LEGISLATIVE COUNCIL

Thursday 3 November 1988

The PRESIDENT (Hon. Anne Levy) took the Chair at 2.15 p.m.

The Clerk (Mr C.H. Mertin) read prayers.

QUESTIONS

ADELAIDE CHILDREN'S HOSPITAL

The Hon. M.B. CAMERON: I seek leave to make a statement before asking the Minister representing the Minister of Health a question about the Adelaide Children's Hospital.

Leave granted.

The Hon. M.B. CAMERON: Members will recall that on Tuesday in this Chamber I raised the matter of the resignations of three surgeons from the Adelaide Children's Hospital. I stated at that time that the resignations were brought to a head by the continuing lack of beds. I also pointed out how bed numbers had fallen at the hospital from 274 in June 1982 to 215 in June this year, although the average daily number of beds available to doctors in the past year was only 172. I was interested to read the statement from the Minister of Health to the press that my claims were alarmist and his assurance that the Adelaide Children's Hospital was awaiting Federal Government approval to increase bed numbers by 16 to bring it up to 200.

It seems that the Minister was either misleading the public or had been poorly advised by the Health Commission. The commission's own bible of hospital activities, during the past year (the blue book) clearly shows that the Adelaide Children's Hospital has a 215 bed approved capacity, so why on earth one would be trying to bring it up to 200 when one already has 215 approved is beyond me. The average number of beds available last year was 172. Even if we look at the hospital's recently released annual report, statistics show that last year only 184 beds were available, 90 fewer than when the Hon. Jennifer Adamson was Minister of Health. The annual report, as diplomatically as possible, draws attention to the acute shortage of beds and who has responsibility for remedying the situation. It states:

> In other respects the year has been difficult for many staff. Our availability of staffed beds to meet the expectations of both the public and referring medical practitioners is frequently less than that which the hospital views as desirable. To this end negotiations commenced with the South Australian Health Commission to have the current ceiling lifted.

Quite clearly it is the commission and the Minister who are responsible for addressing the problem of bed shortages and, as a result, surgeon resignations at the ACH. This morning I learnt of more alarming developments at the hospital which can only exacerbate the problem. I am informed by a senior surgeon that a further 20 beds in Joanna ward were closed from 3 p.m. on 28 October. That is four days before I asked my question.

The Hon. R.I. Lucas: Did the Minister know about it?

The Hon. M.B. CAMERON: Obviously not. Those beds will be closed until February or March. The surgeon said that the decision took the hospital's bed capacity to 165, not 200, although a further 10 beds are available for day care patients provided that those patients are out by 6.30 p.m. The surgeon stated that the decision to close the ward had been made purely on a financial basis, stating, 'This hospital is now run on the dollar rather than for patient care.'

The surgeon also stated that, earlier this week, two country patients came in for surgery. Had it not been for his seniority and his ability to play a heavy game, he would have been unable to find beds for them. They had travelled a long distance. The surgeon said that, as of today, 173 patients were in the hospital—eight more than it should have—and there were no reserves for emergencies.

The Hon. K.T. Griffin: Are they on the floor?

The Hon. M.B. CAMERON: Almost. This year, the entire surgical staff at the hospital have been concerned about the way the hospital is going and the continued inability to obtain beds for patients. In asking my questions, I hope that we can obtain the truth from the Government this time.

1. Does the Minister agree with the contention by this surgeon that the ACH is now run for the dollar rather than for patient care? That certainly seems to be the attitude of the people working in the hospital.

2. Will the Minister explain why a further 20 beds were closed at the Adelaide Children's Hospital when surgical staff have for some time voiced concern about the lack of beds and, in fact, three of them have resigned over bed shortages?

3. Will the Minister explain why he claimed that discussions with the Federal Government would be necessary to increase bed numbers in the hospital when Health Commission statistics show that the hospital is authorised to have 215 beds but only 165 beds are open on a daily basis and a number of beds were closed in the past week?

The Hon. BARBARA WIESE: No member of this Government would ever intentionally mislead Parliament—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —and I assure the honourable member that the Minister of Health will do all that he can to reply honestly to his questions on this occasion, as he always does. I will refer those questions to my colleague in another place and bring back a reply.

DRINK DRIVING

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question on the subject of driving while drunk.

Leave granted.

The Hon. K.T. GRIFFIN: I have raised publicly questions relating to the acquittal of a man charged with causing the deaths of two persons in Currie Street, Adelaide, by dangerous driving. He was convicted of two counts of driving without due care and attention and fined what the public at large regards as a pittance when compared with the harm caused by his driving. I raised the matter in the context of whether or not the Attorney-General proposed to appeal.

I raise the matter again in a different context. As I understand it, the man was driving with a blood alcohol level of .15 per cent, nearly twice the permissible amount, and was effectively asleep whilst driving at the time of the accident. This appeared to be the reason why an acquittal was required because he was so much under the influence of alcohol as not to know what he was doing and therefore was unable to form the necessary guilty or criminal intent. About four years ago I raised with the Attorney-General the important question whether in these sorts of cases there ought to be some other statutory offence which took into account the alcoholic stupor of an offender but, more particularly, made these sorts of people accountable for their actions.

No-one can say that there was not a point in this case up to which the offender could have stopped drinking after having taken the conscious decision to drink in the first place. I raised the issue about four years ago in the context of, I think, O'Connor's case, and on that occasion the Attorney-General said he did not think that there was a need to change the law and, in any event, there were not very many of these sorts of cases.

The law has not, since I raised the issue then, been amended. The other matter I want to raise relates to the charges against the offender. I would have thought that in the light of the blood alcohol content he should have been charged with driving under the influence of alcohol or driving with a blood alcohol level in excess of .08 per cent. In both instances the penalties are very much tougher than for driving without due care and attention.

The Hon. C.J. Sumner: He was convicted of driving with excess blood alcohol.

The Hon. K.T. GRIFFIN: The reports didn't indicate that—

The Hon. C.J. Sumner: You ought to study them.

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: The reports did not indicate that that was the case. If that was the case the Attorney-General might then indicate what the penalty was and how that related to the two convictions for driving without due care and attention. My questions are:

1. Does the Attorney-General now propose to seek to amend the law relating to these sorts of circumstances so that offenders cannot get away with their irresponsible behaviour?

2. If the offender was in fact charged with driving under the influence of alcohol or exceeding .08 per cent, what was the penalty and what was the context in which that conviction was recorded as it relates to the driving without due care convictions?

The Hon. C.J. SUMNER: The question of an appeal is still under consideration by me with the advice of the Acting Crown Prosecutor (Mr Rofe) and the Solicitor-General. The problem in this case, with respect to an appeal, is that the defendant was acquitted by a jury. The Crown put the case of causing death by dangerous driving and a jury acquitted the individual. When a jury acquits a person, then under our legal system it is not possible to appeal against that acquittal. That has been the system in our law for many years.

However, whether there is any appeal or case stated on the summing up of the judge that can go to a higher court is something I am currently considering. The answer to the first question is 'No' because we have already done that. I refer the honourable member to section 19a (8) of the Criminal Law Consolidation Act 1935 which, on my recollection, in 1984 or 1985 passed this Parliament with substantially increased penalties for causing death by dangerous driving.

Section 19a (8) provides that, where it appears that the defendant was, or may have been, in a state of self-induced intoxication at the time of the alleged offence but the evidence adduced at the trial would, assuming that the defendant had been sober, be sufficient to establish the mental elements of the alleged offence, the mental elements of the alleged offence shall be deemed to have been established against the defendant. So, with respect to driving cases, the reality is that the law has already been changed. Actually, this provision was inserted in 1986 to ensure that liability is not escaped because the Crown cannot establish the requisite mental element by reason of self-induced intoxication.

In *R v O'Connor* (1980) 29 ALR 449 the High Court ruled that evidence of gross intoxication ought to be available in all criminal offences on the question of the defendant's mental state. The reality is that by the enactment of section 19a (8) in 1986 it makes clear that self-induced intoxication cannot be relied on to escape a conviction for causing death by dangerous driving. So, the reality is that, contrary to what the Hon. Mr Griffin has said in this Council and in a press release he issued on this topic, the matter has already been addressed by the Parliament in legislation which was supported by the honourable member and passed. I am not sure what more he wishes us to do on that.

On the question of the penalty, as I recollect it, there was a driving disqualification as well as a fine in relation to a prescribed alcohol offence, but I will obtain the details for the honourable member and bring back a reply.

The Hon. K.T. Griffin: And why it was .08 and not driving under the influence.

CROWN LAND

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Local Government a question on the subject of Crown land rating.

Leave granted.

The Hon. DIANA LAIDLAW: The District Council of Barossa sought to reopen negotiations with the Minister of Forests (Hon. John Klunder) in August this year over the non-payment of rates by Woods and Forests which owns about 12 per cent of land within the District Council of Barossa's boundaries. I understand that a copy of that letter of 15 August was sent to the Minister of Local Government for her information. The letter states, in part:

> The issue of non-payment of rates by the Woods and Forests Department is very significant to our local community which refuses to continue to subsidise a high profit making Government commercial enterprise. It is scandalous that the Woods and Forests Department can make an operating profit (in 1986-87) of over $11 million and not pay a single cent in rates to the Local Government Authority which provides works and services that benefit the Woods and Forests Department . . . The existing policy supported by the State Government of not making rate payments on Crown property needs change and the flexibility to enable the Woods and Forests Department (or any other Government profit organisation) to pay its fair share towards the consolidated revenue of a local government authority in which it operates.
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> The 'user pays principle' is one which is exercised quite extensively these days; and there are certainly many examples of fees and charges by the State Government. Similarly, council expects that the Woods and Forests Department, as a user (either directly or indirectly) of council services, should pay accordingly. Anyone (or body) refusing to pay such fees or charges to the State Government or its agencies would invariably find that the service would be cut. I believe council should adopt the same stance with respect to services to Government installations. Several options are available to council including the closure or the imposition of 'load limits' on roads which are provided and maintained by council at the cost of ratepayers.
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> To quantify disabilities as a result of the Woods and Forests operation in our district is not an easy task. However, . . . three methods based on different criteria show a total disability to Barossa council ranging from $22 771 to $148 740 per annum. I stress quite clearly that the Grants Commission does not provide any significant compensation with respect to the 'disability' of non-rateable land; and this fact has been confirmed by the Chairman of the Grants Commission, Mr Gordon Johnson. In conclusion, council is simply asking for fair treatment.

The letter was signed by I.C. Ross as Chairman. About two months later, when the Chairman had not received a reply from the Minister of Forests to that strongly worded letter, a full meeting of the council unanimously passed two resolutions on this matter on 20 October. First:

That pursuant to section 359 (1) of the Local Government Act 1934 as amended, council excludes logging trucks and any log hauliers from all roads of the district.

Secondly:

That pursuant to section 359 (3) of the Local Government Act 1934 as amended, the district engineer be delegated the authority to erect such barricades or other traffic control devices as are necessary to give effect to the above resolution.

The passage of those resolutions appears to have prompted the Minister to reply, and on the following day, 21 October, the Minister wrote to the Chairman of the council. Briefly, the letter states:

I am informed that council has now made a resolution pursuant to section 359 of the Local Government Act for the purpose of preventing logging trucks from using roads in the council area. I request that you send me a copy of the resolution and the relevant minutes of council at your earliest convenience. I have had legal advice to the effect that any resolution made by council pursuant to section 359 of the Local Government Act does not bind the Crown or its agencies.

On 27 October, a week later, the council's resolution was printed in the *Government Gazette*, the step required for the resolution to become effective. However, today I am informed that, notwithstanding the resolution and the gazettal of the resolution, contract drivers for the Woods and Forests Department are continuing to operate as normal. There has been no obvious reduction in the logging trucks and log haulers. Does the Minister believe that it is an acceptable situation for the Minister of Forests to allow drivers contracted to the department to continue normal logging and hauling operations contrary to the stated wishes of the council as gazetted on 27 October? Also, will she advise whether a restriction imposed by the council under the Local Government Act—in this case under section 359—does not bind the Crown or its agencies as intimated by the Minister of Forests, but that it would bind contractors to the department?

The Hon. BARBARA WIESE: I have not sought legal opinions on this matter, but I understand that the Minister of Forests has sought legal advice and has been advised that the Crown cannot be bound by a decision of the council in this matter. The land to which the honourable member refers is owned by the Crown. The roads used at the moment are also owned by the Government, and there is no action at this time that the council can take that would interfere with the rights of the department to carry timber to and from the forest area. As to the general question now being canvassed by the District Council of Barossa, it is one which the council has felt strongly about for many years. I understand that it raised the matter originally with the former Minister of Woods and Forests 11 years ago.

As the honourable member would be aware, there has been no shift in policy by the Government with respect to the payment of rates by Government authorities in that time. The most recent position of the Government was made clear when the most recent amending Bill to the Local Government Act passed through this Parliament some months ago. That dealt with rating and financial provisions of the Local Government Act. No change was made to the provisions relating to the Crown's liability for rates. That matter was agreed to by all Parties in this place and, I presume that, as it is a view expressed so recently, it is the view which all Parties in this place still believe is the appropriate position to hold on this question.

Recently, the Federal Government took some decisions in the last budget process which represent a departure from that position—and the position which had been long held by the Federal Government—when it decided to pay rates on Australia Post and Telecom properties to local councils. Whilst that move has been initially welcomed by local government across Australia, I am not sure that the feeling is quite as warm now because the Federal Government subsequently took the decision to reduce Grants Commission moneys to local government which ultimately meant that local government benefited by only some 10 per cent of what they otherwise might have achieved through rate payments from those Federal Government properties.

I have not received any communication from the Local Government Association recently as to its desire to again open the debate about rating of Government properties. I am quite sure that the local government community, at large, would be aware that in these difficult financial times, should such a debate be contemplated or the issue raised as one which should be addressed by the State Government, then a whole range of other issues might need to be placed on the table for discussion as well. The question of cross-charging between levels of government has been a difficult problem and one on which there have been varying points of view over a long period. However, there is no doubt that the question, in a more general sense, would be one that the Government would want to look at should the question of rating of Government properties be raised by the local government community at large.

In relation to the situation the district council of Barossa, I certainly hope that, as a result of discussions that I understand are due to take place between members of the State Government and the district council, some mutually satisfactory solution to the current problem can be determined and that the situation in that part of the State will soon get back to normal.

The Hon. DIANA LAIDLAW: As a supplementary question, will the Minister confirm, or at least ascertain, whether any resolution made by a council pursuant to section 359 of the Local Government Act would bind a contractor to the Crown, or the Government, as distinct from the Crown itself?

The Hon. BARBARA WIESE: I understand that a contractor of the Crown would not be bound, either, by the decision that has been taken by the council in this matter. If my understanding of the situation is incorrect, I will certainly rectify that at the earliest opportunity.

BOLIVAR TOXIC WASTE FACILITIES

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Environment and Planning, a question about Bolivar toxic waste facilities.

Leave granted.

The Hon. M.J. ELLIOTT: I believe that at the moment about 150 000 tonnes of toxic industrial waste is stored at Bolivar. According to internal memos that I have seen and have copies of, at least 30 000 tonnes is both highly acidic and high in heavy metals. I believe that the Government is currently looking at ways of disposing of that. According to the memos that I have seen, the current proposal is to mix the waste with the effluent going through Bolivar at a rate of one in 2 000. Over 22 days most of the heavy metals would settle and the remainder would be discharged out to sea. I have details of experimentation that has been done which suggests that it will not have an appreciable effect on the level of heavy metals in the effluent, although it has been pointed out to me that the experiments did not include tests on mercury, lead, cadmium or tin, all of which would have been considered to be significant metals and worth some consideration.

These documents also state that it is a relatively cheap solution since it only costs a few tens of thousands of

dollars. Most of the heavy metal will apparently find its way into the sludge, although nowhere does it say what finally happens to the sludge. I know that in the past some sludge has been used as fertiliser. According to the authors of the book *Mineral Tolerance of Domestic Animals* that could cause some concern. They state (page 97) in relation to cadmium:

> Urban sewage sludges contain significant amounts of cadmium. Use of high-cadmium sludges for fertilising either animal or human food croplands has been shown to increase substantially the cadmium content of animal and human foods.

I am also aware that effluent waters have been used in the past for some pastures in the region of Bolivar. In the *Sunday Mail* only last week an article referred to the biological deterioration of the near-shore areas. My questions are: first, what is the current state of the proposal? I am aware that the unions have started to kick up about it. Secondly, why did the experiments not include tests for mercury, lead, cadmium and tin? Regardless of the Government's final decision about this proposal, the data currently available already indicate high levels of heavy metals in the Bolivar outfall. Thirdly, what is the total weight of each of the metals in the effluent which is discharged into the gulf annually? Finally, what is currently happening to the sludge, which is high in heavy metals and will be much higher under the proposal? Is any of it currently being used for fertiliser or any other agricultural purpose?

The Hon. C.J. SUMNER: I will seek an answer on those matters and bring back a reply.

PUBLIC HOLIDAYS

The Hon. L.H. DAVIS: I seek leave to make a brief statement before asking the Minister of Local Government a question about public holidays.

Leave granted.

The Hon. L.H. DAVIS: In 1988, the bicentenary of European settlement in Australia, all States and Territories of the nation celebrated Australia Day on Tuesday 26 January. This day commemorates the arrival of the First Fleet at Sydney Cove. It was a day of great pageantry with memorable celebrations centred around Sydney Harbor, all capital cities and many places in urban and rural Australia.

In 1989, however, only New South Wales, the Northern Territory and the Commonwealth have agreed to celebrate the Australia Day holiday on the correct day, and I understand that in 1990 Queensland will follow suit. However, South Australia has decided to return the holiday to the nearest Monday rather than celebrate it on 26 January. The Australia Day Council in South Australia in a grand gesture of defiance is determined to continue celebrating Australia Day on the correct day, even though it will mean very little pageantry because it will not be a public holiday, unlike New South Wales, the Northern Territory and the Commonwealth. This move to celebrate Australia Day on the correct day enjoys the support of the Federal Government. As the Minister of Local Government will be well aware, it also enjoys the overwhelming support of local government in South Australia and in other States.

As it has been put to me, can you imagine some States of America being asked to celebrate Independence Day on the Monday closest to 4 July, or for the French to celebrate Bastille Day on the Monday closest to 14 July? Closer to home, one could imagine the uproar that would ensue if Anzac Day was held on the Monday closest to 25 April.

In the letters to the Editor in this morning's *Advertiser* there was an angry letter from Mr Berry, Secretary of the Glenelg Commemoration Day Sports Association, complaining of the South Australian Government's decision to change the Proclamation Day holiday from 28 December to 27 December. This has caused great inconvenience in the scheduling of events such as the historic Bay-Sheffield, which has been run every year for 100 years. As Mr Berry says:

> Proclamation Day or Commemoration Day is important to South Australians, and the significance of 28 December should be promoted and recognised by the State Government.

So, on the score of celebrating our National Day and our State Day, the State Government gets nought out of two. Can the Minister advise the Council of any country in the world, or any State of another country, which does not celebrate its national or founding day on the correct day? Further, why does the State Government continue to refuse to celebrate Australia Day on the correct day of 26 January, and Proclamation Day on 28 December?

The Hon. BARBARA WIESE: The answer to the first question is 'No'. I cannot provide information about a country that does not celebrate its national day on the day itself: it is not a matter that I have studied. The question as to when particular public holidays of this kind—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —are held in this State is a matter that is negotiated by my colleague the Minister of Labour. I am not aware of the discussions that he has about these questions with the various interest groups within the State. As I understand it, the employer and employee groups in this State would prefer to have the holidays as they have been proclaimed for those two days of the year. It may be a reflection of the preferences of the people of this State and of this country that they would prefer to have a long weekend than to have a day celebrating the birth of their nation, and employers in this State would prefer to have a clear working week in order that production is not lost in industry, rather than breaking a working week by having a holiday mid week to celebrate these events. Whether the honourable member agrees that they are the reasons or feels that they are legitimate views to hold is not for me to judge. All I can say is that the dates that have been designated are those which are generally agreed by the people who have an interest in the matter.

FIREARMS REGISTRY

The Hon. R.J. RITSON: I seek leave to make a brief statement before asking the Attorney-General, representing the Minister responsible for the police, a question about the firearms registry.

Leave granted.

