading. However, I will leave that aside. There is indeed a Home and Community Care programme, which was announced as a joint initiative at the time of the last Federal Budget. An extensive and comprehensive press release was released jointly from the then Federal Minister for Social Security, the Federal Minister for Health, and the Federal Minister for Veterans Affairs. I do not recall the exact arithmetic in the press release, but I am certainly able to bring the Council up to date in terms of what is proposed under the scheme generally. In general terms, I am able to say what stage has been reached, and I am able to talk about new dollars, particularly as they affect South Australia.

The Home and Community Care scheme makes money available to State Government, local government, voluntary agencies and local bodies for new initiatives in home and community care. I expect that most of the funding will go to aged care in the home and community sense but, of course, there are other areas such as the intellectually disabled, the physically handicapped and a number of other groups which could quite reasonably attract some funding under the scheme. It is not the most generous scheme that has ever been announced, but I think it is a very significant step in the right direction, and it is very much in line with the espoused and often enunciated policy of the Federal Government to put additional funding into the areas of home and community care as opposed to institutional care.

There was some difficulty in implementing the administration of the scheme after it was announced. This was due primarily to what I think could be best described as bureaucratic wrangling between the Commonwealth Department of Health and the Commonwealth Department for Social Security. In the event, the gurus in social security won, and the newly created Federal Department for Community Services will come largely from part of the former structure of the Department of Social Security. That has also taken on board nursing home administration and a number of other matters which were previously divided in two between social security and health at the Federal level. To that extent, it will certainly resolve some of the former confusion that existed by having two major Federal departments administering matters in the same area.

In relation to what stage has been reached, the Federal Government and the new Department have certainly appointed officers in each of the States to deal specifically with the home and community care negotiations. For our part, we are now in a far more certain position than we were in the lead-up to the Federal election. I am sure that the Hon. Dr Ritson will recall that the Prime Minister's Office took over the administration of the HACC programme because, at that point, the bureaucratic reorganisation had not occurred. Because of that, the initial negotiations were

between the Prime Minister and the Premiers throughout the country.

The State administration has now been committed to me as the responsible Minister in South Australia. Our very senior negotiating team has now been appointed comprising Commissioner Ian Cox (the Public Service Commissioner, who has a special role as a co-ordinator in the human services area), Professor Gary Andrews, and Ms Sue Vardon, the newly appointed Director-General of the Department of Community Welfare. In the financial year 1984-85 for South Australia, without giving away too much—because we may be able to do a little better than some of our colleagues on a pro rata basis in the negotiations—I suggest that the amount will be a little less than $1 million—somewhere near pro rata on a per capita basis. Following that, the proposal is that additional funding will be available, but the States will have to begin progressively to match that funding over a three-year period up to a 50-50, dollar-for-dollar basis.

While there will be significantly more money available in the next three years, it will be necessary for the State progressively to pick up an increasing amount of the tab. It is an attractive programme which has the ability to provide some important and new services. Unfortunately, I believe it may have been oversold significantly in the pre-Federal election climate. I think that expectations may have been unduly raised. It will be a significant programme but it will not be a massive programme. It will certainly not be the answer to all of our problems.

QUESTION ON NOTICE

HEALTH PROMOTION UNIT

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

1. On what specific dates from January 1984 were payments made from the Health Promotion Unit to Mr Ralph and what was the sum involved in each case?

2. On what specific dates were payments made by Mr Ralph to media outlets for services rendered for the Health Promotion Unit and what was the sum involved in each case?

3. How much money was paid to Mr Ralph in each of the months for the 1984-85 financial year?

4. What was the amount of the retainer paid to Mr Ralph for the period February-June 1984?

5. What was the amount of the retainer paid to Mr Ralph for the year 1984-85?

6. Have any officers in, or consultants to, the Health Promotion Unit, other than Mr Cowley, resigned or been transferred since the commencement of the Review Team's work?

7. Are any Government officers or agencies continuing investigations into the activities of Mr Ralph and is there any possibility of action being taken against Mr Ralph?

The Hon. J.R. CORNWALL: The answers to the question are as follows:

1. Payments for Mr Ralph from Health Promotion Services were as follows:

There are a very large number of figures, and I ask that they be incorporated in *Hansard* without my reading them.

The Hon. R.I. Lucas: Are they statistical?

The Hon. J.R. CORNWALL: They are purely statistical.

Leave granted.

DETAILS OF PAYMENTS

Payments No.	Date Cheque drawn	Date Cheque cashed	Amount
1	28.2.84	1.3.84	47 025.96
2	14.3.84	19.3.84	7 184.00
3	21.3.84	26.3.84	58 287.00
4	29.3.84	4.4.84	54 990.00
5	14.5.84	24.5.84	7 035.00
6	18.5.84	24.5.84	87 880.00
7	24.5.84	1.6.84	2 500.00
8	30.5.84	5.6.84	17 087.35
9	13.6.84	19.6.84	1 629.00
10	13.6.84	19.6.84	16 091.15
11	20.6.84	3.7.84	30 257.00
12	28.6.84	5.7.84	1 050.00
13	2.8.84	17.8.84	1 404.57
14	28.9.84	3.10.84	2 584.00
15	8.11.84	16.11.84	3 750.00
16	18.12.84	8.1.85	556.60
17	21.12.84	8.1.85	1 250.00
Total			340 571.63

Note: Payments 5 and 9 related to the Port Pirie lead programme.

The Hon. J.R. CORNWALL: The answers continue:

2. Mr Ralph placed advertisements in the media through an accredited firm specialising in the placement of advertising in the media. The payments by Health Promotion Services to Mr Ralph for media buying, and payments made by Mr Ralph to that firm for media services in 1983-84, are as follows: There are many figures, which are purely statistical in nature, and I ask leave to have them incorporated in *Hansard* without my reading them.

Leave granted.

DETAILS OF PAYMENTS

Date cheques were cashed	Payments by HPS for media services $	Payments by Mr Ralph for media services $	Unexpended balance $	Days balance held
1.3.84	24 890.52	—	24 890.52	8
19.3.84	5 934.00	—	30 824.52	7
26.3.84	58 287.00	—	89 111.52	7
2.4.84	—	11 205.10	77 906.42	2
4.4.84	54 990.00	—	132 896.42	50
24.5.84	87 880.00	—	220 776.42	8
1.6.84	—	114 266.28	106 510.14	18
19.6.84	5 811.15	—	112 321.29	14
3.7.84	—	71 412.65	40 908.64	2
5.7.84	826.00	—	41 734.64	33
7.8.84	—	23 752.40	17 982.24	—

The Hon. J.R. CORNWALL: An amount of $13 013.60 has already been refunded by Mr Ralph. The balance is subject to further investigation.

3. Payments made to Mr Ralph in 1984-85 were as follows: There is a period July to December and a total, which again is purely statistical, and I ask leave to have them incorporated in *Hansard* without my reading them.

Leave granted.

DETAILS OF PAYMENTS

	$
July	—
August	1 404.57
September	2 584.00
October	—
November	3 750.00
December	1 816.60
Total	9 555.17

The Hon. J.R. CORNWALL: The answers continue:

4. $7 500.

5. Consultancy fee payments made to Mr Ralph in 1984-85 were as follows:

July	1 250.00	paid 8.11.84	$3 750.00
August	1 250.00		
September	1 250.00		
October	1 250.00	paid 21.12.84	$1 250.00
			$5 000.00

6. Mr Ralph's appointment as an advertising agent has been terminated. It is understood that the marketing con-

sultant, employed by Health Promotion Services on a retainer, reached agreement with Mr Cowley to terminate his appointment to Health Promotion Services and this matter is in the process of being finalised. Another officer of Health Promotion Services has been transferred to other duties within the Health Commission. A number of other staff of Health Promotion Services have resigned for reasons unrelated to the present issue.

7. The South Australian Health Commission's Internal Audit Branch is continuing its investigations into payments made by Health Promotion Services. These investigations may involve the relationship between Health Promotion Services and Mr Ralph. I can make no comment on any future actions until these investigations have been completed.

SOUTH AUSTRALIAN WASTE MANAGEMENT COMMISSION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 February. Page 2642.)

The Hon. C.M. HILL: This is a rather short Bill, which comes to this Council in an improved form from the measure as presented by the Government in the House of Assembly recently. It is improved because of the initiative in the other place of the Hon. Dr Eastick, who moved an amendment that the Government accepted. The Bill, therefore, is in a much better form now than it was originally. It provides for an additional member to the Waste Management Commission. When I say 'an additional member', it is not an additional member in the formal sense.

The number on the Commission will not increase from nine to 10 in the usual manner, but from the present number of nine members on the board the Bill provides that under certain circumstances a further member can be appointed for a term of two years. The normal term of board membership has been three years. In 1983 the Government increased the membership of the board from seven to nine members, and it seems prudent not to go on and on increasing the numbers of people on boards of this kind because it does not necessarily improve the board's efficiency or effectiveness. But, there are some situations in which for a short period further expertise can be added to a council of this kind.

Another change in the legislation is the rather minor one of the numbers required for a quorum being increased from four to six members. The reasons why the Government has sought change relative to the membership of the board have been because the Government has appointed an Executive Director to be Chairman, and that person is Mr Bob Lewis, who is well known to members of this Council: a gentleman who has been employed with the Department of Local Government for many years and who holds the office in that Department of Deputy Director. Mr Lewis has been appointed to that new post of Executive Director/Chairman, and that leaves the former Chairman, Dr Symes—

The PRESIDENT: Order! I appeal to members to halve the amount or the volume of conversation. It is just about impossible to hear the speaker and it must be even harder for *Hansard.*

The Hon. C.M. HILL: Thank you, Mr President. I was dealing with the position of Dr Symes, who has been, prior to this new arrangement, the Chairman of the South Australian Waste Management Commission. The Government wants to retain the services of Dr Symes at the Commission level because of his expertise and his very deep interest in this area of waste management. Dr Symes is prepared to act as a member of the board in future, and so it is proposed that for two years he will be nominated as the additional member to the existing board of nine. The rearrangement is not in any way a criticism of Dr Symes: it is simply that the Government believes that the effectiveness of the whole operation of the Commission, and particularly of the structure of the staff at senior level, will be improved by the changes that the Bill brings about.

The consequences are that Mr Maddocks, who previously was Director of the Commission will, as I understand it, concentrate on the technical side of his former role—the engineering side—and in that general area there is a great amount of work to be done. I understand that Mr Lewis will concentrate more on the administrative arrangements and will play a leading part in implementing the 10 year plan for waste management control in this State which honourable members will recall was drawn up by consultants a few years ago and which has been made public for purposes of responses from interested parties.

Those responses have now been received by the Commission and so the implementation of the 10 year plan is reaching a stage where Government decision should not be far off. There is the necessity for a person at the executive level, as Mr Lewis is going to be, to take an intense and leading role in regard to that work. I have been advised that Mr Lewis's responsibilities as Deputy Director of Local Government will be adjusted so that he will have sufficient time for his new work under the umbrella of the South Australian Waste Management Commission.

The Bill is short. I have no doubt, because I had Ministerial control of the Commission for three years from 1979 to 1982, that these changes will improve the administration of waste management in South Australia. There has been a need for change and for improvement and it will be brought about in this way that happily is acceptable, as I mentioned to Dr Symes, to Mr Lewis and to Mr Maddocks. Therefore, I support the Bill and trust that the Commission in future will benefit as a result of this proposal.

The Hon. ANNE LEVY secured the adjournment of the debate.

LIQUOR LICENSING BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to regulate the sale, supply and consumption of liquor; to repeal the Licensing Act, 1967; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

It repeals the existing complex and confusing Licensing Act, 1967, and replaces it with a clearly written modern Act which reflects the change in the social climate of South Australia over the past 18 years, and provides flexibility for future changes. This Bill was drafted following the most far-reaching review of liquor licensing laws conducted in South Australia. The review lasted 16 months, received more than 100 written submissions, and conducted interviews throughout Australia. The 700 page review report attracted a further 70 submissions. The Bill then is the culmination of an exhaustive process of public and industry consultation. It is clear from submissions that much of the public interest in the debate centres around the question of trading hours for licensed premises, particularly Sunday trading.

Over the past few years, there has been a great relaxation of the sorts of activity which have become acceptable on Sundays. Cinemas and other public entertainments may now operate on Sundays, as do markets and the like. Betting

has been allowed at Sunday race meetings, and in 1984 the Australian Rules Football Grand Final was held on a Sunday. Liquor is available at many of these events by way of special licences or permits. The examination of the current position took into account the fact that at present some 240 hotels, about 40 per cent of the total in the State, have been granted licences for the limited Sunday trading which has been an option open to them since 1982. In addition, hundreds of clubs are supplying their members and guests on Sundays and, to a lesser degree, in volume terms, there has also been the sale of liquor on Sundays by the holders of vignerons' licences.

The 1966 Royal Commission into liquor licensing recommended that hotels should be able to sell liquor in lounges from 12 noon until 7 p.m. on Sundays, but this was not included in the 1967 Act. This Bill, following the recommendadtion of the lastest review of the law, proposes that hotels should be able to open between 11 a.m. and 8 p.m. on Sundays for both bar and bottle trade.

The Government has taken the view that the demand for liquor on Sundays can be adequately met by hotels, which can also serve meals and provide accommodation and that there should be no extension of trading hours for retail liquor merchants. An important aspect of the Bill is that it seeks to redefine the balance between the wishes of the drinking public, the various arms of the liquor industry, and those members of the public who may have cause to complain over some aspect of the Act's operation.

The Government is also very concerned about minors obtaining liquor from licensed premises or consuming it at or near premises. A special effort has been made to address this problem. The Bill places more responsibility on the licensee. As well as substantially increasing the penalties if liquor is supplied to a minor on licensed premises, the Bill provides that the licensee will have no defence if he has conducted his establishment in such a way that it attracts minors, or makes their detection difficult through crowding, understaffing, poor lighting or the like. In short, if a licensee is unsure whether or not a person is a minor, he should err on the side of caution and refuse to serve that person.

It will now be an offence for minors to consume liquor in areas such as carparks appurtenant to licensed premises. There are greater powers for licensees (and police officers) to require persons to provide proof of age, and to exclude minors or suspected minors from parts of the premises where abuses may occur. The Bill also makes it an offence for minors to consume liquor in some unlicensed places such as shops, cafes, dances or amusement parlours. There is also a power to prescribe further such places where the need arises (for example, areas at seaside resorts with a history of trouble involve minors consuming liquor).

The rights of residents, workers and worshippers to peace and quiet in areas near licensed premises are also recognised and given greater emphasis in the Bill. It will be easier for residents and certain others to lay complaints and have them speedily resolved. It widens the range of persons who may lodge a complaint to include a member of the Police Force, the relevant local council, or any 10 or more local residents, workers or worshippers. Their complaint is to be lodged with the newly created Liquor Licensing Commissioner who will act as a conciliator. It is the intention that this new approach will enable problems to be dealt with as they arise in an informal and inexpensive way. If a settlement between the parties to the dispute cannot be reached the Commissioner must refer the matter to the Licensing Court.

The proposal is a positive attempt to allow disputes to be settled in a way which represents a proper compromise between the rights of the licensee to trade, and the right of the public to peace and quiet. Overall, the Bill recognises the special place the liquor industry as a whole occupies in the entertainment and recreational structure of South Australia. The changes which it makes compared with the existing Act recognise trends which have been identified through the review which I mentioned earlier, and through examination of the 30 or so amendments which have been made to the existing legislation since the Sangster Royal Commission in 1966 and the subsequent introduction of the current Act the following year.

In general terms the emphasis has been on a freeing up of the conditions under which alcoholic beverages may be sold and consumed, reducing the complexity of applying for a licence and providing for a simplified and more streamlined procedure for the making of complaints by aggrieved parties. Special regard is given to the tourist and entertainment industries and the relationship between these sectors and the liquor industry.

This is reflected in the more flexible approach to licensing and the new categories of licence which the Bill proposes. The general thrust of the Bill is to replace the existing confused and convoluted Act with a simplified piece of legislation which more accurately reflects the current realities of trading. It is expected that this will encourage and cater for a more imaginative approach to the retail sale of liquor in the future. It is hoped that licensees will make full use of the more flexible approach outlined in the Bill and respond by looking to the future with new concepts of licensed premises.

The end of the six o'clock swill in 1967 heralded a new era in the social habits of South Australians, and it is the Government's hope that this Bill will have a similar effect in bringing about a greater scope and sophistication between now and the turn of the century. The Bill simplifies and streamlines the administration of liquor licensing laws in South Australia by reducing the number of licences and permits available under the Bill to 10. The present Bill has, in contrast, 17 general classes of licence, several categories of permit, nine specific purpose licences and some licences which simply are not available and have not been used for years. The 10 classes of licence are:

Hotel licences. The chief features of hotel licences are that liquor may be sold for consumption on the premises as well as being sold on a take-away basis; hotels must provide accommodation to the public unless specifically exempted and must provide lunch and dinner; the hours for the operation of hotels are extended, without the need for special application having to be made, but special approval must still be sought for late night permits; hotel licensees will now have more flexibility to provide a greater range of services to the public.

A more limited form of licence is the residential licence, which will enable motels and boarding houses and other such establishments which wish to concentrate primarily on providing accommodation to nonetheless provide liquor to lodgers, without the obligation of having to provide meals to the general public.

A producer's licence will enable a producer to sell the liquor that he has produced, for consumption off the premises. There will no longer be any minimum volume that need be sold, and liquor need not have been produced on the premises. The holder of the producer's licence will also be able to sell his wine for consumption on his premises with meals, thus allowing a greater degree of flexibility to the winemakers to offer services to the general South Australian community, as well as the large number of tourists who are attracted yearly to the Clare Valley, Barossa Valley, Southern Vales, and Coonawarra districts.

There will be two sorts of liquor merchant licence—one for retailers who will be selling liquor for consumption off the premises, named a retail liquor merchant's licence; and

a wholesale liquor merchant's licence, which will allow the sale of packaged liquor to other liquor merchants.

There will be a club licence, which will have two tiers—a restricted and an unrestricted tier. A club which has an unrestricted licence will have been operating under the restricted tier for at least 12 months and, more importantly, have an annual liquor purchase of at least $30 000. An unrestricted licence would allow the club to purchase liquor supplies from whatever source the club chose. A club granted a restricted club licence would be required to purchase liquor from a hotel or from someone having a retail liquor merchant's licence near the club.

The restaurant licence will enable restaurants to be open at whatever times, and for as long as they wish. However, liquor may be consumed on the premises only if it is consumed in conjunction with a meal. Any person may, with the proprietor's consent, bring their own liquor onto the premises. Restaurants may apply to have a BYO endorsement on their licence if they do not wish to sell liquor, and this would allow liquor brought by patrons to be consumed on the premises but, again, it must be in association with a meal. The licence could be endorsed to sell only certain types of liquor if this were desired by the proprietor.

The entertainment venue licence may, however, be appropriate for some restaurants that would not be concentrating purely on the provision of food. The entertainment venue licence, in addition to the rights provided by a restaurant licence, also enables the licensee to operate until 5 a.m., provided that entertainment is being provided. In order for someone to be granted an entertainment venue licence, he would have to show the Licensing Court that he is a proper person to hold such a licence, that the premises are of an exceptionally high standard, and that the licence is unlikely to result in undue noise or inconvenience. When read in association with the rights of residents and councils to intervene in hearings before the Authority for licences and for extensions of licences, it can be seen that it would be unlikely that the conditions for an entertainment venue licence could be met in most areas where there is a high concentration of dwellings.

There are two other catch-all type licences which the Bill introduces. One is the new category of a general facility licence which is designed for a variety of circumstances that cannot easily be catered for by any other single licence, and where specific conditions would be imposed by the licensing authority. Again, it allows, like most of the other licence categories, for a degree of flexibility and enterpreneurial flair to be accommodated. A general facility licence, for example, would be available for the major sporting headquarters in South Australia—Football Park, Morphettville Racecourse and Adelaide Oval. It would also provide authority for a range of activities offered at convention centres, reception houses and historic buildings.

The final licence category is a replacement of the short-term licence and permit categories. This limited licence will enable liquor to be sold or consumed in premises for up to a month, to allow it to cover community festivals that are becoming increasingly popular particularly in the tourist areas, and it is expected that there will be many varied types of activities planned for the State's sesquicentenary in 1986 which would use this limited licence category.

There will be some circumstances where no permit or licence will be needed at all, for example, where a function is held in an unlicensed premises where the liquor is being provided by the host at no direct or indirect charge, or where people are bringing their own to, say, a club function.

In addition to a new set of licences there will also be a new streamlined administrative arrangement and a simplified system for the licensing authority. Perhaps the most important change in this regard is the modification of the existing 'need' argument which currently has to be established before the Licensing Court in order for a licence to be granted. It will be necessary for need to be demonstrated only where people are applying for a category A licence, which are licences where the sale of liquor is the primary aim. The licences for which this will apply are hotel, entertainment venue, liquor merchant's and general facility licences. All of the other licences fall into a category B, which will cover licences where the sale of liquor is ancillary to some other function, be it the provison of food or accommodation, club activity or a social function.

In addition, where licences are only for a short period, to cover community festivals or particular sporting events, and where the licence is associated with, for example, the production of wine, it will not be necessary for the applicant to establish need. All category A licences will be dealt with by the Licensing Court: however, all category B licences will be able to be dealt with administratively by the office of the Liquor Licensing Commissioner. The Liquor Licensing Commissioner is a new office, which is increased in status within the administrative gradings of the Government service. It will replace the existing Superintendent of Licensed Premises. The Commissioner will also be able to receive submissions and complaints from members of the pubilc and councils who wish to either make their opinions known prior to a court hearing or an application for a category A licence, as well as deal with complaints about licensees who disturb the peace and tranquility of the residential area or operate outside the conditions of their licence.

These changes are proposed in recognition of the trend that has been obvious for some years of some applications being heard less formally in chambers by the Licensing Court judge. However, it will still be important to retain a Licensing Court and have a Licensing Court judge who would have the authority to grant category A licences as well as being the person to whom an application can be made, should the conciliation process through the Commissioner's office fall down in any way. It is hoped that this less formal arrangement will have real and immediate benefits for all sections of the liquor industry and, consequently, the public. It is designed to ensure that the system of granting licences and the opportunities for people to bring their complaints and grievances before the Commissioner and ultimately the court is simplified.

For constitutional reasons, the basic system of licence fee assessment will be retained—that is, licensees will pay a fee for the right to operate during a period, and the amount of that fee will be a percentage of the value of liquor turnover pursuant to their licence during a preceding period. However, several measures have been introduced to minimise the incidence of licence fee evasion and avoidance by licensees. The sale of low alcohol liquor will still attract no licence fee and, as an incentive for the wine producing industry, the percentage fee for liquor producers' cellar-door sales will be less than for other licence categories. Unrestricted clubs may purchase liquor from any source, but will attract no other licence fee if they choose to obtain their supplies from a hotel or retail liquor store. This is intended to remove any deterrent against clubs continuing their good relationships in many cases with these licensees.

The Office of the Liquor Licensing Commissioner will be placed within the Department of Public and Consumer Affairs where the Superintendent of Licensed Premises has been located for many years. One of the problems that has existed for some time has been the lack of resources within the office of the Superintendent of Licensed Premises to ensure that licensees are in fact complying with the conditions of their licences. There has in the past been some difficulty in following up complaints about particular premises. One

way that the Bill tackles this problem immediately is by providing police officers with authority to act on a complaint. Police officers will be attached to the office of the Commissioner to ensure that there is close liaison between the office and officers who would be acting on a complaint. It would mean that the police would have the details of the licence conditions of all licensees ready to hand. In addition, those licence conditions will need to be prominently displayed at the licensed premises.

Penalties in the Bill more accurately reflect the seriousness of the offences concerned, and the Licensing Court is given greater and more flexible power to take disciplinary action, including suspension or revocation of the licence, where appropriate, against the licensee. If a licensee is convicted of supplying liquor to minors, the court is required to take some disciplinary action. One of the major complaints in the past about the licensing laws both from the public and from people directly involved in the industry has been that it is unnecessarily archaic and unreasonably technical. It is argued that this has prevented the rights of the public from being recognised and their grievances acted upon, and it has also been argued that the technicality of the provisions has prevented licensees in a variety of categories from offering services in an imaginative way that responds to the increasing variety of social and community needs that now exist in our society.

This Bill is designed to remove those restrictions and to enable those licensees with imagination and flair to offer a variety of services to the public which will cater for all of their needs. The days of the six o'clock swill were (as I have said earlier) put to rest by the 1967 Act. This particular Bill will allow even more flexibility to come into the entertainment and recreational habits of South Australians as licensees repond to the increasing sophistication of our community, its increasing cultural diversity and the fact that there is a changing work and recreational pattern in our community, as a result of which people are looking for a variety of services in licensed premises ranging from coffee and sandwiches through to family entertainment and the more specialised interests and activities of night club patrons.

These, then, are some of the reasons for the changes being proposed by the Government. The extensive discussion and consultation that has gone on prior to this Bill coming before this Council has meant that every part of the liquor industry has made a major contribution to the development of the proposals. But the essential reasons for changing the existing licensing law are that it was becoming cumbersome and unworkable, was acting as an impediment to individual initiative, was unable to respond to community desires and expectations, and was leaving the public out on a limb and excluded from the process of decision making. Most members would be aware of the various subterfuges that are being used at various licensed premises and of the sometimes flagrant disregard for the conditions of licences which exist under the current Act. Most members would also, I am sure, have received expressions of concern from various people in the community about their lack of ability to be involved and make representations about licensees who ignored their licence conditions. The Bill tackles both problems.

In legislation like the current Bill, there are a variety of differing and competing interests to be reconciled. There are the competing interests of the community; the interests of the people who live near licensed premises and the interests of varying sections of the community who are looking for a variety of entertainment and recreational outlets at different times during the day and want the opportunity to have a drink associated with those activities. These people range from those who want a drink after work to those people who would like a drink with their meal, or when they are involved in some club activity or when they are watching some form of entertainment. There are also the interests of the people in the industry: the retailers, hoteliers, the restaurateurs, their staff, the clubs, the night club and disco owners, and so on. The Bill before the Council tries to ensure that all of these different and often competing interests are better off than they were under the arrangements that exist at the moment. It represents a major initiative in the deregulation of the liquor industry in accordance with the philosophy of the Government to remove unnecessary obstacles to enterprise and service.

The Government nonetheless has retained some controls in order not to disadvantage those who established businesses when specific conditions did exist and because it envisaged considerable problems in the completely unregulated consumption of liquor in all circumstances. The Bill, then, goes a considerable way in accepting the recommendations of the review team that mere consumption of liquor should be deregulated irrespective of the nature of the premises. Social functions, like weddings and 21st birthdays in town halls or other unlicensed premises where liquor is supplied by the host (or brought by those attending) will no longer be required to have permits. Permits will only be required when there is a charge for admission. This will reduce the number of permits that need to be issued by nearly 10 000 (using 1983 figures). There will also be no need for hotels having a booth licence for sale to also have one for consumption. This will eliminate the need for about another 8 000 permits a year.

However, commercial premises will still require a licence for consumption. It was felt that complete deregulation at this stage could produce a number of problems, and lead to potential clashes between proprietors of commerical premises who did not want alcohol consumed on their premises and patrons who demanded the right to do so. Leaving regulation of this area to local councils would produce non-uniformity throughout the State and the potential for confusion. However, the removal of the obligation on licensees seeking category B licences to establish need and the consequent lifting of the stringent conditions that now apply to those seeking BYO licences, will mean that it will be the market-place, rather than the Government or the court, which will determine need. This will shift the focus of attention and emphasis on to patrons. The Government believes that the Bill before the Council combines the best elements in all the circumstances that were available and believes that it will lead to a far more open and sophisticated approach to the consumption of liquor in association with the variety of activities which South Australians enjoy. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the Bill to come into effect on a date fixed by proclamation, and for specified provisions to be suspended until a later date. Clause 3 repeals the Licensing Act, 1967. Clause 4 defines terms used in the Bill. Clause 5 sets out types of liquor sales to which the Bill does not apply. Clause 6 provides for the appointment of a public servant as a Liquor Licensing Commissioner to administer the Act, and clause 7 provides for inspectors to be appointed to ensure that licence fees are properly assessed and recovered, and that licensed premises conform with proper standards. Clause 8 empowers the Liquor Licensing Commissioner to delegate any of his powers or functions to any person, to aid the administration of the Act. Clause 9 authorises the Commissioner to disclose information to corresponding authorities.

Clauses 10 and 11 establish the Licensing Court of South Australia as a court of record. Clause 12 provides for the designation of a District Court judge as Licensing Court judge, and for other District Court judges to be vested of jurisdiction under the Licensing Court. Clause 13 specifies those matters which are to be determined by the Licensing Court and Liquor Licensing Commissioner respectively. Clause 14 requires the Commissioner to act without undue formality, and provides that he is not bound by rules of evidence. Clause 15 gives the Commissioner power to require the production of documents and the attendance of persons at proceedings. Clause 16 allows parties to proceedings before the Commissioner to appear personally, or be represented by counsel, a relevant industry association or union. The Commissioner of Police is also given a right of appearance, and a body corporate may, if leave is granted, appear by one of its officers. Clause 17 allows the Commissioner to refer to the court for determination any question of substantial importance or any question of law in proceedings before him. Clause 18 gives parties aggrieved by a decision of the Commissioner the right to apply to the Licensing Court for review of that decision by way of a rehearing.

Clause 19 requires the Licensing Court to act without undue formality, and provides that it is not bound by rules of evidence. Clause 20 gives the court power to require the production of documents and the attendance of persons at proceedings. Clause 21 allows parties to proceedings before the Commissioner to appear personally, or be represented by counsel, a relevant industry association or union. The Commissioner of Police is also given a right of appearance, and a body corporate may, if leave is granted, appear by one of its officers. Clause 22 limits the power of the Licensing Court to award costs to cases where parties have brought proceedings frivolously or vexatiously. Clause 23 allows parties to appeal to the Full Court of the Supreme Court, by leave of the Supreme Court, against any decision of the Licensing Court except on a rehearing of proceedings originally determined by the Commissioner. Clause 24 enables the Licensing Court to seek the opinion of the Supreme Court on a question of law. Clause 25 provides that there are 10 classes of liquor licence, and clauses 26 to 48 describe those classes.

Clause 26 sets out the circumstances under which liquor may be sold pursuant to a hotel licence, and clause 27 specifies conditions to which the licence is subject. Clause 28 provides for a residential licence and the circumstances under which the sale of liquor is authorised, and clause 29 specifies conditions to which the licence is subject. Clause 30 provides for a restaurant licence and in what circumstances liquor may be sold pursuant to such a licence. It also provides that a restaurant licence may be subject to a BYO endorsement authorising not the sale but the consumption only of liquor. Clause 31 sets out conditions to which the restaurant licence is subject. Clause 32 provides for an entertainment venue licence and the circumstances under which the sale of liquor is authorised, and clause 33 sets out conditions that apply to the licence.

Clause 34 provides for a two-tiered club licence. Restricted club licences are subject to a condition that liquor supplies must be purchased from the holder of a hotel licence or a retail liquor merchant's licence who is one of a group of such licensees approved by the licensing authority. Unrestricted club licences are subject to no such condition. Clauses 35 and 36 set out conditions applying to club licences. Clause 37 provides for a retail liquor merchant's licence and the circumstances under which the sale of liquor is authorised, and clause 38 sets out conditions to which the licence is subject. Clause 39 provides for a wholesale liquor merchant's licence and the circumstances under which the sale of liquor is authorised, and clause 40 sets out conditions to which the licence is subject. Clause 41 provides for a producer's licence and the circumstances under which the licensee may sell liquor he has produced, and clause 42 sets out criteria with which the premises the subject of the licence must comply.

Clause 43 provides for a general facility licence, and clause 44 sets out criteria which must be satisfied before such a licence may be granted. Clause 45 provides for a limited licence to authorise the sale or consumption of liquor for periods of up to one month in circumstances that would otherwise be illegal. Clause 46 sets out the circumstances to which the licence applies. Clause 47 places restrictions on the holders of a limited licence who also hold another liquor licence, and clause 48 gives the licensing authority discretion to refuse to grant a limited licence in undesirable cases. Clause 49 sets out conditions that apply to licences under which the sale of liquor for consumption off the premises is authorised. Clause 50 gives a general discretion to impose conditions on licences to prevent excessive noise, to protect the safety, health or welfare of patrons, and to prevent schemes aimed at reducing licence fees.

Clause 51 prohibits one person from simultaneously holding licences in certain different licence categories, and prohibits related bodies corporate from holding such a mix of licences without the approval of the Licensing Court. Clause 52 provides for licences to be held jointly, while clause 53 prohibits, in general, more than one licence applying to the same premises or the same parts of premises. Clause 54 prohibits police officers from holding positions of authority under licences, and from holding licences, without the written consent of the Commissioner of Police. Clause 55 prohibits minors from being involved in licences, except as shareholders of proprietary companies that hold licences. Clauses 56 and 57 relate to the procedures governing applications, and clause 58 relates to requirements to advertise certain applications. Clause 59 requires the licensing authority to conduct a proper inquiry into the merits of any application, and gives a discretion to grant or refuse an application on sufficient grounds.

Clause 60 requires an applicant for a licence to satisfy the licensing authority that he or, if a body corporate, each person occupying a position of authority is a fit and proper person to hold a licence. Clause 61 requires the applicant to show that the premises are of a proper standard, or will be when fully constructed, and that all planning and building requirements and approvals have been satisfied or obtained. Clause 62 requires an applicant for a hotel, retail liquor merchant's, wholesale liquor merchant's, entertainment venue or general facility licence to show that the licence is required to provide adequately for the needs of the public in that locality. Clause 63 allows a provisional certificate to be issued when the premises are not completed, and for that certificate to be converted to a licence when the premises are completed in accordance with plans approved by the licensing authority. Clause 64 provides that a limited licence cannot be removed to premises in a different location.

Clauses 65, 66 and 67 provide that the requirements of clauses 61, 62 and 63, respectively, apply to the removal of a licence. Clause 68 provides that neither a limited licence nor a club licence is capable of being transferred from the licensee to another person. Clause 69 requires an applicant for transfer of a licence to satisfy the licensing authority that he or, if a body corporate, each person occupying a position of authority is a fit and proper person to hold a licence. Clause 70 prohibits a licensee from selling or assigning his rights to a business conducted pursuant to the licence, unless the licensing authority approves a transfer of the licence. However, the licensee may enter into a contract to sell or assign his rights to the business if the contract is subject to approval of the transfer.

Clause 71 provides that a person to whom a licence is transferred succeeds to the liabilities of the transferor, and in the case of a producer's licence authorises the new licensee to sell liquor produced by the transferor. Clause 72 provides for the temporary suspension of those licence categories which have an obligation to provide services to the public, and clause 73 provides for the surrender of any licence. Clause 74 provides for the approval by the licensing authority of an alteration to, or redefinition of, licensed premises. Clause 75 provides for the approval by the licensing authority of the licensee extending his trading rights to an area adjacent to the licensed premises, provided that the licensee is entitled to use the area and the relevant local council has given its approval. Clause 76 empowers the licensing authority to approve an application by a licensee to vary trading conditions, other than trading conditions imposed by the Act.

Clause 77 provides for the approval of a natural person as manager of the business conducted pursuant to a licence, and for the approval of persons assuming a position of authority in a body corporate that holds a licence. Clause 78 sets out the circumstances under which an application by a person, who is lessee of licensed premises or premises to be licensed, is subject to the consent of the lessor of those premises. Clause 79 sets out events the occurrence of result which in the devolution of a licence to specified persons. Those persons may operate the business under the licence for one month, or such longer period as is approved, as if they were the licensee. Clause 80 gives an official receiver, or other person empowered to administer the affairs of licensee, power to carry on business in pursuance of a licence as if he were the licensee. Clause 81 requires a person acting under clause 79 or 80 to give the licensing authority notice of that fact within seven days. Clause 82 gives the Commissioner of Police, a relevant local council, an inspector of places of public entertainment, and the Liquor Licensing Commissioner, the right to intervene in any proceedings relevant to their respective fields of responsibility.

Clause 83 provides that, on an application for a club licence, any interested party may intervene to make submissions on the trading hours or other conditions to apply to the club licence. Clause 84 provides for rights of objection to certain applications before the licensing authority, and for the grounds of objection. Clause 85 gives a special right of objection to a lessor of licensed premises in certain circumstances. Clause 86 sets out the basis of assessment of licence fees for all licence categories, and clause 87 specifies how a licence fee is to be calculated when a licence is granted during a licence period. Clause 88 provides that, where certain trading practices have occurred, and the licensee surrenders or abandons the licence to avoid payment of a licence fee, the licensee may in some circumstances be required to pay a further fee. Clause 89 allows licensees to pay annual licence fees by quarterly instalments, and provides penalties for late payment of instalments. Clause 90 empowers the Liquor Licensing Commissioner to remit a licence fee if the licence has been suspended, where good reason for remission exists. Clause 91 provides that the Liquor Licensing Commissioner is responsible for assessing all licence fees, except those fees fixed by regulation. Clause 92 provides for the assessment of a licence fee on the grant of a licence.

Clause 93 provides for a licence fee to be assessed or reassessed where a licensee has failed to provide relevant information, has supplied insufficient information, or has taken part in licence fee evasion schemes with another person. Clause 94 empowers the Liquor Licensing Commissioner to reassess a licence fee where some error or misestimation occurred in the original assessment. Clause 95 requires a licence fee to be paid notwithstanding that the fee is subject to review, and for an amount overpaid by a licensee to be refunded if the review results in the assessment of a lesser fee. Clause 96 provides for the recovery of unpaid licence fees as debts due to the Crown, and clause 97 provides for the possible suspension of a licence where a licence fee remains unpaid for more than 14 days. Clause 98 empowers the Licensing Court to impose a monetary penalty on a licensee where it is satisfied that a licence fee has been under-assessed because the licensee has supplied incorrect or insufficient information. Clause 99 provides for the recovery of unpaid licence fees or penalties from directors of bodies corporate, or from related bodies corporate, where the licensee is a body corporate which is dissolved or has failed to pay an amount due.

Clause 100 requires a licensee to keep records of his liquor transactions, and clause 101 details the information which must be supplied each year by a licensee to the Liquor Licensing Commissioner for licence fee assessment purposes. Clause 102 empowers the Licensing Court, on the application of the Liquor Licensing Commissioner, or of its own motion, to conduct an inquiry into suspected licence fee avoidance or evasion schemes. Clause 103 requires every licence to be supervised and managed personally by the licensee or by an approved manager. Clause 104 prohibits any person from assuming a position of authority in a body corporate holding a licence (other than a limited licence), unless the licensing authority's approval has been obtained. Clause 105 prohibits a licensee from entering into arrangements or agreements under which unlicensed persons have control over, or participate in the proceeds of, a business carried on in pursuance of a licence. The Licensing Court is given power to approve such an arrangement or agreement that is likely to assist the tourist industry or is otherwise in the public interest, providing employees are not adversely affected.

Clause 106 provides that clause 105 does not prevent a licensed club from contracting out club services other than the supply of liquor. Clause 107 specifies the circumstances in which liquor may be sold to a lodger under a hotel or residential licence at times when the sale of liquor would otherwise be prohibited. Clause 108 requires holders of those licences to keep a record of lodgers. Clause 109 prohibits a person taking liquor off licensed premises where the licensee is not authorised to sell liquor for consumption off the premises. Where a licensee is so authorised, a person may take liquor off the premises up to 30 minutes after the time at which the sale of liquor becomes prohibited. Clause 110 places restrictions on persons purchasing, consuming, or possessing liquor on, or taking liquor from, licensed premises at times when the sale of liquor is prohibited. Certain exceptions are made for lodgers and their guests, and for licensees, managers and employees who reside on the premises. Clause 111 prohibits the use of any area on licensed premises for the purpose of holding entertainment, without the licensing authority's approval. In granting that approval, the licensing authority may impose such conditions as it considers desirable.

Clause 112 allows complaints to be lodged on the ground that an activity on, or noise emanating from, licensed premises, or the behaviour of persons arriving at or leaving licensed premises, causes undue disturbance or inconvenience. A complaint may be lodged by a member of the Police Force, a relevant local council, or at least 10 (or fewer, in special circumstances) or more persons residing, working or worshipping in the vicinity of the premises. In the first instance, the complaint is lodged with the Liquor Licensing Commissioner who is required to act as a conciliator between the parties. If conciliation fails to reach a settlement, the matter is referred to the Licensing Court for adjudication. Clause 113 prohibits the employment of minors on licensed premises. Clause 114 requires a licensee to display a notice giving details of the licence, the licensee and the manager.

Clause 115 requires a licensee to keep a copy of the licence on the licensed premises at all times. Clause 116 prohibits the sale or supply of liquor to minors on licensed premises or areas appurtenant to licensed premises. Clause 117 empowers the licensing authority, on the application of a licensee, to declare certain parts of licensed premises to be out of bounds to minors, and clause 118 requires a licensee to display signs warning minors of offences under the Act.

Clause 119 makes it an offence for minors to consume liquor in licensed premises, or unlicensed shops, cafes, amusement arcades or other buildings being used for commercial purposes, and in any areas appurtenant to such places. Clause 120 empowers licensees and members of the Police Force to require a person on licensed premises to state his true age, and to produce evidence of his age. Clause 121 empowers a licensee or member of the Police Force to require a person to leave licensed premises if that person is reasonably suspected of being a minor who is on the premises in order to consume liquor illegally. Clause 122 empowers the Licensing Court to take disciplinary action against a licensee where proper cause exists, and clause 123 sets out what disciplinary action may be taken. Clause 124 gives inspectors and financial examiners responsible to the Liquor Licensing Commissioner, and members of the Police Force, powers to facilitate the inspecting of licensed premises, or the gathering of information for the purpose of the assessment of licence fees. Clause 125 empowers a member of the Police Force to enter and search premises and confiscate liquor he reasonably suspects has been illegally obtained, or where he reasonably suspects that an offence against the Act is being committed. Clause 126 empowers a member of the Police Force to remove from licensed premises any person who is intoxicated or is behaving in an offensive manner. A person so removed may not re-enter the premises within 24 hours.

Clause 127 prohibits a person selling liquor without an appropriate licence, or otherwise than in accordance with a condition of the licence he holds. Clause 128 prohibits persons from consuming or supplying liquor on regulated premises, or on areas appurtenant to such premises. Clause 129 prohibits the consumption of liquor within 200 metres of a liquor-free dance, except on licensed premises within that area. Clause 130 provides for the level of monetary penalties for offences against the Act. Clause 131 provides for the Licensing Court, on the application of the Liquor Licensing Commissioner, to order that a person pay, as a debt due to the Crown, any amount he has gained as a financial advantage due to a contravention of or non-compliance with a provision of the Act. Clause 132 provides that, where a body corporate is convicted of an offence against the Act, certain officers of that body corporate are also guilty of that offence.

Clause 133 contains evidentiary provisions applying in proceedings for offences against the Act. Clause 134 provides that all offences under the Act are summary offences, the prosecution of which may be commenced up to one year after the date of the alleged offence. Clause 135 provides for the service of notices or other documents under the Act. Clause 136 provides that administrative officers are not liable, although the Crown may be, for anything they do in good faith in the course of exercising their powers or functions. Clause 137 provides that, if a provision of the Act conflicts with that of another Act or law, that other Act or law shall prevail. Clause 138 provides for the making of regulations under the Act. The schedule of the Bill makes transitional provisions to apply to licences held, or proceedings not determined, under the repealed Act.

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

CHILDREN'S SERVICES BILL

Adjourned debate on second reading.

(Continued from 20 February. Page 2649.)

The Hon. ANNE LEVY: I support the second reading of this Bill which, as other honourable members have said, arises from the Coleman Review of Children's Services in this State. Marie Coleman presented a report that was a thorough examination of all children's services and how she felt that they could be improved. I point out that the Coleman Review has identified the following, which are given as quotes:

There is disarray in the child-care field;

There is an overlap of bureaucratic activity in pre-school education;

There is disparity in availability of and access to services;

There are overlapping administrative and support systems, restricted career opportunities for early childhood personnel, and reduced flexibility of response to changing community needs;

There is no central mechanism for facilitating the provision of culturally relevant services for ethnic, including Aboriginal, groups; and

There is no formal mechanism whereby management of health, education and welfare services can discuss and identify common problems and issues and develop integrated strategies and policies to meet the health and developmental needs of young children and their families.

Those quotes from the Coleman Review suggest that there is much to be done to improve the services for children in this State. Currently, there are about 900 kindergarten places in South Australia, although sessional placing means that the number actually attending is far greater than this—about double that number.

These children are nearly all aged four or five years. There are also about 4 500 children in child care centres who, of course, vary in age from nought to four years inclusive. There are about 1 000 children in vacation care programmes, these being older schoolchildren. There are 18 000 children in play groups who are aged from two to four years. There are 3 000 children in family day-care who are again aged from nought to four years. There are 31 000 children who use toy libraries.

As there are about 100 000 children between the ages of nought and four years in South Australia, we can see that kindergartens are catering for the overwhelming majority of four year olds in the State but that there is a serious lack of child care for the nought to four year olds. Many of the mothers of these children are in the work force and it has been suggested that as few as 10 per cent of the children of working mothers are catered for in either child care centres or family day care centres. Relatives, friends and private arrangements have to be made for the rest, so that for many young children with two parents in the work force the quality of child care that they receive is unknown, unsupervised and, furthermore, very difficult to obtain.

Child care, of course, is not only needed by families where both parents are in the work force. Sole parents need child care if they are ever to get off welfare benefits. Many mothers who work only at home need occasional child care for occasions such as when they shop, visit the doctor, pay bills, take part in community or voluntary activities, or take a very much needed break. Whenever I visit women's groups, and this is right throughout the State in both country and metropolitan areas, the constant cry is for more quality child care to be made available. Throughout the years of the Fraser Government very little was done about child care in this country. I detailed in my Address in Reply speech what is being provided by way of child care in some European countries and our backwardness in this regard is obvious to anyone who has studied the matter. The present Federal Government, I am glad to say, is certainly increasing its

commitment to child care and doing so in leaps and bounds, but there is an enormous amount of leeway to make up. The new Children's Services Office will ensure that new child care centres are properly planned and co-ordinated, and are provided in areas of greatest need in the State.

The Bill before us has been discussed at great length with all the parties involved. I will indicate some of the consultation that has occurred. There has been consultation from the middle of 1983 (nearly two years). There was consultation by many groups and individuals with Marie Coleman before she produced her review in December 1983. The steering committee was set up in February 1984 (12 months ago) and was made up of Mr Bruce Guerin from the Premier's Department, Mr Barr from the Education Department, Mr John Cooper from the Health Commission and Ms Rosemary Wighton from the Department of Community Welfare. The implementation team undertook a great deal of consultation from August last year. There have been five issues of a newsletter called 'Futures' produced in August, September and December last year, the fifth issue being in February this year.

A consultants group was set up to review all the steps in the process and advise the steering committee of views from the different groups represented on the consultants group. The members of the consultants group were Dr Fred Ebbeck from the Kindergarten Union, Dr Weaver from ECEAC, Ms Kennedy from the Family Day Care of the Department for Community Welfare, Ms Osmond from the Department for Community Welfare, and Ms Peacock from the subsidised child care centres. This group met weekly from August through to December last year. Meetings with Kindergarten Union staff were arranged by the implementation team and included meetings with senior staff, special services staff, advisers, co-ordinators and the regional groups. The invitation was there for any member of the Kindergarten Union staff to meet with the implementation team at any time they wished.

Five country meetings were arranged for all interested children's services staff and parents. Numerous discussion papers have been very widely circulated. The first organisational structure paper was put out in September last year and the second in January this year; the drafting guidelines for the Children's Services Bill were first put out in September last year; and the draft Bill was produced in November last year. A consultative structure paper was produced in October last year. Meetings with representatives from the unions that cover the workers in the area—the Public Service Association, the South Australian Institute of Teachers, and the Federated Miscellaneous Workers Union—have been occurring over a six month period.