The Hon. R.J. RITSON: In April this year I asked of the Hon. Mr Sumner a question which related to an apparent discrepancy of some magnitude between the number of registered firearms existing on the steam-driven biro system, the card index system, which existed prior to the introduction of electronic data processing, and the number of firearms which were taken onto the electronic data base. There are other points to the question, but an answer was not forthcoming. I understood at the time that an answer had been prepared for the Minister within 48 hours of my asking the question. I have since asked the question and asked when the question might be answered on at least three other occasions in the succeeding months and, in spite of the flurry of answers to more recent questions which the Minister distributed when we rose last before the brief recess, it is not forthcoming.

We are about to deal with a Bill which in its present form does not involve the matter in question but which would involve it only if certain amendments were dealt with. I could be forgiven for believing, in the light of the Government's non-response for six months to a genuine question, that the Government had some reason to suppress the answer. I could be forgiven for believing that the Government is covering up some sort of disarray in the registry and some reluctance to fund the necessary staffing levels to cleanse the register.

First, will my question ever be answered? Secondly, if the matter becomes relevant to the debate on the Bill introduced into this Council (the Firearms Act Amendment Bill), will the Minister arrange to have with him in this Chamber for that debate the police sergeant in charge of the firearms registry, so that the Council may receive accurate advice in answer to questions on that subject?

The Hon. C.J. SUMNER: I will refer these questions to my colleague and bring back a reply.

NEW ZEALAND TOURISTS

The Hon. M.S. FELEPPA: I seek leave to make a brief explanation before asking the Minister of Tourism a question about the increased number of tourists coming to South Australia from New Zealand.

Leave granted.

The Hon. M.S. FELEPPA: It was reported in the *Advertiser* of 27 October that Tourism South Australia has embarked on a campaign entitled 'Action Stations' which is aimed at increasing the number of New Zealanders visiting South Australia as a tourist destination. It was also reported that low passage demand had forced Qantas in April to drop one of its two non-stop weekly return flights between Auckland and Adelaide and that Air New Zealand had deferred the introduction of its New Zealand to Adelaide service for the same reasons.

What form is the 'Action Stations' campaign going to take and what strategies will be used? If the campaign is successful in increasing tourism numbers from New Zealand, what action will the Minister take to ensure that Air New Zealand takes up the option to land in Adelaide, and what action will she take to ensure that Qantas resumes the second service from Auckland to Adelaide?

The Hon. BARBARA WIESE: It was certainly of concern to me when Qantas decided earlier this year to withdraw one of its two scheduled flights between New Zealand and Adelaide, due to its view that the second flight had become uneconomic. In fact, it coincided with the reappointment of an officer of Tourism South Australia to work from New Zealand in encouraging people to come to this State from that country. We had had an officer located in New Zealand until some 12 months or so prior to that, when the officer was withdrawn due to the financial constraints under which Tourism South Australia was working at the time, and it was the view of Tourism South Australia that we would probably be able to service that market by having that officer visit New Zealand several times per year rather than being based there.

It seems that the experiment was not as successful as we might have hoped. In fact, when I visited New Zealand in January this year I visited the Australian Tourism Commission offices and the people in charge of Air New Zealand to discuss our tourism prospects. One of the things that they suggested to me was that the image of South Australia was being diminished by not having a permanent presence in the country. As a result of that, we reinstated the officer in New Zealand in April of this year. He has now been working in the past few months on the preparation of a 12 month marketing plan which will be designed very much to cooperate with and build upon the work that the Australian Tourism Commission is doing in New Zealand in promoting Australia as a tourism destination.

A number of promotions will be directed at consumers and at the travel trade in order to improve South Australia's image in that marketplace and to encourage more people to come to South Australia. In fact, there has been an increase in the number of New Zealanders coming to South Australia in the past few years, but one of the problems has been that a large number of those people have come not through the direct gateway but, rather, from one of the eastern gateways across country. One of the challenges ahead of us is to encourage those people to use the direct flights that are at their disposal and prove to both Qantas and Air New Zealand the viability of these links.

Earlier this year, when I had discussions with officers of Air New Zealand, they indicated to me that, at some stage, they would like to take up their rights to come into Adelaide but they would only be convinced by an increase in visitations that such a link would be viable. The challenge ahead of us will be to improve visitation to this State. One of the things that must be borne in mind about the New Zealand market is that it is a mature market. Visitation from that country to Australia generally is already very high. New Zealanders represent approximately 15 per cent of all international visitors coming to South Australia, which is quite significant already, but the majority of people who come to Australia from New Zealand visit the Eastern States. Our challenge is to get them here.

In recent times, one of the things that has changed which may influence a shift in that direction is that since the release of movies such as *Crocodile Dundee* there is a new interest in New Zealand in the idea of outback and soft adventure holidays, an interest which New Zealanders previously did not have. They preferred to go to the sunny beaches of Queensland and the bright lights and big city atmosphere of Sydney and Melbourne. With new interest emerging in outback experiences, we have something special to promote in the New Zealand market and we will do that as vigorously as possible in order to improve South Australia's market share from New Zealand.

PARLIAMENT HOUSE SAFETY PROCEDURES

The PRESIDENT: I inform the Council that, in relation to the question asked of me yesterday by the Hon. Mr Lucas, I have been informed that the Chief Officer of the Metropolitan Fire Service is preparing a report on the gas leak which occurred in Parliament House yesterday. The report will be sent to the joint Presiding Officers of Parliament and to the Deputy Premier. Members can rest assured that any recommendations contained in that report will be implemented as soon as practicable.

STIRLING DISTRICT COUNCIL

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Local Government a question relating to the Stirling council.

Leave granted.

The Hon. I. GILFILLAN: This morning, a judgment of extraordinary consequence on the eventual viability of the Stirling council was handed down in the Supreme Court by

Justice Olsson. The report that I have heard indicates that there will be claims for damages amounting to many millions of dollars, possibly hundreds of millions of dollars, and estimates of legal costs to this State of over $1 million.

In relation to that $1 million, the news bulletins indicate that the council has signalled that it could resign. As members are aware, the District Council of Stirling has been under considerable stress as a result of an increase in rates, purely to match the cost of legal fees expended to date. It appears that the council could be on the brink of disaster. What does the Minister see as the eventual way out of this dilemma? Does she see the Stirling District Council being declared bankrupt? Is there a solution in completely dissolving the council and re-forming it, therefore avoiding the economic consequences of this judgment? What does she see as her role as Minister of Local Government and the role of the State Government in the crisis which confronts the Stirling District Council?

The Hon. BARBARA WIESE: The news this morning from the courts is not good for the Stirling council in that it has been found negligent in matters relating to events of the Ash Wednesday bushfire. At this stage there is little that I can say about that. One of the decisions that the council must make is whether it accepts the judgment as it has been brought down and acts upon it in whatever way it believes is appropriate, or whether it appeals to a higher court. That is a matter on which the council will take legal advice and I imagine that it will be some days before it will be in a position to inform the ratepayers, the Government or anyone else who may be interested about the action it intends to take following this decision.

I have no knowledge of the report mentioned by the honourable member that the council may resign. I have no information that the council has any intention to take that action. I would be very surprised if it contemplates such action because for a long time it has expressed its desire to deal with the problems which beset it and to take appropriate action to overcome those problems. As to what might be best for the Stirling council at this time it is difficult for me to say, because I have not had an opportunity to look at the judgment, nor have I had the opportunity to have that judgment examined by our own legal advisers. I will be seeking to do that in the next few days.

No doubt at some stage the Stirling council will seek to have discussions with other sectors of local government and with the State Government. If the State Government can provide any further assistance in helping the Stirling council to work through its problems and to find solutions to the difficulties facing it, as has happened in the past, the Government will be happy to participate. The honourable member may already be aware that, during the past 12 months or more, at various times officers of the Department of Local Government and other Government officers have had discussions with the Stirling council about possible financial measures that it might consider.

Those officers have also offered to provide any advice or information that may be helpful to the council in reaching its decisions about how it can best handle these problems in the interests of the ratepayers. Government officers have attended numerous council meetings, and Ministers of the Crown have met with people involved with the council at various times to discuss the situation. We will be happy to talk with the council in the coming weeks about how it might best handle its problems and to give further advice, if that is what the council desires. As to what the solution might be, it is not possible to say until all parties have an opportunity to look at the judgment.

The Hon. I. GILFILLAN: I have a supplementary question. As this case has been proceeding for some six months, does the Minister and the Government have an exigency plan for what must have been a certain possible outcome—the complete economic collapse of the Stirling District Council?

The Hon. BARBARA WIESE: It is not necessary for the Government to have an exigency plan about this matter at this time. The Stirling council has not collapsed. At this stage there is no indication that it will collapse. I hope that the council, in light of the judgment today, will have the opportunity to look realistically at the options it has before it and that it will make appropriate decisions to deal with the problem. I have said on many occasions in this place and at local government gatherings that it is my preference and the preference of the Government that individual councils, wherever possible, should deal with their own problems and circumstances as they arise. I believe that that is also the wish of the local government community itself.

Certainly the nature of the representations that have been made to me over a very long period of time is that councils wish to be autonomous and independent, and they do not wish the State Government to become involved in their affairs—that they would rather handle their own problems themselves. That is what they say to the State Government at every available opportunity. I believe that they ought to do that at every possible opportunity, and I would certainly support the Stirling council in its efforts to overcome its problems.

As I have already indicated, the State Government will be available to discuss these matters with the Stirling council, if it would like us to, and we would be available to provide any advice and assistance that we may be able to offer so that it can come to the most appropriate conclusions in dealing with its problems.

MINISTERIAL STATEMENT: CORRUPTION ALLEGATIONS

The Hon. C.J. SUMNER (Attorney-General): I seek leave to make a statement.

Leave granted.

The Hon. C.J. SUMNER: Since May of last year Opposition members have been attempting to implicate me in allegations of corruption and serious criminal offences. They have promoted this story to the media and today, without naming me, gave a story to the Adelaide *News* in which they referred to a senior State MP. Despite this rumour mongering, they have not had the courage to ask me directly, either privately or publicly, about them. After today's *News* article, one would have expected that today in Parliament the Opposition would have shown me some fairness and would have put these matters to me. They have not. They have not named me directly in the Parliament. They have not put any question to me directly in the Parliament. The questions, however, have been asked in the other House with clear implications that there are senior Labor MPs involved in—and I repeat it; this is what they are alleging—corruption and serious criminal offences. No fairness has been shown to me today in the Parliament or at any other time in relation to these matters.

I wish to advise that the Liberals are alleging—and have alleged today to the *News* and to members of the media—that the person mentioned in the *News* is me. The rumour mongering by the Liberals must stop. In order to refute these rumours promoted by the Opposition, and in the absence of any direct questions today, I intend to call a

press conference at 3.30 p.m. today to which the Opposition spokesman—any one of them or all of them—are hereby invited to attend to put these allegations directly to me. I also challenge the Opposition at any time—today, tomorrow or whenever—to debate these and other matters on any media outlet that is prepared to host it.

Members interjecting:

The PRESIDENT: Order, or a lot of people will be named.

Members interjecting:

The PRESIDENT: Order! The Council will come to order. I call on the business of the day.

ADOPTION BILL

Second reading.

The Hon. BARBARA WIESE (Minister of Tourism): I move:

That this Bill be now read a second time.

Adoption is an issue that has touched the lives of thousands of South Australians. There would be a few people in our State who do not know someone who has been adopted, who has adopted a child or who has relinquished a child for adoption. In fact, in the past three years since the Government undertook the first major review of adoption legislation in South Australia in 20 years, the experiences, both positive and negative, of many of these people have been brought to the attention of the public.

What was once a taboo subject has become an area of greater enlightenment in the 1980s, and it is this enlightenment which has highlighted the need for change to legislation that was largely developed amidst a set of social values, beliefs and conditions that are now more than 20 years old.

Adoption is about the needs of children to have a secure, loving and nurturing environment in which to grow up, and a family in which they belong for a lifetime. It has achieved this end for most of the thousands of children who have been adopted in this State. But adoption can be a highly emotive and sensitive issue which is also about grief and loss, biological and social parent/child relationships and a human need to find one's identity and heritage within both the biological and social contexts. To deal with a range of human needs, emotions and relationships, adoption legislation and practice need to be flexible, responsive and up to date.

Members will recall that in October 1987 a new Adoption Bill was introduced in another place. In the event, the Bill was referred to a select committee, which reported in April of this year. Perhaps the most sensitive aspect of the proposed changes in the original Bill was the provision for adopted people and birth parents to have access to information about each other upon the adopted person's reaching the age of 18 years. Other areas of particular concern to members of the select committee included provision for single people to adopt children in special circumstances, and for *de facto* marriage relationships to be considered equally with lawful marriage in determining a couple's eligibility to adopt a child.

The legislation before members today reflects the deliberations of the select committee. Where the committee's recommendations are not reflected in this Bill, it is because they are more appropriately included in the regulations or in the practice of the department, and not because they have been overlooked.

GENERAL PRINCIPLES:

The Bill retains as its primary consideration the best interests of the child and the development of a modern adoption service that keeps pace with changing social attitudes and circumstances. Subject to this, the interests of all parties in the adoption process have been addressed, and the legislation incorporates changes which affect all groups. Before I address the specific changes inherent in this legislation, I propose briefly to state the principles under which the Government believes a modern adoption service should operate.

1. Children are best cared for in a permanent family environment. Wherever possible, children are entitled to be cared for by their natural parents, with services to assist and support them when necessary. (Although the diminishing number of babies becoming available for adoption presents difficulties for couples wishing to adopt, it is in part a reflection of a society that is better enabling children to grow up in the families into which they are born.)

2. Where natural parents are unable or unwilling to provide this care, or where they choose not to do so, the community has a responsibility to provide a range of alternatives for the care of children. Adoption is one of these alternatives.

3. In all matters relating to the placement of a child outside the care of the child's own parents, the best interests of the child should be paramount. Adoption, therefore, is a service for children, with the aim of finding families who can provide the care and nurturing each individual child needs. Adoption is not a service for couples who are seeking children for their families. It follows then that services for infertile couples, including information and counselling, lie outside the ambit of an adoption service.

4. Categories of children available for adoption have changed. The so-called 'traditional' adoption of healthy newborn Caucasian babies now represents less than 10 per cent of adoptions. The basis for categorising children differently should only be that their needs differ in some way, and that their needs can best be met through the development of discrete categories. (For example, children with special needs are separately categorised, so that specialised recruitment of parents can take place.)

5. Since adoption placements intimately and permanently affect the lives of the children and families concerned, they should be arranged and followed up only by properly trained people, with adequate resources made available to them.

6. Adoption is only one of a range of options for the care of children outside their families of origin. Adoption practices should respond to current social attitudes and practices for the care of children, and should ensure before an adoption is finalised that this is the best option available in each individual case for the best interests of the child. Each application for adoption, then, should be assessed on the basis of the interests of each child concerned.

7. The range of adoptive parents should reflect the diversity of families in our society. Selection should include professional assessment and counselling. It should also include methods of education and self-selection, so that parents can make more informed decisions about whether or not to adopt. Final decisions should be based on a professional assessment, and in the interests of the child.

8. It is incumbent upon those who arrange adoptions to ensure the availability of adequate counselling services about all aspects of adoption.

9. A modern adoption service should reflect current social attitudes about the equal rights of individuals to access to information, including information about birth parents and

circumstances of adoption. It should recognise that secrecy in adoption is not always in the best interests of the child.

10. The provision of care for children is the responsibility of families and the community. Adoption agencies should make use of the resources of both, and involve both in the development of policies, services and resources.

11. As one option in a range of alternate services for the care of children, adoption services should develop and maintain strong links with other forms of alternate child-care, so that the best option can be sought for each child referred.

12. Given that the needs of children in Australian society do not differ markedly from State to State, and given the mobility of the Australian population, States should strive for national uniformity in policy, practice and legislation about adoption wherever possible. Such uniformity is close to occurring for intercountry adoptions.

13. The policies of a modern adoption service should be in line with equal opportunity and anti-discrimination policies and legislation in South Australia. Children's interests are served by their being raised in an environment of equal opportunity and anti-discrimination.

14. The same principles which apply to a modern adoption service should also apply to other alternatives for the permanent care of children.

This Adoption Bill repeals the Adoption of Children Act 1967, although a number of provisions of that Act will be retained. The Government is repealing the previous Act due to the magnitude of the changes, and to highlight the importance of these changes to the public and professional practitioners. Essential issues only are contained in the legislation, and administrative issues will appear later in the regulations.

OPENNESS IN FUTURE ADOPTIONS:

A major thrust of this Bill, in both provision and spirit, is towards more openness in the whole of the adoption process. The Bill promotes the notion that adoption no longer needs to be an entirely secret process, that children can and do understand the concept of adoption, and that birth parents do not just forget about their children when they place them for adoption. Subject then to the need to protect the interests of the child, and to normal confidentiality practices, the Bill allows for greater degrees of openness to be negotiated in future adoptions.

Past secrecy in adoption practices has been largely the result of the stigma attached to the illegitimacy of children, and the felt need to protect them from this. As well, there has been a stigma attached to infertility, but as medical science has made us more aware of the variety of causes of this condition, and of its relatively common occurrence (approximately one in seven couples in Australia are infertile), couples have been able to seek support from each other and to openly discuss the grief and pain they feel. Social attitudes to single parenthood have also changed, such that more and more mothers who have relinquished children for adoption in conditions of shame and secrecy are now able to talk about their experiences. Mothers now relinquishing children do so in an environment of greater choice, and with the expectation that they will continue legitimately to care about the wellbeing of their children.

Hence this Bill provides that, for all adoptions arranged after the proclamation of the new Act, the adopted child will, upon reaching the age of 18 years, have access to his or her original birth certificate, and to identifying information about his or her birth parents that was available to the Director-General of Community Welfare at the time of the adoption. Similarly, birth parents will be able to find out the adoptive identity of children they placed when those children reach 18.

However, the Bill further allows that for all children who are adopted, greater degrees of openness will be possible during the child's minor years when all parties agree. Some adoptions recently arranged in South Australia have involved the exchange of information between adoptive and relinquishing parents, or their meeting on a first names basis. While ongoing contact between birth parents and adopted children does occur now in other States and other parts of the world, this is not common yet in South Australia (it has occurred where the child is adopted at an older age and is fully aware of who his or her parents are), and neither is there any intention to subject any parties in the adoption process to any more openness than they are prepared to agree to.

The select committee recommended that the degree of openness in an adoption be negotiated, through an intermediary, at the time of placement, or shortly thereafter, that it must have the full agreement of both adoptive and relinquishing parents, must be recorded in writing, and lodged with the Director-General. Further, the committee recommended that willingness to participate in an open adoption not be used as a criterion for the selection of adoptive parents.

The Bill specifically provides for information exchange when all parties agree. Let me assure members, however, that with the exception that adoptive parents are now and will continue to be required to make a commitment to tell their children that they are adopted, any further degree of openness will be by negotiation, through the department as an intermediary, and there will be no pressure on the adoptive parents to comply with the wishes of other parties. Selection of adoptive parents will not be determined by the couple's willingness to disclose or exchange information. The Government recognises that if a child's interests are to be truly served, adoptive parents need to be free to exercise their parental rights and responsibilities to raise their children without unnecessary disruption.

Having said this, I point out that the kinds of openness that will be possible will include:

1. Retaining the child's original birth certificate unchanged, and simply endorsed with the names of adoptive parents. This will overcome the present anomaly that when a step-parent adopts a child whose father has died, the original father's name is removed from the child's birth certificate, even though the child can remember full well who his or her father was.

2. Exchange of identifying information about the child and/or parents at the time of placement or at a future date when all parties are in agreement.

3. Exchange of non-identifying information at the time of placement or at a future date, where parties are willing to provide that information.

4. Exchange of information between adoptive and birth parents regarding the progress of the child, with possible exchange of gifts at significant times.

5. In some cases, the birth parents' having access to the child. However, I stress again that this would only be when all parties agree and such action is considered to be in the interests of the child.

These moves represent a considerable step forward for our existing but very outdated legislation, but will in fact bring our new legislation into line with emerging practice and enable the department to better serve the interests of the children who are its primary concern.