In October last year there were meetings with the Kindergarten Union Parents' Consultative Group. There have been meetings with the Kindergarten Union Council, the Kindergarten Union Board, the project team staff from the Department for Community Welfare and with many organisations involved in the provision of services for young children, such as, the Toy Library Association, the Playgroup Association, the Early Childhood Resource and Advisory Unit, the Vocation Care Committee, family day care staff, and the subsidised child care associations. That detailed list puts paid to any suggestion that there has not been consultation with interested groups over a long enough period. There has been extensive consultation with a very wide variety of groups over the past 12 months.

I stress that with the formation of the Children's Services Office there will be no job loss for anyone involved in the existing children's services. Over 99 per cent of the Kindergarten Union staff will get a direct transfer to the Children's Services Office. The remaining few who do not get a direct transfer have been guaranteed salary maintenance with periodic CPI adjustments. The organisational structure for the Children's Services Office has been very carefully considered. It is not a highly centralised and bureaucratic structure as some of its critics have claimed but is very largely decentralised into six separate regions so that there can be the maximum possible contact with the grass roots needs of the community.

Parent involvement is built into the structure at every stage, as currently happens with the Kindergarten Union. That has been used as the model across the entire spectrum of children's services. There will certainly not be a rigidly hierarchical structure, but there will be participatory decision-making and straightforward simple lines of reporting. In debate on this Bill in the House of Assembly, there was concern that the constitution of the central consultative committee only was built into the Bill, not that of the regional advisory committees. I understand that this arrangement is quite deliberate to allow for flexibility in the different regions where the services and needs can vary.

As it is essential that the particular needs of the children in the different regions should be met, it is felt that this can best be done by having flexible arrangements. The structures of the regional advisory committees will be built into regulations under the Act. Certainly there will be further detailed consultations with the parents and staff in each region so as to determine the structure that will best suit their needs. These consultations will have a very high priority as soon as the Bill is passed.

I refer to some of the material that has been circulated to certain individuals in the community regarding the Children's Services Office. In particular, I refer to something that was passed to me as distributed to the directors, staff and committees of all kindergartens from the Executive Director of the Kindergarten Union.

The Hon. R.I. Lucas: Very impressive.

The Hon. ANNE LEVY: Indeed, I do not doubt that for a minute. The letter seems to me to be designed to alarm and confuse people. For example, it states:

> The Kindergarten Union Board is not convinced that the Children's Services Office as proposed will maintain the high standard of pre-school education which is now applying in South Australia.

The Premier has given a public guarantee to the Kindergarten Union Council regarding the maintenance of high standards of pre-school education. He did this in a letter in November last year, which is several months before the letter from Dr Ebbeck to which I have referred. The Premier followed this up with a further guarantee in writing to the President of the Kindergarten Union Board.

It is a fact that all Kindergarten Union teaching staff and all permanent Kindergarten Union regional advisers will be directly transferred into the Children's Services Office. I fail to see how, with that direct transfer of staff, anyone can talk about a lowering of standards in pre-school education. Later in his letter, Dr Ebbeck claims:

> When one studies carefully the classification and levels of the staff in the new office, and particularly those positions which relate directly to the field service for pre-school education, all positions have been lowered below those presently existing in the Kindergarten Union.

This is inaccurate, because the seniority of positions in the Children's Services Office which have responsibility for planning, policy, service delivery, standards and for professional leadership have all been maintained. As examples, there are the Director, Assistant Director of Services, and the Regional Managers.

Furthermore, there are in fact new positions, such as the Assistant Director of Policy and Planning, which will provide an input to improve the quality of educational services. While there is not in all instances a direct one-to-one correlation between the existing Kindergarten Union administrative positions and the proposed Children's Services

Office positions, on balance the range and number of positions of comparable status and remuneration have been maintained. That is, there are as many positions in the EO or equivalent range in the Children's Services Office as there are in the Kindergarten Union. Any claim of downgrading will not stand up to examination. Later in his letter Dr Ebbeck states in relation to the Kindergarten Union Board:

It believes the collective wisdom and experience of the Union's 80 years of operation will count for very little and the quality of pre-school education will suffer.

This is blatantly alarmist, and is a sweeping generalisation which is quite unsubstantiated. It fails to indicate why or how there will be such an occurrence, and it flies right in the face of the many assurances given by the Premier and the Minister of Education. Yesterday the Hon. Mr Gilfillan emphasised how the collective positive experience of the Kindergarten Union will be very well used indeed in the Children's Services Office and will benefit the new organisation.

Another criticism which has been made of the children's services legislation is that it does not guarantee that educational quality will be preserved, and that education seems to be taking a back seat to child care. This is just not accurate. If one looks at clause 7 *(a)* of the Bill before us, the very first objective of the Minister is to promote and ensure proper pre-school education for children and the proper care and development of children. Furthermore, clause 8 *(c)* provides that the aim is to monitor and evaluate the nature and quality of children's services with a view to ensuring the highest possible standards of such service.

As was flagged yesterday, I understand that an amendment is likely to be moved picking up the suggestions made by the Kindergarten Union Board and staff to improve the definition of 'pre-school education' in the Bill. Therefore, the first objective of the Minister in promoting and ensuring proper pre-school education for children will receive added emphasis. I reiterate that the service delivery function of pre-school education, as currently organised in the Kindergarten Union, will be maintained. The kindergarten staff and management committees will continue to function in their present fashion, and they will benefit from additional support and advisory staff that will be available through the six regional offices.

Another criticism raised by some people is that this legislation makes children's services welfare based and downgrades the educational side. This is nonsense; there is no evidence whatsoever to support this. It is a blatant scare tactic. We might well point out that one of the reasons why the family day care and child care provisions have been transferred from community welfare to this Bill is that they are not welfare based or orientated services and they fit far more appropriately into children's services. Likewise, the family day care teams and the child care project team from DCW will cease being involved in welfare because they are not and never have been properly welfare services.

I quote from the most recent issue of *Futures, Children's Sevices Newsletter,* which has been sent to all the children's services involved in the future Children's Services Office. It is set out in the form of questions and answers, some of which I will quote. One of the questions is:

Will our service (kindergartens, child care centre, playgroup, toy library etc.) be affected in any negative way in its day-to-day running?

The answer is:

The answer is No. Your centre will continue as usual. Staff will continue in their present roles, and management committees will continue with their usual functions and responsibilities. Any assets held directly by your management committee, including bank accounts, will continue to be in your ownership.

Another question is:

Will services, such as Special Services staff . . . continue to be available to our centre on the same basis as at present?

The answer is:

Yes. Support services will continue to be provided as at present. All of the Kindergarten Union specialists will be directly transferred into the Children's Services Office. The Government gave a commitment on election to double special services staff over a three year period. We will continue to honour that commitment.

Another question is:

Will any existing administrative staff currently working in the Kindergarten Union, for example, be severely disadvantaged or made redundant by the setting up of the Children's Services Office?

The answer is:

No staff will be made redundant in the transition process. Nearly all Kindergarten staff have been offered direct transfers with their present salaries and conditions preserved. The Government has agreed to a generous salary maintenance policy for any present permanent administrative member of staff who may be transferred to a position which in the Children's Services Office has a lower classification level than their current position. All local level services delivery staff in kindergartens (directors, teachers, aides) have always been guaranteed direct transfer to the Children's Services Office on their current salaries and conditions.

Another question is:

Will the Children's Services Office mean a reduction in the quality of pre-school education?

The answer is:

This question has been of particular concern to those dedicated people—parents and staff—involved in the provision of pre-school education. Some concern has been expressed that the Government's policies in this important area will result in the conversion of kindergartens from centres of pre-school education into welfare orientated child care centres. This is unequivocally not the case. The Government's policy is to ensure that both education and child care are improved for pre-school children. The Government's policy is to maintain pre-school education programmes with persons who are trained, qualified and registered teachers. In this regard, every member of the teaching staff of the Kindergarten Union has been guaranteed direct transfer into the Children's Services Office with their current salary intact. Similarly, every permanent Advisory Educator from the Kindergarten Union has been guaranteed a permanent position as a Regional Adviser in the proposed Children's Services Office. The duty statements of all senior professional Children's Services Office staff will stress the importance of training in and experience of pre-school education or care. This includes Regional Managers for the six regional offices who will be expected to play a leading role in planning and developing policy for pre-school education in each region. The Government's aim is to ensure that the quality of pre-school education is upgraded. It is certainly not the case, as has been suggested in some quarters, that pre-school education will take second place.

This Bill has received overwhelming support from a very large number of groups in the community that are involved in children's services. We are told that the Kindergarten Union board supports it in principle. The Kindergarten Union Parents Consultative Group supports the measure, as do the executive of the Pre-School Teachers Association, the Subsidised Child Care Association, and all three unions that cover the workers in the areas concerned; there is qualified support from the Kingston CAE Graduates Association, and support from the Early Childhood Resources and Advisory Unit.

The Hon. R.I. Lucas: You have got rose coloured glasses.

The Hon. ANNE LEVY: I can read the letters that are sent to me.

The Hon. Diana Laidlaw interjecting:

The Hon. ANNE LEVY: Yes. There is strong support for the measure from SACOSS: I will not quote the material from SACOSS, but it was some of the strongest and most elegantly worded support that I have seen. There is support from the Institute of Teachers, the Women's Electoral Lobby, and from numerous other groups that have written not only to me but to all members of Parliament on this matter. In particular, there is strong support from the Children's Inter-

ests Bureau, which is worthy of being quoted. I quote from its press release:

> The Bureau believes that the children of South Australia will benefit from the proposed Children's Services Office for the following reasons:
>
> It brings integration and cohesion to a service which was previously fragmented.

This certainly picks up the remarks made by Marie Coleman in her report and emphasises the need for the integration and co-ordination that has so far been so severely lacking in this State. Continuing from the Children's Interests Bureau press release:

> The new Office will make it easier for parents to gain access to a wide range of services which might otherwise be denied or unknown to them.

This is a major problem: while there are a very large number of worthwhile services for children in the community, very often parents are unaware of what is available. The quotation continues:

> The quality of pre-school education will not be affected. In fact, opportunities will be opened up for more children to benefit from this advantage. Children and their families will benefit from having a wider range of resources available in one place. At present many parents are frustrated by having to visit several different locations to get what they need for their children.

It is obvious that this Bill will result in a great advance in the proper planning and co-ordination of services for young children in this State. It will be of enormous benefit to the children of this State and their families and once again South Australia will lead the nation in meeting the needs of young children for education and care.

Members interjecting:

The Hon. ANNE LEVY: I know we lead in pre-school—we should lead in all fields; not just one.

The Hon. R.I. Lucas: Don't change it then; just improve the child care.

The Hon. ANNE LEVY: It has been shown clearly by Marie Coleman that improvement will not result unless one has an integrated structure such as she proposed where proper planning—

Members interjecting:

The Hon. ANNE LEVY: —can occur.

The Hon. R.I. Lucas: That was not proved—it was asserted by Marie Coleman.

The Hon. ANNE LEVY: It was stated in the report that has been prepared by someone who has consulted very widely throughout the community and who has long been acknowledged as an expert in this field. I presume that you are not criticising the Coleman Report or disagreeing with her conclusions regarding the provision of services for children in this State.

The Hon. Diana Laidlaw: I am not: I am just wondering why you are not following her proposals.

The Hon. ANNE LEVY: The Government is following her proposals in regard to co-ordination, integration and planning of child services in this State. Marie Coleman supports this legislation as being a proper piece of legislation to arise from her report. I urge all honourable members to support what is a forward thinking and highly necessary piece of legislation for the benefit of all the young children in South Australia.

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

ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Electricity Trust of South Australia Act, 1946. Read a first time.

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

That this Bill be now read a second time.

This short Bill is associated with the proposed new Liquor Licensing Act. Section 43da of the Electricity Trust of South Australia Act empowers the Trust to establish clubs and refreshment rooms for its employees at the Leigh Creek coalfields. The Trust is empowered under this section to sell liquor for the purposes of these clubs and refreshment rooms without a licence. The report made on the review of the South Australian liquor licensing laws recommends that this right to sell liquor should be exercisable subject to the general law relating to the sale and supply of liquor. The more comprehensive licences which are to be available under the proposed new Act make special authorities of the type contained in section 43da unnecessary. This Bill implements the recommendation. Clauses 1 and 2 are formal. Clause 3 amends section 43da to make it clear that the statutory right to sell liquor conferred by that section may only be exercised in pursuance of a licence under the proposed new Act.

The Hon. DIANA LAIDLAW secured the adjournment of the debate.

LICENSING ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Licensing Act, 1967. Read a first time.

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

That this Bill be now read a second time.

It makes two amendments to the Licensing Act, 1967. It is introduced in conjunction with the Liquor Licensing Bill, which repeals and replaces the Licensing Act. The Bill provides, firstly, that a distiller's storekeeper's licence may not, on an application made on or after the date on which the Bill was introduced, gain an endorsement authorising the sale of liquor for consumption on the premises with or ancillary to a meal.

Transitional provisions in the Liquor Licensing Bill provide that distiller's storekeeper's licences which do not have such an endorsement are deemed to hold a wholesale liquor merchant's licence and may, if liquor is produced pursuant to the licence, also obtain a producer's licence. Those four licences which do have such an endorsement will be deemed to hold a general facility licence, which opens the way for them in the future to apply in appropriate circumstances for a wide extension of the trading rights applicable to the licence.

This provision, by imposing this moratorium, will prevent holders of distiller's storekeeper's licences from obtaining such an endorsement in order to attract trading benefits which could accrue by the licence being deemed to be a general facility licence under the new Liquor Licensing Act.

The second provision requires the Licensing Court, in respect of applications for tourist facility licences made after the date of introduction of this Bill, to apply criteria which appear in the Liquor Licensing Bill in respect of general facility licences. These criteria are more stringent than those which apply to tourist facility licences. Again, this step is being taken to prevent persons from obtaining, on the less stringent criteria, a tourist facility licence before the new liquor licensing laws come into operation, thus avoiding the need to satisfy more stringent criteria which are considered desirable. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the Bill is deemed to come into operation on 21 February 1985, the date on which the Bill is introduced in Parliament. Clause 3 prevents the grant, after the date of introduction of this Bill, of an endorsement on a distiller's storekeeper's licence authorising liquor to be sold for consumption on the licensed premises with or ancillary to a *bona fide* meal.

Clause 4 provides that, in respect of an application for the grant or removal of a tourist facility licence made after the date of introduction of this Bill, the licence may not be granted unless the relevant premises are or will be substantial tourist attractions. Furthermore, the Licensing Court must take into account the probable effect of the grant of the application on the trade conducted from other licensed premises in the relevant locality.

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

ASSOCIATIONS INCORPORATION BILL

In Committee.

(Continued from 19 February. Page 2588.)

Clause 2 passed.

Clause 3—'Interpretation.'

The Hon. K.T. GRIFFIN: I appreciated the opportunity of speaking with officers of the Corporate Affairs Commission in an endeavour to resolve a number of the issues that I raised in the second reading stage, recognising, of course, that the Government would ultimately have to make the final decision.

There has been a series of meetings over quite a number of hours by me with those officers in an effort to resolve a number of the issues in what is a fairly difficult and technical Bill, in many respects. I have appreciated the opportunity to meet with them and I hope that the amendments that I now have on file will significantly resolve the issues I addressed. The earlier consideration by me with the officers may facilitate the passage of the Bill during the Committee stages. Therefore, I move:

Page 2, lines 45 to 47—Leave out all words in these lines.

This is really the first amendment designed to overcome what I saw as a problem with the Bill, in that it did not come to grips with the fact that there were a number of incorporated associations that did not have members.

What the definition of 'member' in clause 3 (1) (iii) sought to do was to deem the members of the committee as members of the association with consequences flowing from that: those members of a committee of management would be the members who would meet in annual general meeting, who would pass special resolutions in respect of amendment of rules and before whom the annual accounts of an association would be lodged, if the association was required to complete annual accounts.

My amendment seeks to remove the provisions that deem the committee members to be the members of the association and recognises the fact that a number of organisations do not have members and are governed by another body such as a synod of a church, which has the overriding control of that association—a concept that one of the officers described as 'closed associations'; that is, not having members at large. So, the first amendment is one of a series which we will deal with during the course of the Committee stages, and which recognises that there are those closed associations, and which removes the provisions that deem committee members to be members of the association.

My amendment to the definition of 'member' deletes those last three lines on page 2, which has the effect of deeming persons to be members of an association where there are no members, in fact.

The Hon. C.J. SUMNER: The amendment is acceptable to the Government. It is intended to exclude those associations.

Amendment carried.

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

Page 3, line 25—After 'or' insert ', where the rules of the association so provided,'.

This part of the clause deals with the special resolution and I drew attention to the fact that there was a provision that appeared to allow proxy voting by members in addition to personal votes of members where, in fact, there would be no provision in the rules for proxy voting.

The words that I seek to insert accommodate that, so that the proxy voting applies only where the rules of the association provide for proxy votes. There is a point of view that the definition is already adequate to cover that but, because this Bill will be read by many ordinary people in this community, the words that I seek to add will avoid any misunderstanding.

Amendment carried.

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

Page 3, lines 27 and 28—Leave out 'has the same meaning as in the Companies (South Australia) Code' and insert 'means—

(a) a developed negative or positive photograph of that document (in this definition referred to as an 'original photograph') made, on a transparent base, by means of light reflected from, or transmitted through, the document;

(b) a copy of an original photograph made by the use of photosensitive material (being photosensitive material on a transparent base) placed in surface contact with the original photograph;

or

(c) any one of a series of copies of an original photograph, the first of the series being made by the use of photosensitive material (being photosensitive material on a transparent base) placed in surface contact with a copy referred to in paragraph *(b)*, and each succeeding copy in the series being made, in the same manner, from any preceding copy in the series.'.

This amendment relates to the definition of transparency, which in the Bill is defined as having the same meaning as in the Companies (South Australia) Code. This is one of a number of amendments that I will be seeking to move to incorporate in the Bill express provisions of the Code suitably altered to apply to associations so that in matters of substance those who pick up this piece of legislation will be able to have in front of them all of the provisions relating to administration of associations without having to go to the Companies Code. The amendment that I seek to have adopted really translates the definition of 'transparency' in the Companies (South Australia) Code into this legislation.

Amendment carried.

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

Page 3—

Line 32—After 'rules' insert 'by-laws or ordinances relating to or'.

Lines 32 and 33—Leave out 'religious, ceremonial or doctrinal matters' and insert 'practices, procedures or other matters that are of a religious, ceremonial or doctrinal nature'.

The amendment to line 32 deals with subclause (2) of clause 3, which is an attempt to define the rules of an association and provides an exclusion from the definition of rules, that is, excluding rules affecting personal dress or behaviour, religious, ceremonial or doctrinal matters, or any other prescribed matter. What I seek to do is make that even clearer.

It has been drawn to my attention, particularly in the submission from the Anglican Church, that it has by-laws

or ordinances relating to rules and is fearful that there is such a volume of ordinances and by-laws that there will be a great amount of paper that they will have to collate, check and lodge. Really, it is not necessary for those by-laws and ordinances to be lodged. In the next amendment, which I am dealing with in conjunction with the one to which I have just referred, I seek to make clearer that those rules, by-laws or ordinances that are excluded are those that are practices, procedures or other matters that are of a religious, ceremonial or doctrinal nature. I think that that more effectively accommodates the concern of a number of bodies that have written to me about some difficulties with the definition as it now stands.

Amendments carried.

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

Page 3, lines 34 to 36—Leave out subclause (3).

The next amendment is consequential upon my first amendment. It relates to a clause that deems members of a committee to be members of an association, and under the scheme of amendments that I am moving it is no longer necessary for that deeming provision to be included.

Amendment carried.

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

Page 3—
Line 38—Leave out 'or special resolution'.
Lines 39 and 40—Leave out 'or special resolution'.

It is adequate in drafting terms to refer only to 'resolution'. I make the point that there are some rules of association (and I have seen a number of them) where it is not necessary to have a special resolution to do certain things, particularly to amend the rules. In the light of that it is appropriate, generally speaking, to allow organisations to make in their rules their own provisions for what sort of resolution ought to be required for amendments to rules and such matters. It is for that reason that I again move these amendments to delete the reference to 'special resolution'.

Amendments carried.

The Hon. K.T. GRIFFIN: I make the point that Parliamentary Counsel has had drawn to its attention that certain definitions will need to be included in clause 3. They are presently being drafted, namely, the definition of 'books' and 'insolvent under administration'. Rather than hold up the proceedings, I would ask that we deal with them once clause 3 as amended has been passed. When we get to the end of the Bill we could recommit and deal with these definitions when they are available.

Clause as amended passed.

Clauses 4 to 9 passed.

Clause 10—'Extension of powers of inspection and special investigation to incorporated associations.'

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

Pages 6, lines 35 to 39—Leave out clause 10 and insert new clauses as follow:

10. *Power of Commission to require production of books.* For the purpose of ascertaining whether the provisions of this Act have been or are being complied with, an authorised person may, by notice in writing, require—

(a) any incorporated association to produce to the authorised person forthwith or, if a time and place at which the books are to be produced are specified in the notice, at that time and place, such books relating to affairs of the association as are specified by the authorised person;

(b) any person who is or has been an officer or employee of, or an agent, banker, solicitor, auditor or other person acting in any capacity for, or on behalf of, an incorporated association (including an association that is in the course of being wound up or has been dissolved) to produce to the authorised person forthwith such books relating to affairs of the association as are specified by the authorised person;

or

(c) any person to produce to the authorised person forthwith any books relating to affairs of an incorporated association (including an association that is in the course of being wound up or has been dissolved) that are in the custody or under the control of that person.

10a. *Power of Commission to carry out investigations in relation to books.* (1) Where an authorised person exercises a power under this Division to require another person to produce books—

(a) if the books are produced, the authorised person—

(i) may take possession of the books and may make copies of, or take extracts from, the books;

(ii) may require the other person, or any person who was party to the compilation of the books, to make a statement providing any explanation that the person concerned is able to provide as to any matter relating to the compilation of the books or as to any matter to which the books relate;

(iii) may retain possession of the books for such period as is necessary to enable the books to be inspected, and copies of, or extracts from, the books to be made or taken, by or on behalf of the Commission;

and

(iv) during that period shall permit a person who would be entitled to inspect any one or more of the books if they were not in the possession of the authorised person to inspect that book or those books at any reasonable time;

or

(b) if the books are not produced, the authorised person may require the other person—

(i) to state, to the best of his knowledge and belief, where the books may be found;

and

(ii) to identify the person who, to the best of his knowledge and belief, last had custody of the books and to state, to the best of his knowledge and belief, where that person may be found.

(2) Where this Division confers a power on an authorised person to require a person to produce books relating to affairs of an incorporated association, the authorised person also has power to require that person (whether or not he requires that person to produce books and whether or not any books are produced pursuant to such a requirement), so far as the other person is able to do so, to identify property of the association and explain the manner in which the association has kept account of that property.

10b. *Protection from liability.* A person shall not be subject to any liability by reason of compliance with a direction or requirement given or made under this Division.

10c. *Privileged communications.*

(1) Where—

(a) an authorised person makes a requirement under this Division of a duly qualified legal practitioner in respect of a book;

and

(b) the book contains a privileged communication made by or on behalf of the legal practitioner, or to the legal practitioner, in his capacity as such.

the legal practitioner is entitled to refuse to comply with the requirement unless the person to whom or by or on behalf of whom the communication was made agrees to the legal practitioner complying with the requirement but, where the legal practitioner so refuses to comply with a requirement, he shall forthwith furnish, in writing, to the authorised person—

(c) if he knows the name and address of the person to whom, or by or on behalf of whom, the communication was made—that name and address;

and

(d) sufficient particulars to identify the book, or the part of the book, containing the communication.

Penalty: One thousand dollars.