OPENNESS IN PAST ADOPTIONS:

Sections 27 and 41 of the Bill relate to the conditions under which parties to an adoption may receive information about their origins or the children they relinquished. They have been developed in response to overwhelming numbers of submissions from adopted people, birth parents and adoptive parents regarding the importance to an adoptee of knowing about his or her origins, as well as the recognition that many birth parents still have strong feelings about their children long after the adoption has taken place. There are very few adoptive parents left who would harshly say 'she gave the child up—she no longer has any rights', or who would feel threatened by their children's need to search for their origins. In fact the evidence from the United Kingdom, Canada, New Zealand and Victoria, where access to information has been allowed, suggests that adoptive parents have nothing to fear. The major impact of receiving information about one's origins or about one's child placed for adoption is usually a satisfied yearning to know and some psychological healing.

However, the select committee also saw the need to protect the privacy of the small numbers of people who had not expected that information would be released about them, and who would not wish it to be released, for whatever reason. The Bill now allows persons adopted before the commencement of the Bill and their birth parents the right to protection of their privacy by placing a veto on the release of information about themselves. It allows them to direct:

1. that no identifying information or birth certificate be released about themselves, or
2. that no current identifying information be released, and/or
3. that no assistance be given to the other party by the department to make contact with them.

Such directions will be received by the Director-General in a manner approved by the Director-General will be valid for five years, and may be revoked or renewed at any time.

Further, it is my intention to move that the implementation of sections 27 and 41 of the Bill, relating to access to information, be delayed for a period of six months to allow sufficient time for publicity to be given to these provisions and veto directions to be lodged with the department if desired.

The select committee heard evidence from the Department of Social Welfare in New Zealand that a veto system exists in that country. The system proposed here is a more flexible extension of that system, which allows for the circumstance in which an adopted person or birth parent may not wish to make contact, but may be happy to have past or current identifying information released about themselves. The evidence from both the New Zealand and Victorian experience suggests that very few birth parents and adopted people do not want identifying information released, and that those who do not want contact with the other party are often happy to provide some information about themselves instead. Hence, there is a clear need for a flexible system which will allow for compromises where the adopted person or birth parent is willing.

The Bill further provides that, in the absence of a specific direction referred to previously, adult adoptees will be entitled to identifying information about their natural parents and, with the authorisation of the Director-General, a copy of the original birth certificate. Natural parents will be entitled to identifying information about the adopted adult. Both parties may seek the assistance of the Director-General to find the other, and both must attend an interview at which the implications of their search for information will be explained and their expectations explored, prior to the release of such information.

Whilst this interview is in no way intended to be therapeutic counselling, it is important that adoptees and birth parents have a realistic understanding of their rights to information, and of the kinds of responses they might expect if contacting the other party. This will help to avoid the disappointment experienced by some adoptees, for example, with fairy tale expectations about their birth parents.

The Bill also enables a birth parent to obtain, with the authorisation of the Director-General, a copy of the original birth certificate of the child at any time, as it serves no identifying purpose and contains only information of which that parent is aware anyway, but is an important record of the birth for the parent. At present, relinquishing parents can only have a copy of their children's birth certificates if they have been issued prior to the adoption. Many relinquishing parents have said that their lack of access to this important document serves as further denial that they ever bore a child, and therefore hinders the resolution of their grief. Any birth certificate issued in these circumstances will, of course, need to be suitably endorsed 'for information purposes only', so that it cannot be used for fraudulent purposes.

INFORMATION ABOUT/FOR ADOPTED MINORS:

Whilst the Government supports the notion of openness in adoption practices, and believes that children can and do deal quite positively with the knowledge of their adoption, it is important that the interests of the child, and the rights of adoptive parents to parent the child without undue interference need to be protected. The Bill therefore provides, as did the last Bill, and as is the current practice, conditions under which adopted minors can gain identifying and non-identifying information about their natural parents, and allows the Director-General discretion to release information contrary to these conditions only if such a release can be demonstrated to be necessary for the welfare of the child.

Information of any kind will only be released to adopted minors with the consent of their adoptive parents, and of their birth parents in the case of identifying information. Exceptions to this provision would be rare, but may occur in the case of the death of adoptive parents, or the irretrievable breakdown of an adoption, where the Minister determines that having further information would be in the interests of the child.

Similarly, information will not be released to a birth parent of an adopted minor without the consent of adoptive parents, and of the child if 12 years and over. The Minister would only have discretion in this situation if the disclosure of information is deemed to be in the interests of the child. Such a circumstance is difficult to imagine, as even quite serious medical information about a birth parent could be passed from birth to adoptive parents through the department without the need to provide identifying information about the child to the birth parent.

I would reiterate here, however, that almost 50 per cent of the public comment received by the Government has come from adoptive parents, the vast majority of whom are supportive of their children's search for their origins.

ADOPTION OF ABORIGINAL CHILDREN:

The provisions of the Bill for the adoption of Aboriginal children have been extended to include the nationally accepted Aboriginal placement principles, as well as a definition of 'Aboriginal'. These principles, already adhered to in the practice of the department, acknowledge the importance of Aboriginal children growing up as a part of an Aboriginal community, with an awareness of their own identity and culture. The Aboriginal placement principle states that an order for the adoption of an Aboriginal child

will not be made except in favour of a member of the child's Aboriginal community who has the correct relationship with the child in accordance with Aboriginal customary law, or if no such person seeks to adopt or care for the child, some other Aboriginal person.

Adoption is not consistent with Aboriginal customary law and culture, which requires that children be raised by people who have the correct relationship with them in their extended families, or within the wider Aboriginal community. Hence, when the permanent legal status of an Aboriginal child needs to be established outside of Aboriginal customary law, guardianship is seen as the preferred option—although adoption will remain a final option if it clearly meets a child's individual and special circumstances. Even so, with the Bill's emphasis on openness, the court would need to ensure that the child's identity as an Aboriginal person would not be lost as a consequence of adoption.

The select committee heard evidence from Aboriginal agencies, groups and communities regarding the injustices caused by some past adoptions of Aboriginal children into white families. In many cases free and informed consent was not given for these adoptions. Whilst the 1987 Bill addressed these issues in its provisions, it is also reasonable to spell out the principles behind these provisions, as a means of reassurance to Aboriginal people of the Government's commitment regarding the long-term care of their children.

ADOPTION OF STEP-CHILDREN:

The circumstances in which the Children's Court will grant adoption orders in favour of step-parents are also restricted by this Bill, but are unchanged from the 1987 Bill. The restrictions are based on recommendations of the Family Law Council, arising out of extensive work, that adoption is not always the most appropriate means for securing the permanent legal status of these children, particularly when they have ongoing relationships with the relinquishing parent or his or her extended family. Sometimes such adoptions are used as points of negotiation in divorce settlements and maintenance disputes, which is entirely inappropriate and not a child-focused use of the adoption process.

With this State's reference of powers to the Commonwealth in relation to the guardianship and custody of children, effective from 1 April of this year, families wishing to secure the legal status of their step-children or relatives will now all be referred to the Family Court, and an adoption order will only be granted if the court first determines that guardianship is not in the best interests of the child.

CONSENT FOR ADOPTION:

The provision of the Bill for the giving of consent for the adoption of a child has been reworded to clarify the intention, but is essentially the same as in the 1987 Bill. Members of the Australian Relinquishing Mothers Society have given evidence that in many cases they were not fully informed of the implications of their consent, or were required to give consent when they were not able emotionally to consider all of the options available to them. Hence, the Bill now provides that a mother cannot give consent until at least three days after she has been counselled, and at least 14 days have elapsed since the birth of the child. The court may decide to accept a consent prior to the 14 days if it first determines that there are special circumstances warranting it and it determines that the mother of the child is able to exercise rational judgment but, in any event, consent may not be given before five days after the birth of the child.

It is intended that the regulations will provide that the person who witnesses the signing of consent is not the same person who counsels the parent and that the witness must be satisfied that the parent understands the implications of signing consent and the process for revoking.

As in existing legislation, children 12 years of age and over must consent to be adopted, and may under the new provisions revoke their consent at any time prior to the adoption. In fact, the magistrate will now be required to ensure that the child does not wish to revoke his or her consent prior to granting the adoption order.

The period during which a parent may revoke an adoption consent has been reduced from 30 to 25 days, so as not to unduly prolong the time before the child is placed with new parents, but in special circumstances can be extended for a further 14 days. This will mean that the average time before a newborn baby placed for adoption reaches the new adoptive home will be 39 days, compared with the current 35.

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

Leave granted.

Remainder of Explanation of Bill

LIMITED CONSENT:

The Bill also allows for a greater range of limited consent to be given—that is, where the relinquishing parent can nominate who will adopt the child. At present limited consent may only be given where the child is to be adopted by a relative of the parent. This Bill allows birth parents to nominate a guardian, step-parent or foster parent of the child to adopt him or her. In practice this occurs now and is clearly desirable. No child, for example, who has been well settled in a foster family for five years should be moved to a new family because the parents give consent for adoption if the foster family is willing to continue their care or adopt the child themselves.

In addition to the ability to give limited consent, it is intended that birth parents will have much more involvement in the selection of couples on the prospective adopters register, through a process of examining non-identifying documented profiles of applicants.

ELIGIBILITY TO ADOPT:

The selection of the right family to provide a child with permanent, secure and loving care is an onerous task, not to be undertaken lightly. I have already reminded members that adoption is a service for children who need families, and not for families who, for whatever unfortunate circumstances, are seeking children. Adoption criteria, then, need to be based on the ability of couples and individuals to meet the needs of children, and not first and foremost on a perceived need to be 'fair' to couples unable to have children and who may have waited for a long time on a list.

However, the Government does concede that there being no evidence that infertile couples make better or worse parents than fertile couples, preference may be given to infertile couples for the adoption of the small numbers of locally born babies becoming available for adoption. This also helps to reduce the already large number of assessments that departmental staff must carry out, and keeps the already lengthy waiting time down slightly. Whilst long waiting times are in the main an inconvenience to prospective adoptive parents, they also mean that adopted children tend to have parents who are older than those of other children, which may not be highly desirable.

The current waiting time for a healthy, locally born child is in the range of eight to 10 years, but is really unpredictable, because of the diminishing numbers of children placed

(32 in the year to 30 June), and because of the numbers of couples achieving pregnancies through improving reproductive technology.

Most of the criteria for the selection of adoptive parents are presently contained in the regulations rather than the Act, and few changes are anticipated. Changes include a revision of the age requirements, such that there may no longer be an age gap of more than 40 years between parents and the first child placed for adoption; a requirement that adoption applicants attend mandatory pre-application and pre-approval information sessions; and factors which need to be considered in the qualitative assessment of applicants. Health and residency requirements will not be changed, although physical disability will not in itself disqualify any person's application, and a person's medical condition will only be taken into consideration if it will affect his or her ability to raise the child to adulthood.

SINGLE PARENT ADOPTION:

Current legislation allows single people to adopt, where special circumstances exist for specific children. This most commonly means that children with disabilities or special needs are able to find families that are most suited to their needs, and provides the department with some flexibility to place children who might not otherwise be accepted into a family. This Bill makes exactly the same provisions for single applicants as does the present legislation—that is, they may be granted an adoption order only if the court is satisfied that special circumstances exist. The spirit and statement of the Bill is that all adoption orders will be made in the best interests of the child, and whilst many children may best be cared for in a two parent family, and indeed that may be the expectation of the parent relinquishing a child, there are already numbers of single adoptive parents in South Australia who are clearly providing the best possible home for the children in their care.

The select committee heard evidence from two such parents—women caring for children with physical and intellectual disabilities of a quite severe nature. I understand committee members were impressed with the commitment of these parents to their children, which has often been at great financial and emotional expense to themselves. The children in their care are clearly experiencing warm and nurturing family life, and their interests have been far better served than if they had been left to live in institutions. Indeed one of the women gave evidence that she did not think she could have provided the same level of care for her disabled children if she had had a husband, as her time and loyalties would have been divided. One of the women was a widow with a grown family of her own, while the other had never married, and both impressed as capable, committed and caring parents.

I would stress again, however, that the Bill's provision for single parent adoption represents no change from the current provision, and has been widely misunderstood. The department's Special Needs Unit is responsible for finding families for children with special needs, and operates quite differently from other adoption programs. The needs of specific children are carefully matched with what applicants can provide, and an approval to adopt is only given for a specific child. Hence there is no waiting list. Applicants are also given intensive training in the care of a child with disabilities, and more intensive follow-up and support is available.

MARRIAGE AND DE FACTO RELATIONSHIPS:

Current legislation requires that couples have been married for a period of five years before they can apply to adopt a child. This Bill has the same requirement, but has extended the definition of marriage to include a man and a woman who have lived in a stable domestic relationship for a period of five years. We live in a society today that increasingly equates *de facto* relationships with lawful marriage, in aspects of social, economic and legal significance. Provided that all couples applying to adopt children can demonstrate the quality and commitment of relationship required, it makes sense not to exclude couples, and hence opportunities for children, on the basis of a piece of paper alone. With changing attitudes to marriage in our society it is no longer valid to assert that couples who are not lawfully married are not as committed to one another as couples who are. Indeed commitment might better be measured in the length and quality of a relationship, and in a couple's preparedness to undertake the permanent care of a child.

The select committee considered this matter carefully, and whilst its recommendation was not unanimous (the only matter on which it was not), the majority recommendation was to retain the definition of marriage used in this Bill, and to allow men and women living in stable domestic relationships for at least five years to adopt children, provided of course that they meet all the other requirements as well.

OVERSEAS ADOPTIONS:

Approximately 90 children come to South Australia each year from overseas countries for the purpose of adoption by South Australian couples. Although most of these children have been legitimately available for adoption in their country of origin in the past, concerns have been expressed by Australian authorities that some couples 'go shopping' for children, and that some exploitation of birth parents and children has occurred. Two years ago the Social Welfare Ministers of each State, together with the Minister of Immigration, Local Government and Ethnic Affairs, implemented national guidelines relating to the practice of intercountry adoption in Australia. These guidelines have ensured that all children coming to Australia for adoption have the same rights to a professional and ethical service as do Australian born children, and that couples who do not meet the requirements as prospective adoptive parents are unable to bring a child into the country.

The criteria for adoptive parents contained in this Bill, and those proposed in the regulations, are the same as those set out in the national guidelines on intercountry adoption, and the Bill will not hinder their effective operation.

The Bill does, however, provide for adoption orders made overseas to be recognised in Australia, under conditions laid down in the national guidelines. These include some assurance that the overseas adoption order was a *bona fide* one, that the couple had lived in that overseas country for more than one year, and that the adoption order does not represent a denial of natural justice. This section of the original Bill has been amended, however, since last October, in accordance with the recommendation of the select committee to ensure that adoption orders recognised under previous South Australian adoption legislation continue to be so recognised.

APPEAL PROVISIONS:

The Bill contemplates the regulations enabling (as they currently do) applicants to an adoption who have been refused to appeal to an Adoption Board. The board is to be constituted from the Adoption Panel. No changes have been made to the 1987 Bill provision, which enables the regulations to add to the board's powers the option to refer matters back to the Director-General for further assessment before making a final decision. This will simply enhance the depth and breadth of the decision-making power of the board.

ADOPTION TERMINOLOGY:

The select committee had recommended that the term 'birth parent' be used throughout the legislation instead of the term 'natural parent', after comments from adoptive parents who consider the former term implies they are 'unnatural parents'. 'Natural parent' is a term in current use, most importantly in the Family Relationships Act. The term 'birth parent', apart from having no accepted legal definition, can only refer to the mother of the child.

CONCLUSION:

In conclusion I wish to thank all those who have been involved in the lengthy but important process of reviewing our adoption legislation. This Bill is the result of considerable consultation and research, and I believe has achieved a good balance between the indisputable rights of adopted people and birth parents to information about their origins or the children they placed and the need to protect the privacy of individuals who may not wish their present lives to be disrupted by their past.

More importantly, however, the Bill sets the scene for far more positive and open adoption practices into the future, allowing the flexibility in legislation to deal with the variety of circumstances and need in which children find themselves, and hence allowing our community to better care for the children for whom we have responsibility.

Clauses 1 and 2 are formal. Clause 3 repeals the Adoption of Children Act 1967. Clause 4 is an interpretation provision. Attention is drawn to the following definitions:

'the Court' means the Children's Court of South Australia constituted of a Judge or a magistrate and two justices (at least one of the three being a woman and at least one a man).

'marriage relationship' means the relationship between two persons cohabiting as husband and wife or *de facto* husband and wife.

Marriage according to Aboriginal tradition is recognised for the purposes of the measure under subclause (3).

Clauses 5 and 6 relate to the South Australian Adoption Panel. Clause 5 establishes the panel. The following members will be appointed to the panel by the Minister:

(a) a clinical psychologist;
(b) a specialist in gynaecology;
(c) a specialist in pediatrics;
(d) a specialist in psychiatry;
(e) a legal practitioner;
(f) a social worker;
(g) a nominee of the Director-General;
(h) two persons with special interest in the adoption of children.

Clause 6 sets out the functions of the panel, namely:

(a) to make recommendations to the Minister generally on matters relating to the adoption of children;
(b) to keep under review the criteria in accordance with which the Director-General determines who are eligible to be approved as fit and proper persons to adopt children and to recommend to the Minister any changes to those criteria that the panel considers desirable;
(c) to recommend to the Minister procedures for evaluation of, and research into, adoption;
(d) to make recommendations to the Minister on matters referred by the Minister to the panel for advice; and
(e) to undertake such other functions as may be assigned to the panel by regulation.

Before making any recommendation to the Minister to change the eligibility criteria for prospective adoptive parents, the panel must consult persons who have been approved as eligible to adopt and whose approval may be affected by the recommendation, organisations with a special interest in the adoption of children and any other persons who have, in the opinion of the panel, a proper interest in the matter.

Clause 7 provides that the welfare of the child is the paramount consideration in any proceedings under the measure. Clauses 8 to 14 are general provisions relating to the jurisdiction of the court to make adoption orders, the effect of adoption orders and the circumstances in which adoption orders will be made. Clause 8 gives the court power to make adoption orders. The power is exercisable only where the child is in the State and the applicants for the order are resident or domiciled in the State. Clause 9 provides that where an adoption order is made, the adopted child becomes in contemplation of law the child of the adoptive parents and ceases to be the child of any previous natural or adoptive parents.

The clause provides that where one of the natural or adoptive parents of a child dies and the child is adopted by a person who cohabits in a marriage relationship with the surviving parent, the adoption does not exclude rights of inheritance from or through the deceased parent.

Clause 10 requires the court to be satisfied, before making an adoption order in favour of a person who is cohabiting with a natural or adoptive parent of the child in a marriage relationship or is a relative of the child, that adoption is clearly preferable to guardianship in the interests of the child. Clause 11 requires the Court to be satisfied, before making an order for the adoption of an Aboriginal child, that adoption is clearly preferable to guardianship in the interests of the child. The clause also requires that the order be made in favour of a member of the child's Aboriginal community who has the correct relationship with the child in accordance with Aboriginal customary law or, if there is no such person seeking to adopt the child, some other Aboriginal person. An order may be made in favour of a person who is not an Aboriginal person only if the court is satisfied that there are special circumstances justifying the making of the order and that the child will retain his or her cultural identity with the Aboriginal people.

Clause 12 sets out criteria affecting prospective adoptive parents. Usually an adoption order will only be made in favour of two persons who have been married (lawfully or *de facto*) for at least five years or in favour of one person who has been married (lawfully or *de facto*) to a natural or adoptive parent of the child for at least five years. The court may make an adoption order in favour of persons who have been married for less than five years or one person who is not married if satisfied that there are special circumstances justifying the making of the order.

Clause 13 provides that an adoption order may be made in respect of a person between 18 and 20 years of age if an applicant has brought up, maintained and educated that person and there are special reasons for making the order. Clause 14 empowers the Supreme Court to discharge an adoption order that was obtained by fraud, duress or other improper means. Clauses 15 to 19 deal with consent to adoption. Clause 15 makes the consent of parents or guardians to an adoption a compulsory requirement. The clause provides that the mother of a child cannot consent to the adoption of the child until five days after giving birth to the child. If the mother purports to consent to the adoption of the child more than five but less than 14 days after the birth of the child, the consent will only be valid if the court recognises it to be valid on being satisfied that there were special circumstances justifying the giving of consent less than 14 days after the birth of the child and that the mother was able to exercise a rational judgment on the question of

consent. Consent of a parent or guardian may be general or may be limited to authorising the adoption by a relative or guardian of the child, a person who is cohabiting with a parent of the child in a marriage relationship or a person in whose care the child has been placed by the Director-General. Certain formalities are required for consent, including compulsory counselling three days before the giving of consent. Consent of a parent or guardian may be revoked within 25 days or, with the approval of the Director-General, 39 days. The consent of the father of a child born outside lawful marriage is not required unless his paternity is recognised under the Family Relationships Act 1975. A person who may be able to establish paternity must be given a reasonable opportunity to do so.