(2) Where—

(a) an authorised person, acting in pursuance of this Division, requires a duly qualified legal practitioner to make a statement providing an explanation as to any matter relating to the compilation of books or as to any matter to which any books relate;

and

(b) the legal practitioner is not able to make that statement without disclosing a privileged communication made by or on behalf of the legal practitioner, or to the legal practitioner, in his capacity as such,

the legal practitioner is entitled to refuse to comply with the requirement, except to the extent that he is able to comply with the requirement without disclosing any privileged communication referred to in paragraph *(b)*, unless the person to whom, or by or on behalf of whom, the communication was madde agrees to the legal practitioner complying with the requirement but, where the

legal practitioner so refuses to comply with a requirement, he shall forthwith furnish, in writing, to the authorised person—

(c) If he knows the name and address of the person to whom or by or on behalf of whom the communication was made—that name and address;

and

(d) if the communication was made in writing—sufficient particulars to identify the document containing the communication.

Penalty: One thousand dollars.

10d. *Offences.* Subject to this section, a person shall not, without reasonable excuse, refuse or fail to comply with a requirement made under this Division.

Penalty: Two thousand dollars.

(2) A person shall not, in purported compliance with a requirement made under this Division, furnish information or make a statement that is false or misleading in a material particular.

Penalty: Two thousand dollars.

(3) It is a defence to a prosecution for an offence against this section if the defendant proves that he believed on reasonable grounds that the information or statement was true and was not misleading.

(4) A person shall not, without reasonable excuse, obstruct or hinder the Commission or another person in the exercise of any power under this Division.

Penalty: Two thousand dollars.

10e. *Self-incrimination.* A person is not excused from making a statement providing an explanation as to any matter relating to the compilation of any books or as to any matter to which any books relate pursuant to a requirement made of him in accordance with this Division on the ground that the statement might tend to incriminate him but, where the person claims before making a statement that the statement might tend to incriminate him, the statement is not admissible in evidence against him in criminal proceedings other than proceedings under this section.

(2) Subject to subsection (1); a statement made by a person in compliance with a requirement made under this section may be used in evidence in any criminal or civil proceedings against that person.

10f. *Interpretation.* In this section—

'authorised person' means a person appointed by the Commission by instrument in writing to be an authorised person for the purposes of this Division.

This clause is another of those provisions which adopts the provisions of the Companies (South Australia) Code, in this case relating to inspections and special investigations. I again make the point that matters of substance such as this ought to be in the legislation for reasons I have specified in my second reading speech, including the need for members of the public to have all substantive provisions before them. My amendments pick up all provisions of the Companies Code which otherwise were to have been adopted by clause 10, and specifically put them into the Bill.

One matter has been inadvertently overlooked in the drafting relating to liens on books. I would suggest to the Attorney that, if he is prepared to accept these amendments, when the Bill has been through the Committee stage I would like to recommit with a view to inserting that omission.

The Hon. C.J. SUMNER: That is acceptable.

Clause negatived; new clauses 10, 10a, 10b, 10c, 10d, 10e and 10f inserted.

Clause 11—'Eligibility for incorporation.'

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

Page 7, line 3—Leave out 'or mental' and insert ', mental or intellectual'.

This amendment is designed to accommodate a position where those associations promoting the interests of persons who suffer from a particular physical, mental or intellectual disability are entitled so to do. As there is a distinction between mental and intellectual disability, it is appropriate to recognise it in the clause.

Amendment carried.

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

Page 7, line 6—After 'local community' insert 'or a particular section of a local community'.

The present provision allows incorporation of an association for the purpose of establishing, carrying on, or improving a community centre, or promoting the interests of a local community. Sections of a local community may wish to promote a particular interest in the community, but it may not be a matter which promotes the interests of a local community as such. It is appropriate that we recognise, perhaps with senior or elderly citizens clubs or members of a local community established to pursue the interests of a section of a local community, that the interests of a section of a local community should equally be able to be embodied in an association incorporated under this Bill.

Amendment carried.

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

Page 7, after line 10—Insert new paragraphs as follows:

(ga) for political purposes;

(gb) for the purpose of administering any scheme or fund for the payment of superannuation or retiring benefits to the members of any organisation or the employees of any body corporate, firm or person;

(gc) for the purpose of promoting the common interests of persons who are engaged in, or interested in, a particular business trade or industry;

This amendment does a number of things: first, it allows the incorporation of an association formed for political purposes. There are only perhaps three or four of them, the Australian Democrats being one. It is correct that the Minister has power to approve such other purposes as may be appropriate, but I think it inappropriate to give any Minister of whatever political persuasion the discretionary power to determine whether or not a particular political institution should be incorporated. Because only a handful of bodies are likely to be affected, it is appropriate to put it in specifically. The next paragraph concerns superannuation schemes.

They are presently included in the Associations Incorporation Act. I understand that some are being used for dubious purposes and that the Minister will have power to authorise the establishment of an association for superannuation purposes. However, I prefer to put it in specifically. The Committee will notice that this is an object for which an association can be incorporated only with the approval of the Minister.

The next paragraph is for the purpose of promoting the common interests of persons engaged or interested in a particular business, trade or industry. Again, I recognise that, under the Industrial Conciliation and Arbitration Act, trade unions and employer associations can incorporate. It seems to me that there may well need to be a specific opportunity for various trade associations to incorporate, such as the Chamber of Commerce and Industry, the Metal Trades Industry Association, and so on, and even groups of employees. I think it is desirable to have it specified in the Bill rather than leaving it to the discretion of the Minister.

Amendment carried.

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

After line 13—Insert new subclause as follows:

(1a) Subject to subsection (3), an association of the kind referred to in subsection (1) *(gb)* is not, unless the Minister otherwise approves, eligible to be incorporated under this Act.

The amendment is consequential upon the amendment that has just been passed and ensures that the Minister's approval is necessary before an association can be incorporated in relation to superannuation funds.

Amendment carried.

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

Line 19—Leave out 'Section (2) does' and insert 'Subsections (1a) and (2) do'.

This is a technical amendment.

Amendment carried; clause as amended passed.

Clause 12—'Manner in which application for incorporation is to be made.'

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

Page 8, lines 23 to 25—Leave out all words in these lines and insert—

(i) which is referred to in the rules of the association; or

(ii) upon which any rule of the association relies for its operation;.

Subclause (2) *(c)* at present provides:

. . . a copy of any instrument creating or establishing a trust—

(i) on which property is held for the benefit of the association; and

(ii) to which property of the association is generally subject;

That is to be deposited with the Corporate Affairs Commission. There is a similar provision in the present Act, but it is probably not so specifically related to property. Submissions have been made which suggest that it would become a very substantial burden for all trust deeds relating to an association to be lodged and for amendments to be lodged with the Corporate Affairs Commission from time to time. The alternative wording, which will accomplish what I think is the desired objective, is that all trust deeds are to be lodged where they are referred to in the rules of the association, or upon which any rule of the association relies for its operation. I think that sufficiently limits it to overcome the concern which has been expressed about the lodgment of a whole range of trust deeds which do not necessarily impinge upon the rules of an association.

Amendment carried; clause as amended passed.

Clause 13—'Incorporation of association.'

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

Page 9, lines 10 to 14—Leave out paragraphs *(b)* and *(c)*.

The clause allows the Corporate Affairs Commission to decline to incorporate an association if in its opinion:

(a) it would be more appropriate for its activities to be carried on by a body corporate incorporated under some other Act;

(b) the rules of the association contain oppressive or unreasonable provisions affecting the rights of members; or

(c) the incorporation of the association under this Act would not be in the public interest.

Really, two different issues are involved here: the first is whether the Corporate Affairs Commission ought to be involved in determining whether in the rules of an association or in amendments to the rules of an association any particular matter is oppressive or unreasonable and affects the rights of members. I have a very strong view that this is not the responsibility of a Government agency: certainly, there ought to be some provision for some body to deal with oppression or unreasonableness, but it is inappropriate for a Government agency and ought to be independent of Government.

I propose a scheme by which the court will have the power to determine whether or not a matter is oppressive or unreasonable, on the application of any member: it is any one member—not a group of members. That will mean that amendments to the rules become operative from the date of passing and not from the date of registration of the rules by the Corporate Affairs Commission. That is consistent with the provisions under the Companies Code, where amendments to a memorandum and articles of association become effective on passing by the shareholders.

The matter of public interest is difficult. I am not really sure what falls within the definition of 'public interest': there is certainly no express definition in the Bill, but if there is some desirability for having such a provision in the Bill I am not so concerned about that as I am about the Corporate Affairs Commission becoming involved in making its determination as to what may be oppressive or unreasonable without having before it all of the evidence that might colour the nature of any provision in the rules.

The mechanism that I propose (that is, to the court) will be able to review all the rules and the circumstances and determine whether in the context of a particular association a rule or action is oppressive or unreasonable. The other point that I make is that my mechanism also gives to members additional rights that are not in the Bill already, that is, to allow the court to determine whether behaviour is unreasonable or oppressive. That is an appropriate part of the package dealing with oppression or with unreasonable provisions.

The Hon. C.J. SUMNER: The only thing that concerns me here is the question of whether or not the Commission should be able to reject the incorporation of an association on the grounds of the public interest. I understand the point that the honourable member has made about oppressive or unreasonable provisions, and I suppose that his argument is that this is really facilitative legislation, which provides for a corporate entity for associations, and that it is not really up to the Government or Commission to impose its own views about how those associations should be structured.

It may be different if one is talking about company legislation or registration of industrial organisations where the public interest would demand greater surveillance of the procedures available in the rules of those organisations. I guess we would all want to think that associations that were registered did not have oppressive or unreasonable provisions. The question is this: who will sort it out? Is it to be the Commission as a pre-emptive strike before registration, or the members of the association if the rules subsequently appear oppressive or unreasonable? I suppose when an association applies for incorporation one must presume that the application for incorporation has received the imprimatur or the approval of the members of the association at that time. Presumably, those people do not consider it oppressive or unreasonable at the time of seeking registration.

The honourable member's compromise is all right, I suppose. It does say that the Commission should not prejudge the question of the rules and provides for an easier mechanism for members of an association to get before the courts to have the rules adjusted; that is an amendment that the Hon. Mr Griffin will move subsequently. It is something that has given me a little bit of concern. In some areas the legislation almost certainly would say that an organisation should not be registered if its rules were oppressive or unreasonable. I am sure the honourable member would not wish to remove the power of the Industrial Commission to refuse registration of an industrial organisation on the ground that the rules were oppressive or unreasonable in the sense that they might not give proper membership rights.

Why does the honourable member draw the distinction, for instance, between an industrial organisation, which must comply with certain criteria relating to democratic rules, and any other association? Why does he draw the distinction between a company, which also must comply with certain democratic rules, albeit somewhat more flexible than those imposed on industrial organisations, and why does he feel in this case it is a matter not for the public interest or the Government but more for the members to sort out?

The other question is whether on the ground of public interest the Corporate Affairs Commission can refuse registration, which is again a matter that gives me some concern. I can see in some situations where perhaps it would be necessary or desirable. Perhaps the honourable member might answer the first question.

The Hon. K.T. GRIFFIN: I see a significant difference between those bodies incorporated for industrial purposes where they deal with the rights of employees or employers and the benefits which they may be able to gain either by bargaining or by arbitration—a fairly narrow objective as well as a highly volatile one. On the other hand, there are 6 000 or 7 000 voluntary organisations ranging from the small tennis club to other sports and social clubs, where a group of people, maybe a small group of people, meet on a

purely voluntary basis and not with a view to pursuing in the courts or the Industrial Commission or any like body the winning of benefits. They may be bodies such as the Crippled Children's Association formed for a charitable purpose.

They may be a religious organisation. A religious organisation may decide that it wants to have strict rules. In another debate, for example, the Exclusive Brethren have some very strict moral and doctrinal positions on issues and have some very strict provisions relating to membership. I was told by one of their members who was making representations to me on the Equal Opportunity Act that if, for example, a member leaves his or her spouse and enters a *de facto* arrangement, the member entering that arrangement is really not permitted to participate in the affairs of the church.

In some circumstances it may be argued that that is oppressive but, on the other hand, if one looks at that body with particular doctrinal and moral attitudes and stands, one must be able to say that those who join it do so on the basis that they know the rules. They know that there is going to be a very harsh attitude adopted towards any immorality. I would not like to think that a Commission such as the Corporate Affairs Commission would have to sit in judgment on whether or not a particular amendment to their rules or their initial rules was oppressive or unreasonable, whereas, if one takes it to court, as I propose, the member who complains about oppression is able to produce a whole range of evidence; the court is able to examine the issues as well as the evidence and then make a decision based upon the context in which the oppression or the act that is alleged to be oppressive actually occurs. If it is either some action or a rule change that is challenged then the court looks at that in a much broader perspective.

One has a whole range of bodies that have restraints on membership. If one looks at it objectively one could say that that is unreasonable. It has to be recognised that the members join together for a particular purpose on the basis of the rules as they are known. It is very dangerous to give an instrumentality of Government—of any Government, of whatever political persuasion—the power to intervene. It is much better to do it independently and give the right to action before a court independently of Government. That is my argument.

The Hon. C.J. SUMNER: I appreciate the honourable member's comments. I imagined that that would be the argument he would put up and I foreshadowed it in what I said. The honourable member has been persuasive. I am inclined to accept both amendments at this stage. I am convinced with respect to the honourable member's comments about the Commission's intervening at the early stage and pre-empting registration on the basis of potential oppressiveness or unreasonableness on the grounds that the honourable member has provided another avenue for members, as opposed to the Commission, to take action to have their rights enforced or to have any wrongs remedied. I am convinced, and accept that on balance.

The other one that gives me some concern is the question of public interest, which the honourable member is advocating should be deleted. I can see the arguments for deleting that as well, if one takes the view that the incorporation procedure really is there to attribute names and to give that legal entity to an association.

That is, without any imprimatur from the Government on what the organisation itself actually does. On the other hand, incorporation is a privilege and people tend to hold up incorporation as somehow or other giving an organisation respectability: whether that is right or wrong, that is the way some members of incorporated associations see incorporation, that somehow or other it gives to that body a status from officialdom. If it were clear in the community that incorporation implied nothing about the objects of the association, that it was something that was just the Government providing a mechanism for giving a certain group of individuals a legal form, a status independent of the individuals themselves, a corporate entity, and that that was all there was to it, I suppose the clause relating to the public interest would not be necessary.

That may be the basis of the honourable member's argument in saying that the Corporate Affairs Commission should not be able to refuse registration on the basis of conflict with public interest. But I do not think it is quite as simple as that because, for better or for worse, I think incorporation does imply, if not from the Government's point of view, then from the community's point of view, some recognition by officialdom, and I think people use that in their dealings: the fact that they have got incorporation gives them more status in their dealings with people in the community than if they are unincorporated. For example, the Australian Democrats are incorporated and they have much greater status than the Labor Party or the Liberal Party which have not seen fit to go down that track! That glaring exception to the general rule aside, that is my concern about this matter.

There is some feeling of imprimatur and perhaps on balance there should be some notion of the public interest injected into the registration procedure. However, I propose to accept the honourable member's amendment, because I accept the first part of it on balance, and it may be that on further consideration of the public interest question I may suggest to the Government that a provision be reinserted in the House of Assembly so that we can give further consideration to it.

The Hon. K.L. MILNE: Between the two able lawyers, I do not really understand the present position. Originally I was quite happy with the Bill as it stands now, providing that the Commission does in fact have the power to say whether it is reasonable or whether it is in the public interest—both of those things. I will take the Government's advice on it. However, if the Bill is left as it is now, what remedies are there if permission is refused on either subclause (2) *(b)* or (2) *(c)* and, further, what remedies would be necessary under the amendments proposed by the Hon. Mr Griffin?

The Hon. K.T. GRIFFIN: What I am proposing is that the Commission has no power to refuse to register on the basis that there may be a provision which the Commission regards as oppressive or unreasonable, but that the members of the association, if they hold that view, have a right to go to the court claiming that the provision is oppressive or unreasonable and for the court to take into consideration all the relevant evidence and to make a decision as to whether in the context of the rule that is challenged it is in fact oppressive or unreasonable.

I am seeking to give that responsibility to make the decision to someone independent of the Government, and that is generally the courts, rather than giving a Government agency the right and the responsibility for involvement in the determination of whether something is oppressive or unreasonable. I believe that the amendment provides a preferable mechanism to do that.

The Hon. K.L. MILNE: From what the honourable member said previously, is he trying to protect people who might be excluded from an organisation unreasonably, such as a spouse of a member of a religious organisation or someone of that kind? Is he trying to protect people who are not members or who cannot be members? I believe that the Commission should have the power. If there is a remedy, to take the refusal to the court, that is better than leaving it as it is.

The Hon. K.T. Griffin: I am providing a remedy—a person goes to the courts instead of to the Commission.

The Hon. K.L. MILNE: You are taking the power away from the Commission in the first place, and that is not proper. The Commission should have similar power to that provided under the Companies Code. There are remedies and so on.

The Hon. K.T. Griffin: The Companies Code doesn't allow the Commission to rule out oppressive or unreasonable provisions: that goes to the court.

The Hon. K.L. MILNE: It does not deal with the same sort of organisation. There are dangers each way. I would like to hear the Attorney's views again.

The Hon. K.T. Griffin: He has accepted it on balance.

The Hon. C.J. SUMNER: The amendment has not been put, of course, and it is always possible for people to change their mind in politics, as honourable members would know. I said that on balance I would accept part of the honourable member's amendment and consider the other part. So while accepting the amendment at this stage, I intended to consider it further before the matter is dealt with in the House of Assembly, and I may seek to further amend it in that place. If the Hon. Mr Milne would like to talk to me about the matter, I would be happy to oblige, but my present considered position (ill considered or otherwise) is that on balance I accept the proposition put by the Hon. Mr Griffin in relation to the oppressiveness or unreasonableness of the provisions in the rules. I accept that he has provided a mechanism for members to go before the courts if they feel that rules are oppressive or unreasonable or, presumably, if officials are acting in a manner which is contrary to the rules or which is oppressive or unreasonable.

That is not an unreasonable way of going about it. In effect, it does not give the Commission a pre-emptive strike (as I put it) to refuse to register the rules but it provides an easier mechanism than that provided at present for an agreed amendment to get the matter before the courts.

The Hon. K.L. Milne: It might only be a small matter that is to be altered. Sometimes they send it back and they say, 'Will you change this?' We don't have to go to court every time.

The Hon. C.J. SUMNER: No.

The Hon. K.L. Milne: I would like the opportunity to discuss the matter with the Attorney-General.

The Hon. C.J. SUMNER: I intend to accept the amendment at this stage. Then, if the Hon. Mr Milne is very persuasive I suppose I would have to reconsider my present position: at present I am inclined to accept what the Hon. Mr Griffin says regarding the first part of the amendment in relation to oppressive or unreasonable provisions, but I reserve my opinion on the question of public interest, and I would like to review that matter when the Bill is considered in another place.

The Hon. K.T. GRIFFIN: I accept the position in relation to public interest. When I spoke initially I said that it was not a matter of such gravity as was the first part of the amendment. I have a concern about the Commission's power to refuse registration on the grounds of public interest, but I am certainly prepared to look at it again, also. That is the basis on which I understand the Attorney is accepting the amendment.

Amendment carried; clause as amended passed.

Clause 14 passed.

Clause 15—'Amalgamation.'

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

Page 10, lines 18 to 23—Leave out all words in these lines and insert—

(i) which is referred to in the rules of the association proposed to be formed by the amalgamation;

or

(ii) upon which any rule of the association proposed to be formed by the amalgamation relies for its operation;.

This amendment is largely consequential upon an earlier amendment in relation to trust deeds where only certain trust deeds would have to be disclosed and deposited with the Commission. I do not think that I need explain it again.

Amendment carried.

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

Page 11, lines 12 to 16—Leave out paragraphs *(b)* and *(c)*.

This amendment is consequential on the longer debate we have just had about who has the authority to determine what is oppressive or unreasonable and the question of public interest. I accept what the Attorney said earlier that he would want to reserve his position, particularly on the question of public interest.

Amendment carried.

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

Page 11, line 44—After 'construed' insert '(subject to any provision in the will or other instrument to the contrary)'.

This is a technical amendment. The present subclause (8) provides that where there is a reference in a will or other instrument to an association that is party to an amalgamation that reference shall, after the amalgamation, be construed as a reference to the association performed by the amalgamation. That is to be subject to any provision in the will or other instrument to the contrary, because sometimes there is a special provision made in the event of an association or body not doing something, and then other provisions of the will take effect. It is technical, but I move accordingly.

Amendment carried; clause as amended passed.

Clause 16 passed.

Clause 17—'Alteration of rules.'

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

Page 12, lines 4 to 7—Leave out subclause (1) and insert new subclause as follows:

(1) Every incorporated association shall, within one month after the making of any alteration to its rules, register the alteration with the Commission.

I believe that all the amendments to rules should come into effect upon passing or if, within the rules of an association, there is a provision for approval by some other body before they come into effect then on that later date they should not be dependent upon the approval or otherwise of the Commission—that is, registration by the Commission.

Several bodies have raised concern about the fact that the Bill at the moment provides that an amendment to a rule will not come into effect until registration by the Commission, and the difficulty is in what organisations may find in the practical application of that, particularly in the case of the Anglican Church where they may want to pass ordinances consequential upon the rules at the same synod as the amendments to the rules are passed.

It will be unworkable to have the principal rule not coming into effect until some time later and then for a later synod to have to make other ordinances. I believe that the amendment should come into operation on the day of passing or as provided in the rules of the association.

Amendment carried.

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

Page 12, lines 11 to 13—Leave out 'it shall apply to the Commission not later than one month after the commencement of this Act for registration of the proposed alteration' and insert 'it shall, within one month after the commencement of this Act, register the alteration with the Commission'.

This amendment is consequential on the one that has just been carried.

Amendment carried.

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

Page 12, lines 18 and 19—Leave out paragraph *(b)* and insert new paragraph as follows:

(b) must be accompanied by a statutory declaration made by a member of the committee of the association or the public officer verifying the alteration;.

This amendment seeks to add a new paragraph to ensure that the rule that is being lodged has been verified by statutory declaration.

Amendment carried.

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

Page 12—

Line 22—Leave out 'subsections (5) and (6)' and insert 'subsection (6)'.

Lines 25 to 27—Leave out subclause (5).

These, too, are consequential amendments.

Amendments carried.

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

Page 13, lines 1 to 7—Leave out subclauses (7) and (8) and insert subclause as follows:

(7) Subject to any provision in the rules of the association or a resolution to the contrary, an alteration to the rules of an incorporated association comes into force at the time that the alteration was passed.

Again, the deletion of subclauses (7) and (8) is consequential, and the new subclause specifically provides for the amendment to the rule to come into effect at the time that the alteration is passed.

Amendment carried; clause as amended passed.

Clauses 18 to 21 passed.

Clause 22—'Management of incorporated associations.'

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

Page 14, line 23—Leave out 'The' and insert 'Subject to this Act, the'.

This is merely a drafting amendment.

Amendment carried.

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

Page 14, line 27—After 'reasoning' insert 'only'.

There has been some confusion about subclause (2) of clause 22 among the people who have corresponded with me and, I understand, also with the Corporate Affairs Commission, that this subclause will not allow classes of membership. That certainly is not intended. This relates to the fiduciary relationships between members of a committee and others in an association and deals with a question of conflict of interest. In the general discussions that I have had, it would seem to be much clearer if we were to insert the word 'only' into line 27. I agree with that, although there is a debate amongst draftsmen about the validity of that assertion.

Amendment carried.

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

Page 14, lines 33 to 36—Leave out subsection (4).

I have moved to leave out subsection (4) with a view to more extensive provisions adopting provisions of the code. They are set out in proposed new clause 22a. We make no reference to age limits, which is important because it has caused a lot of concern amongst people who have had an opportunity to read the Bill. Essentially, it disqualifies people who, under the Companies Code, would be disqualified from being directors.

Amendment carried; clause as amended passed.

New clause 22a—'Certain persons not to be members of the committee.'

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

Page 14 after line 36—Insert new clause as follows:

22a. (1) A person who is an insolvent under administration shall not act as a member of the committee of an incorporated association.