The clause also provides that consent of the parents or guardians of the child is not required if the application is supported by the Director-General, the Director-General certifies that the child entered Australia otherwise than in the charge of a parent or adult relative who proposed to care for the child while in Australia, the child has been in the care of the applicant for at least 12 months and the making of the order would be in the best interests of the child.

Clause 16 provides that an adoption order will not be made in relation to a child over 12 years of age unless the child has consented to the adoption and has had 25 days in which to reconsider that consent and the Court is satisfied that the child's consent is genuine and that the child does not wish to revoke consent. The court must interview the child in private for that purpose. Certain formalities are required for consent, including compulsory counselling before the giving of consent.

Clause 17 provides that a consent to adoption given according to an interstate law will be regarded as sufficient for the purposes of the Act. Clause 18 sets out the circumstances in which the Court may dispense with consent. The consent of a child over 12 years may be dispensed with if the child is intellectually incapable of giving consent. The consent of any other person may be dispensed with if—

(a) that person cannot, after reasonable enquiry, be found or identified;

(b) that person is in such a physical or mental condition as not to be capable of properly considering the question of consent;

(c) that person has abandoned, deserted or persistently neglected or ill-treated the child;

(d) that person has, for a period of not less than one year, failed, without reasonable excuse, to discharge the obligations of a parent or guardian of the child; or

(e) the court is satisfied that there are other circumstances by reason of which the consent may property be dispensed with.

Clause 19 enables the court to make an order dispensing with or recognising the validity of a consent before an application for an adoption order has been made. Clauses 20 and 21 deal with the recognition of interstate and overseas adoption orders. Clause 20 provides for the recognition of adoption orders made under the law of the Commonwealth or of a State or Territory. Clause 21 provides for the recognition of overseas orders. The order must have been made in accordance with the law of the country and each applicant for the order must have been domiciled in that country or resident there for at least 12 months. The circumstances in which the order was made must, if they had existed in this State, have constituted a sufficient basis for making the order under the measure and there must have been no denial of natural justice or failure to observe the requirements of substantial justice. The clause provides that where immediately before the commencement of this Act an adoption order made under the law of a country outside Australia was recognised as having the same effect as an adoption order made in this State, the order continues to be so recognised. Clauses 22 to 27 are general provisions relating to adoption orders. Clause 22 requires the court before making an order to consider any report prepared by the Director-General on the circumstances of the child and the suitability of the prospective adoptive parents and their capacity to care adequately for the child.

A copy of the report will be given to the prospective adoptive parents unless the Court orders otherwise. The Court can also prevent disclosure of the report to any person in appropriate cases. The clause also empowers the Court to require prospective adoptive parents to submit evidence of their good health.

Clause 23 empowers the court in making an adoption order to declare the name by which the child is to be known. The child's wishes are to be taken into account. If the child is over 12, the Court will not change the child's name against his or here wish. Clause 24 provides that adoption proceedings will not be heard in open court and that records of the proceedings will not be open to inspection. Clause 25 constitutes the Director-General interim guardian of a child if each parent or guardian has consented to adoption of the child in general terms or arrangements for the transfer of guardianship from an interstate officer to the Director-General are complete.

Clause 26 enables the Minister to arrange with prospective adoptive parents to contribute to the support of a child who suffers some physical or mental disability or who otherwise requires special care. Clause 27 deals mainly with the disclosure of information by the Director-General. It requires the Director-General to disclose, to an adopted person who has attained the age of 18 years—

(a) the names, dates of birth and occupations of the person's natural parents and any other information that is in the Director-General's possession that relates to those parents but does not, in the opinion of the Director-General, enable them to be traced; and

(b) the names of any persons who are siblings of the adopted person and who were also adopted and who have attained the age of 18 years, the names of the adoptive parents of any such siblings and any other information that is in the Director-General's possession that relates to those siblings but does not, in the opinion of the Director-General, enable them to be traced.

The Director-General msut also disclose, to a natural parent of an adopted person who has attained the age of 18 years, the name of the adopted person, the names of the adoptive parents and any other information that relates to the adopted person but does not, in the opinion of the Director-General, enable that person to be traced. The information must, on request, be disclosed to a relative of the adopted person, if the natural parents are dead.

The information may be disclosed before the adopted person turns 18 if certain approvals are obtained: in the case of disclosure to an adopted person, the approval of the adoptive parents and the natural parent if that parent's name is to be disclosed; in the case of disclosure to a natural parent, the approval of the adoptive parents and the adopted person if he or she is at least 12.

A person who was adopted before the commencement of this Act or a natural parent of such a person may direct the Director-General not to disclose his or here name or any

other information which, in the opinion of the Director-General, would enable the person to be traced. Such a person may also direct the Director-General not to arrange or assist any meeting between the adopted person and the natural parents.

Directions remain in force for a period of 5 years and may be renewed at the end of such a period. If the disclosure of information is necessary in the interests of the welfare of an adopted person, the Minister may authorise disclosure of the information without the required approvals or contrary to any relevant direction.

Clauses 28 to 42 provide for various offences and deal with other miscellaneous matters.

Clause 28 provides that an agreement providing payment for the consent of a parent or guardian to an adoption is illegal and void. The clause makes it an offence to be party to such an agreement, the maximum penalty provided being a fine of $8 000 or imprisonment for two years. Clause 29 makes it an offence to conduct negotiations leading to an adoption order unless the negotiations are conducted by a person or organisation approved by the Director-General. The maximum penalty provided is a fine of $8 000 or imprisonment for two years. The Director-General is given power to withdraw approval under the clause in appropriate circumstances. Negotiations conducted, without fee, by a parent, guardian or relative of the child for adoption by a relative or a person who is cohabiting with a parent of the child in a marriage relationship are exempt from the clause.

Clause 30 makes it an offence to take or entice a child away from a person who is entitled to custody of the child under an adoption order. The maximum penalty provided is a fine of $8 000 or imprisonment for two years. Clause 31 makes it an offence to publish in the news media information that may identify a child the subject of adoption proceedings or the parent or guardian of such a child or any party to such proceedings. The maximum penalty provided is a fine of $15 000. The court or the Director-General may, however, authorise such publication. Clause 32 makes it an offence to advertise in the news media a desire to adopt a child or to have a child placed with adoptive parents or guardians. The maximum penalty provided is a fine of $15 000.

Clause 33 makes it an offence to make a false or misleading statement in connection with a proposed adoption. The maximum penalty provided is a fine of $4 000 or imprisonment for one year. Clause 34 makes it an offence to falsely represent oneself to be a person whose consent to an adoption is required. The maximum penalty provided is a fine of $4 000 or imprisonment for one year. Clause 35 makes it an offence to present a consent document in relation to an adoption knowing that it is forged or obtained by fraud, duress or other improper means. The maximum penalty provided is a fine of $4 000 or imprisonment for one year. Clause 36 makes it an offence for a person who is, or has been, engaged in duties related to the administration of the Act to disclose confidential information obtained in the course of those duties. The maximum penalty provided is a fine of $8 000.

Clause 37 provides that offences under the measure not punishable by imprisonment are summary offences and that offences punishable by imprisonment are minor indictable offences. The clause also provides that a prosecution for an offence against the measure can only be commenced with the consent of the Minister. Clause 38 provides that in proceedings under the measure, where there is no certain evidence of age of a person, a court may act on its own estimate of age. Clause 39 entitles the Director-General to intervene in any proceedings under the measure. It also empowers the Court to order that any person who has a proper interest in proceedings under the measure be joined as a party to the proceedings. Clause 40 empowers the court in proceedings under the measure to make orders as to costs, subject to the regulations. Clause 41 deals with entries in the register of births relating to children who are subsequently adopted.

The Principal Registrar of Births, Deaths and Marriages will normally cancel any relevant entry and make a fresh entry giving the date and place of birth of the child and the names of the persons who are in contemplation of law the parents of the child following the adoption. The court may, on the application of the adoptive parents or the Director-General, order that the entry is not to be cancelled but rather that a note of the names of the adopted parents is to be added to the entry. If either or both of the natural parents are alive, before such an order is made the Court must be satisfied that the information relating to the natural parents of the child contained in the entry is known to the child or that the natural parents of the child approve of the child having access to that information.

Access to the information contained in a cancelled entry or in an entry relating to a person adopted before the commencement of the measure may only be allowed (except in certain circumstances) on the authorisation of the Director-General. The Director-General cannot give such an authorisation to a person adopted before the commencement of the measure if the natural parent has directed the Director-General not to do so.

The circumstances in which access may be allowed without the authorisation of the Director-General are where access is given to a person who was adopted after the commencement of the measure and who has attained at least 18 years of age or to a natural parent of a person adopted after the commencement of the measure.

Clause 42 gives the Governor regulation making powers. In particular, the regulations may prescribe or make provisions for the criteria on which the eligibility of persons for approval by the Director-General as fit and proper persons to adopt children will be determined and for the keeping of registers of persons so approved and may prescribe or make provisions for the review of decisions of the Director-General relating to those persons and for constituting adoption boards to hear and determine those reviews.

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

APPROPRIATION BILL

Adjourned debate on second reading.

(Continued from 1 November. Page 1066.)

The Hon. M.B. CAMERON (Leader of the Opposition): Madam President, it was early August when the present Minister of Health was appointed. One does not expect a new Minister to have at his or her fingertips a wide range of information about his portfolio. However, any new Minister, including the present Health Minister, can and should call on the resources of the large number of public servants attached to his department when seeking answers to questions on matters of public interest. In this case, the Minister has the resources of the South Australian Health Commission behind him. So, one would think that after nearly three months as Health Minister it would not have been too hard to have obtained a few answers to the many health questions

asked by the Opposition on behalf of the people of South Australia.

Instead, we have an amazing situation where the Opposition has not received one reply from the many unanswered questions taken on notice during Estimates on 14 September. At the same time, I have received only three replies, and they have taken three months, 2½ months and two months respectively, to the many health questions I have asked in this Chamber during Question Time since early August.

I understand that during Health Estimates there were 35 advisers available to assist the Minister with replies. Estimates are an important part of the parliamentary process, providing an essential insight into the yearly activities of the department under review. For while the Auditor-General examines each department's accounts and provides an assessment, it is also essential that there is time for public scrutiny, through the Opposition, of the activities of each department. In Estimates there was clearly increased use of dorothy dixer questioning by Government members to promote a particular point of view. I might add that this criticism is not aimed at all Ministers. I give full credit to the Attorney-General who gave succinct and informative answers during Estimates, according to what I have heard.

The problems, however, are self-evident in health. Out of 83 questions or subquestions asked in health estimates the Opposition was lucky to get more than a handful of replies, and essentially it would be no exaggeration to say that we received virtually no new, meaningful information. On a number of questions to which we sought answers we were told the information was contained in the blue book. Yet, when we referred to statistics in this book to question the Government on subjects such as budget allocations, we were told that those figures were not comprehensive, and that there were other figures which had not been disclosed.

The vagueness of replies, from both the Minister and Health Commission officers, particularly on funding to health units, leads one to suspect that there has been a major cut to most of the units, and that that cut is being hidden. If this is not the case, the Minister should be able to provide the Opposition with information that would refute that assumption. To give members an example of the way that this Government is trying to confuse the issue of funding, let me detail some figures on a large metropolitan health unit, the Modbury Hospital.

If we use the Minister's bible, the blue book, this hospital has received a preliminary allocation of $29.8 million this year, compared to $30.4 million last year. But, a check with the hospital's administration reveals that its official final allocation this year is $28.7 million, or a cut of $1.7 million. On top of that the hospital hopes to get up to $2 million extra for what it calls 'specifically funded lines'—that is, additional costs entailed in paying out workers compensation, superannuation and termination leave. By this reckoning, the hospital should be marginally in front, compared to last year, at $30.7 million. Of course, in real terms, compared with last year, that is $28.9 million, a cut of $1.5 million or 5 per cent.

Yet, the hospital says its budget has been cut by $127 000, or in real terms $1.9 million, as an offset for the second tier wage increase. Confused? Well, I certainly am and I am sure the hospital administrators and the public are. But perhaps that is what the Bannon Government wants to do to the public when dealing with the highly sensitive area of health: exact cuts from the system but do so in such a confusing manner that the cuts are made as crafty as possible.

During the Estimates Committee we were promised answers to a number of questions that the Minister or his officers did not have immediately to hand. My understanding is that those answers should normally be provided within 10 days. That has been an understanding for a long time. Yet, as I said before, to date we have had no replies to questions taken on notice on 14 September. As members would know, that is two months ago. This is for a budget at 30 June. In South Australia we do not have freedom of information legislation which would enable us to obtain answers, albeit even on a user pays principle. The Government has whimped out of its commitment to FOI—a commitment that the Attorney-General had previously given on several occasions.

It is clear this Government believes that neither the public or Opposition are fit and proper people to have information with which to make a reasoned assessment of the Bannon Government and what it is doing to the health system. For example, we cannot find out how many people are waiting 18 months, two years, 2½ years or even three years for elective surgery. We do not know if hospitals roll over their waiting lists after 12 months to make it appear that no-one waits longer than a year for surgery. We want to know what system is being used for itemising the lists. We also want to know the true budget for all health units as obviously the blue book is useless.

Let me tell the Government now that, until these questions and many others are answered, the Estimates Committee for Health in this House, at least, will be prolonged. Last year I arranged to put questions on notice. That is the normal arrangement: if one asks questions in the Upper House which cannot be answered, one puts them on notice. I did not receive replies until February, that is, 4½ months later. The Opposition will not interrupt Supply, but we do expect answers to legitimate questions on the budget. If it takes three days to get answers to estimates so be it. I suggest that the Government arrange to get the public servants down now so we can get all the answers we require. I want to know, for example, how many staff are being retained in each hospital and health unit. How many positions have been lost in the past year, or are planned to be lost this financial year? I want to know—in each of the major hospitals—how many wards have been closed and how many remain open.

I want to know many nurses at Julia Farr Centre are looking after patients in each ward at night. I want to know how many wards are empty and how many rehabilitation beds are available. I also want to know what the Health Commission considers is an adequate staffing level. I want to know, too, how many nursing staff are allocated to the various wards at Modbury Hospital, and the number of nurses available in total. I want to know the number of wards open at the Children's Hospital for each of the past 12 months. And I want to know on how many occasions during that time the wards were totally full, and how many patients were turned away. I want to know the same details for all the other metropolitan hospitals, particularly those with very high occupancy levels during the past year.

I have a number of other questions that I want to put to the Committee of this Council. Perhaps I might even consider assisting by giving the Minister a list of the 200 questions beforehand so that the appropriate public servants can be brought down and the answers prepared. That may help the Minister. In the area of country health I want to obtain copies of all correspondence and memorandums to each of the hospitals which are now under threat of closure. I also want to know, as we got no answers last September in the Estimates Committee, what are the detailed plans for

the Clare Community Centre. I want to know if there is a new area health plan for the Mid-North region, I want to know who is in charge of that plan and what that person's experience is.

I also want further information on the Health Commission's new Citi Centre building in Rundle Mall. I gather that staff are just starting to move into the new building—a delay of three weeks beyond the deadline for incurring a penalty to the developers for non-occupancy of the premises. I understand that the penalty will be $200 000 a month. I want to know what penalty payment the Government has incurred in the delay in occupying the building, and how long it will be before all Health Commission staff are relocated to the new offices. I also want a direct answer from the Minister—which he avoided during Estimates—on whether he believes the $4 million bill for fitting out the Citi Centre building is justified.

I also want from the Minister all the correspondence, sent to all health units, which details the specific final allocations for 1988-89. I know during the Estimates Committee the Minister was very vague about whether this information could be supplied. Perhaps that hesitancy can be blamed on his unfamiliarity with the portfolio. But, I remind the Minister that his predecessor had no problem in supplying that information. Of course, he sent me a bill—such is the attitude of someone who describes himself as a 'hard-nosed socialist', who is now, I understand, worth $100 000 a year to free enterprise. But, let me repeat my offer, made last year, to the new Minister: I will send my single member of staff around to the Health Commission to photocopy the relevant documents, if he is unable to spare his valuable staff to complete the copying.

The Hon. R.J. Ritson: The Minister said you would have to pay for it, though.

The Hon. M.B. CAMERON: That was last year; I do not know about this year. However, I gave the money to the Blind Institute. So, the Government did not get it—it went to an appropriate place. I will even come around and help the Health Commission myself if that is of any assistance at all to the 300-odd people in the Health Commission who are so busy.

Last year we had to wait until February for information we requested during the Estimates Committee. That is a delay of five months. I do not expect to wait that long this year. We must remember that we are dealing with an absurd situation. Here we are in November seeking answers to information on a budget that was framed in July. Any shareholders attending a public company meeting who were unable to get answers to budgetary questions 4½ months after a budget was framed would have no hesitation in calling for the sacking of the board. I warn the Government that this is the path it is treading with such an arrogant attitude to reasonable requests for information.

Before turning to the issue of Aboriginal health, I want to briefly mention the issue of staff and visitor car parking at the Royal Adelaide Hospital. I want to make one more offer to the Government for a bipartisan approach to building a car park on the South Australian Institute of Technology car park site. I want the Health Minister, or a member of his Government, to go down and visit the Royal Adelaide at the change of shifts and see for himself the dangers that nurses and other staff face in crossing North Terrace to reach off-site car parking. He could go there at night and see the dangers they face reaching their cars in darkness in the north car park. It seems that this Government does not care about such things: it still believes that a costly off-site car park will be suitable when it has been shown that, from a safety, financial and environmental point of view, a multi-storey car park would be far better on the SAIT site on Frome Road.

Under the Government's plans, RAH staff could wait up to 10 years for safe convenient car parking. Yet a self-funded SAIT car park could be built in 18 months and probably cost only a fraction of the money that the Government plans to spend on its present proposals.

I turn now to Aboriginal health, a subject which is increasingly becoming a brick around the Bannon Government's neck. The state of health in Aboriginal communities in South Australia and the lack of will on the part of the State and Federal Governments to take the necessary steps to make major changes are a national and international disgrace. How can anyone in this community support a system which has led to the average life expectancy of an Aborigine being 20 years less than that of his or her white counterpart?

If any justification is needed for the statement that Aboriginal health is a national and international disgrace we need look no further than the Nganampa Health Council's report entitled 'Why are we becoming Sick and What is it From?' released in September 1987. I will not go back over this report but suffice to say that it highlights among other things that hospital admission rates for pneumonia among Aboriginal children is 80 times higher than for non-Aboriginal children. A survey carried out in July 1985 by the National Trachoma and Eye Program team found that 45 per cent of Aborigines under 11, and 44 per cent of Aborigines under 21, had chronic ear disease.

Also, 26 per cent of the population tested by Nganampa in 1985 were Hepatitis B positive and therefore possibly infectious. Studies of B antigen status show that one in four of that group may be highly infectious. Surveys of children in homelands covered by Nganampa indicate that between 55 per cent to 70 per cent of 0-10 year-olds show evidence of follicular trachoma. Members will not need to be reminded that trachoma is the most common infectious cause of blindness. It is virtually unknown among white Australians. Finally, studies done by Nganampa in 1985 show that up to 30 per cent of Pitjantjatjara homelands Aborigines surveyed had active syphilis. Having heard the findings of the Nganampa study, no-one in this Chamber would deny that Aborigines in the Far North of South Australia, if not the entire State, have major health problems.

Earlier this year the Uwankara Palyanyku Kanyintjaku (commonly known as the UPK) Report was released. This extensive study into public health in the Anangu Pitjantjatjara Lands (which was done, I hasten to add, in cooperation between Nganampa Health, the Aboriginal Health Organisation and the SA Health Commission) clearly identified the priorities, needs and basis for providing better health for Aborigines in the State's Far North. If any member wishes to see a copy of that report, I have it with me. I seek leave to table the report.

Leave granted.

The Hon. M.B. CAMERON: There are in the report clear recommendations on how to promote healthy living practices and in this respect I refer to washing people, washing clothes and bedding, waste removal, nutrition, reduction of crowding, separation of dogs and children, and so on. Further on page 2 the following appears:

> Public health is highly dependent on the planning, funding, installation, maintenance and utilisation of essential services and community utilities . . . Management at the local level—

and I want members to listen to that very carefully—

> is critical for public health improvement. Every facility in the community relevant to public health is dependent on community management for its functioning. Generators, water systems and waste disposal all need to be paid for, installed and maintained. Once services break down they actually become a threat to public health.