(2) A person who has been convicted, within or outside the State—

(a) on indictment of an offence in connection with the promotion, formation or management of a body corporate; or

(b) of an offence involving fraud or dishonesty punishable on conviction by imprisonment for a period of not less than three months,

shall not, within a period of five years after his conviction or, if he was sentenced to imprisonment, after his release from prison, without leave of the Supreme Court, act as a member of the committee of an incorporated association.

Penalty: Two thousand dollars.

(3) When granting leave under this section, the Court may impose such conditions or limitations as it thinks fit and a person who contravenes or fails to comply with any such condition or limitation that is applicable to him is guilty of an offence.

Penalty: Two thousand dollars.

(4) A person intending to apply for leave of the Court under this section shall give to the Commission not less than twenty-one days notice of his intention to make the application.

(5) The Court may, on the application of the commission, revoke leave granted by the Court under this section.

This sets out the basis of disqualification of persons from holding office on a committee of management of an association.

New clause inserted.

Clause 23—'Disclosure of interest.'

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

Page 14, line 44—After 'association' insert '(if an annual general meeting is required to be held by the association)'.

This amendment relates to the disclosure of the nature and extent of an interest in a contract. The Bill presently provides that that has to be disclosed at the next annual general meeting of the association. Picking up the context of a closed association where another body, such as a synod or diocese, appoints a committee of management which does not have to have an annual general meeting, it seems to be appropriate to acknowledge that fact in this clause, so that the table of disclosure occurs at an annual meeting if it is required to be held by the association.

The Hon. C.J. Sumner: What if they don't have it?

The Hon. K.T. GRIFFIN: If they do not have one, they must disclose to the committee the nature and extent of the interest. That accommodates the two sorts of associations that we have: on the one hand, the association of members at large, which under the legislation is required to have an annual general meeting, and those which do not have members at large but which have their committees of management, for example, appointed by the so-called governing body. They generally are under the control and direction of that governing body. I do not see that there is a problem. We had one instance that was drawn to my attention where there was only one person (I think it is the Archbishop of Adelaide) who is the member. It is difficult for him to have an annual general meeting with himself. So, I do not see that any mischief is created by the additional words that I have moved because it accommodates the two sorts of associations.

Amendment carried; clause as amended passed.

Clauses 24 and 25 passed.

Clause 26—'Application of this Division.'

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

Page 16, lines 6 to 10—Leave out paragraphs *(b)* and *(c)*.

This amendment relates to the difficult issue of which associations ought to be required to have a registered company auditor, or, under my proposal, auditors of other qualifications, audit their annual accounts and require them to lodge annual accounts with the Corporate Affairs Commission. We are going from a system now where there are virtually no controls, but we have legislation which facilitates the incorporation of small and large associations. I recognise that there are very large associations having multi-million dollar turnovers which are, in fact, not presently disclosing their accounts to the Corporate Affairs Commission and thus making them available to public search.

They are associations in the nature of trading organisations. I suppose that one would put into that category all the football clubs, some cricket clubs, community clubs and a variety of other clubs and associations, particularly those

with liquor licences where the turnover, in most instances, is quite considerable. In those circumstances it is appropriate to have an audit and require public accountability. The Bill does a number of things: first, it sets a limit above which associations are required to have audited accounts and lodge them with the commission. This refers to associations with a gross income in excess of $100 000 or such other amount as may be prescribed by regulation. So, there is the capacity to prescribe lesser or higher amounts.

I will be seeking to ensure that $100 000 is the level but that a higher cut-off point may be prescribed. Another problem is the definition of 'gross income', which includes all receipts of the association, however derived, without deduction. That is different from what one would regard as income from a trading, business or profit-making activity. Certain receipts should be excluded from the calculation—subscriptions, gifts, donations, devises and bequests, so that one ensures that the Bill does not catch the Good Friday Appeal, the Freedom from Hunger doorknock campaign and all those sorts of appeals—or from the realisation of capital.

That will mean that although certain receipts are excluded, the key receipts, namely, income from a business, trading or profit-making activity, is retained. I agree that that is important. I do not think that there should be an ability to prescribe a lower limit. If it becomes obvious to the Commission in the implementation of this new legislation that there should be some changes, then the Bill has been approached on a bipartisan basis generally speaking, and if there is a genuine need for amendment it should be made, so that we will not go from a basis of no regulation to one of total regulation.

There should be another range of people involved who can audit, not just registered company auditors but a member of the Australian Society of Accountants, a member of the Institute of Chartered Accountants, or such other person as the Commission approves. That means that a retired bank manager or a local country bank manager, if the Commission approves, will undertake the audit. That will overcome a couple of problems: the high cost of a registered company auditor for relatively small organisations; and greater availability and, thus, competition for associations to choose from. Excluding certain receipts will accommodate the view put by the Diocese of Willochra, which says it has receipts in excess of $100 000, most, if not all, coming from levies on church members, and so on, but takes a bit of income from its two camp sites; I do not see any need to regulate those. If later there is a problem, and I think the Commission will have enough work to do with those over $100 000, we can look at it again legislatively. Although I have dealt with it *in globo,* perhaps the Committee should deal with my first amendment, to leave out paragraphs *(b)* and *(c).*

The Hon. C.J. SUMNER: I will deal with the proposed amendments similarly, *in globo.* I accept the amendment proposed by the honourable member with respect to gross income; I accept his proposition to exclude moneys received by way of subscriptions, gifts, donations, and so on; and I also accept his minor amendment to line 21. However, we finally part company with respect to clause 26, which prescribes those incorporated associations which will have to have their accounts formally audited. I should say also that I accept the honourable member's amendment relating to the sort of people who can carry out the audit, that is, not just chartered accountants.

I believe that clause 26, concerning those associations that may need to be caught by the Act with respect to audit, should be retained because of the flexibility currently imported into the clause. I imagine that, in general, the Corporate Affairs Commission will not want to run around assisting in audits for associations with a gross income under the prescribed amount. However, there may be circumstances where that is necessary or desirable. There may be circumstances where an association with a gross income under the prescribed amount may be trading very actively. There may be a need, in the interests of the members and the community, to have those accounts audited and the returns lodged with the Corporate Affairs Commission. I do not think the honourable member should be unduly concerned about this.

It does not automatically pick up every association, but it does give the Corporate Affairs Commission the capacity to prescribe a class of incorporated association by regulation to which these provisions should apply, and it also enables the Minister to declare that a particular association should comply with the provisions of the Act. If the Minister uses that power in a capricious manner, or if he approaches it in a way that is so irregular that it is the exception rather than the rule, obviously complaints will be made to members opposite and no doubt to the Minister. In other words, there is some public control or some public accountability which the Minister has with respect to his administration of the Act. This does provide a degree of flexibility which I do not believe will be abused. If it is abused, I have no doubt that there will be complaints about it.

There may be some complaints about an organisation which has a gross income under the prescribed amount. It may be that the Minister feels in the light of those complaints about the financial affairs of that organisation that they can be resolved by the Minister's directing that that association has its accounts audited. Clause 26 (1) *(c)* will be a useful tool by which the Commission can resolve issues where the funds of an organisation may be in dispute. I therefore concede some of the honourable member's amendments, but I have to stick on the proposals of the Government in the Bill that allow some exceptions for the audit requirements for an association that has an income under the prescribed amount.

The Hon. K.L. MILNE: I support the Government on retaining subclauses (1) and (2) as they are. I believe with him that if the provision is abused (I doubt it would be in a case like this) there must be some remedy. If they come back to this Council I am sure that we would rectify it. It is a kind of safeguard that one would need in a Bill of this kind because there is such an enormous variety of associations. This gives the Commission the opportunity of prescribing another association which nobody had thought of as coming under this Bill at the moment, but which should come under it, and it can do it without amending the Act. I support the Government on retaining subclause (1) as it is. I support the new definition of 'gross income': that is very sensible, especially in the case of a non-trading organisation. I support the insertion of the word 'greater' in line 21. The definition of who can do an audit if a person is approved is an excellent idea. In fact, I mentioned it in my second reading speech.

An honourable member interjecting:

The Hon. K.L. MILNE: They both mentioned that, and I am mentioning it as well. When they did mention it I thought it was a good definition.

The Hon. K.T. GRIFFIN: I am disappointed that the Attorney will not accept my principal amendments. I have put the position as I see it. I do not need to take any more time in rebutting what he will put. In the light of the indication by the Hon. Mr Milne that he supports the Government, obviously I will not succeed in a division. So, if I lose my amendment on the voices I do not intend to divide.

Amendment negatived.

The Hon. K.T. GRIFFIN: I do not move the next amendment to lines 11 and 12 because that is consequential. I move:

Page 16, lines 17 to 19—Leave out the definition of 'gross income' and insert new definition as follows:

'gross income' of an incorporated association means the total amount of the receipts of the association other than moneys received—

(a) by way of subscriptions;

(b) as gifts, donations, devises or bequests; or

(c) from the realisation of capital.

Amendment carried.

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

Page 16, line 21—Leave out 'other' and insert 'greater'.

This relates to the prescribed amount of $100 000 or such greater amount as may be prescribed by regulation.

Amendment carried; clause as amended passed.

[Sitting suspended from 6.2 to 7.45 p.m.]

Clause 27—'Accounts to be kept.'

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

Page 16—

Line 33—Leave out 'or'.

Line 33—After 'auditors' insert ', a member of the Australian Society of Accountants, a member of the Institute of Chartered Accountants or such other person who may be approved by the Commission as an auditor of the accounts of the association for the purposes of this section'.

As I have already explained, this amendment increases the scope of persons who could be available to conduct an audit and overcomes the problem that in some circumstances employment of a registered company auditor might be too expensive for an association. This amendment provides a great deal more flexibility.

Amendment carried.

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

Page 16, lines 40 and 41—After 'association' insert 'or, if an annual general meeting is not to be held, within five months after the end of the financial year to which the accounts relate'.

This amendment is part of a scheme of recognition that some associations have members and an annual meeting. Other associations do not have members and most likely no annual meeting so that, if there is no annual meeting, where accounts are required to be filed they must be filed within five months after the end of the relevant financial year.

Amendment carried; clause as amended passed.

Clause 28—'Lodgment of periodic returns.'

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

Page 17, line 8—After 'apply' insert 'but no such regulation may require the disclosure of information relating to members of the association'.

This amendment makes it clear that in the information that may be prescribed as required to be lodged with the Corporate Affairs Commission the regulation may not require the disclosure of information relating to members of the association. There was perhaps never any intention for that to be included, but I want to put it fairly on the face of the Bill that that is the limitation and, in any event, it has no relevance to the registration requirements of the Commission.

The Hon. C.J. SUMNER: There is no major problem with this. I wonder whether the exclusion of information relating to members is not a little too broad and whether, while I accept that they should not give information relating to details of identity of members and the like, it may be that the number of members might be information that should be provided by way of periodic return. The honourable member has on file an amendment to clause 40 in regard to identity of members, and for regulations and other purposes. I move:

That consideration of clause 28 be postponed and taken into consideration after clause 55.

Motion carried.

Clause 29—'Power and duties of auditors acting under this Division.'

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

Page 17, lines 39 to 43—Leave out subclause (4) and insert new subclauses as follow:

(4) An auditor of an incorporated association to which this Division applies is not, in the absence of malice on his part, liable to any action for defamation in respect of any statement that he makes, orally or in writing, in the course of the performance of his duties as auditor under this Act.

(5) Subsection (4) does not limit or affect any right, privilege or immunity that an auditor has, apart from that subsection, as defendant in an action for defamation.

Clause 29 relates to powers and duties of auditors. My amendment is to pick up two provisions in the Companies Code about liability for defamation in respect of any statement that the auditor may make in the course of the performance of his duties as auditor, and a provision that that measure does not limit or affect any right, privilege or immunity that an auditor has as defendant in an action for defamation. So, this amendment picks up the two provisions in the Code. I think they are appropriate here, because the auditor will have to report to the Corporate Affairs Commission as well as to the association, and it is proper that the auditor is free from threats of defamation where he is acting in the course of his duties.

Amendment carried; clause as amended passed.

Clause 30 passed.

Clause 31—'Annual general meeting.'

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

Page 18, after line 21—Insert new subsection as follows:

(6) This section does not apply to an incorporated association where the rules of the association do not provide for the membership of the association.

Again, this relates to part of the scheme, recognising that some associations do not have members. I see no difficulties with the amendment.

Amendment carried; clause as amended passed.

Clause 32 passed.

Clause 33—'Winding up of incorporated association.'

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

Page 18, lines 31 and 32—Leave out paragraph *(a)* and insert new paragraphs as follow:

(a) by the Supreme Court;

(ab) voluntarily;.

This clause relates to the winding up of an incorporated association and adopts certain provisions of the Companies (South Australia) Code. I am anxious to set out the substance of the grounds upon which a winding up can occur, which is by way of the Supreme Court, voluntarily or on the certificate of the Minister issued on the recommendation of the Commission. The grounds are similar to those which are set out in the Companies Code. There are certain consequential amendments by virtue of the fact that the provisions will apply to associations rather than companies, but it seems to me that anyone dealing with an association and members of an association will be able to look at the Code and appreciate what the grounds for winding up of an association may be on the face of it without having to go to the Code. I think that that is important. Incidentally, this sort of provision which particularly provides power for the court to wind up if the court is of the opinion that it is just and equitable to do so would effectively deal with the Steamtown Peterborough situation. Under the present Act there is a deficiency in the winding up provisions. This is more comprehensive, and quite properly so.

The Hon. K.L. MILNE: I assume that the honourable member expects that when the Companies (South Australia)

Code is altered, the Act will have to be altered as well in line with that?

The Hon. K.T. GRIFFIN: That is not so. One of the specific reasons for including the provision in this legislation is to avoid the consequence of the Companies (South Australia) Code being amended by the Commonwealth Parliament on the recommendation of the Ministerial council and automatically applying to associations. Associations are not part of the co-operative companies and securities scheme and I want to ensure that, if the Companies (South Australia) Code is amended, we have to pick it up by a specific amending Act of Parliament relating directly to the Associations Incorporation Bill and that it is an Act of the South Australian Parliament. That is another reason why I think that the detail should be expressly set out.

If the Ministerial council changes the grounds on which a company may be wound up, that is not automatically translated to associations. It comes into effect in relation to associations only if an amending Bill is brought into the South Australian Parliament and if this Parliament consciously amends the grounds for winding up associations.

The Hon. K.L. Milne: That is really what I meant—that you would expect the Government to keep this Act in mind if the Companies (South Australia) Code was altered.

The Hon. K.T. GRIFFIN: Yes, but it is not automatic.

Amendment carried.

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

Page 18, lines 34 and 35—Leave out paragraph *(b)* and insert new paragraph as follows:

'*(b)* on the certificate of the Commission issued with the consent of the Minister.'

At present the Minister can issue a certificate under subclause (3) and upon issue of the certificate the association can be wound up. My original concept was to provide an avenue of appeal against the Minister's decision, but I recognise that only Ministerial discretion would be appealable. A better mechanism to maintain consistency with the Companies Code is to provide for the Commission to issue the certificate with the approval of the Minister so that the decision of the Commission, not the decision of the Minister, is appealable. I am happy with that constraint upon the Commission's power.

Amendment carried.

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

Page 19 after line 2—Insert new subclauses as follows:

(2a) The grounds on which an incorporated association may be wound up by the Supreme Court are as follows:

(a) that the association has by a resolution passed in accordance with subsection (2b) resolved that it be wound up by the court;

(b) that—

(i) the association has not commenced any activity or function;

and

(ii) more than one year has lapsed since the date of its incorporation;

(c) that the association is unable to pay its debts;

(d) that the members of the committee of management of the association have acted in the affairs of the association in their own interests rather than in the interest of the members as a whole, or in any other manner that appears to be oppressive or unreasonable to other members;

or

(e) that the court is of the opinion that it is just and equitable that the association be wound up.

(2b) A resolution of an association that the association be wound up by the court—

(a) where the rules of the association provide for the membership of the association—must be passed by a special resolution of the association or in such other manner as the rules of the association may provide;

(b) where the rules of the association do not provide for the membership of the association—subject to the rules of the association, may be passed in such manner as the association may determine.

(2c) For the purposes of subsection (2a) if—

(a) a creditor by assignment or otherwise to whom the association is indebted in a sum exceeding one thousand dollars then due has served on the association a demand, signed by or on behalf of the creditor, requiring the association to pay the sum so due and the association has, for three weeks after service of the demand, failed to pay the sum or secure or compound for it to the reasonable satisfaction of the creditor;

(b) execution or other process issued on a judgment, decree or order of any court in favour of a creditor of the association is returned unsatisfied in whole or in part:

or

(c) the court, after taking into account any contingent and prospective liabilities of the association, is satisfied that the association is unable to pay its debts, the association shall be deemed to be unable to pay its debts.

This amendment inserts new subclauses setting out the grounds for winding up.

Amendment carried.

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

Page 19—
Line 3—Leave out 'Minister' and insert 'Commission'.
Line 19—Leave out 'Minister' and insert 'Commission'.

These amendments are consequential on the principal amendment that has just been carried.

Amendments carried; clause as amended passed.

Clause 34 passed.

Clause 35—'Distribution of assets upon winding up.'

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

Page 20—
Line 15—Leave out 'a District' and insert 'the Supreme'.
Line 23—Leave out 'A District' and insert 'The Supreme'.

The distribution of assets upon a winding up is presently within the jurisdiction of the Supreme Court in so far as it relates to companies. It is desirable to maintain some consistency between the Companies Code and the Associations Incorporation Act. Another reason is that there is provision in the whole clause for a court to determine where surplus assets ought to be distributed. That may well be a scheme *cy-pres*, which is something that the Supreme Court periodically has to do in respect of trusts. It is appropriate for the Supreme Court to exercise this wider jurisdiction, rather than a District Court.

Amendments carried; clause as amended passed.

Clause 36 passed.

Clause 37—'Outstanding property of former association.'

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

Page 20, line 45—After 'Any' insert 'estate or interest in'.
Page 21 line 3—After 'Any' insert 'estate or interest in'.

Again, the first two amendments are essentially drafting to expand the concept of property to any estate or interest in property, and that is appropriate.

Amendments carried.

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

Page 21, lines 5 to 13—Leave out subclause (3).

Amendment carried; clause as amended passed..

The Hon. K.T. GRIFFIN: I am now moving to insert a new clause 37a and I have some additional subclauses to add to that 37a. I also wish to add a 37b and 37c. They are all part of a system which is operative under the Companies Code where a company winds up, there is outstanding property and the Commissison exercises a responsibility under the Statute for collecting an outstanding property and dispersing it. That is adopted by reference in the existing provisions of the Bill, but I want to set them out in full so that a comprehensive scheme is available to anyone who reads this Bill, without reference to the Companies Code. The additional subclauses to 37a are really a matter of drafting, which the draftsman picked up. I move:

New clauses 37a, 37b and 37c.

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

Page 21, after line 20—Insert new clauses as follow:

37a. 'Disposal of outstanding property. (1) Upon proof to the satisfaction of the Commission that there is vested in it by force of section 37 any estate or interest in property, whether solely or together with any other person, of a beneficial nature and not merely held in trust, the Commission may get in, sell or otherwise dispose of, or deal with, that estate or interest or any part of that estate or interest as it sees fit.

(2) The power of the Commission under subsection (1) to sell or otherwise dispose of, or deal with, any such estate or interest may be exercised either solely or together with any other person, by public auction, public tender or private contract and in such manner, for such consideration and upon such terms and conditions as the Commission thinks fit, and includes power to rescind any contract and resell or otherwise dispose of, or deal with, that property as the Commission thinks expedient, and power to make, execute, sign and give such contracts, instruments and documents as the Commission thinks necessary.

(3) There is payable to the Treasurer in respect of the exercise of the powers conferred upon the Commission by subsections (1) and (2), out of any income derived from or the proceeds of sale or other disposition of, the estate or interest concerned, such commission as is prescribed.

(4) The Commission shall apply any moneys received by it in the exercise of any power conferred on it by this section in defraying the costs and expenses of and incidental to the exercise of that power shall pay the remainder (if any) of the moneys to the Treasurer.

(5) The Treasurer shall pay all moneys paid to him under this section into the Consolidated Account.

37b. Liability of Commission and Crown as to property vested in Commission. Property vested in the Commission by operation of section 37 is liable and subject to all charges, claims and liabilities imposed on or affecting that property by reason of any laws as to rates, taxes, charges or any other matter or thing to which the property would have been liable or subject had the property continued in the possession, ownership or occupation of the association, but there shall not be imposed on the Commission or the Crown any duty, obligation or liability whatsoever to do or suffer any act or thing required by any such law to be done or suffered by the owner or occupier other than the satisfaction or payment of any such charges, claims or liabilities out of the property of the association so far as it is, in the opinion of the Commission, properly available for and applicable to such a payment.

37c. Accounts. The Commission shall—

(a) keep a record of any property coming to its possession or under its control or to its knowledge vested in it by force of section 37 and of its dealings with that property;

(b) keep accounts of all moneys arising from those dealings and of how they have been disposed of;

and

(c) keep all accounts, vouchers, receipts and papers relating to that property and those moneys.'

New clauses inserted.

Clause 38 passed.

Clause 39—'Right of Appeal.'

The Hon. K.T. GRIFFIN: I seek guidance in relation to this clause. I do not think that I have to move this amendment because of an earlier amendment. My proposed amendments to this clause were relevant to an earlier proposal to appeal against the decision of the Minister. Now that it is the Commission that makes the decision, the provisions in clause 39 are adequate to deal with appeals against decisions of the Commission. Under clause 33 (3) the Minister may issue a certificate for the winding up of an incorporated association in certain circumstances. We have amended that so that the Commission issues the certificate with the approval of the Minister, and that is then a ground for winding up.

The Hon. C.J. SUMNER: Are you happy for that to go to the Supreme Court, because at the moment it goes to the District Court?

The Hon. K.T. GRIFFIN: Perhaps we can pass clause 39 with liberty for me to recommit it later.

The Hon. C.J. Sumner: We will have the distribution of assets dealt with in the Supreme Court and the decision to wind up dealt with in the District Court.

The Hon. K.T. GRIFFIN: Perhaps it ought to be referred to the Supreme Court. Perhaps we can insert 'Supreme Court' and, when the Bill goes to the House of Assembly, we can see a print of the amended Bill and how it all hangs together.

The Hon. C.J. SUMNER: I think that there is a problem with that, too, because presumably a number of decisions will be reviewed by the District Court. My only concern is that the winding up decision should go to the Supreme Court if the distribution of the assets is to be determined by the Supreme Court and the rest of the decisions appealed against are heard in the District Court. However, if that is agreed in policy terms we can fix it up in the House of Assembly.

The Hon. K.T. GRIFFIN: In terms of policy, and to save the Committee's time, I am prepared, in relation to winding up, for appeals to go to the Supreme Court and for the other sorts of decisions that are envisaged to go to the District Court to stay with the District Court. I think that that is appropriate. We will leave clause 39 as it is, and either tidy it up in this Chamber later or in the House of Assembly.

The Hon. C.J. SUMNER: We will amend section 33 and make it go to the Supreme Court.

The Hon. K.T. GRIFFIN: Very well.

Clause passed.

Clause 40—'Triennial returns.'

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

Page 22, after line 21—Insert new subsection as follows:

(1a) A regulation made for the purposes of subsection (1) (i) may not require an incorporated association to disclose the identity of the members of the association.

This amendment is to ensure that the identity of members of the association is not required to be disclosed.

The Hon. C.J. SUMNER: I am happy with this, but I direct the honourable member's attention to his formulation of words in this amendment which relate back to the amendment that we discussed and deferred on clause 28. Is the honourable member prepared to consider amending clause 28 in some way to give the same effect as this?

The Hon. K.T. GRIFFIN: I am sympathetic to that viewpoint. Consideration of clause 28 has been deferred until the end of the Committee. I appreciate that at the time the Attorney-General raised the matter it was possibly an appropriate alternative. Really, that is what we are on about. I do not want to see the identity of members being required by regulation to be included in returns. I do not mind a number, but anything beyond that I believe is irrelevant. If some drafting can be undertaken during the course of the debate, we can then come back to clause 28 and amend it accordingly.

The Hon. K.L. MILNE: Is the honourable member suggesting that even with political Parties the numbers be disclosed?

The Hon. K.T. GRIFFIN: I must confess that I did not have any thoughts specifically for political Parties and the sensitivity even about the disclosure of numbers. I am moving a proposal that is designed to protect the identity of members.

It may be that the number of members in relation to all associations is something to be disclosed by regulation. I am not sure that one can really single out the very few political Parties that are involved and say that it is appropriate for them. The church may say the same. Other associations may say, 'We do not want to disclose the number of our members.' Protection of identity is really what I am trying to achieve.

Amendment carried.

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

Page 22, lines 29 and 30—Leave out 'information contained in a return shall not, unless the Minister otherwise approves,' and insert 'the contents of a return shall not'.

The amendment is designed to ensure that the contents of the triennial return are not disclosed to anyone outside the Commission. It does not prevent the passing on of statistical type information. It is a more appropriate protection for those bodies that are filling out triennial returns for no reason other than to give the Commission an indication of the structure of associations—6 000, 7 000 or 8 000: however many there are—and give it a proper perspective of the area the subject of this legislation. I do not think it is appropriate for information in those triennial returns to be available publicly or to anyone else outside the Commission, because the second reading explanation says that the information is sought for the purpose of the Corporate Affairs Commission.

The Hon. C.J. SUMNER: My concern with this, and there may be a simple answer to it, is that the honourable member's amendment is too broad. I really had in mind the situation where the return may provide evidence of some kind in a criminal charge—fraud or something of that nature—and if the honourable member's amendment is carried there is an absolute prohibition on making any of that information available to the police or anyone else. As it previously was, it provided for the Minister to approve the provision of the information to someone else. However, the honourable member's amendment makes it too restrictive.

The Hon. K.L. MILNE: The amendment is appropriate, but needs something added to the end saying, 'Unless the Commission has some suspicion that the matter should be taken further,' or words to that effect, which will indicate a different situation if the Commission has cause for alarm of some sort.

Amendment carried.

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

Page 22, after line 44—Insert new subclause as follows: (6) This section shall expire on the first day of July 1990.

This clause is designed to put a sunset provision in the Bill in relation to triennial returns. The second reading explanation stated that a triennial return was designed to collect information to provide a data base for the Corporate Affairs Commission in dealing with associations in the future. If that is the case there is probably not, and I would say definitely not, a need for this triennial return to be required *ad infinitum*. It may be that when the information is collected over a period of time the Commission is able to advise the Government of the day that it needs either this provision to continue or for some other form of provision. Unless there is a sunset clause there, Governments of all political persuasions tend to allow statutory requirements to continue. It takes a lot of time, effort and discipline to consciously review an appeal. The sunset clause is there as a reminder to everybody that it is not something granted in perpetuity, but must be reviewed after a reasonable time. I think 1 July 1990, which is 5¼ years hence, is an appropriate period.

Amendment carried; clause as amended passed.

Clause 41 passed.

Clause 42—'Prohibition of inviting public to invest moneys with association.'

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

Page 23—

Lines 3 and 4—Leave out 'deposit moneys with, or lend money to,' and insert 'invest moneys with'.

Line 9—Leave out 'deposits moneys with or lends moneys to,' and insert 'invests moneys with'.

This is a difficult clause. My first two amendments merely clarify what is to be prohibited. It is not the donations, subscriptions, and so on: it is the investment of moneys with an association. I think the use of the word 'invest' is much clearer than the words 'deposit moneys with, or lend money to'. Without canvassing my other amendments to this clause, perhaps we can deal with my first two amendments and then deal with the others as a group.

Amendments carried.

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

Line 13—Leave out 'subsection (2)' and insert 'subsection (3)'.

This amendment is typographical.

Amendment carried.

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

After line 17—Insert new subclause as follows:

(6) This section does not apply to an invitation by an incorporated association to members of the public to invest moneys in a fund that was immediately before the commencement of this Act, being maintained by the association.

This is really a provision designed to say that church capital extension funds and other funds presently in existence and seeking funds from church members (but persons who are not necessarily members of those incorporated funds) can continue. However, in the future when new funds are established they will have to run through the scrutiny of the Corporate Affairs Commission. I think there may be some concern about a control mechanism, but those funds presently in existence and operated by incorporated associations ought to be able to continue. It seems to me that the form of the words used in my amendment is probably the most appropriate form to use.

The Hon. C.J. SUMNER: There is some concern about this amendment. The Commission is concerned that this could leave the way open for people who know that the legislation is coming into existence to establish funds which the public could be asked to invest in and that they would then not be caught by the legislation once it is enacted. It will take some time presumably to get the regulations in place and bring in the legislation. There is concern that there may be an opportunity for people who wish to establish funds to avoid the provisions of the Act in the future. I am not unsympathetic to the points raised by the honourable member about church funds, and the like, but I think the matter can be handled by way of an exemption.

The Hon. K.T. Griffin: You cannot expect all the church development funds, extension funds and other funds which are currently operating within the law to come along and produce everything to the Commission for the purpose of obtaining an exemption. If you want to put in a date such as today's date or some time next week, that will fix a time rather than the date of commencement of the legislation. It could be 28 February 1985.

The Hon. C.J. SUMNER: Can we say, 'Immediately before the first day of March, being maintained by the association'? Can we put that to you, Mr Chairman?

The CHAIRMAN: If the Hon. Mr Griffin is agreeable to amend his amendment, I do not see why it should not be accepted.

The Hon. K.T. GRIFFIN: That is a satisfactory compromise. I move it in its amended form so that for 'before the commencement of this Act' we substitute 'before the first day of March 1985', and that accommodates my concern. It is a reasonable compromise.

Amendment carried; clause as amended passed.

Clause 43—'Name of association to be printed, etc., on documents.'

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

Page 23, line 18—Leave out 'An' and insert 'Subject to exceptions prescribed by regulation, an'.

This really gives the Government of the day the opportunity to prescribe out certain documents or papers. One of the examples that was put to me was that in rolls of admission tickets each ticket would have to have the name on it. As these tickets are bought in bulk in a standard form, not applicable to any particular organisations, it would be so cumbersome and costly to have that done as to wipe out

all the profits expected from an enterprise. That was an example taken to its extreme, but it is important that there be a power to prescribe out those documents that do not have to have the name of the association imprinted on them in full.

Amendment carried; clause as amended passed.

Clause 44 passed.

Clause 45—'Public officer.'

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

Page 23, line 33—After 'ceases' insert '(otherwise than temporarily)'.

This is really to deal with the situation where the public officer might go interstate for a while on business or be posted temporarily out of the State. It seems to be inappropriate to require a new public officer to be appointed in those circumstances.

Amendment carried; clause as amended passed.

Clauses 46 and 47 passed.

Clause 48—'Variation or revocation of trusts.'

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

Page 24, lines 24 to 27—Leave out all words in these lines and insert—

(i) which is referred to in the rules of the association;
or
(ii) upon which any rule of the association relies for its operation.

This is to pick up the difficulty to which I referred earlier about all the trust deeds of an association having to be disclosed. It is limited by my amendment to those referred to in the rules of the association or on which any rule of the association relies for its operation.

Amendment carried; clause as amended passed.

Clause 49 passed.

New clause 49a—'Oppressive or unreasonable acts.'

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

Page 24, after line 36—Insert the following new clause:

49a. (1) An application to the Supreme Court for an order under this section may be made by a member of an incorporated association who believes—

(a) that the affairs of the association are being conducted in a manner oppressive to one or more of the members (including that member);

(b) that the committee of management of the association have acted in the affairs of the association in their own interests and not in the interests of the members as a whole or in any other manner that is oppressive or unreasonable to one or more members (including that member);

(c) that the rules of the association contain provisions that are oppressive or unreasonable.

(2) If the court is of opinion—

(a) that affairs of an incorporated association are being conducted in a manner oppressive to one or more of the members;

(b) that the committee of management of an incorporated association have acted in affairs of the association in their own interests rather than in the interests of the members as a whole, or in any other manner whatsoever that is unfair or unjust to other members;

or

(c) that the rules of an incorporated association contain provisions that are oppressive or unreasonable,

the court may, subject to subsection (3), make such order or orders as it thinks fit, including, but without limiting the generality of the foregoing, one or more of the following orders:

(d) an order that the association be wound up;

(e) an order for regulating the conduct of the association's affairs in the future;

(f) an order for the alteration of the rules of the associaiton.

(3) The court shall not make an order under subsection (2) for the winding up of the association if it is of the opinion that the winding up of the association would unfairly prejudice the member or members referred to in subsection (2) *(a)* or the other members referred to in subsection (2) *(b)*.

(4) Where an order that the association be wound up is made pursuant to subsection (2), the provisions of this Act relating to winding up of an incorporated association apply, with such adaptations as are necessary, as if the order had been made on an application duly filed in the court by association.

(5) Where an order under this section makes any alteration to the rules of an association then, notwithstanding anything in any other provision of this Act, but subject to the provisions of the order, the association does not have power, without the leave of the court, to make any further alteration to the rules inconsistent with the provisions of the order but, subject to this section, the alteration has effect as if it had been duly made by resolution of the association.

(6) An office copy of any order made under this section pursuant to an application by a member of the association shall be lodged by the applicant with the Commission within fourteen days after the making of the order.

Penalty: Two hundred dollars.

This is really the substance of my scheme for dealing with oppressive or unreasonable conduct. At the bottom of page 15 of my amendments, two words need to be amended. In the third to bottom line it says, 'whatsoever that is unfair or unjust'. That should be 'whatsoever that is oppressive or unreasonable to other members'. That is consistent with the rest of the clause. I have explained the scheme in full. I therefore move:

In new clause 49a (2) *(b)* to strike out 'unfair or unjust' and insert 'oppressive or unreasonable'.

The Hon. C.J. Sumner: Does clause 49a apply to office bearers acting in contravention of the rules?

The Hon. K.T. GRIFFIN: If one looks at subclause (1) *(a)*, one sees the words 'conducted in a manner oppressive to one or more members'; albeit that the committee has acted in their own interests and not in the interests of the members as a whole or in any other manner that is oppressive or unreasonable, I think that it is sufficient. Let us take the Steamtown Peterborough situation: if an association is acting contrary to its objects and rules, there is a ground on which to apply to a court for a winding up. So, there is a much wider scope for action under those two provisions than in the present Act. I think that covers the principle as well as many of the subsidiary concerns, if not all of them.

The Hon. C.J. Sumner: It says they can apply for a winding up but not a correction perhaps.

The Hon. K.T. GRIFFIN: You cannot do that under the Companies Code and this clause, along with the winding up provisions, reflects the provisions of the Companies Code.

The Hon. C.J. Sumner: So you are still stuck with common law if a meeting is conducted without a quorum or contrary to the rules?

The Hon. K.T. GRIFFIN: That may well be so. I am not sure that it is necessary to import all that into this review process.

The Hon. C.J. SUMNER: I would have thought that this was the sort of thing that might be desirable in a small association—to have easy access to a court when executives are behaving badly. I suppose it could be included as 'behaving unreasonably'.

Amendment carried; new clause as amended inserted.

Clauses 50 to 54 passed.

Clause 55—'Regulations.'

The Hon. K.L. MILNE: Subclauses (1) and (2) of clause 55 provide as follows:

(1) The Governor may make such regulations as are contemplated by this Act, or as are necessary or expedient for the purposes of this Act.

(2) Without limiting the generality of subsection (1) of this section, those regulations may—

(a) prescribe model rules with a view to their adoption by incorporated associations, or associations intending to apply for incorporation under this Act;.

What does this mean? Can the Attorney tell us what is meant by the term 'model rules'? Are they going to be stereotype rules that everyone must obey?

The Hon. C.J. Sumner: No.

The Hon. K.L. MILNE: Will the Attorney explain what they mean? Is it for guidance?

The Hon. C.J. Sumner: Yes.

The Hon. K.L. MILNE: It will not interfere with sensible rules? Associations do not have to abide by set rules?

The Hon. C.J. SUMNER: The honourable member is correct. The Democrats need have no fear; their position is quite protected. Any rules of association complying with the provisions of the Act will be registered but, under this regulation making power, the Commission has the power to prescribe model rules that an association may care to follow as being satisfactory; they are certainly not obligatory.

The Hon. K.T. Griffin: I looked at that and was satisfied that it was as in the Local Government Act.

The Hon. C.J. SUMNER: Or in the Co-operatives Act.

Clause passed.

Clause 28—'Lodgment of periodic returns—further considered.'

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

Page 17, line 8—After 'apply' insert 'but no such regulation may require the disclosure of the identity of members of the association'.

This deals with annual returns and the question of information that is to be disclosed. The Attorney did raise the question about limiting the embargo to the identity of members. I accept that and have moved my amendment in a slightly different form.

Amendment carried; clause as amended passed.

Title passed.

Bill recommitted.

Clause 3—'Interpretation'—reconsidered.

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

Page 1, after line 3—Insert new definition as follows:

'books' includes any register or other record of information and any accounts or accounting records, however compiled, recorded or stored, and also includes any document:

Page 2, line 38—Insert new definition as follows:

'insolvent under administration' means a person who—

(a) under the Bankruptcy Act, 1966, of the Commonwealth is a bankrupt in respect of a bankruptcy from which he has not been discharged;

or

(b) under the law of a country other than Australia has the status of an undischarged bankrupt,

and includes—

(c) a person who has executed a deed of arrangement under Part X of the Bankruptcy Act, 1966, of the Commonwealth or the corresponding provisions of the law of a country other than Australia where the terms of the deed have not been fully complied with;

and

(d) a person whose creditors have accepted a composition under Part X of the Bankruptcy Act, 1966, of the Commonwealth or the corresponding provisions of the law of a country other than Australia where a final payment has not been made under that composition;.

I will not explain the amendments in detail.

Amendments carried; clause as amended passed.

New clause 10ea—'Liens on books.'

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

After proposed new clause 10e—Insert new clause as follows:

10ea. Where an authorised person requires the production of any books under this Division and a person has a lien on the books, the production of the books does not prejudice the lien.

This deals with the liens that a person in possession of books may have. It is consistent with the provisions of the Companies Code.

New clause inserted.

Bill reported with further amendments. Committee's report adopted.

The Hon. C.J. SUMNER (Attorney-General): I move:

That this Bill be now read a third time.

I shall just recapitulate on the outstanding matters to which I would like to give further consideration. First, I refer to the question of whether the Commission should be able to reject the registration of an association on the basis that that registration be contrary to the public interest. That measure was deleted by the Legislative Council Committee, but during the debate I said that I would like to give some further thought to that matter and that I might wish to encourage the Government to reinsert that measure in another place. Another possible compromise there is to provide that that decision relating to the public interest be a decision made not by the Commission but by a Minister and thereby not be the subject of an appeal. But the one concern that I have is that the court determining what the public interest is is not something that I think is necessarily desirable.

I think that the determination of the public interest is really something that should rest with the elected representatives of the people in the Parliament, and, while one can have appeals on legal matters to the courts, from decisions of commissions to wind up and distribute assets, and the like, and the matters are not really policy matters, I think the public interest involves a matter of policy and how elected representatives see particular issues. So, there may be some capacity for the Minister to refuse registration on the grounds that it is contrary to the public interest which would then not necessarily involve an appeal to a court.

The Hon. K.L. Milne: Can I record here that we support the Government on that issue and that it be reconsidered.

The Hon. C.J. SUMNER: I thank the honourable member for that intimation and I will give further consideration to it. They are the issues: first, whether or not it should be a ground for refusal of registration; secondly, if it is, who should make the decision, and further, whether there ought to be an appeal, and, if there is an appeal, to whom?

The second question that I will be addressing is the question of to whom an appeal on winding up should lie, and as the Bill was drafted it was with the District Court. The suggestion is that, as we have determined that the distribution of assets on a winding up should be decided by the Supreme Court, perhaps the actual decision for the winding up should also be decided by the Supreme Court. So, I will suggest an appropriate amendment in that area. The final matter to which I will give consideration relates to a matter that I raised in relation to the Hon. Mr Griffin's amendment dealing with the access to the court by a member of an association where there are allegations of oppressive or unreasonable acts by the management of the association.

My query was whether or not there should be such easy access to the court for members where the executive or other members of the association are breaching the rules regularly, the problem being that perhaps the rules might be breached but it might not be oppressive or unreasonable. I do not have any firm view on that at present. I suppose that if the rules were consistently breached it might well be oppressive and unreasonable behaviour and therefore it would be caught under new clause 49a.

The Hon. K.T. Griffin: You have to be a bit careful of associations in proceedings. From my experience, some associations are notorious for frivolous and vexatious actions. We must try to achieve a balance.

The Hon. C.J. SUMNER: That is true. A meeting might be held without a quorum on one occasion and an aggrieved party might take action in regard to that one breach. I merely raise the matter. They are the three issues that I will consider further and I may encourage the Government in another place to move amendments. Whatever course is adopted, I will maintain contact with the Hon. Mr Griffin with a view to seeing whether agreement can be reached.

Finally, I thank members for their attention to the Bill. It has had a very long gestation period, the first proposition for an amendment to the Associations Incorporation Act having been promoted in 1978 by a former Attorney-General.

I recall that there was a considerable public outcry about that, I can now reveal. Prior to the 1979 election and as a result of that public outcry, a committee of public servants was set up to receive submissions and make recommendations about amendments to the Act. When I was Attorney-General in 1979 the report was produced and the Government of the day decided that the issue should not be continued in the public arena. Of course, it drifted from sight. Subsequently, the Liberal Government took up the matter and took some decisions about revising the Act without having finalised the matter by the time it in turn lost government in 1982.

However, I think it was agreed that there was a need for updating of the legislation. Many associations that are now incorporated are significant financial organisations, and really there was a need to update and further regulate without affecting the benefits of the legislation in regard to small organisations. I appreciated the fact that, when the Bill was first introduced, comments were received, and there was another period of public consultation, at the suggestion of members opposite; that further public consultation produced this Bill and it has now been amended further. I think that the amendments improve the Bill and do what was agreed by both sides was necessary, namely, to pick up those organisations which were large and which were involved in significant financial dealings but generally to exclude small associations, such as sporting clubs, church groups and the like.

I believe that that objective has been achieved and I would like to thank honourable members for their contribution to the debate. Particularly, I thank the Hon. Mr Griffin for the amendments which he moved, which on the whole we were able to agree to and which, I think, improve the Bill.

The Hon. K.T. GRIFFIN: I note the matters that the Attorney-General will consider further and, obviously, if the House of Assembly is persuaded to make further amendments we will have another chance to consider them when the Bill comes back here. Generally speaking, we have explored the areas that the Attorney will consider again.

In respect of one of them—access to the court by a member for breach of the rules—the major difficulty if the Attorney-General goes down that track is to separate the trivial from the substantial breaches of the rules. The emphasis on oppressive and unreasonable behaviour picks up the substantial breaches. If we open up the floodgates to the courts for those who might be peeved by particular amendments to the rules or breaches of the rules that could be placed in the category of being frivilous or vexatious, that would detract from the value of incorporated associations.

I sound a note of caution about moving down the track of opening up appeal rights as extensively as the Attorney-General may be at this stage encouraged to do. As it leaves the Council the Bill contains substantial amendments. It more accurately reflects the structure of incorporated associations now and provides for a greater measure of flexibility—the sort of flexibility that was envisaged with the Associations Incorporation Act, 1956—and moderates some of the more onerous provisions in terms of regulation.

There has to be a balance between flexibility and ease of incorporation and operation and, on the other hand, proper accountability where associations do deal extensively with the public and are trading or business corporations. The amendments we have made achieve that balance and remove what may have been, in some instances, an excessive amount of regulation. I think that is important in this area where essentially they are voluntary, charitable, benevolent, religious or other similar sorts of associations.

There has to be a reason for any regulation that occurs. We do not want to regulate just for the sake of regulating. That is one of the reasons why there is a sunset clause on the triennial return provision in the Bill. I thank the officers of the Commission and Parliamentary Counsel who spent many hours in discussion on this issue with me. The result of the Committee stages is a very much improved Bill.

The Hon. K.L. MILNE: We, for our part, are very pleased at the way that the Bill has come out after the amendments. In fact, it has retained the essential character of an Association Incorporations Bill, which is completely appropriate on the whole to the kind of organisations that will use it. I too would like to thank the Hon. Mr Griffin for all the trouble he has taken, and I thank the Government for its courtesy in the matter. Everybody who has a reason to be interested in this Bill will be delighted that it will obviously now pass in a form very close to that in which it will leave this Council. I hope that any amendments made by the Assembly will not alter the character which the Hon. Mr Griffin and the Attorney-General have obviously gone to so much trouble to retain.

Bill read a third time and passed.

SOUTH AUSTRALIAN WASTE MANAGEMENT COMMISSION ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2725.)

The Hon. J.R. CORNWALL (Minister of Health): I rise briefly to respond to the second reading debate. I do not have anything to add to what the Hon. Mr Hill had to say about this Bill. I thank him for his constructive comments and I think that the sooner we move this Bill into Committee and expedite its passage, the better.

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

CHILDREN'S SERVICES BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2734.)

The Hon. R.I. LUCAS: The extent of provision of early childhood education in South Australia is outstanding by national and international comparisons. The quality of programmes, including the involvement of parents, is equally high. That is a quotation from page 60 of the Coleman Report, which is entitled 'Review of Early Childhood Services in South Australia'. It is clear to me that the onus is on the Government, those supporting it and those supporting the changes outlined in this Bill to show a need for any change at all. The onus is on them to show why an 80-year tradition of the Kindergarten Union needs to be destroyed or disbanded. The onus is also on the Government and its supporters to show that the proposed changes in this Bill will not lower standards of pre-school education.

The Government and its supporters have not done that. The simple reason is that they cannot do so. Indeed, many people believe, and have argued to those of us in this Chamber, that certain ramifications of the Government's proposal will result in a lowering of standards in preschool education.

The most recent catalyst for this debate has obviously been the Coleman Report to which I referred. That report, stripped to its very essence, recommends a central authority such as a Children's Services Office to include all the fol-

lowing groups: the Kindergarten Union, child/parent centres, independent preschools, child and adolescent family services, child care centres, family day care, baby-sitting agencies, neighbourhood houses, toy libraries, and so on. The primary argument underlying the Coleman Report is the need for co-ordination of all such preschool services. Everyone agrees that a need exists for co-ordination of all such services. Everyone agrees that there are certain areas of need in the delivery of certain of these preschool services.

Indeed, the Coleman Report, in particular with respect to the provision of child care services, makes some powerful points about the disparity in the provision of preschool services. The Coleman Report, in sections, looks at the lack of facilities with respect to work based child care and child care for shift workers. It also looks at the lack of provision of child care facilities in certain socio-economic areas.

So, the question is not whether we need to improve defects in the present system, but basically whether, in improving the defects, we need at the same time to risk lowering the standards in the good areas of preschool delivery. The question that underlies all this is basically: what is the best administrative structure for delivering all preschool services that will achieve the retention of the present good parts of the system that we have got and improve the present bad parts of the system.

If we are looking at proposed administrative structures, I guess that we have got basically three different options. We have the pure and unadulterated Coleman version as outlined in the report. We then have the Government and the Australian Democrat backed hybrid version of Coleman that we have before us in the Bill, and we then have the third alternative which I would define as the Wilson plan—outlined by the Hon. Michael Wilson, shadow Minister of Education, in an earlier debate on the Bill in another place.

The most important point that needs to be realised by anyone involving themselves in this debate is that the Government/Democrat backed hybrid plan is vastly different to the Coleman proposals. I chuckled when the Hon. Anne Levy sought to infer that the proposals in the Bill were, in essence, the proposals of the Coleman Report.

The Hon. I. Gilfillan: She supports it.

The Hon. R.I. LUCAS: She may well support it. Marie Coleman has not indicated that to me at all. The Coleman Report, which goes underneath her name and which is supposedly the definitive work in this area, argues most peursuasively for a vastly differently administrative structure from the one that we have put before us by the Government and backed by the Democrats. For example, child/parent centres, independent schools and child and adolescent family health centres are not included.