Further on in the report the following appears:

> At present each community is required to negotiate with a long list of outside agencies, and one consequence has been the chaotic state of both service delivery and maintenance. Also in this setting, with agencies and individuals coming and going, meaningful communication and consolidation are almost non-existent.
>
> The review has, therefore, recommended that AP, the land-holding body established by the State Government, be the one to coordinate the planning and delivery of the various services covered by the Review.

Everyone is agreed that you have to change the living practices of Aborigines in remote regions if you are to substantially increase their health. But what is the Government doing this year, as a result of this magnificent UPK report? It is providing $56 000 for a study into nutrition for Aborigines. But what is the Government doing about living costs? It is all very well, after spending $56 000 on a study, to come up with a finding that Aborigines in remote areas need better nutrition and a balanced diet of meat, fresh vegetables, fruit and dairy produce. But it becomes tragically cynical to come up with all these fine goals when you are living on $19.50 a week and a dozen eggs cost $3, half a cauliflower costs up to $4, butter costs $3 for 500 grams and the cheapest cut of lamb chops will set you back $7!

I suggest that members go through their *News* today and check on the prices of those items in the metropolitan area. Compare them with these common city prices for the same shopping basket: a dozen eggs, $1.60; half a cauliflower, 99 cents (or less than that now); butter, $1.72 and lamb chops $4.99 for the best. You can get them at half that price if you shop around. The average Aboriginal family runs out of money for quality foods in the first three days of any week and has to subsist for the other four. The Government is missing the point. Good nutrition is a priority, but the UPK report details more pressing priorities, not the least of which is the funds available to individual families. Of course, the other priority is a roof over one's head.

The Hon. R.J. Ritson: You're not suggesting that vegetables ought to come before land, are you?

The Hon. M.B. CAMERON: They are really separate matters. I understand what the honourable member is saying, but amongst all the argument about Aborigines there are some things which can be done without argument on a bipartisan basis. At least $10 million is needed for appropriate housing in remote areas of the Aboriginal lands in South Australia. When I say housing, I mean simple housing. It does not have to be very good.

The Hon. J.F. Stefani: Not white advisers?

The Hon. M.B. CAMERON: That is right. They really need just a roof over their heads, and one appropriately planned. Every time housing has been built up there in the past, it has been designed by someone in the city, I think, who has never been there. The wet areas, the showers, are always in the centre of the house because they make them the same as our houses. Inevitably, they get blocked and the whole house is then awash and the Aborigines no longer live in them.

The Hon. J.F. Stefani interjecting:

The Hon. M.B. CAMERON: No, they don't. The UPK report details how to do it. It goes very carefully through the designs of the Aborigines themselves. They have actually said 'This is the way to do it, otherwise it will be a shambles.'

The Hon. R.J. Ritson interjecting:

The Hon. M.B. CAMERON: That's right. I will say a bit about plumbing in a minute. The Government allocates a paltry $56 000 for a nutrition study when the UPK report has already identified the major problems and urgent needs of Aborigines. The Government is merely throwing pebbles at the problem, and even the pebbles they are throwing are missing the target.

Then we have the Lambert report, which was outlined in the *Advertiser* today, which examines the provision of essential services to Aboriginal communities and recommends the establishment of local government bodies in Aboriginal lands to administer local affairs. What do they want local government for? Why are we spending money flying Mr Dunstan around the State to advise on local government for Aboriginal people? Aborigines already have AP, which is the Anangu Pitjantjatjara Council, which meets regularly.

In fact, it was meeting yesterday and today and finishing the meeting tonight. They discuss community problems of each individual community. It is a body established by the State Government, and it was with bipartisan support that it was established. We gave them by-law making power last year to control drinking, the supply of alcohol, petrol sniffing and gambling, so we have already, under the Land Rights Act, recognised that body as the local government of that area.

To back up the push for local government, as I have said, the Government sent the epitome of the 'great white father' attitude, former Premier Don Dunstan, to consult with Aborigines about setting up local government. Mr Dunstan, I might add, has been hired on a salary which, when all additional costs are included, comes pretty close to the $55 000 allocated to the nutritional study of Aborigines—and probably will cost more. But what did Mr Dunstan do? Did he consult with local Aborigines? Did he speak to people like Yami Lester? Yes, he did—for a very brief time.

Mr Lester informed me that Mr Dunstan did meet with a partially attended general meeting of the AP council on 7 October, where he put forward the proposal to give Aborigines local government as outlined in the Lambert report. But Mr Lester said Mr Dunstan had not visited the local communities to canvass his proposals and yet it has been alleged to me that Mr Dunstan and a public servant are now touring Queensland at taxpayers' expense, supposedly examining local government for South Australian Aborigines. I do not know whether that is true or not, but that is an allegation which has been made to me. Yet those Aboriginal people who attended the 7 October meeting with Mr Dunstan made it quite clear to him that they did not want local government as he was outlining. They told Mr Dunstan they already had local government in the AP Council and the Act under which it is governed. As Mr Lester told me, 'I don't think Mr Dunstan's really caught up with what AP's role is. He's not the only one: the State Government has difficulty in recognising its own Act.'

I also asked Mr Lester whether the Lambert group had been out to visit Aborigines prior to releasing its report. Mr Lester just laughed. You see, Aborigines have seen nothing of the Lambert group, although they believe they might be coming out to Aboriginal lands some time in the near future. But in the meantime, the report has been produced and has been given to the Government. The Government has had a Cabinet submission from the Minister of Aboriginal Affairs about it, and has agreed to set up a committee, based on the Lambert report to control the maintenance of Aboriginal lands, and not one discussion has taken place with the Pitjantjatjara Council about this matter. That is how much they believe in self-government and self-determination for Aborigines! Aborigines now have copies of the Lambert report, although they only got it last week, well after it was finished and accepted by the Government, with its range of assumptions and recommendations, having had no input into any of it. These proposals include on page two of the report:

Ultimately there will be a form or forms of local self-government in the communities although the nature of this is yet to be derived.

I do not know what Mr Lambert is talking about, but they already have local government. The sooner he goes up, the better; the sooner the Minister goes back, the better, because he will be told a few things. In fact, I understand that Mr Lester has talked quite frankly to him on the telephone about this whole proposal. The second proposal is as follows:

There will be some form of regional administration of Aboriginal affairs from 1 January 1989 but the precise form it will take and the interrelationship with local self-government has yet to be determined.

And this is from the executive summary:

The ability of ETSA and E&WS to take over the electricity and water essential services is severely restrained by the powers of the Land Rights Act. Consequently, at least for the interim, it is proposed that both these bodies work through the Aboriginal Works Unit (AWU) to carry out an inventory of essential services, check standards and consult with the communities. It is also proposed to further expand the responsibilities of the AWU to administer the State's involvement in a direct grant scheme.

What they are saying is that they have a terrible situation with the Land Rights Act which actually stops them taking over. Are they proposing to amend the Land Rights Act? The Government appears to be going back to a 1970s-style approach to its treatment of Aborigines, the 'big white father knows best' type of mentality which, as I said is epitomised by the decision to send Don Dunstan up to the tribal lands to sell them a concept which is superfluous to their needs.

The Lambert report, and its series of recommendations, appears to have been made with a premeditated view that local government will be introduced, irrespective of what Aboriginal communities want. This is the same thing as they are doing in the health area. They seem to believe that Aborigines are incapable of handling their own affairs and that they will never learn, so they are also saying in that area 'We are going to take that over. The Health Commission is going to take over your area.' It appears that the Government has embarked on this course of action and has totally ignored Aborigines and the Anangu Pitjantjatjara Council. This entire report was drawn up without any consultation with Aborigines.

Recommendations have been brought to Cabinet and passed and the whole thing has been transferred without reference to the Aboriginal communities. The recommendations state:

The State assumes responsibility for recurrent funding for the provision and maintenance of essential services to Aboriginal communities from 1 October 1988.

A committee responsible to the Minister of Aboriginal Affairs be established to coordinate the State's effort in the provision of the essential services and related activities.

The committee be chaired by Dean Lambert, Director of Policy, Planning and Property Division of Sacon.

That is the new expert in Aboriginal affairs. The recommendations continue:

The Aboriginal Works Units have practicable responsibility for implementing the State's involvement in essential services in Aboriginal communities.

That has been done without reference to the Aboriginal communities, yet absolutely no funds have been allocated for the maintenance of housing in AP lands this financial year. Can you believe that is possible? In the whole of the Aboriginal lands in the north-west, not a single dollar has been allocated for maintenance. This was evident when I visited the Far North of the State in July. At Mimili the people told me that they have absolutely no money for maintenance, yet adequate, well maintained housing is one of the basic requirements conducive to good health, as is clearly highlighted as a top priority in the UPK report.

A whole host of recommendations is detailed in the UPK report, recommendations that provide the key to better health for Aborigines. Yet, this Government shows its commitment to Aboriginal health with a paltry $55 000 grant to look at nutrition. What this Government is attempting to do is get rid of the AP Council as a coordinating body. The Government is attempting to destroy land rights by stealth, and by this scheme to set up local government bodies to replace AP. The UPK report is the basis of all that needs to be done to rectify some of the appalling conditions that Aborigines have to suffer. All that is lacking is a commitment by the Bannon Government. Unless it obtains the confidence and trust of the Aboriginal community, it will not institute change. The Government will not achieve anything out of a group of white public servants chosen by the Government—

The Hon. J.F. Stefani: Or Don Dunstan.

The Hon. M.B. CAMERON: That's right. Those public servants will try to tell Aborigines what is best for them. This Government's attitude is idiotic, unfeeling and totally unaware of the basic requirements of trust. To quote an old saying: Nero fiddles while Rome burns. When I say that, I mean that their health is absolutely terrible.

In remote Aboriginal lands in the Far North of South Australia even one wash a day can have a dramatic effect on the improvement of public health. While I was out on the lands in July I visited a new health centre which was being completed at Mimili. This centre—which is excellently equipped—cost $150 000, or about $40 000 less than it costs to build a teacher's house up there. They are not after Taj Mahal-type facilities. What they want is to see a doctor or nurse in better surroundings than a converted cargo container, and that is what the health centre at Pipalyatjara is. On most summer days, the temperature is above 40 degrees. I ask members to imagine what it is like trying to provide medical care in that sort of facility and to maintain the drugs and injections that are needed.

The Hon. R.J. Ritson: You could hardly call it a health centre, could you?

The Hon. M.B. CAMERON: It is absolutely disgraceful. That community has partly built its own health centre out of its own money. They have what is called 'chuck in' money and they are trying to build their own centre. They want an extra $25 000 to complete it, but they cannot get it.

The Hon. R.J. Ritson: Have they got a drugs fridge?

The Hon. M.B. CAMERON: Yes, but the power goes off for eight hours a day because they do not have enough fuel to keep the large unit going. However, the Government will not provide a small unit to produce power.

The Hon. R.J. Ritson: So, it is guesswork whether the penicillin will work?

The Hon. M.B. CAMERON: It is not even guesswork: it is fairly certain that it will not work.

The Hon. R.J. Ritson: It is pretty primitive.

The Hon. M.B. CAMERON: Very primitive. The failure of the Government to provide Aborigines with the necessary hardware and facilities is affecting the Aboriginal population from the cradle to the grave. We owe something to the Aboriginal population because we have changed their lifestyles so dramatically and the least we can do is to provide them with basic health standards. The 1985 Labor Party policy speech detailed the problems and set out what that Party would do, but it has not done it. That makes me angry.

The Hon. R.J. Ritson: The bureaucracy soaks it up all the time.

The Hon. M.B. CAMERON: Yes, flying up and down. If there was ever an investigation by overseas organisations of the state of Aboriginal health, each and every one of us would have to hang our head in shame. All the Government has come up with under this proposal to transfer the provision of essential services from the Department of Aboriginal Affairs—a disaster—to the State Government—a previous disaster—is a body chaired by a white person, who will decide in Adelaide how the supply of housing maintenance, electricity and water is to be delivered to Aborigines living up to 1 000 kilometres away. Sir Humphrey of the South Australian Public Service is on his or her way to another victory in the battle for power while South Australians lose the war to improve Aboriginal health. It is a damned shame.

At the moment the only money provided to the Nganampa Health Council is that for curative medicine, or the Maginot line of health care. That is all it is. It cannot keep up with the increasing problems. Unless the basic structure for environmental health and health education is revised, this Maginot line will be overrun, and we will see increasingly more Aborigines getting sick and through no fault of their own putting more pressure on health budgets. I suggest that $56 000 is not a pebble but a speck of dust compared to the resources that are needed to address the problems creating ill health among South Australia's oldest inhabitants. I am sure the Minister will enjoy a chuckle along the lines of 'there goes Cameron calling for more money again'. The health of Aboriginal people in this State is more important than an ill-fated timber mill on the west coast of New Zealand that the Bannon Government foolishly wanted to throw money at.

The Hon. J.F. Stefani: Or a yacht that doesn't sail.

The Hon. M.B. CAMERON: That's right. The money provided for that scheme would have been sufficient to provide adequate, low maintenance housing for all the Aborigines in the north-west of South Australia, many of whom now have no homes or even rented accommodation. Perhaps that is not important to this Government. Perhaps this Government, and that of Labor in Canberra too, has no social conscience. I understand that the Nganampa Health Council, which administers health services in several Aboriginal communities in South Australia's Far North, had sought to be included in the Healthy Cities Australia program. They were invited to be part of it.

This program, in which Canberra, Illawarra and Noarlunga are already involved, aims to enlist community and institutional support in promoting a better, healthier lifestyle. Nganampa's involvement in the program—to become a fourth 'healthy city'—would have enabled some of the recommendations of the UPK report to have been realised. There was no doubt that Nganampa was worthy of inclusion in the program, as highlighted in the six-monthly report of Healthy Cities Australia, as follows:

> Interestingly, the Nganampa Health Council has already fulfilled more of the Healthy Cities criteria than had the other three pilot cities on entry to the project. At the end of (this) reporting period the project was lobbying in South Australia for inclusion of the Nganampa Health Council to be officially supported so that the Healthy Cities approach could be used as a mechanism for implementing the recently released UPK report . . . the report was compiled by the Nganampa Health Council and the South Australian Health Commission and is unique in the broadness of its scope.

Although the proposal for Nganampa's inclusion as a Healthy City was lodged last March with the office of the Minister for Health (Dr Blewett), I understand the submission has neither been rejected nor supported; instead it lies in limbo. The submission detailed a two-stage program that would have cost just $116 000 in the first year of funding, $98 000 in the second year, and would have enabled some of the recommendations of the UPK report to have been addressed. It dealt with the provision of money to assist with the dog problem, which is an essential part of controlling health problems in those areas.

The opportunity to do something positive about rectifying the major problems in Aboriginal health has gone begging. When I visit places like Kalka-Pipalyatjara, and learn that the community is getting nowhere trying to obtain a mere $25 000 to finish a community health centre to replace the converted cargo container, and is still waiting for heavy duty washing machines so mothers can wash their dirty blankets, my feelings of horror at the neglect of these people are only reinforced.

As I said, this is in a part of the State where the average temperature in summer is over 40 degrees Celsius. The Bannon Government's social justice strategy is just another superficial attempt to fool the public, and increasingly disillusioned Labor voters, into believing it cares about the community.

I now turn to the matter of Ru Rua. Members will recall that on some two or three occasions in the past I have raised the matter of the conditions under which young people reside at Ru Rua. In January this year when I again raised this matter, the newspaper contained an article by Mr Ray Sayers, the Deputy Chairman of the South Australian Health Commission, rejecting my claims that conditions at Ru Rua were unacceptably dangerous. He said that, while conditions were less than ideal, everything would be all right because the people would be out of there soon.

I know that the Hon. Ms Pickles has inferred that I should not name or discuss public servants, but I repeat what I said yesterday. Had the article said that a spokesman for the South Australian Health Commission had said these things in answer to me, I would have had no problem with that. However, when a person answers me, as a politician, and puts out a press release in his own name, he is obviously seeking publicity and is taking a political role. I say again to the Hon. Ms Pickles that what she needs to do is go back to the public servants and remind them that they have a role to play. That is an apolitical role, and if they want to be quoted at all they should be quoted not with their names but as spokesmen. I suggest that they consider that position very carefully.

I have in my possession a copy of a report entitled 'The Physical Care of Residential Clients of Intellectually Disabled Services Council Inc (IDSC)', written by Mr P.M. Last, Clinical Superintendent, Julia Farr Centre, Fullarton, South Australia, and dated June 1988. I seek leave to table this report.

Leave granted.

The Hon. M.B. CAMERON: This is a very detailed report, and I congratulate Mr Peter Last on his excellent work. Obviously, he spent some time visiting both Ru Rua and Strathmont, and carefully went through the problems of those two institutions. Part of his report states:

> I have visited Ru Rua and Strathmont on several occasions, and I wish to express my appreciation for the ready cooperation of all whom I have met. People have talked freely and frankly, I have been allowed full access to clinical records and I have been able to see for myself some of the difficult and (for the residents) potentially dangerous aspects of care at Ru Rua.

That caused me some concern. As to the reference to 'dangerous', members will recall that my claim that there were dangers for people at Ru Rua was rejected by Mr Ray Sayers, the Deputy Chairman of the Health Commission, in his press release in January. This report is dated June 1988 and the same allegation has been made by a senior

health person within the system. In a letter addressed to Mr Richard Bruggemann he says:

I visited your Western Regional Office, where I held discussions with Dr S.R. Clisby. She conveyed her concern that ideological stances taken by some staff who are dismissive of the 'medical model' may lead to inadequate recognition of the need precisely to define medical diagnoses, with significant implications for genetic causes of intellectual impairment . . . The honourable the Minister for Health has become aware of this consultancy, and has asked that a copy of my report be forwarded to him.

He then went on to detail a number of the recommendations, which are many and varied, in relation to Ru Rua. Some of them are as follows:

R2. . . . IDSC should acknowledge the obligation to ensure optimal physical care of residential clients, including adequate and continuing educational programs for all categories of staff who provide this.

R4. 'Devolution' of residential clients into small groups in community housing may merely replace larger institutions . . . A range of options should be considered, including retention of a nursing home component for which a minimal bed allocation would be 30 beds, and 50 beds would be preferred.

R5. The present medical officer employed at Ru Rua is due to retire towards the end of 1988. Negotiations should be undertaken with a local general practice to assume clinical care.

R8. IDSC should offer to act as a broker between parents and guardians and general practitioners in private practice by negotiating notional contracts for clinical care.

R12. In following an ideological commitment to normalisation and deinstitutionalisation due regard must be given to the need for adequate time for physical care with particular reference to feeding residents with neuromuscular swallowing problems. Daily programs must not impose unsafe time pressures on staff especially in the mornings. The timetable at Ru Rua should at once be modified to allow adequate time to prepare residents for daily activities and to give them common decency and privacy while being bathed. The hectic tempo of morning activity must be relaxed in order to relieve staff of the consequential risks to their own physical and psychological health.

R14. Speech pathology services are urgently required at Ru Rua to assist with problems of feeding residents . . .

R16. Regular dental review of Ru Rua residents is required by dentists familiar with the particular problems induced by anticonvulsants . . .

R17. Regardless of whether or not a nursing home component will be retained as an option for residential clients, it is justified to acquire an existing nursing home in order to allow the definitive closure of Ru Rua as soon as possible.

He recommends that it be as soon as possible—not next year. He continues:

An announcement to this effect would greatly enhance staff morale.

There are a number of other recommendations that members can no doubt read if they so desire. After going through this document it becomes clear that Mr Last was very concerned at the situation that has arisen at Ru Rua. On page 12 he certainly gives a clear indication of the problem in relation to the buildings, and says:

The premises are uncongenial and run down, for it has long since been unjustifiable to spend money on a building due to be abandoned for its present purpose. The general impression on entering ward areas, greatly reinforced by seeing the ablution facilities, is of disheartening and overcrowded clinical squalor.

On page 16 he says:

In law, Ru Rua remains a nursing home, even though the philosophy adopted by IDSC would seem to want to deny this. The residents are all totally dependent, and none could survive unaided.

I can confirm that, having visited that institution two weeks ago. He continues:

Physical activities of daily living are only possible because they receive care from others. The controversial issue is whether this does or does not require professional nursing care and, if so, to what degree and from whom. The special category of staff called Mental Deficiency Nurses were originally defined and received hospital-based training specifically for this clientele. Decisions have been taken to replace them with other staff, to be specially trained so that they do not fall into the purported difficulties associated with the medical model. I have been told that the new system seems not adequately to prepare its graduates to undertake the physical care required by Ru Rua residents.

Later, he says:

Nevertheless the human impact of the deliberate destruction of a professional category cannot be ignored.

In paragraph 2.8—and I ask members to listen very carefully to this—he says:

It is a daunting experience to visit Ru Rua between 7 a.m. and 8.30 a.m. on a weekday. I have seen gross clinical squalor in hospitals in Vietnam and the Philippines. I have visited one where there was one doctor and a handful of nurses for a couple of thousand people and most patients who had no family supports were naked. I was nevertheless taken aback to see the morning rush hour at Ru Rua and I wonder whether you and other senior IDSC staff have done so.

The Hon. R.J. Ritson: That is what is called getting rid of the medical model.

The Hon. M.B. CAMERON: Yes. He continues:

Almost all of the staff are unqualified, some new to the place and the tasks required picking up what they can as they go along. On the morning that I was there an unfortunate agency Registered Nurse close to tears was struggling to 'supervise' staff, none of whom she had met before, conduct a drug round, and find her way about. Residents of both sexes and adult configuration were hastily bathed in the same room with no possibility of visual screening between them.

Their feelings (or those of their families if they know what goes on) cannot be considered. The staff must necessarily work very quickly and, although they obviously try to be as kind and as gentle as possible, it is a shock to one more used to other tempos to see residents dressed and bundled into their chairs, once so quickly as to set the chair several feet backwards by the force of the impact. Feeding is frightening. Many of the residents have neuromuscular problems with swallowing, constituting spastic dysphagia. To feed such a person requires close familiarity with the best methods for that person, the knowledge that solids and semisolids are safer than liquids, reassurance that suction equipment is nearby and that somebody is immediately available who knows how to use it, and, above all, time. This is the one commodity denied by the timetable set by the administration of Ru Rua.

May I say that they have no choice. They have no funds; they do not have sufficient staff. He continues:

Not only do they have to be washed, dressed—

by 8 or 9 in the morning—

and fed, but they must also be toileted and receive medication, which may or may not best be given with or immediately after food. The unfortunate Registered Nurse responsible for the drug round—

The Hon. R.J. Ritson: 'The nurse' note, not 'nurses'.

The Hon. M.B. CAMERON: No, the nurse—

has no way of coping with such niceties as she (or he) dashes from one to another, hastily confirming from non-qualified staff (who may be equally new to the place) that the right drug is given to the right resident.

This is not me speaking—this is Mr Last. He continues:

The situation is appallingly dangerous, totally indefensible, and to the outside represents normalisation ideology carried to lunatic extreme. Urgent actions are required to ensure the safety of residents during morning preparations and to give them privacy and decency while being bathed. If a resident at Ru Rua were to choke and die of asphyxiation the matter must be referred to the Coroner, and you should issue instructions to this effect. I was told that recent deaths have mostly been unpredicted, but I do not know the circumstances and whether inquiries were conducted as to the cause, and in particular whether autopsies were held, as they certainly should have been.

He goes on to say:

Ru Rua is so run down and disheartening that there is a strong case to seek at least temporary relief by acquiring an existing nursing home and transferring some residents there, without prejudice to the devolution program.

I do not wish to go on. I am sure that any members who have an interest in this place will read this document which is probably one of the most damning documents I have read from a public servant for a long time. He indicates that the method of keeping patients' medical records is such

that he uses the words 'useless or even dangerously misleading'. That is not on. These people are people. Because they are unfortunate enough not to be able to look after themselves, it is not fair to leave them in this situation.

What should the Government do about it and what has the Government done about it? In 1982 a recommendation was put that no further people be admitted to Ru Rua. This was not conformed to. In 1985 the proposal was that those people would be out as soon as possible. That has not occurred. Now, the indication from the Minister—and it has been promise after promise in that three year period—is that all of these people will be out by June next year. Where will they go? No houses have yet been bought. The parents group is perfectly happy to go out and work on the houses if they are purchased prior to the residents moving into them. That is what should be occurring. To say that we cannot buy the houses because we have to sell Estcourt House means that at some stage Estcourt House has to be sold. In the meantime, the Government has to find the funds to buy the houses and to get them ready. Unless it does that, I suspect the next deadline will not be met and these people will still be left in this situation.

There is a difference of opinion amongst the parents group as to whether the children should go into individual homes or whether some of them should remain in an institution. That is not the important point. The important thing is to get them out of this place that Mr Peter Last has described in such damning terms. That is something I advocated 18 months or two years ago, and a public servant rejected it. That is why I sometimes get very angry with public servants who become political spokespersons for the Government. That is something that should not have been rejected because, quite clearly, I was correct, and the parents group which has been approaching me was also correct in its concern about its young people. I do not want to do anything that will cut across the devolution of Ru Rua because I believe that it is absolutely imperative that it occurs as soon as possible. It should start not tomorrow but today if possible, because it is the Government's own promise that has been broken continually. These parents should have the opportunity to assist with the preparation of the homes.

Once these people are in these institutions, it will also be essential to have properly trained and qualified staff. At the moment, all nursing and medically trained staff will be out of Ru Rua by 22 November—in other words, in a couple of weeks. In my opinion, that is an act of madness. These people cannot be cared for without some of the staff having some medical training. Moving out into houses will not suddenly make them normal. They will still require medical supervision. They will still have to be looked after. In fact, probably a greater commitment will be needed from the Government in the individual houses. Unless that is done, the devolution process will become a downgrading of the living standards of these young people, and that would be disastrous. It is bad enough now.

The Hon. Diana Laidlaw: What commitment has been made to help those people out in the community?

The Hon. M.B. CAMERON: That is the problem. I do not believe that the Government understands the problem. It is an accountancy approach at this stage. By putting them out into individual homes, it thinks it will actually save money, but that is not the case. Devolution can take place only if appropriate support is provided, if medically trained staff and proper supervision is provided. That has not really occurred at Ru Rua to a sufficient standard.

The Hon. R.J. Ritson: Do you think the increased real estate value has something to do with it?

The Hon. M.B. CAMERON: Of course it has. Everybody knows the reason for the devolution process; the Government is waiting for the value to increase.

The Hon. R.J. Ritson: Profiteering out of—

The ACTING PRESIDENT (Hon. J.C. Irwin): Order!

The Hon. M.B. CAMERON: Let me say again, this silly argument that is going on between the social strategy and the medical strategy is disastrous for these young people. There has to be a combination. Unless there is that combination, the people supervising the treatment of these young people, who have very serious medical problems, will not be properly trained, and that will lead to further problems, and the Coroner might well find he has to hold many inquiries. That would be a very serious problem for the Government. The Government should not allow this argument to go on. It should step in and say: there must be a combination of staff at each of those houses. That is absolutely essential.

Also, proper medical records must be kept at a central place so that these children are properly supervised. Further, there must be proper supervision of the supervisors. There must be some method to ensure that the young people are not picked on by staff. There has to be a continuing audit of the way in which these individual houses operate. The first and most important thing is to get these young people out of Ru Rua, and that is clearly indicated by Mr Last. I understand that Mr Last was down here today visiting the Minister. It is just a coincidence, I guess, that the Minister has called in Mr Last today. I have no doubt that Mr Last will now be backing off from his report because that would have been his instruction from the Minister.

The Hon. Diana Laidlaw: Do you think he will rewrite it?

The Hon. M.B. CAMERON: I do not know what will happen. I understand that in the Lower House the Minister has stated that Mr Last (all of a sudden) feels that his report was exaggerated—a very remarkable change. Apparently he wrote it in a hurry, and all sorts of little comments like that are being made.

The Hon. R.J. Ritson: That is what the Minister said?

The Hon. M.B. CAMERON: Yes. By the sound of it, I think Mr Last did an excellent job. He offered to continue his consultancy. I rather wonder whether he has been invited to continue it—I would doubt it. I would doubt that it suited the purposes of the Intellectually Disabled Services Council or the Minister. As a final note, I want to give full credit to the parents group and the excellent work it does in assisting these young people. I know that amongst that group they have their differences of opinion. Nevertheless, each and every parent has only one purpose in being there, and that is to try to help their children have a better lifestyle.

Those parents face difficulties that we could not possibly comprehend, and it is a great credit to them that they are so dedicated in their service to young people. Several of them have approached me over a number of years and I regard them as dedicated people indeed. This community is lucky to have parents willing to face up to their responsibilities and to assist in looking after their intellectually disabled children. I support the motion.

The Hon. K.T. GRIFFIN: My colleagues in another place in particular have already exhaustively examined the budget and made a range of comments on it, including the observation that it continues the practice of the Bannon Labor Government to maintain high taxes and charges upon the residents of South Australia. Because the budget has had such an exhaustive examination by my colleagues in another place, I do not intend to repeat their examination of it.

Instead, I want to make observations on just a few areas within the responsibility of the Attorney-General.

The first is in the area of law reform. I seem to raise law reform every year—certainly in the past three years—since the Government has taken the decision to suspend the operation of the Law Reform Committee of South Australia. That committee had been in operation for about 18 years and it had performed a particularly valuable task in looking independently at issues which had been referred to it by the Attorney-General of the day and making recommendations on those issues.

Some of the recommendations have not been implemented. I notice that one of the Bills which the Attorney has had introduced in another place this week relating to the Law of Property Act does implement the recommendations of the seventy-seventh report of the committee. For most people it is unexciting; certainly unemotional; and it is not likely to gain a great deal of public recognition. Nevertheless, it is an important area of the law which is reformed because it impinges upon every aspect of the law of contract and will facilitate and clarify the way in which contracts and deeds may be executed. Much of the work of the Law Reform Committee in South Australia was work that would not attract publicity; it was not of the social reform nature, but was largely the nuts and bolts type law reform which results in considerable savings to the public where people may be involved in arrangements upon which such areas of the law may impinge.

The Law Reform Committee did much valuable work. Perhaps because it was not a high profile committee it lost funding support from the Government. It is in a stage of suspended animation at present. It has not been abolished, but it has not been encouraged to do any further work. That is disappointing in the long term for the community at large and for lawyers in particular. Even if there is only a part-time chairman of the committee, there are two other judges on the committee who can undertake the chairmanship of the committee and research work, and there are certainly members of the legal profession prepared to serve on it. They would allow it to quietly work away at important areas of law reform.

To some extent it affects the status of law reform in South Australia, particularly in the context of annual conferences of law reform agencies within Australia, but also in the international context where South Australia was held in high regard by overseas law reform agencies. There was a constant exchange of reports and information. South Australia took its place alongside the law reform agencies of Canada and its provinces, the United Kingdom, New Zealand and a variety of other nations.

In my view it is a great misfortune that law reform is not being undertaken in South Australia by that committee. The Attorney has said that whenever there is an issue he can refer it to a consultant or a lawyer independent of the Government. That is not the way to go about law reform. Whilst I recognise that law reform can occur under the auspices of the Attorney and his officers, the committee did have a number of persons representing the Law Society, the Opposition, the Government, Parliamentary Counsel, judges and the University of Adelaide. The committee was able to bring together a body of expertise to focus upon the issue at hand. I record yet again my disappointment that law reform is in a state of suspended animation at present.

I turn now to legal aid, which continues to be a contentious matter. I referred to it in my Address in Reply contribution at the commencement of this session. It is controversial because there is inadequate legal aid to go around. It benefits largely those people at the lower end of the socio-economic scale who are truly disadvantaged financially, and it leaves out on a limb with nowhere to go people who do not qualify for the stringent means test guidelines set by the Legal Services Commission.

On the other hand, those who are at the top end of the socio-economic scale and who can afford lawyers are unaffected by the operation of the commission. The rather disturbing aspect of the South Australian Government's attitude towards legal aid this year is that it continued the practice which it adopted last year of giving money with one hand to the commission and taking it away on the other hand. Last year it was about $800 000 and this year it is $840 000. In effect, the State Government has made no contribution to legal aid in this State for the past two years, whilst the Commonwealth Government in the current year is making a contribution of about $9 million.

Of course, there is a push by the Commonwealth to reduce the share of legal aid that the Commonwealth pays. When I was Attorney-General we were able to negotiate a very favourable proportion of costs to be borne by the State as opposed to that borne by the Commonwealth: 24 per cent was the share of administrative costs borne by the State and 76 per cent was borne by the Commonwealth.

That was fair if one then looked at the numbers of persons seeking legal assistance and being granted it, and who were in receipt of some Commonwealth pension, or other benefit. I suggest that that is probably about the same now as it was six or seven years ago. I am disturbed that the Commonwealth should be trying to reduce quite dramatically to 55 per cent its contribution to costs and increasing South Australia's contribution from 24 per cent to 45 per cent. I would certainly support the Attorney-General in any opposition he makes to the acceptance of such a changed funding arrangement.

I will refer to two aspects of legal aid. First, I refer to a letter in the October *Law Society Bulletin*. The letter, written by Moody & Co., a firm of solicitors, states:

> We believe it is time to review certain areas of the legal aid system presently operating in South Australia. The present system entitles solicitors to receive 80 per cent of their costs in most matters.
>
> The area requiring review is if a legal aid litigant is financially successful in his action the Legal Services Commission is entitled to receive reimbursement of 100 per cent of its assignment and the instructing solicitor is then paid 80 per cent of such fees. The litigant receives 100 per cent of his claim. The question I raise is why should solicitors discount their fees by 20 per cent.
>
> We feel that in the case of a financially successful litigant being funded by legal aid the Legal Services Commission should receive 100 per cent of their fees who should then reimburse the solicitors 80 per cent of their fees. The balance of the solicitors fees should then be paid by the litigant.
>
> The basis of this argument is that solicitors do the work and therefore are entitled to 100 per cent of their costs. The Legal Services Commission finances the claim and is entitled to its fees. The litigant, for accepting all the benefits received from both the financier being the Legal Service Commission and for the efforts of the solicitor, should be required to pay the balance of legal fees due to the solicitors.
>
> Legal aid was established to facilitate the funding of actions of merit where the litigants were not in a financial position to do so. If a litigant is offered the opportunity of legal aid, as distinguished from a loan from a bank to fund their litigation, it is hardly surprising if they opt for legal aid as it does not cost them any interest.
>
> In the circumstances, it would seem that the successful litigants should be required to pay for all of the services that they have received in full. The 20 per cent surcharge would, in most cases, work out to be equivalent to a cheap interest loan.
>
> We believe it is time that this discrepancy be reviewed and litigants be required to make good any shortfall in the payments received by solicitors under the present legal aid system.

I have always believed that there should be some contribution by the litigant to legal aid. In some instances it would be financially impossible for that to be arranged. On

the other hand, even payments of $1 a week would be of advantage to the litigant because the litigant is no longer receiving an absolute handout but is contributing to a benefit that he or she is receiving. Therefore, I commend the letter to the Attorney-General. I believe Moodys made a good point in relation to the 80 per cent being paid to lawyers whilst the Legal Services Commission might receive 100 per cent of its assignment in a particular case. I think that is something that should be examined.

The other aspect of legal aid to which I wish to refer is an issue that the previous Director of the Legal Services Commission raised with me—and I know he raised it also with the Attorney-General—the possibility of the Legal Services Commission taking a charge on the assets of a person who has been assigned legal assistance, or a charge over the results of litigation, on the basis that currently there is no power to do that in the Act. I gather that that has been, if not ignored, put to one side. There is some advantage in the Legal Services Commission having the power to impose a charge or security—it is not a financial charge, it is a security—in order to recover from the proceeds of any successful case the amount of any costs advanced.

Members will know that I have very strong views about the desirability of retaining the Cooperative Companies and Securities Scheme rather than bowing to the Federal Attorney-General's proposition that the matter should be taken over by the Commonwealth. I am pleased that at least the Commonwealth legislation will go to a committee of the Parliament for review. However, I do not believe that that will be enough to stop the attempted takeover by the Commonwealth because I understand that the Australian Democrats have indicated their general support for the principle of control of companies and securities law by the Commonwealth.

Of course, the difficulty is that there will be a constitutional challenge to the validity of such legislation, and it may be that the Commonwealth will be found to have some power, although not all power, and that the States will have some power, but not all power. Therefore, the companies affected by the scheme will be subject to two areas of regulation—State law and Commonwealth law—rather than by the uniform cooperative scheme and the single area of law that applies under the present scheme.

Therefore, I again add my voice to those of the many business and professional groups across the nation that have criticised the Commonwealth Attorney-General for his stubborn attitude towards this proposition. I hope that the Government will be making a submission to the Federal committee opposing the takeover of the scheme because, not only is the law that it seeks to enact defective in many respects but also it is undesirable in the interests of South Australia and its business and professional community.

I noticed in a newspaper several days ago that the Federal Government is to erect a new Federal Court building on the corner of King William and Wright Streets. That proposal has been mooted for a long time. What has been called a 'pocket park' on that land has been developed over the past few years and is now to be replaced by a new Federal Court building. My major concern in relation to the Federal Court building is that it is adjacent to the State courts. There was considerable discussion when I was Attorney-General, and there has been subsequent discussion, between the State and the Commonwealth to endeavour to arrange for shared library facilities for both the State courts and the Federal Court rather than the duplication of those facilities in the law courts precinct. I do not know the latest position in relation to that building—whether it will have a shared library facility combining the resources of the State and Commonwealth—but I would like the Attorney-General, in his reply, to indicate what will happen with that building. It seems to make very good sense to be able to combine resources, to have an extensive library facility available not only to the courts but also to the lawyers practising in that precinct.

I draw the Attorney-General's attention to the draft Industrial Conciliation and Arbitration Act Amendment Bill, which the Government was floating, making some very substantial amendments to the law governing the relations between employers and employees. Whilst the content of that Bill has been the subject of public debate and may well come back in a very significantly moderated form, I want to draw the Attorney-General's attention to one aspect of the Bill which has certainly caused a great deal of concern to the legal profession.

I understand that it was initially proposed by the little industrial relations club (but nevertheless a very powerful body) called IRAC that lawyers should be excluded from every area of the industrial conciliation and arbitration jurisdiction at the State level. That would have meant that, even in the workers compensation jurisdiction, there would be unequal representation between injured workers, employers and insurers, and this had the potential for quite significant injustice because of the unequal representation. The Bill now provides for lawyers to be excluded from aspects of the conciliation process.

I know that a lot of lay people are very bitterly opposed to lawyers, and that they blame lawyers for running up costs. However, it ought to be recognised that many people, workers in particular, are unable adequately to represent themselves and their interests in our system. If they are denied the right to representation at any level of the judicial or arbitration process there is a very real potential for injustice. The lawyers have to act responsibly, and most do; there are a few who do not. It would be a very sad day for litigants, whether employers or employees, but particularly employees, who were unable to have the representation of their choice, whether legal or lay, and who might well suffer considerable injustice as a result.

I urge the Attorney-General and the Government to review that provision. I also urge those members of the Government's backbench who have had an interest in union activities and who have represented workers whom they believed to have suffered injustice to seriously consider whether keeping lawyers or any other proper representative for injured workers out of the conciliation process is ultimately in the interests of justice.

The Hon. T. Crothers: Do you agree that injustice does happen to workers today?

The Hon. K.T. GRIFFIN: I do not hesitate to say that injustice occurs in many areas. It happens in respect of some workers, some employers, and a whole range of people in the community. All I am saying is that, as a matter of principle, any individual who believes that he or she has suffered an injustice or unreasonable hardship ought to be able to be represented by the person of his or her choice in putting the case for a remedy to that injustice or hardship.

I have no difficulty with that. I think it is an important matter of principle, which we can casually gloss over by saying that lawyers run up costs, lawyers cause delay, but we miss the essential ingredient that, in the substantial majority of cases, lawyers because of their training are representing a point of view on behalf of a client, and only on behalf of a client, in endeavouring to remedy an injustice or obtain what is fairly the client's just desserts.

There are only two other areas I want to address briefly. One is the reference in the social justice strategy to a pilot scheme called a pilot diversionary cautioning scheme by the Police Department and the Department for Community Welfare, for which $154 000 is to be provided in the current financial year. In the discussion which surrounded this, the Attorney-General suggested that it was strictly for young Aboriginal people; that, instead of automatic arrest, there would be cautioning, and it was to be based in Adelaide. I have raised a number of questions about this, because I am concerned that it may in fact be discriminatory if it is directed only towards one race of young people.