From the Government and the Democrats we have a proposal which has a Children's Services Office as an independent statutory authority. Heavens above, we have enough statutory authorities in South Australia without letting loose another statutory authority on the populace. We have an independent statutory authority in the form of the Children's Services Office currently deposited with the Premier, because the Government has not been prepared to take the hard decision whether the Minister of Education or the Minister of Community Welfare will win the tug of war to control the Children's Services Office. So, we do not know the eventual destination of the Children's Services Office. The Minister of Health indicates that it may well be with him.

The Hon. J.R. Cornwall: Father of the Year!

The Hon. R.I. LUCAS: Well, there we are. We now have three proposals for paternity: the Minister of Education, the Minister of Community Welfare, and the Minister of Health—all wanting a piece of the action. The child/parent centres, under the Government proposal, still reside with the Minister of Education; the independent preschools are still independent; the Child and Adolescent Family Health Service is resting quite comfortably with the Minister of Health. What co-ordination are we talking about with the Government/Democrat proposals when, in effect, we virtually have a dog's breakfast—bits and pieces everywhere? We have the Minister of Education, the Minister of Health, independent statutory authorities, independent preschools—and we do not know where the Children's Services Office will eventually be deposited.

The Hon. Diana Laidlaw: The Premier does not seem to be independent for too long.

The Hon. R.I. LUCAS: I am sure that the Premier will want to eventually pass it on somewhere—but where is the important question. We are debating a Bill this evening, the basis of which supposedly will require the co-ordination of preschool services. Referring to the Coleman Report, we were told, 'We (the Government and the Democrats) are delivering it to you,' but the Government and the Democrats are not delivering co-ordination—it is all over the place. While it is all over the place it certainly does not resemble in any form whatsoever the proposal of Marie Coleman in, supposedly, the definitive Coleman Report. When we are looking for an ideal administrative structure to achieve this co-ordination that we all agree is necessary, what are the criteria that should be used? I believe that Marie Coleman, in her report, outlines for us, as legislators, the sorts of criteria we should consider. Page 78 of the report states:

> Provision of effective machinery for internal and inter-governmental (Commonwealth/State) planning and co-operation in achieving the policy goals of both Governments.
>
> Provision of explicit Ministerial control over the early childhood services system and performance accountability through the Minister to the Parliament.

I note there 'the Minister', not two or three Ministers that we have with the Government/Democrat proposal. The report continues:

> Ability of the administrative structure (and Minister) to apply new resources (staff, capital) on basis of priority of need, and to redirect existing resources promptly and efficiently in response to changing circumstances.
>
> Enhancement of the availability of child care services, including out-of-school hours and vacation care, during such hours as might be appropriate and through such service systems (e.g. centres, home-based) as might be appropriate.
>
> Enhancement of parent participation in individual services provision, including management decisions.
>
> Provisions of culturally appropriate services for indigenous and immigrant ethnic groups.
>
> Ability, through co-operation with the Child, Adolescent and Family Health Service and the Intellectually Disabled Services Council, to ensure that children have access to early assessment and intervention services; to general developmental screening services; to appropriate public health services; and that the integration into generic services of children with special needs is encouraged and facilitated.
>
> Provision of appropriate links with the special services of the Education Department and effective preparation of children for school entry.
>
> Provision of opportunities to early childhood services staff for professional development and career potential on a basis equal to that of staff in other publicly funded social services (noting that Commonwealth policy is to ensure such staff are paid at appropriate award rates).

That, I think, gives a pretty good assessment of the criteria we should apply to any proposed administrative structure for the co-ordination of preschool services. Those criteria supposedly form the basis of the recommended Coleman plan, and not the recommended Government/Democrat plan.

I refer briefly to issue 5 of the Children's Services newsletter entitled *Futures* to which the Hon. Anne Levy referred at some length. In that newsletter the question is asked:

> Is it necessary to repeal the Kindergarten Union Act? Couldn't the other services have been organised under a co-ordinating committee and the Kindergarten Union left as is?

The answer is:

The Coleman Report provides a thorough explanation of why this is unworkable.

I have spent some time pouring over the Coleman Report, and there is no such thorough explanation of why an alternative administrative structure retaining the Kindergarten Union could not achieve the co-ordination that we all want. The Coleman Report sets down the criteria that I have read into *Hansard* and then, at the very next page, recommends an administrative structure something like the Children's Services Office, with everything in it.

The Hon. J.R. Cornwall: The Early Childhood Services Council didn't work and was disposed of by the Liberal Government.

The Hon. R.I. LUCAS: I will not go down that burrow at the moment, because I do not want to spend as long as the Hon. Anne Levy spent on this debate. It is just not so that the Coleman Report provides any argument at all for the recommendations that we have before us and why the Kindergarten Union cannot be retained in its present form. If we measure the Government/Democrat plan for the Children's Services Office against the criteria of Marie Coleman, it does not measure up. I will not go over the detail again but, if one goes back through the spread of responsibilities that will be involved with the Government/Democrat proposal, it is clear that the co-ordination that Marie Coleman wanted will not be achieved. When there are independent statutory authorities with two or three Ministers and a Premier floating around trying to achieve co-ordination in an area, there will not be the co-ordination that Coleman wanted with respect to a single statutory authority where everything is thrown or deposited into it. However, if one looks at what I have called the Wilson plan, obviously the first major attribute—

The Hon. Diana Laidlaw: It certainly gives it credibility.

The Hon. R.I. LUCAS: It certainly does. If one looks at that proposal, the first major attribute is that at least we are not creating another statutory authority, another layer of bureaucracy through which the various preschool services, and so on, would have to operate, in addition to the bureaucracy of departments under the respective Ministers, whether it be Education, Community Welfare or Health. I guess the substance of the Wilson proposal is that certainly the Kindergarten Union should be retained, albeit with stricter accountability to the Minister of Education.

The Hon. I. Gilfillan: The Kindergarten Union retained indefinitely?

The Hon. R.I. LUCAS: I do not know whether one can say that anything in politics is indefinite. Certainly, there has never been a life span placed on the proposal. It has been recommended that the Kindergarten Union be retained. Certainly, with stricter accountability, I personally believe that, to achieve co-ordination, we need a general power and control clause within the Kindergarten Union Act. Through such a general power and control clause we could achieve much of the co-ordination that Marie Coleman wanted with respect to kindergartens under the Kindergarten Union.

The second basic point in the Wilson plan is that child care and the delivery of child care services should be removed from the Department of Community Welfare and be deposited with the Minister of Education. In her contribution this afternoon, the Hon. Anne Levy argued persuasively that child care was not solely a welfare-related issue but was in most aspects, in her view, education-related.

Under this proposal, clearly the Minister of Education would be responsible for the co-ordination of all of these preschool services: child/parent centres, the Kindergarten Union, child care and the assorted other preschool services that were there. This proposal, more than any of the other two—certainly more than the Government/Democrat proposal for another statutory authority—measures up against the criteria that Marie Coleman put down in her report. Of the two plans, it is the only plan that will achieve any measure of success in co-ordination of preschool services.

Many areas in this Bill require comment, but I will leave most of them to the Committee stages. I imagine that the Committee stages will take some time, but in this second reading stage I will address only three or four other issues because I do not want to take too much time of the Council. That does not mean that many of the other representations that have been made to me and to other members of this Council were not important enough for us to raise in the second reading debate: we will certainly pursue those in Committee.

First, on the subject of child care, there is no doubt that there is a need for improved services in this area. I personally, and I am sure all members of this Council—and certainly the Hon. Diana Laidlaw has spoken persuasively in the past—are committed to the improvement of child care services in South Australia. It is wrong for the Liberal Party opposition to this Bill to be construed in any way as being anti care. Many of our opponents—people who have opposed the stance that we are taking on this Bill—are saying that we take our stance because we are anti child care: that is certainly not true.

A possible reduction in standards in preschools is not a necessary prerequisite for an improvement in child care, irrespective of the views of some who have lobbied us, and in particular I refer to the contribution from SACOSS and the news release from Mrs Judith Roberts, Chairperson of SACOSS. I quote it in part; Mrs Roberts said:

SACOSS believed major benefits would result from the new arrangements. ... a better balance of funding between different types of service would be achieved.

Being fair, that is not explicit, but certainly the point that has been put to me and to other members is that too much money is going into preschool and that some of that money needs to be creamed off into child care.

The Hon. J.R. Cornwall: Those are wonderful scare tactics, but they have nothing to do with the truth.

The Hon. R.I. LUCAS: I do not believe that that is necessary. Obviously, that has touched a sore point with the Minister in charge of the Bill. An improvement in child care requires a commitment by the State Government, but, most importantly, a commitment from the Commonwealth Government with respect to funding. If one gets that commitment from Government and, more particularly, from Ministers in the Government for an improvement in child care—not only State Government, as I indicated, but Commonwealth Government—then the delivery of child care services can be achieved. There is no need at all for the standard of preschool services in South Australia to be threatened in any way to improve child care services. The Coleman Report made the following comments at page 65:

Work-Based and Campus-Based Child Care. Little development has occurred in the areas of work-based and campus-based child care. New or expanded services of this type ought to be in the context of overall State planning to ensure the viability of such new service locations.

Then further:

The Commonwealth wishes to provide funds to child care on a basis other than appropriations to or for the State. This stems, among a range of policies, partly from a desire to be able to ensure that Commonwealth policies are achieved and partly from some unhappy past experiences. A means must be found to systematically bring together State, Commonwealth, and community aspirations. This could well require later revision, just as the 1970s approach to the management system for South Australian preschools now requires revision.

A central body which is acceptable to the State, the Commonwealth and the child care field, is required to provide central professional and management services.

Similarly, an administrative mechanism is required to improve forward planning capacity at the State level, and to facilitate co-ordination of State and Commonwealth effort.

Obviously Marie Coleman and those who support her argue that that sort of statement necessitates an administrative structure centred on a new statutory authority such as the Children's Services Office. As I have indicated, I believe that to be nonsense, that that co-ordination and administrative mechanism can be set up to spend whatever money the Commonwealth might like to deliver to South Australia through an alternative mechanism such as that which the Hon. Michael Wilson has outlined in another Chamber.

The eventual destination for the child/parent centres is obviously a most interesting part of this debate. It is clear to me that most associated with child/parent centres do not want to join the Children's Services Office. For example, we have had representation from the Primary Principals Association, the Junior Primary Principals Association, and the Junior Primary Parents Association, and many others working within child/parent centres. The most interesting part of the debate on child/parent centres is that it appears that different groups are being told different stories by the Government or representatives of the Government. The following is part of a letter from the Manor Farm Kindergarten Incorporated:

It is upsetting to hear that the Minister of Education has given verbal assurances to the Primary Principals Association, Junior Primary Principals Association and the Junior Primary Parents Association that child/parent centres would not be forced into the Children's Services Office.

The Minister of Education has given verbal assurances to these groups that the child/parent centres would not be forced into the Children's Services Office. The following extract from *Hansard* is a portion of the Hon. Ian Gilfillan's speech given yesterday:

We believe that there are quite clear indications of the Government's intention in this regard. In fact, I will quote some affirmation of that. This concern about child/parent centres has been covered both in written and verbal comment from the Premier's office and by the Minister of Education. In a conversation with the Minister of Education I received a clear impression that it was eventually the Government's intention to include child/parent centres in the CSO.

The Hon. R.I. Lucas: Was that from Lynn Arnold?

The Hon. I. GILFILLAN: Yes.

The Hon. R.I. Lucas: Was that this week?

The Hon. I. GILFILLAN: No, I think it was last week.

Later, the Hon. Mr Gilfillan said:

I think I have an even more definitive statement about the future of child/parent centres definitely being embraced under the CSO, but I will come to that later.

I do not think the Hon. Ian Gilfillan did get to that assurance later; he might correct me, but I did not find it. He held out the tantalising prospect that he had an even more definitive statement about the future of child/parent centres along the lines of the verbal assurance given by the Minister of Education. We have the Hon. Lynn Arnold telling the Hon. Ian Gilfillan that child/parent centres will end up in the Children's Services Office eventually.

We have the Hon. Lynn Arnold, according to this letter, telling the Primary Principals Association, Junior Primary Principals Association and the Junior Primary Parents Association that child/parent centres will not be forced into the Children's Services Office. What are we to believe? Where are these child/parent centres to end up? The Government and the Minister are being extraordinarily cagey about this whole matter because it is such a sensitive political issue for a Labor Government.

The Hon. I. Gilfillan: Where do you believe they should be?

The Hon. R.I. LUCAS: Exactly where they are.

The Hon. I. Gilfillan: In the CSO?

The Hon. R.I. LUCAS: No. I do not want a Children's Services Office. I am arguing—obviously not persuasively—against a Children's Services Office. They ought to stay with the Minister of Education. The Minister ought to have the Kindergarten Union under Ministerial control. The Minister of Education ought to have child care under his control—he should have the lot under his control. We elect Ministers of Education to make decisions—not to fob them off to statutory authorities to make the decisions and leave decisions to be made there.

The Hon. Diana Laidlaw: Perhaps the Hon. Mr Crafter has more influence.

The Hon. R.I. LUCAS: That may be the case. I do not want to enter into the power broking struggles between the Hon. Mr Crafter, the Hon. Lynn Arnold and the Hon. Dr Cornwall: that is a matter for the Government. If we are to debate this measure then it is incumbent upon the Government to come clean and tell us exactly what is the truth. After all, if we go back to the education policy, investing in the future, of only two years ago, we have a definitive statement that child/parent centres will stay with the Minister of Education and the Education Department.

That was the promise of two years ago: staying with the Education Department, but now it appears that the Minister of Education is telling different groups different things. The Minister of Health, who is handling the Bill in this Council, before he replies on Tuesday ought to get the latest position from the Minister of Education about where child/parent centres are to go. As I said, the Government has been cagey. It is saying that it will not put them there at the moment but it will have a review. By having a review it is able to tell different groups what will happen. Because the Hon. Mr Gilfillan wants child/parent centres in the Children's Services Office, he is told that that is where they will go. Others who do not want them deposited with the Children's Services Office are told that they will not have them forced into it. That is not the way to run a Government. Ministers of Education and Governments have to make some decisions and then be willing to stand up for them.

I now turn briefly to two final issues. First, in regard to training, I seek leave to have inserted in *Hansard* a table of a purely statistical nature from the Coleman Report (page 28) outlining various training courses available in colleges of advanced education and TAFE in South Australia.

Leave granted.

Table 4D: Early Childhood Care and Education Training Courses, S.A., 1983-84.

Qualification/ Title	Institution	Specialisation	Pre-requisite	Student Quota	Study Mode	Format	Comments
Dip. in ECE	SACAE Magill	educ. 0-8 y.o.	completion yr 12	95	3 yrs f/t	preservice	
Dip. in Primary Teaching (Early Childhood)	SACAE Underdale	educ. 0-8 y.o.	completion yr 12	40	3 yrs p/t	preservice	Present minor oversupply of graduates for available positions
Grad. Dip. in ECE	SACAE Magill	educ. 0-8 y.o.	Degree and commitment	10	1 yr f/t	post graduate	
Bach. of Educ. (ECE)	SACAE Magill	educ. 0-8 y.o.	Dip. in ECE	30	1 yr f/t	preservice	

Table 4D: Early Childhood Care and Education Training Courses, S.A., 1983-84—*continued*

Qualification/ Title	Institution	Specialisation	Pre-requisite	Student Quota	Study Mode	Format	Comments
Grad. Dip. in Parent Educ. and Counselling	SACAE Magill	counselling	educ. or social work qualification	14	2 yrs p/t	post graduate	ECE electives available
Home Family Aid	Wanslea Inc.	home support care	basic academic 17 yrs	6	2 yrs p/t	on-the-job and inservice	Combines TAFE component and St John's First Aid courses
Aboriginal Early Childhood Training Programme	KU and SACAE	Aboriginal preschool	Aboriginal special entry, orientation course, individual assessment	12 per annum	3-5 yrs, flexible field-based	preservice + external + field advisory support	Department Aboriginal Affairs funding. Begun in 1978 by KU and in 1984 to be fully taken over by SACAE
Cert. in Child Care Studies	TAFE Croydon Park	care, playgroup	basic academic 18 yrs	25 f/t (+ p/t)	2 yrs f/t (also p/t)	in and preservice	Given 1 yr credit towards Dip. in ECE
Management and Administration	TAFE and ECRAU	child care administration	trained staff	32 (in 1983)	12 × 3¼ hrs	workshop, inservice	Pilot programme leading to future Post-Cert. Funded by ECRAU and TAFE
Special Care Cert.	TAFE Croydon Park	care of disabled	basic academic 18 yrs		2 yrs p/t	preservice and on-the-job	Various disability electives available
Enriching Early Childhood	WEA	parental interest	none	8-30	6 × 1½ hrs	practical, tutorial	
Parenting, Child Development, etc.	Thebarton (TAFE) The Parks (TAFE)	Parental interest Pre-reading, play	none none	8-15 according to demand	10 × 2 hrs 8 × 2 hrs	Discussion and practice Through interpreter	Was also given in community languages but Vietnamese only at present, and English

ECE = Early Childhood Education.

The Hon. R.I. LUCAS: Training is a most important question that must be faced by all of us, Government and the Opposition alike, in South Australia. A number of questions have been raised with me and other honourable members, I am sure. For example, preschool trained people do not want to work under someone who has not been so trained. They do not respect the status of someone who has a child care certificate from TAFE, or they do not respect someone with the status of some other degree of training which they do not believe measures up to the level of training that they have. I am sure that members have received representations saying that the regional managers for the Children's Services Office should be preschool trained and clearly the downside is that they do not want them to have child care training. Equally, the argument has been put that if we are to have integrated centres under the new Children's Services Office—let us be honest, the Government and Democrat combination is likely to get its way—I guess there is the possibility that in the future there will be more and more integrated centres in South Australia.

The question then is that many preschool trained people will say that they do not want as a director of such an integrated centre a person who, in their view, is not as well trained as they are. They do not want to be controlled or managed by what they might term an administrator, public servant, or whatever. This problem will not be resolved immediately, but I wonder whether the Government and the Opposition can develop something along the lines of bridging courses between the child care certificate at TAFE and the diplomas in early childhood education at the Magill campus of the CAE to develop what I would see as a continuum in training in the preschool area. I know that it has been done to a certain degree, but many people to whom I have spoken argue that it is possible that we can develop such a continuum in training by using bridging courses and perhaps appropriate core subjects in either certificates or diplomas, so that those who want to work their way up the new corporate tree in the Children's Services Office will be able to improve their chances by undertaking further training such as these bridging courses.

The Hon. I. Gilfillan: That is a good suggestion.

The Hon. R.I. LUCAS: I do not know whether it is a good suggestion, as the Hon. Mr Gilfillan says it is. However, I think it is something that the Government and the Opposition ought to look at, because I think that with the Children's Services Office the only way that we will be able to achieve some harmony between those with respective backgrounds in training at TAFE and the CAE will be if we can get both groups to respect the status of the training that they bring with them to the new Children's Services Office. I hope that we will see some initiatives from the Government (whether Liberal or Labor) and support from the Opposition in the next five or 10 years.

Finally, I refer to a matter that was raised by the Hon. Anne Levy. Once again, the Hon. Anne Levy quoted from the *Futures* Children's Services newsletter, issue 5, from the Premier. The question that she quoted was:

Will services such as special services staff, speech pathologists, special educators, psychologists and social workers continue to be available to our centre on the same basis as at present?

The answer was as follows:

Yes. Support services will continue to be provided as at present. All of the Kindergarten Union specialists will be directly transferred into the Children's Services Office. My Government gave a commitment on election to double special services staff over a three-year period. We will continue to honour that commitment.

The answer and the emphasis that the Hon. Anne Levy put was that, yes, support services would continue to be provided as at present. That is a very clever political answer, and I guess that the Premier, being the Premier, is a clever politician, so that is to be expected. I am advised that when the Labor Government came to power there were (and I am going on memory here, because I left the paper on this back in my office), I think, 14 special services staff in the Kindergarten Union. I am also advised (again from memory) that until the present moment there are 21 special services staff. The Government's promise was that it would double that number of 14 special services staff. That means that they need to get to 28 in a three-year period. At the next Budget there will have been an increase of seven special services staff by the Labor Government in this area.

I do not know whether many members in this Chamber have children attending kindergartens: I have a four year old at a Kindergarten Union kindergarten, and I also have two other children who will be old enough to attend kindergarten over the next year—so, I will certainly be a consumer of these services. I am aware of the delays in the Kindergarten Union from—

The Hon. J.R. Cornwall interjecting:

The Hon. R.I. LUCAS: Let us not prolong the debate, but I agree with the Minister that the delivery of child care, in particular, and preschool services is skewed on a socio-economic basis. He will buy no argument with me there. We will not talk about respective areas of residence.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Thank you, Mr President. Respective areas of residence is not a relative issue. In the Kindergarten Union kindergartens there are delays in access to special services staff, such as speech pathologists and therapists. People have to queue up, and that is with a specialist services staff of 21. The Hon. Anne Levy in an informative part of her address stated that there are 900 places in the Kindergarten Union or a total of 1 800 children. She then listed other figures and said that there are 50 000 or 60 000 children involved in other preschool areas—4 500 in child/parent centres, 1 000 in vacation care, 18 000 in play groups, 3 000 in family care, and 31 000 involved in toy libraries. That is many thousands more than the 2 000 places in the Kindergarten Union.

If there is a delay when there are 2 000 children and 21 staff in the Kindergarten Union in relation to important special services and if, as the Premier said quite honestly, all the Kindergarten Union specialists are directly transferred into the Children's Services Office (that is true) and, as he also says 'Yes, the support services will continue to be provided as at present', what will result? So if many thousands of people are involved in the preschool area, it is a physical and mathematical impossibility for the Premier, the Minister of Education, the Minister of Health and the Democrats in this Chamber to argue that 21 for 2 000, in relation to the existing numbers and the delivery of a certain range of services, can delivery the same range of services to 50 000 or 60 000 children, or whatever the number the Hon. Ms Levy totted up, in the preschool area. If the Premier remains true to the political comment 'Yes, the support services will continue to be provided as at present', he will have to increase the numbers in special support services considerably.

The Hon. Diana Laidlaw: He promised to do that at the last election.

The Hon. R.I. LUCAS: And that would increase the number to 28 to look after 50 000 or 60 000 kids.

The Hon. L.H. Davis: It is the old smoke and mirrors.

The Hon. R.I. LUCAS: Well, I do not know what it is. Certainly it is nonsense. I do not want to take more time than the Hon. Anne Levy took for her contribution, so I will take up further matters in Committee.

The Hon. J.R. Cornwall: Will it get into Committee?

The Hon. R.I. LUCAS: The Minister has the Democrats. Once again, this Government's democratic proposal does not reflect the Coleman report. It will not achieve the co-ordination that Marie Coleman argued in her report was necessary. The Minister of Education, the Minister of Health, and independent statutory authorities will be running all over the place. If services are increased in areas of need such as child care we should not have to take any risks at all with what is, as Marie Coleman agrees, an internationally recognised high standard of preschool care in the Kindergarten Union. I strongly oppose the nonsense contained in this Bill.

The Hon. DIANA LAIDLAW: At the outset of my contribution to this debate I want to thank the scores of people who telephoned and wrote to me, who sent telegrams and who saw me in relation to this Bill.

I have been literally inundated by representations and I want to put on record my appreciation for the considerable time and effort that all these people have taken to keep me informed of their views on this important Bill. The Childhood Services Bill involves change and, as such, always had the potential to be controversial. However, I believe that the Government's poor handling of this measure has provoked the level of controversy to a degree I had not anticipated was possible. Today opinions are inflamed and views polarised on the most appropriate framework to adopt to ensure the provision of high quality education and care for children in this State in the future.