I am concerned that no criteria are being developed to determine in what circumstances a caution may be granted. I am concerned also that it is discriminatory between young people in the inner Adelaide area as opposed to all those in the outer Adelaide area and in other parts of South Australia, because those young people will be subject to one set of procedures which may result in their ultimately being in court while, on the other hand, under this special scheme in inner Adelaide there will be somewhat favoured treatment.

The other question I have raised is the test or standard which is to be applied in determining the efficacy of the pilot project. I have also raised questions about the sorts of offences to which it would relate. To some extent, I think that has been clarified, but I would like the Attorney-General to indicate more clearly in reply what those areas of offence to which it will apply may be.

The traffic infringement notice scheme gains some prominence in every debate. It is being extended quite significantly, not only in relation to traffic but also in relation to other offences. The Auditor-General's Report for this last year indicates that there has been quite a substantial increase in the number of expiation notices issued for cannabis and traffic infringement, and their value has increased dramatically. In 1987, 636 cannabis expiation notices were issued, for a period of two months over May and June, whilst in the 1987-88 financial year, 14 410 notices were issued. In that year they represented $407 000 in value, of which $244 000 was recovered. With the traffic infringement scheme, 121 140 were issued in 1987-88, whereas in 1986-87, 112 282 were issued.

For 1987-88 the value of those traffic infringement notices was $9.716 million, an increase of over $2 million on the previous year and, of that, $7.714 million was collected compared with $5.855 million in the previous year. There is no doubt that there is a deliberate move by the Government to adopt the expiation scheme in a wide range of offences, and I have some concern about the way in which that is going.

In the area of the police, there are the suggestions which are made that it is in fact being used more and more as a revenue raiser rather than as a diversionary scheme to keep people away from the courts. With cannabis expiation notices I have a very real concern that there has been either a substantial increase in pro-active policing, about which I do not have too much concern, because I think the law in this area ought to be enforced, or, alternatively, a substantial increase in the number of offences.

My calculations, based on last year's figures, compared with the previous year's figures, including offences which went to court, show that there is something like a 300 per cent increase in the incidence of the so-called minor cannabis related offences—and that is quite alarming. It will be interesting to see what comes out in the Police Commissioner's annual report, which I expect to be tabled very soon. There are a number of other areas I could address which fall within the area of the Attorney-General's responsibility—the Children's Court, court delays and other issues—but they are issues upon which my very strong views are already well known, and I will not take the time of the Council in repeating them.

Suffice to say that as to this budget, being the Bannon Government's budget, I will certainly not be voting against it, but nevertheless I find in it many areas for criticism, including, as I said at the beginning, that area of criticism relating to high taxes and charges and no attempt by the Government to reduce its expenditure and its taxes and charges which would ultimately, if exercised, be to the benefit of every South Australian. I support the second reading of the Bill.

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

POWERS OF ATTORNEY AND AGENCY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 November. Page 1142.)

The Hon. K.T. GRIFFIN: I draw your attention, Madam President, to the state of the House.

A quorum having been formed:

The Hon. C.J. SUMNER (Attorney-General): The Hon. Mr Griffin asked me a number of questions in relation to this Bill, to which I will respond. First, regarding section 6 (3) containing the provision validating Acts done under an enduring power of attorney and section 11a using the same terms, I am advised that there is no need for section 11a (1) to be amended because, although the words used differ slightly from those used in section 6 (3), the same concept is being expressed. The second question related to enduring general powers of attorney. The Registrar-General's Office queried whether the Act authorises the creation of enduring powers of attorney. An enduring power of attorney can be created and such a power of attorney can be general. The fact it is enduring is a different quality from the fact it is general. The two can operate at the same time. This explanation resolved the query raised by the office concerned.

The third question concerned substituted attorney. There is nothing in the Act to prevent the appointment of a substitute attorney and there is no reason why one could not be appointed. Such an attorney should sign an acceptance at the time the power of attorney is granted. However, it is only when the first attorney cannot act and the second attorney takes on the power that the rights, duties and responsibilities attached to the power of attorney come into operation. I trust that my response satisfactorily answers the honourable member's questions to enable the Bill to pass today.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Enduring powers of attorney.'

The Hon. K.T. GRIFFIN: I thank the Attorney-General for the responses that he has given to the matters that I raised yesterday in the second reading debate. I will consider the answers, and the Bill can pass here. I will refer the answers to the Law Society, in particular, because it raised the first two questions. If there is a particular problem, it can be dealt with before the Bill passes in another place. I do not think that there will be a problem. The responses

address the issues satisfactorily and, for that reason, I am happy to let the Bill pass.

The Hon. C.J. SUMNER: I understand what the Hon. Mr Griffin has said and, if he has any further queries, I shall be happy to listen to them when the matter is before the other place.

Clause passed.

Remaining clauses (3 to 5) and title passed.

Bill read a third time and passed.

APPROPRIATION BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1213.)

The Hon. DIANA LAIDLAW: In speaking to this Bill, I will concentrate my remarks on the issues of financial counselling, credit overcommitment, consumer debt and bankruptcy. In recent years, financial overcommitment, household debt and consumer bankruptcy among low and middle income earners have become problems of increasing proportions. While these problems have not been confined to South Australia, the State has been particularly susceptible in each instance because of the grim economic circumstances that have confronted the State for some years. First, I refer to our inflation rate for, under the stewardship of the Bannon Government, South Australia's inflation rate has remained consistently above the national average, fuelled by ever-increasing Government charges. Regrettably, last month our inflation rate was again the second highest of all capital cities.

The spiralling cost of living in South Australia is making it almost impossible for increasing numbers of individuals and families on low and middle range incomes, and particularly those on fixed incomes, to make ends meet. Far too many are facing a losing battle. While South Australia's inflation rate in the past year has been above that in other capital cities, a number of other key economic indicators reinforce the fact that South Australia is continuing to fall further behind the other States.

Over the 12 months to August, the value of building approvals in South Australia increased by 13.9 per cent, only half the national average of 25.3 per cent. New motor vehicle registrations in this State declined by 10.5 per cent in the 12 months to July while, over the same period, there was no deterioration nationwide. South Australia's retail sales growth remains the lowest in the country. Over the past 12 months, the rate of growth was 2.7 per cent, a little more than one-third of the average of all the other States.

In turn, these grim facts help to explain why our unemployment rate remains appallingly high—8.6 per cent compared to 5 per cent in Victoria—while our unemployment rate for youth is nearly 25 per cent.

In addition, tens of thousands of men and women have not even bothered to apply or register for unemployment. According to the Office of the Women's Adviser to the Premier, one-third of all women who want paid employment are amongst those who have not bothered to register. Reference to South Australia's unemployment situation is most relevant to the issues of financial overcommitment, consumer debt and bankruptcies. Unemployment is widely acknowledged and was again acknowledged at the recent Australian Council of Social Service conference as being one of the main contributors to individuals and families living in poverty.

In South Australia the latest figures we have on this matter are the 1986 census figures. There were over 100 000 (or over one in four) families struggling to cope below the poverty line—proportionately the highest figure Australia-wide. While it is difficult to obtain up-to-date figures on household borrowings, and in particular a breakdown of these figures State by State, at June 1986 household borrowings totalled $113.9 billion or 35.5 per cent of the total borrowings of households, businesses, States, Territories, and Federal Governments combined.

Moreover, in the 10 years between 1976 and 1986 household debt increased by a staggering 515 per cent from $6 500 in 1976 to $40 000 in 1986. In January this year it was estimated that the outstanding consumer credit bill for Australian households, excluding housing loans, was approximately $23 billion, or nearly $1 500 for every man, woman and child. It is also estimated by the Federal Minister for Consumer Affairs (South Australian Senator Bolkus) that some 40 per cent of Australian households are financially overcommitted. Figures on consumer bankruptcies are more current and are available on a State basis (and I will briefly refer to those).

At the end of the September calendar year 1 118 bankruptcies were registered in South Australia, and it is known that about 60 per cent to 70 per cent consumer bankruptcies are in that figure. It is also important to note that between the financial years 1984-85 and 1987-88 bankruptcies, including consumer bankruptcies, more than doubled, going from 662 in 1984-85 to 1 495 in 1987-88.

There is a complex array of causes for this skyrocketing credit overcommitment and debt situation. In addition to the Bannon Government's contribution that I have already alluded to, other factors (in no particular order) include the credit card explosion, deregulation of the financial markets, intense and well targeted media advertising campaigns, rising mortgage and consumer credit interest rates, redundancies, prolonged illness, and poverty. However, whatever the cause, the implications for individuals and families in our community are far reaching.

For at least the past three years the Liberal Party in South Australia has been highlighting that individuals and families are in urgent need of assistance that went far beyond the Budget Advice Service operated by the Department for Community Welfare and the provision of short-term handouts. It was and remains our view that people in financial distress needed assistance that took account of their full financial circumstances, that provided an advocacy service and that was primarily aimed at bringing about long-term change rather than providing short-term handouts.

The Bannon Government has been far too casual in responding to these issues. It has consistently ignored all responsibility for the consequences of its actions in rendering South Australian families financially vulnerable. Also, it has been negligent in pursuing proposals to discourage financial commitment and to address action that could be taken once such overcommitment occurs.

In regard to this I highlight a range of concerns, the first being family impact statements. Almost immediately upon winning office in 1982 the Bannon Government curtailed and then ceased the system of family impact statements that had been introduced by the former Tonkin Liberal Government. These statements—the initiative of the former Minister of Community Welfare (Hon. John Burdett)—had been required for all proposals submitted to Cabinet that had a bearing on family wellbeing. In the preparation of such submissions a statement was required that analysed both the negative and positive impact on families.

In part, the family impact statements were a preventive initiative because they helped to alert the Government to the actual or potential consequences of its actions on the

financial wellbeing of individuals and families. Since the demise of the family impact statement it is interesting to reflect on the fact that in South Australia, under this Government, most taxes and charges have risen faster than in other States.

I now refer to the unsatisfied judgments court. Some 18 months ago the Attorney-General commissioned a joint research project to be undertaken by the Legal Services Commission, the Community Legal Services Association and the Adelaide Central Mission. Their task was to review and recommend changes to the procedures of the unsatisfied judgments court. Apparently the project team reported about a year ago, but its report has not been publicly released and little has been heard since about whether or not the Attorney-General will recommend changes and, if so, what those changes will be.

I am not alone amongst South Australians who are keen to know if and when the Attorney-General or the Bannon Government will act to reform the procedures of the unsatisfied judgments court. Perhaps I could recommend to the Attorney-General that he visit the court on any week day. He would be dismayed and saddened to see the large number of South Australians who have encountered debts under $2 000 and who have been found liable by the Small Claims Court to pay off these debts and yet have been unable to do so.

In some instances their circumstances are heart-rending. In most instances they are low income families who have incurred the debt because they resorted to using credit to cope with everyday expenses such as clothing, cash advances, and petrol. Perhaps if the Attorney-General and other Government members, even Legislative Council backbenchers, had seen and heard what goes on in the unsatisfied judgments court, the Government would have been prompted by now to act on the recommendations (or at least some of them) contained in the joint project team's report.

The third issue I mention is the working party on credit overcommitment. In October 1987, just over a year ago, the Attorney-General established, with great fanfare, a working party on credit overcommitment. That working party was chaired by the Director-General of the Department of Public and Consumer Affairs (Mr Colin Neave) and the membership included representatives of credit and service providers from within the non-government sector, plus officers of the State Government. Just after the working party was announced, the Attorney-General advised the Legislative Council, in response to a question I asked on the subject, that it was anticipated that proceedings would be concluded early in the new year. In April, this deadline was extended, and it was advised that the working party would report to the Attorney-General in May or June.

That deadline has also now passed. It is now November but the working party's report has not yet been finalised, let alone endorsed by the committee, presented to the Attorney-General or released for public information. The time delays are unacceptable in my view when every day further delays see more South Australians incurring financial hardship due to over-commitment and more South Australians appearing before the courts filing for consumer bankruptcy.

Fourthly, regarding financial counselling, in a long-awaited move the former Minister of Community Welfare acted in November 1987 to revamp or reconstitute, as he called it, the Budget Advice Service in the Department for Community Welfare, renaming it the Financial Counselling Service. When making his announcement, Dr Cornwall conveniently overlooked earlier statements he had made about the operation of financial counselling services elsewhere in this country. Both in statements in this place and outside it, he acknowledged that, if the service was to be a credible advocate on behalf of a client, it should be and be seen to be independent of the Government. The Financial Counselling Service within the Department for Community Welfare is neither independent of the Government nor seen to be so. It is firmly entrenched within the Department for Community Welfare. This status has the potential, as the Minister has alluded to in the past, to compromise the role of officers when negotiating with another Government department or authority. Such a circumstance is certainly not in the client's best interest.

It is proposed that this financial year the financial counselling service within the Department for Community Welfare will employ 13 part-time counsellors in the metropolitan area working from 21 metropolian offices. For the country areas, it is proposed to appoint 15 part-time counsellors. Without wishing to reflect on the capacity of the people appointed as financial counsellors in the country areas, the Government would appreciate that rural people tend to be suspicious or uncomfortable about the role of the department and, therefore, reluctant to use the services offered, particularly on such a sensitive issue as revealing their financial concerns and woes.

Members would appreciate that in many rural areas at the current time many families and individuals are facing dire problems. They have been long-standing members of that community, and I am informed by people around the State that in so many instances they will not speak to DCW financial counsellors because the people appointed by DCW to counsel in those areas are new arrivals to the area and, notwithstanding their opinion of the services offered by DCW, the locals will not go to a new person in whom they do not have confidence or who will understand their experiences.

The Hon. R.J. Ritson interjecting:

The Hon. DIANA LAIDLAW: I think there might be something in that. I make those comments without reflecting on the people who have been appointed, but more so casting reflection on the Government's decision to even take this course of action, particularly with respect to financial counsellors allocated to DCW in country areas. For the reasons that I have alluded to concerning country areas, plus the conflict of interest reasons to which I referred earlier, I remain surprised that the Minister ever established the Financial Counselling Service within the Department for Community Welfare. In fact, on the very day that he announced the establishment of the service, his media statement suggests that he, too, continued to harbour reservations about this so-called new initiative. As part of the package he was announcing, his press release of 18 November states:

> Independent advocacy will be provided by a range of non-government agencies who are in many ways better placed to do this job than a Government agency without any problem of conflict of interest.

I highlighted those words 'without any problem of conflict of interest' and the suggestion that non-government agencies and financial counselling services are better placed, because I believe that the Minister at that time continued to question the action that he was taking. One wonders why he ever did so or what pressure was on him to do so.

When Dr Cornwall announced the reorganisation of the Budget Advice Service, he pledged $100 000 to five non-government agencies to enable them to become involved in or to increase their level of service provision in the area of financial counselling. At the time I questioned the method of allocating $20 000 to each of those financial agencies because it was my understanding (which was later confirmed in this place) that those agencies had not applied for

the funds in the normal practice where non-government organisations apply for funds to the Department for Community Welfare. However, some of the organisations had in fact been approached to apply. Some of them had not even put in an application and organised their affairs in a manner that would allow them to establish such a service straight away, whereas other organisations that had applied and registered interest were overlooked.

One of those agencies was the Adelaide Central Mission, and upon further questioning in this place, the Minister stated quite bluntly that because the Adelaide Central Mission had income earning assets, he did not believe it warranted funding. It may be that that decision was prejudiced. It was certainly short-sighted, because the Adelaide Central Mission has threatened to close down its financial counselling service. I speak about this with some concern, because it was the first service to pioneer financial counselling as we know it today within South Australia.

As an orgnisation, it has had enormous demands placed on it. It had sought funding for financial counselling. Those fundings have been denied, and the Adelaide Central Mission found that it was likely that it would have to close down its service. I understand that the mission went to the Minister and the department some time ago to explain its dilemma, and the department is now considering the funding of that service, and that it will do so, having scavenged funds from elsewhere within the department. I am highly delighted to learn—and I believe it is with confidence—that the financial counselling service within the Adelaide Central Mission will continue to operate with a grant of about $19 000.

It is of major concern to me that the Adelaide Central Mission, the pioneer organisation in this field, was even placed in such a position that it was about to close its services and that it had to go to the department and virtually beg for funds to keep it going, while funds for other organisations were distributed virtually at the whim of the Minister, even though those organisations had not sought to establish a financial counselling service.

The final point on this subject is that, in looking at credit over-commitment and consumer debt, no longer can we assume that it is a problem only for low income families.

In fact, just about 40 per cent of families seeking financial counselling services within this State at present would be regarded as middle income families. In this regard I refer to a recent study undertaken by the Australian Institute of Family Studies and reprinted in its newsletter of August 1988. The study looked at the credit card behaviour of low income people. The institute's report was based on interviews with over 400 Victorian low income families.

At the time of the interview in October 1987 average family income was $285 net weekly and about half of the families interviewed depended on pensions and benefits for their income, while 44 per cent supported themselves with income from wages and salaries. On the whole, those families relying on pensions and benefits were living below the poverty line and certainly the Victorian experience is the same as that in South Australia to which I referred earlier of one in four South Australian families being below the poverty line. In part, that is because we have the highest proportion of pensioners and beneficiaries in Australia living in South Australia.

In the study the interviewers questioned people on whether or not they believed credit was a trap and they found that a surprisingly high percentage of families did not have a credit card. I seek leave to have inserted in *Hansard* a statistical table outlining the number of people having a credit or department store card.

Leave granted.

Number of people having a credit or department store card.
No card 62.7 per cent
Credit card only 21.5 per cent
Department store card only 10.1 per cent
Both 5.7 per cent

The Hon. DIANA LAIDLAW: The study found that about three out of five families have neither a credit card nor a department store card. The most popular type of credit card by far was Bankcard. Master Card and Visa Card were less common and only three families in the study possessed an American Express card. I suspect that that is because of the membership fee associated with that card.

In the institute's study, families view credit as a trap. Nearly half the families not having a credit or department store card said that they did not believe in credit at all. The second most common reason was that they felt that they could not afford it. Many families remarked that it would be too easy to overspend if they had a credit or department store card, and so they avoided acquiring one. In fact, I laughed when I read that and thought that perhaps some of my friends could adopt the sound policy that some of these lower income families have. They seem wiser in their handling of credit than the middle income earners to whom I referred earlier, because it is certainly among those people that credit overcommitment is becoming an increasing problem.

The study also looked at families most likely to have a card. The study found that sole parents were statistically more likely than adults in married couple families to have a card. Australian-born families were more likely than the overseas born to have a card. Asian respondents, on the other hand, were the least likely of the ethnic groups to have a credit card, despite the fact that in the sample they had a higher than average family income and greater work force participation.

Education also relates to having a credit card, according to the study. The more highly educated respondents in the study were considered more likely than the less educated to have a credit card. Certain characteristics, often thought of as related to credit card behaviour, were found by the study not to show up as being of any importance—in particular, family income and metropolitan or country residence. In other words, the relatively better off families were no more likely than the struggling families to possess a credit card. Nor were city residents any more enticed into acquiring a credit card than those residing outside the metropolitan area.

In respect to the use of credit cards, the Institute of Family Studies found that credit cards and department store cards are used relatively infrequently by the low income families interviewed. Of those families that have cards, over one-third in respect of credit cards and nearly a half in respect of department store cards do not use them at all and have not done so in the last six months. These findings suggest careful rather than reckless use of credit and department store cards, according to the institute in respect of these low income families. I again seek leave to have inserted in *Hansard* a statistical table highlighting the most common financial difficulties of large debtors.

Leave granted.

Most Common Financial Difficulties of Large Debtors

Insufficient money for...	Owing over $500	Percentage of group
Social occasions	60 per cent	42 per cent
Clothing	34 per cent	26 per cent
Credit payments	18 per cent	10 per cent

The Hon. DIANA LAIDLAW: The study also found that half the sample of credit card holders use their card to pay for clothing. Apparently this confirms findings of other studies of low income households, particularly studies undertaken by the Brotherhood of St Lawrence. Some low income families were found to be using their cards as a form of emergency relief when the family finances were depleted. Credit cards have been used by a quarter of card holders in the past month to get cash advances. According to the Institute of Family Studies, this use of high interest credit to meet everyday expenses, such as food, underscores the limited income and financial resources of families within the study.