This turn of events is most regrettable, but notwithstanding the divisions of opinion I have been heartened to detect a significant degree of common ground between all those who have taken a keen interest in the progress of this Bill. I believe that all those who have contacted me in recent months, and more particularly in recent weeks, and also all the members in this Chamber and the other place, are united on three grounds: first, in their wish to achieve greater co-ordination and co-operation between those providing services for pre-school children with this co-operation and co-ordination extending to programmes that cater for out of school hours and vacation care; secondly, in their wish to extend the present range of child care options to improve the administrative arrangements and the resource back-up facilities for child care centres, and also to improve the employment status of child care workers in these centres; and thirdly, and above all, in their wish to ensure that young children across the State are provided with the best possible quality care and education.

The Bill that we are debating was prompted by the report prepared by Marie Coleman in 1983 entitled 'Review of Early Childhood Services in South Australia'. When released, this report won widespread support to a degree I suggest is almost unprecedented for a report of such substance in such a key and sensitive area. The report also raised great expectations in the community that the inadequacies Miss Coleman highlighted in the delivery of early childhood services in South Australia would finally be comprehensively addressed—and I repeat the words 'comprehensively addressed'.

Childhood services in South Australia encompass kindergartens, child/parent centres, child care centres, family day care agencies, baby sitting services, out of school hours care, vacation care, play groups, toy libraries and neighbourhood houses, amongst other things. In her report, Marie Coleman noted that, in comparison to all other States, South Australia had the greatest availability of preschool centres but also the greatest disarray in the child care area. This reflection was not unexpected, for the situation that she highlighted had been canvassed by the authors of earlier reports and studies on childhood services in this State.

Her conclusions, like those of the earlier Burdett, Lees and Keeves reports was to strongly (and I believe correctly) advocate the need for far greater co-ordination and co-operation between all service deliverers in the planning, resourcing, administration and regulation of childhood services. In fact, at point number 3.1.2 at page 14 Miss Coleman was provoked to remark:

> ... the preponderance of accumulated recommendations on childhood services in South Australia in comparison with the action taken is indeed a frustration for concerned agencies.

In passing that comment I believe that Miss Coleman was restrained. The frustration stemming from past inaction to co-ordinate childhood services in South Australia compounded the underlying and basic problems within the system.

All the services to which I referred earlier grew up separately without cohesion, mutual respect or understanding for the positive aims that each service espouses and delivers. This disunity led to suspicions, tensions, competition between the various services, squabbling over precious resources and administrative duplication—none of which is in the best interests nor the education of the children of the State.

In view of this background, the release of the Coleman Report offered so much to parents, staff, administrators and others who, for some time, had been seeking the development of a comprehensive programme of childhood services throughout the State. Contrary to expectations, however, their hopes have not been fulfilled, for the Government has chosen to address the recommendations in a highly selective manner. The Government's piecemeal approach is disappointing: I believe it lacks will, foresight and certainly credibility. As a consequence, I am not surprised that, following the appearance of this Bill, initial widespread community enthusiasm for the report has turned sour.

I recognise, of course, that it is not uncommon for a Government not to accept (or at least not accept without amendment) every recommendation proposed in every report presented, nor am I suggesting that the Government was obliged to do so on this occasion. However, as the Government, for public relations purposes, has so closely and consistently linked this Bill to the Coleman Report, I believe most strongly that the South Australian public was entitled to expect that the Government would keep faith with the major recommendations and general tenor of the report. This the Government has not done, and its failure in this respect has to date, and I believe will continue, to inflame rather than cure the current suspicions, tensions and problems of disunity that have characterised the provisions of child care services in this State in recent years. These very same problems of tension and suspicion are the problems which Marie Coleman sought to remedy and which this Bill is supposed to address.

It is for this reason that I must admit that I was mildly surprised in the debate yesterday to hear the Hon. Mr Gilfillan indicate that Miss Coleman was quite happy with the Bill. He said that she had no objection to the Bill. My view is that, if that is the case, it is certainly an extraordinary turnabout. Perhaps she may have some reason for being so obliging.

Marie Coleman, as I noted earlier, advocated the need for a comprehensive approach to the co-ordination of childhood services in this State. A principal recommendation—No. 1.3.1—states:

> That a single State Ministerial Department be created to plan, resource, administer and regulate all early childhood education and care services, out-of-school-hours and vacation care services, neighbourhood houses, playgroups and toy library services; to ensure co-ordinated planning with other agencies of the State; and to co-operate with the Commonwealth Government agencies with interests in these matters. The new department should be answerable to one Minister, who should be a member of the Human Services Sub-committee of Cabinet. The central section of the department, which will function on a regional basis, would comprise a relatively small number of personnel (with most positions transferable from the present sponsoring bodies), and could be largely financed by the current expenditure required to provide the present array of administrative and support systems.

In respect of that recommendation, the Government's response to every facet of what is a multi-pronged recommendation has been to ignore the lot. It has ignored the recommendation for the establishment of a single State Ministerial department, opting in part for a statutory authority and in part to maintain the *status quo*. It has ignored the recommendation to incorporate all early childhood education and care services, etc., opting instead—and, incidentally, for yet ill-defined reasons—to selectively leave out child/parent centres, non-Government schools and CAFHS.

It has ignored the recommendation that the new structure should be answerable to one Minister, opting instead for a clumsy arrangement whereby the child/parent centres will be answerable to the Minister of Education. Child care services, kindergartens, toy libraries, playgroups, etc., will be answerable to the Premier. CAFHS will be answerable—

The Hon. I. Gilfillan: Is the Minister of Education on the Social Services Committee of Cabinet?

The Hon. DIANA LAIDLAW: I am not aware of that.

The Hon. I. Gilfillan: That is what Marie Coleman asked, wasn't it?

The Hon. DIANA LAIDLAW: Yes, but she said that it should be one Minister who is a member. Are you, Dr Cornwall, on the Human Services Subcommittee?

The Hon. J.R. Cornwall: I almost am the Human Services Committee.

The Hon. DIANA LAIDLAW: Perhaps it should all be under the Minister's control.

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: I am not sure that the Minister would be able to keep his cool if he had all this under his control. The arrangement that the Government has accepted is clumsy, as child/parent centres will be answerable to the Minister of Education; child care centres, kindergartens, toy libraries and playgroups will be answerable to the Premier; CAFHS will be answerable to the Minister of Health; and non-Government schools will continue on their merry way, individually answerable to their independent management committees.

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: They are quite happy to be put into a co-ordinating body. Mr McDonald has stated that quite clearly.

The Hon. J.R. Cornwall: By Statute?

The Hon. DIANA LAIDLAW: The non-government schools by Statute?

The Hon. J.R. Cornwall: Yes.

The Hon. DIANA LAIDLAW: I am not aware of that. Finally, with respect to recommendation 1.3.1, the Government has opted to set up a cumbersome and overly bureaucratic central structure which, contrary to Miss Coleman's expectations, involves expenditure above current allocations and the appointment of additional administrative personnel

to that which now exists in the various areas of childhood services.

The Hon. I. Gilfillan interjecting:

The Hon. DIANA LAIDLAW: It is a worthwhile question that I cannot understand. The honourable member has spoken to her and he may be able to—

The Hon. I. Gilfillan: I did not question her integrity. Why do you think that she could now be accepting something that she disagrees with?

The Hon. DIANA LAIDLAW: I am sure that the honourable member is not as out of touch as that. It has certainly been suggested by many people that the position of Director is one in which she is most interested.

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: I have not. I have just said that it has been one who—

The Hon. J.R. Cornwall: That is an outrageous allegation.

The Hon. DIANA LAIDLAW: The Minister should read *Hansard* and he will see that it was not an allegation, nor was it outrageous. While the Government has selected to ignore the main thrust of the Coleman Report by rejecting recommendation 1.3.1, it has embraced with enthusiasm, by interesting contrast, recommendation 1.3.2, that is, that the Kindergarten Union Act be repealed.

As honourable members will recall, initially the Kindergarten Union was prepared to accept this recommendation, as it was prepared to accept all other recommendations. It is a great shame that the Government has not been prepared to extend to the full to the Kindergarten Union the same spirit of openness and co-operation in its negotiations with that body. The Board of the union, on behalf of the kindergartens of South Australia, has since reversed its decision on the grounds that it is not sufficiently assured that the office proposed will achieve effective co-ordination of children's service nor maintain the high standard of preschool education now applying in South Australia. I believe that its concerns are valid, but they remain unanswered.

In each respect the Kindergarten Union's major concerns have been reinfored by the Government's refusal to answer genuine and legitimate questions about future administrative, consultative, financial and staffing arrangements. When I consider the Premier's reply to the second reading debate on this Bill in the other place last December, I am not surprised that his efforts to reassure those concerned about the impact of this Bill have failed to appease their anxieties. At page 2231 of *Hansard* on 5 December, the Premier is reported as saying:

> This is an enabling Bill, remember: there is a lot of administrative and other detail that will be sorted out and developed once we have an Act of Parliament to authorise it.

Further, on page 2232, the Premier states:

> However, I do not believe . . . that their objections are substantial because, when one analyses and looks at the points raised . . . one will see that the Board is not so much concerned with this Bill and what it contains: it is concerned with what flows from it. I refer to administrative, consultative and staff arrangements, all of which will be properly dealt with and discussed in ongoing discussions with the Board.

I doubt whether the Premier, in his former capacity as industrial advocate, would have been prepared to accept on behalf of AWU workers such vague, non-committal sweeping statements to address matters of immediate concern at some ill defined time in the future. Likewise, I do not blame the Kindergarten Union Board for refusing to be tamed by such responses from the Government at this time. The Board and those whom it represents deserve better treatment (especially when one considers their part in providing South Australia with preschool services that are acknowledged by no less than the Premier, the Minister of Education, Marie Coleman and others as outstanding by national and international comparisons). They deserve direct and unqualified answers to their concerns.

However, in view of the Government's decision to ignore policy pledges made at the last election in respect to child care centres, staffing and doubling of special services, the Board may question the value of any unqualified responses from the Government, even if they were forthcoming. As I said earlier, I do not blame the Kindergarten Union for adopting its present stand on this Bill. Nor do I blame the Primary Principals Association, the Junior Primary Principals Association, members of the Preschool Teachers Association, the Association of Junior Primary School Parents Clubs of South Australia, the Kingston College of Advanced Education Graduates Association, the Catholic Education Office, the Lutheran Office, among other non-government education services, plus the Playgroups Association and a number of child care centres for objecting strongly to this Bill and the Government's handling of their concerns about future arrangements.

In fact, only this morning I learnt of yet another example of where the Government has been less than direct with services that will be affected by this Bill, and I refer to the Playgroups Association which, following a meeting last night, decided this morning to send an urgent letter to the Premier expressing its concern that earlier correspondence seeking assurances about funding and autonomy remain unanswered. In view of the widespread disaffection with the Government in respect to this Bill, I am disappointed that the Australian Democrats in this Chamber—the Hon. Mr Gilfillan and the Hon. Mr Milne—have been prepared to give the Government their unqualified support for this measure. I am loath to suggest that they are gullible or that they are naive, but I believe that they have made such commitments on the basis of mere faith in the Government's umbrella assurances.

The Hon. L.H. Davis: To whom did the Hon. Mr Milne give this assurance?

The Hon. DIANA LAIDLAW: I just assumed that the Hon. Mr Gilfillan was speaking for the Hon. Mr Milne, but that may be a wrong assumption.

The Hon. L.H. Davis: Perhaps he gave the assurance when he got off the plane.

The Hon. DIANA LAIDLAW: I wrote my speech a few days ago, so perhaps things have changed. Perhaps I should say that the Hon. Mr Gilfillan has made such a commitment on the basis of mere faith in the Government's umbrella assurances which, incidentally—and the Hon. Mr Gilfillan is possibly aware of this—change from week to week and between those to whom one speaks. I believe that the Hon. Mr Gilfillan at least has made his decision basically on unsound grounds. Moreover, such assurances where forthcoming are, as the Hon. Mr Gilfillan acknowledged yesterday, verbal and not written. I refer quickly to a remark made by the Hon. Mr Gilfillan in response to an interjection of mine yesterday, as follows:

> Even if there are no watertight assurances, there is no overriding reason in the opinion of the Democrats to oppose this Bill.

That is the most extraordinary statement when the object of this Bill is to co-ordinate child care services in this State, and we end up with the Kindergarten Union's reporting to the Premier.

The Hon. L.H. Davis: How will the Premier cope?

The Hon. DIANA LAIDLAW: The Premier does not cope with the responsibilities that he has now: so, I am not sure what he will do with all of this. Responsibility for child care services is being moved from the Minister of Community Welfare to the Premier, child care centres are still under the charge of the Minister of Education (although some aspects, I understand, will be moved to the Premier), CAFHS remains with the Minister of Health, and the non-government preschools, as I mentioned earlier, are being

left to their own devices. In brief, the situation is a mess, yet it is one which the Government is prepared to oversee and sponsor and which the Hon. Mr Gilfillan is prepared to accept.

In the second reading debate yesterday, the Hon. Mr Gilfillan mentioned that amendments will be moved in Committee, although I remain unsure from his contribution whether they are to be moved by him or by the Government. One of the two areas proposed for amendment is the composition of the consultative committee. The amendments, if pursued, would help to address my anxieties with the structure of the committee. However, I remain concerned that the committee, composed as it is of 29 members, will be unwieldy to manage and that, as a consequence, we will see the Childhood Services Office assume even more power than it is has been granted already to influence decisions on the delivery of childhood services.

Further, I am concerned that the consultative committee has no real power to influence the development of childhood services: it has no statutory or regulatory powers. It is, in effect, a toothless tiger, with power only to advise, and nothing else. Indeed, even in this area of advice, one could question the effectiveness of the proposed consultative committee, for the Bill does not require the reports from the regional advisory committees to be presented to the committee for information or assessment. In fact, the Bill does not even require regular reports of any nature to be presented to either Minister or the Director of the Childhood Services Office. The only requirement for report from the local level is when the Minister requests such a report. If that Minister will be the Premier, I do not even know that he will have the time to suggest such a course or keep in touch with the local level.

The Hon. I. Gilfillan: Have you thought of an amendment that would cover that?

The Hon. DIANA LAIDLAW: I wonder whether this Bill is even worth amending. All the power for the delivery of services in the future will be monopolised in the hands of the Minister to whom this Bill is assigned (at this stage it is the Premier) and with the Childhood Services Office This structure has disheartened those who have taken a keen interest in the development of preschool services to date, services that we all know have been acknowledged to be outstanding, for, unlike the proposed structure, existing structures for consultation are designed to promote effective input from those not directly associated with the administration of the services.

This, I understand, is the case with the child/parent centres, but certainly it is the case with the Kindergarten Union, the Act for which provides for constructive input from a wide range of nominated persons throughout the council of the Union. The failure of the Government to provide for such an effective consultative process to be repeated in this Bill is one of the major failings in addressing the future arrangements for childhood services. I believe that I would have the concurrence of Marie Coleman in making this statement, for in her report on page 62, at item 8.12, she noted:

> Arrangements could also be developed to ensure that the advice of parents at a State or regional level was available to the Minister, using a structure similar to that of the council provided for in the existing Kindergarten Union Act.

I wish to address one further matter raised widely in respect of the Government's reorganisation of childhood services, and it concerns future funding arrangements. To date, as both the Hon. Mr Burdett and the Hon. Mr Lucas noted, neither the Premier nor the Minister of Education has provided a financial statement or framework or guarantees on how they propose to maintain the current levels of funding to kindergartens (and that is what they have promised), yet support the expansion of all childhood and child care services (and that is what they have also promised). Certainly, if one believed the Premier's regular statements on the financial situation of this State, one would believe that there would be little money in Treasury to accommodate both the child care lobby and maintain funds for the Kindergarten Union. That would have been my assessment of his recent remarks about the likely consequences to South Australia following the mid year Premiers Conference.

Nor am I, and I doubt whether the Premier or Minister of Education can be, assured that the funds required are readily available in Canberra. One avenue that has been mooted is the sale of assets held by the Kindergarten Union at present and this suggestion, quite rightly, has concerned many friends, parents and others associated with kindergartens who have given much voluntary effort in fundraising activities to build up their local kindergartens. Of course, if this avenue was selected it would have a very limited future. I acknowledge that the uneven balance of funding between the different types of childhood services must be addressed, but it should not be at the expense of services provided through the Kindergarten Union.

In placing considerable weight on the current anxieties of so many in the community as the impact of this Bill on preschool education in this State, I am not denying, nor undervaluing, the need to improve the distribution of funding and other resources to the other agents of childhood services in this State, nor the dire need to provide these services with an administrative structure and an effective mechanism to promote co-ordination and co-operation with preschool education. The Liberal Party recognises and supports the need for positive action on all these fronts. For too long these services have been on the fringe and their social value has been under-recognised, notwithstanding the large number of children who attend these services (in fact, as the Hon. Ms Levy noted, a very large number compared to those who attend preschool education).

As I indicated, there is a need to redress the current imbalance in resource allocation between preschool education and the other childhood services. The remedy, however, despite what the Government would have us believe, is not dependent on the passage of this Bill. The imbalance could be redressed simply by a firm commitment to appropriate the necessary resources from the Commonwealth Treasury—nothing more, and nothing less. I repeat: such a commitment is not dependent on this Bill. Furthermore, if the protagonists of this Bill were honest with themselves, they would acknowledge that this Bill does not provide the comprehensive co-ordination which Marie Coleman and, indeed, they have always seen so necessary if it was to meet their needs in the child care area, but also the needs of all the agents of childhood services in this State. This need is vital, but the Government has failed to deliver.

In contrast to the Government's *ad hoc* approach to the question of co-ordination and co-operation between childhood services, the Liberal Party has proposed an arrangement which incorporates all the services under one Minister, the Minister of Education, and does not involve a top heavy bureaucratic structure.

I wish briefly now to refer to the proposal that the Hon. Mr Lucas called the Wilson plan. The Liberal Party recognises that changes are required in the operation of the Kindergarten Union. In fact, I believe that some of those changes are long overdue and this would be undertaken following an amendment to the Act to bring the Union under Ministerial control. The Union would not be dismantled: kindergartens would co-exist with child/parent centres, which would remain totally with the Education Department to provide a diversity of services, and it is a choice that parents appear to be seeking today.

Childhood centres would be given the administrative structure that they seek for, together with family day care, playgroups and the like, this service would become the responsibility of the Minister of Education. A co-ordination unit would be established reponsible directly to the Minister of Education to bring about the close co-operation and co-ordination of services which, as I have indicated, are so vital for the sound delivery of childhood services in the future.

I know that such a system would work because I know the resolve of the Hon. Michael Wilson—when he becomes Minister of Education—to ensure that there is co-ordination and co-operation between all these sectors, and that child care receives the credit for which it is due but which it has missed out on to date. If co-ordination of the schemes and improvement in the balance of resources between services are seen as a primary need in the childhood sector (I believe that these priorities that I have indicated are correct), then the Liberal Party's proposal and not that presented by the Government in this Bill is the only structure that has credibility.

In conclusion, I support the need for change in the childhood services area and I support the need for full co-operation and co-ordination between all the arms of childhood services. However, I am critical of the Government in proposing *ad hoc* change when the opportunity existed, if it had the will, to endorse change and co-ordination in a comprehensive manner involving all services with one Minister alone being responsible for the delivery of those services. This is the manner of change that Marie Coleman believed was necessary at least in 1983. It is the manner of change that the Liberal Party accepts as the best course for the future, and I am disappointed that the Government has not seized the opportunity available to it to follow this path.

The Hon. J.R. CORNWALL (Minister of Health): I must say, having sat on the front bench and listened to many contributions over a long time in the second reading debate on this Bill, I believe that most of them have been more notable for their length than for their rationality. There have been one or two reasonable contributions, and those honourable members in good conscience know to whom I am referring, I am sure. Of course, some of them have been quite outrageous and most of the debate from the Opposition, I would have to say, has been just plain silly. The common theme that runs through these rather lengthy contributions when boiled down is support for elitism and preservation of the *status quo.*

Members interjecting:

The Hon. J.R. CORNWALL: I have had far more to do with kindergartens than the Hon. Mr Lucas is ever likely to have, unless he lifts his game substantially in the next five or 10 years, and he would have to live a long time indeed. However, I need to read the *Hansard* pulls tomorrow and put aside a good deal of time over the weekend so that I can personally devote my time to refuting the more silly arguments advanced. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

'KOOROOROO'

Consideration of the following resolution received from the House of Assembly:

That this House resolves to recommend to His Excellency the Governor, pursuant to section 13 and 14 of the Botanic Gardens Act, 1978, disposal of the house known as 'Koorooroo' in the Mount Lofty Botanic Garden, part section 840, volume 2017, folio 108; and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

The Hon. J.R. CORNWALL (Minister of Health): I move:

That the resolution of the House of Assembly be agreed to.

In July 1979, the then Minister for Environment (Hon. J.R. Cornwall) approved the purchase of 2.57 hectares of land and a house for addition to the Mount Lofty Botanic Garden, hundred of Onkaparinga, part section 840, volume 2017, folio 108 (Board minutes 6 July 1979). The cost of this purchase was then $80 000. The purchase of the land was initiated to increase the size of the Botanic Garden adjacent to Piccadilly Road.

The house, known as 'Koorooroo', which was built in 1950, now requires upgrading and extensive internal repair. Although it is presently rented to a member of the Botanic Garden staff, another house already exists next to the lower entrance to Mount Lofty Botanic Garden, and it is considered that only one staff residence at Mount Lofty Botanic Garden is required for security purposes in that section of the garden. As the latter residence is in a better state of repair, and as 'Koorooroo' will cost an estimated $15 000-$20 000 to reinstate, the Finance Committee of the Board of the Botanic Gardens has recommended that the house be sold, with an appropriate parcel of land giving access to Piccadilly Road. The board accepted this recommendation. The board has been advised that the estimated market price of the residence, with an associated 0.8 hectares of land adjacent to Piccadilly Road, is $80 000.

The displayed plan shows how the proposed new boundary alignment of the Mount Lofty Botanic Garden could be achieved by the disposal of the house and a small parcel of land. The board of the Botanic Gardens has power to dispose of real property, as stated in section 13 (2) *(f)* of the Botanic Gardens Act, 1978, but the disposal may only take place in pursuance of a resolution passed by both Houses of Parliament.

There is impediment for the Board disposing of the house or an associated parcel of land other than the above-mentioned provisions of section 13 and also section 14 of the Botanic Gardens Act, 1978. Disposal of the house and associated land would represent a cost saving in maintenance of the house, and retention of the balance of the land would not reduce the amenity of that part of the Mount Lofty Botanic Garden which has not yet been developed with public displays.

On 2 April 1984, Cabinet approved disposal of parcel of land marked 'A' and 'B' on the map. Disposal of the house, 'C' will complete the rationalisation of the boundary. The Board considers that long term savings in maintenance of the house can be obtained form its disposal, and revenue from the sale should be put back into further development of Mount Lofty Botanic Garden in the areas of:

(a) a public interpretive centre adjacent to the upper car park, and

(b) restoration of fire damage adjacent to Summit Road and upgrading of Crafters Quarry.

It would be necessary to subdivide part of the section 840, volume 2017, folio 108 parcel prior to disposal.

I commend that this House resolves to recommend to His Excellency the Governor, pursuant to sections 13 and 14 of the Botanic Gardens Act, 1978, the disposal of the house known as 'Koorooroo' in the Mount Lofty Botanic Garden, part section 840, volume 2017, folio 108.

The Hon. C.M. HILL secured the adjournment of the debate.

The PRESIDENT: Before calling on the Minister, I point out that, because of the requirements of section 14 of the Botanic Gardens Act, this motion cannot be agreed to until 14 sitting days have passed since notice of the motion was

first given to Parliament. According to information received from the House of Assembly, 14 sitting days will expire on 28 March, and it would be advisable for the adjourned debate on this motion to be made an order of the day for Thursday 28 March.

ELECTRICAL WORKERS AND CONTRACTORS LICENSING ACT AMENDMENT BILL

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

LAND AND BUSINESS AGENTS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

RENMARK IRRIGATION TRUST ACT AMENDMENT BILL

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

ADJOURNMENT

At 10.22 p.m. the Council adjourned until Tuesday 26 February at 2.15 p.m.