In other words, according to the institute, families were on the whole using credit to cope with everyday expenses rather than to purchase household appliances or to pay for holidays which they are so often accused of doing. Also, I quickly mention the debt level of low income card holders was looked at. It was found that just under 20 per cent of credit card holders carry a large debt over $1 000, although virtually no department store card holder did. This suggests that while over half of the low income card holders attempted to keep their credit debt below $500, a substantial proportion of families are carrying debts of over $500, a debt that must be extremely difficult to keep up on their limited incomes.

Indeed, according to the institute, for many families their credit card repayments would consume a substantial proportion of their family income, with very few families in the study reporting that they were able to save. A credit debt of over $500 could place a family in extreme hardship. On that note, I seek to conclude my remarks because this information confirms my earlier arguments in my contribution that the Government has been tardy in working to help prevent credit over-commitment amongst families and that it has been lax in addressing the issues of over-commitment, and also the issues of the procedures before the Unjustified Settlements Court.

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

PUBLIC WORKS STANDING COMMITTEE

The Hon. T.G. ROBERTS: I move:

That pursuant to section 18 of the Public Works Standing Committee Act 1927 the members of this Council appointed to the Parliamentary Standing Committee on Public Works under the Public Works Standing Committee Act 1927, have leave to sit on that committee during the sitting of the Council on Thursday, 10 November, 1988.

Motion carried.

TIMBER SELECT COMMITTEE

The Hon. T.G. ROBERTS: I move:

That a message be sent to the House of Assembly requesting that the Hon. R.K. Abbott, member of the House of Assembly, be permitted to attend and give evidence before the Select Committee of the Legislative Council on Effectiveness and Efficiency of Operations of the South Australian Timber Corporation.

Motion carried.

[*Sitting suspended from 5.52 to 7.45 p.m.*]

APPROPRIATION BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1217.)

The Hon. L.H. DAVIS: There was a time when the South Australian economy was seen as being competitive with other States. There was a time when South Australia was a good place to do business—but not any more. The consumer price index for the 12 months to September 1988 showed South Australia in second place, with a rate of inflation at 7.2 per cent. There was a time when Government taxation and charges were kept down to maintain a competitive edge—but not any more. Government charges in South Australia have become a significant factor in inflation, ranking second of all Australian States in the September 1988 quarter.

There was a time when small business was not burdened by land tax and payroll tax more than any other State in Australia—but not any more. The Legislative Council, only weeks ago, gave effect to part of this 1988-89 Bannon budget, part of the so-called relief to small business—some relief! Land tax, as the Minister of Tourism will remember only too well, has a threshold far lower than that in Victoria and New South Wales. We have an $80 000 threshold in South Australia compared with New South Wales, which has a $135 000 threshold, and Victoria, which has a threshold of $150 000. With a majority of small businesses in South Australia with land tax payable on properties worth less than $200 000, it is reasonable to argue that there is a greater burden of land tax on South Australian small businesses than is the case in Victoria or New South Wales. So much for the competitive advantage which once existed for small business in South Australia.

The same can be said for payroll tax. There was once a time when payroll tax was not a disadvantage in South Australia—not any more. In South Australia, even if we take 1 April next year when the budget measures will have taken full effect, the threshold level of wages for payroll tax in South Australia will be $330 000. In Queensland it will be $408 000; in New South Wales, $424 000; and in Victoria, for a range up to $1 million, Victorian employers will still be better off than those in South Australia.

There was a time when retail businesses in South Australia were healthy, competitive and profitable—but not any more. The retail industry, the lifeblood of tens of thousands of manufacturers, wholesalers, employees and employers of both large and small businesses is in a ditch. There is simply no joy in the retail industry any more. If we look at the latest figures we see that for the year ended 30 June 1988 there was an increase of only 2.4 per cent in retail sales in South Australia. That was barely one-third of the national average.

If we examine monthly retail sales in South Australia this year, we see that from January and in each succeeding month there has been a fall in the increase in retail sales. We are sliding downhill, and that is reflecting a declining consumer confidence. Official figures show that for a record 24 months in a row South Australia has had the lowest retail sales growth of the six Australian States. Let the Minister for Tourism rebut that hard fact. For 24 months in a row we have had the lowest retail sales growth in Australia, and for nearly three years we have had a retail sales growth each month below the national average. The trend is down and it is steepening downwards. The Government is so cavalier and so apparently joyful about these figures—

Members interjecting:

The Hon. L.H. DAVIS: I am very depressed to hear the interjections from the other side. The figures show negative growth for each month of 1988 for departmental and general stores with negligible growth in hotels and liquor stores. Why is retail sales growth in South Australia so slow? Let us compare South Australia's retailing with retailing in Western Australia. I have some interesting comparisons between clothing sales in South Australia and Western Australia over a three year period.

The Hon. T. Crothers interjecting:

The Hon. L.H. DAVIS: If you would prefer to live in Western Australia, Mr Crothers, so be it. Today has seen an example of Western Australian Inc. The private sector in Western Australia is keeping the Western Australian economy alive. Certainly there is no contribution from Western Australian Inc. Mr Crothers will not be interjecting so much tomorrow if he reads the headlines in the *Advertiser* about Rothwells. Perhaps he may get up and make a personal explanation about how wonderful Western Australia Inc. is.

The Hon. T. Crothers: Is that a private company?

The Hon. L.H. DAVIS: It is not a plywood company.

The Hon. T.G. Roberts: He said 'private' company.

The Hon. L.H. DAVIS: That is the Labor Government splintering again. We can look at clothing sales between South Australia and Western Australia for the last six months of each year from 1984 through to 1987. In that period there has been an increase of 10.2 per cent in South Australian clothing sales. Western Australia has seen an increase of 34.9 per cent. I am sure that people selling clothing and drapery would be very impressed with those figures.

There was a time when South Australia's population was greater than that of Western Australia, but not any more. Indeed, there was a time, in September 1982, when Mr Bannon, as Leader of the Opposition, claimed some concern about that fact. Members opposite will no doubt remember that he took out a full page advertisement talking about the problem that South Australia had, in that Western Australia for the first time since European settlement had surpassed South Australia's population.

That was just over six years ago. Today, Western Australia's population is 1.54 million people, which is 140 000 or 10 per cent more than South Australia's population. So Mr Bannon has been trapped in a web of his own making. He claimed that population growth was an important economic indicator. He promised to do something about it but, when we look at the facts, it can be seen that population growth in South Australia is in the gutter. He has been caught with his 'premierial' pants well and truly round his ankles.

There is just not one ray of sunshine in the official projections for South Australia's population growth through the balance of the twentieth century and the first 30 years of the twenty-first century. The official projections from the Australian Bureau of Statistics to the year 2031 show that South Australia's population is estimated to be between 1.6 million and 1.9 million, and its share of the nation's population could shrink from the present 8.5 per cent to 6.9 per cent. In sharp contrast, Western Australia's population could be between 2.8 million and 3.3 million people, which will be about 13 per cent of the nation's population. By 2031 it could be as much as 1.4 million more than South Australia's population—almost double our population. At worst, those projections show that South Australia's population could shrink in the early period of the twenty-first century.

There was a time when South Australia received a decent share of the migrant intake from overseas. Not any more. In Tom Playford's premiership, South Australia received as much as 16 per cent of the nation's intake of migrants. In 1987-88, we received only 4 per cent of migrants coming to Australia, which was our smallest share for 40 years.

The Hon. T. Crothers: Were they multicultural migrants?

The Hon. L.H. DAVIS: Certainly, when the Hon. Trevor Crothers came into this country, we got our fair share. I will not deny that.

The Hon. R.I. Lucas: We got two for the price of one!

The Hon. L.H. DAVIS: That's right. I will not deny that, but the Hon. Trevor Crothers could only come into Australia once.

Members interjecting:

The PRESIDENT: Order! I realise that members are enjoying themselves, but I ask for a little more decorum.

The Hon. L.H. DAVIS: In recent years, the population of both Queensland and Western Australia has been growing three times faster than that of South Australia. Our rate of natural increase in population is the lowest of any mainland State. In the past three years, 7 000 people have migrated interstate. Why is our population growth suffering from a shrinking migration intake? It is surely because there is a perception that the South Australian economy is struggling. A person coming from overseas who is not part of the Trevor Crothers faction in the Labor Party and obliged to settle in South Australia would look at economic factors. Why come to South Australia with the economic indicators and statistical data contained in the budget papers?

South Australia's share of national bankruptcies is 17.7 per cent, although we have only 8.5 per cent of the nation's population. In the calendar year 1988 bankruptcies were still running at record levels. Members opposite treat this matter somewhat flippantly but, if they were a small business, struggling with high interest rates and retail sales down in real terms (and sometimes in money terms) and had mouths to feed at home, then surely they would have to be staring defeat in the face. Bankruptcies are the human face of the economic problem. They reflect the difficulties that so many people have and 70 per cent of those bankruptcies relate to consumers while 30 per cent relate to businesses. My colleague, the Hon. Diana Laidlaw, reflected on the human misery associated with that statistical data. To the Liberal Party, it is more than statistics—we do care.

The Hon. T.G. Roberts: How are the big retailers going?

The Hon. L.H. DAVIS: The Hon. Terry Roberts asks how—

The Hon. T. Crothers interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: —the big retailers are going. I am pleased he asked that question, because I will tell him. Page 14 of the Australian Bureau of Statistics Catalogue No. 8501 indicates the turnover of retail establishments. At the end of this dissertation about retail sales for department stores, the Hon. Terry Roberts will be found in a crumpled heap under his desk, because the facts are devastating. In real money terms, for the month of July 1987 South Australian retail department and general stores had a turnover of $75.9 million and in 1988 that figure had decreased to $74 million. If one looks at the trend and adjusts for seasonal fluctuations, the percentage changed for each preceding month as follows: for department and general stores, for the month of February, minus 1.1 per cent; March, minus 1.7 per cent; April, minus 1.4 per cent; May, minus .8 per cent; June, minus .4 per cent; and July, minus .1 per cent.

The Hon. T. Crothers: Bingo!

The Hon. L.H. DAVIS: So that answers the Hon. Terry Roberts' query and the Hon. Trevor Crothers actually picked

the bottom line—bingo! Let us have a look at another important economic indicator and I refer to the value of engineering construction work done or yet to be done in the private and public sectors.

Again, this is a very fundamental measure of the State's economy, because this figure takes into account roads, highways, bridges, railways, harbours, sewerage, electricity generation, recreation, telecommunications, and pipelines. South Australia's share of the Australian total of the value of engineering construction work done by the private sector for the first six months of 1988 was only 6.1 per cent. When one looks at the value of work yet to be done in the June quarter of 1988 by the private sector (and we are talking about big dollars—over $2 billion in Australia committed to be spent on all these major projects), South Australia's share was only $92 million, which is a grand total of 4.6 per cent against a share of 8.5 per cent of the national population.

In summary, we can see that with all these indicators—fundamental barometers of the economic health of South Australia—the answer is bad, gloomy and grim. It is interesting and instructive to compare South Australia's economic performance in the last financial year (1987-88) with the last full year of the Tonkin Government because a perception has been created by the magic media manipulators of the Bannon Government that somehow things were pretty bad when David Tonkin was in Government.

Let me correct that misconception. As at 30 June 1982, South Australia's share of the population was 8.8 per cent; and at the end of June 1988 it was 8.5 per cent. Our share of net overseas migration in the year ending 30 June 1982 was 6.6 per cent; and for the year ending 30 June 1988 it was 4 per cent. Our share of the registration of new motor vehicles was comparable for both periods (1981-82 and 1987-88). But it is interesting to note that our share of exports during the Tonkin period (1981-82) was 6.5 per cent which slumped to 5.5 per cent in the last financial year.

We now have only 8 per cent of full-time employed persons in Australia (in the civilian population aged 15 years and over) compared with 8.4 per cent in 1981-82. In retail sales we slipped dramatically, as one would expect from the figures already mentioned, down to only 8.1 per cent of the national total, compared with 8.6 per cent during the last financial year of the Tonkin Government (1981-82). So, there is damning evidence which understandably has silenced, muffled and stunned members opposite.

In this budget there is a suggestion that this Government has not been a big borrowing Government. Again, the magic media manipulators have been at work. However, the Australian Bureau of Statistics' figures show that the South Australian Government's net financing requirements, which were $388 million in 1986-87, increased dramatically to $588 million in 1987-88—an increase of nearly 44 per cent, the highest increase of any State in Australia.

The Hon. T. Crothers: It shows how well we are going.

The Hon. L.H. DAVIS: If the Hon. Trevor Crothers borrowed an extra 44 per cent in any one year for his family budget, would that show how well he was going? It might show that he had taken his bank manager to lunch and tickled his tummy, or it might show that he had the income to repay the interest in one year. Future generations will have to bear this burden. It does not show how well this State is going.

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: If the Hon. Trevor Crothers borrowed 44 per cent more, as has the Government to which he belongs, I suggest that his bank manager would monitor his financial activities very closely, as indeed this Opposition is monitoring the Government's financial affairs very closely.

There was a time when there was some hope that a major building project, which in fact was styled in its early days as a Government project, would be completed on time and with some style—I refer of course to the ASER development. It was a project with several elements, and I will refer to them briefly. I indicate that in Committee I will be asking questions specifically about the ASER project, given that the first elements of the project have just been completed or are in the final weeks of being completed. As I said, the project had several elements. I say quite publicly that the Casino was completed with great style and, I understand, reasonably within budget. It was a grand railway station and it was tastefully transformed into a classy Casino.

The Hon. T.G. Roberts: That's not an accolade, is it?

The Hon. L.H. DAVIS: I give credit where credit is due. The car park was completed within, or very close to, budget, but it is very impractical in that its entrances have caused terrible traffic snarls; there are practical difficulties with the design; and the eastern entrances have to be closed off because of the traffic snarls, and that has created some chaos in Festival Drive. I have talked to car parking experts and to the Kings parking operators and they admit that the design is lacking. I think that that is unforgiveable.

The Hon. T.G. Roberts: You have been thrown out of enough car parks to know one.

The Hon. L.H. DAVIS: I have never been thrown out of a car park—I always pay my dues. The Convention Centre had a significant cost blow-out and finished well behind schedule, and there were dramatic cost blow-outs in the Plaza redevelopment. Then, of course, there is the Hyatt Hotel which was finally completed in October this year, 16 months behind schedule, in sharp contrast to the Hilton Hotel which was completed ahead of schedule. It is worth reminding honourable members opposite that the Hon. John Bannon, when he was Leader of the Opposition, did not hesitate to ask questions about the Hilton Hotel, its financing, management and other important elements about it. So, in very sharp contrast indeed the Hyatt Hotel was completed well behind schedule and at a cost at least double the original estimate.

The Hon. J.F. Stefani: Payola going to members of the union.

The Hon. L.H. DAVIS: Exactly. I will not foreshadow in too much detail the questions that I will be directing to the Minister, but certainly I will be asking detailed questions about the ASER project. I publicly repeat, without reserve, that I admire very much the finish of the Hyatt interior, not that I have seen all of it. I did take my wife there to lunch to celebrate our tenth wedding anniversary and we had a very pleasant lunch indeed. I do not want the Government to come crawling back with the statement that I am badmouthing the project. I am badmouthing only certain elements of the project: the extraordinary cost blow-out and the bad management of the project with respect to the South Australian Superannuation Fund. I have already mentioned the hotel, and one cannot forget the office building.

In December 1987 the Premier (Hon. John Bannon) went public in expressing his shock and horror about the colour of the hotel, but his Deputy Premier (Hon. Don Hopgood) in August 1986—some 16 months earlier—received a letter (of which I have a copy) which actually said that the colour of the building will be metallic grey. That is an extraordinary situation. The Hon. John Bannon said publicly that he did not like the colour and then added that, because it would

cost $4 million to change it, we had better stick with it. This was the jewel in the 20th century architectural crown of Adelaide! That is really hick-town government. It is terrible, and it is unforgiveable!

As I have said, the interior of the Hyatt Hotel, what I have seen of it, is delightful. However, when one looks at the exterior—whether from North Terrace about 100 metres east of the King William Street intersection or from the Festival Plaza on King William Road looking at its eastern aspect and the grey lift well or service area (which I can only describe as a multi-storey concrete meat safe)—one sees the hideous grey finish which is so much at variance with the model and the honey coloured finish that was intended. So, can one be blamed for criticising publicly the scandal of the management of this grand complex—Adelaide's one big chance with a big project which was muffed? Can one be blamed for standing up publicly and saying they are sorry to see it happen like this? Can one be blamed for saying that the Bannon Government is sloppy?

The Hon. R.I. Lucas: And colour blind.

The Hon. L.H. DAVIS: Yes, it is colour blind and it did not manage the project as it should. Can one be blamed for saying, 'What the hell is going on?' when the Premier says that he received a monthly briefing on the ASER project but did not even know the colour of the office building 14 months after his Minister had received a copy of a letter informing him of the proposed colour?

The Hon. Peter Dunn: It's like the colour of his tracksuit—it doesn't really match the background.

The Hon. L.H. DAVIS: That is right. What irony there is in the supplement displayed by my colleague the Hon. Peter Dunn, where John Bannon is portrayed quite happily in front of a hotel which people still tell me they do not believe is finished. They say, 'It will be nice when they finish those lift wells.' but I say, 'Hey, buddy, that is wrong. It is finished.' They say, 'Really?'

The Hon. T.G. Roberts: They are waiting for you to paint it!

The Hon. L.H. DAVIS: Well, I am available, but the price will be high and I will take some advice from some of my colleagues in the building industry who are better informed in these matters. There was a time when we could reflect on a new project in Adelaide and believe that it was done for some style. Certainly the 19th century cultural precinct in North Terrace is an example of that.

Talking of property and South Australia's place in the sun, there was a time when one could open a national paper, whether it be the *Financial Review* or the *Australian*, and see that South Australia was figuring with the rest of the States. However, when one opens a national property or an industry review in the *Australian* or the *Financial Review*, we find that South Australia sometimes does not rate. They talk about all the States, sometimes even including Tasmania, but South Australia does not even get a guernsey.

There was a time when South Australia was seen as being a vibrant and competitive economy along with other economies in the nation, but the figures that I have given today are unassailable facts. They may be uncomfortable facts, but nevertheless they are demonstrable facts of a Government that is not in control of this economy, a Government that has little feel for small business, a Government, indeed, that does not have one person in its Ministry with a background in small business, as members will see if they look through the *curriculum vitae* of those Ministers.

We have a Government that talks big. It has clever magic media manipulators but, at the end of the day, notwithstanding its claims that it represents the working class, it has crushed the working man, as reflected by the chaos in small business, in retailing and in bankruptcy figures. This budget that we are addressing tonight may be very well for all the smoke and mirrors associated with it, but as a bottom line we have land tax and payroll tax and, with the economic debacle that we see coming out in the figures on a weekly basis, this economy is in deep trouble, and the Bannon Government must recognise that ultimately after six years it has a hat to wear and it does fit.

The Hon. PETER DUNN: Madam President, that was a very emotional speech by the Hon. Legh Davis, who explained in some degree what a disaster is happening to South Australia, he concentrated on the city area. That is appropriate, because most people live in the city. I would like to broaden that picture and refer to the country areas. First, I refer to the Program Estimates and Information 1988-89 and to the Agriculture Department program 'State Disaster Planning, Control and Relief'. The broad objectives and goals provide:

> To maintain disaster preparedness at a high level by regularly updating disaster plans and improving the capacity to carry them out.

That is a fair sort of statement on its own. The broad objectives continue:

> To relieve post-disaster distress and assist the recovery of rural communities through financial assistance, coordination of the distribution of emergency supplies and technical support.

That is a fine statement and a fine objective, and I agree with it wholeheartedly. Unfortunately, somewhere along the line the Minister has tripped over between when that was written and today. It occurred even earlier than today, because during the Estimates Committee the Minister was asked about his plans for what was appearing to be a disaster in parts of this State, in parts of the North, in the northern and western area of Eyre Peninsula and in other isolated pockets. This is part of the reply by the Hon. Kym Mayes to the question by the member for Eyre:

> Our responsibility as a community is to ensure that the future of the region is assured.

That is a fine statement. He goes on to say:

> I do not think we can assure individuals that they will retain farming as their predominant vocation.

In other words, he says that they will not retain their predominant vocation or their way of life under his patronage. He goes on to explain that in 1940 his parents left their farm. If the Minister adopts that attitude he will impute that to his staff and department. I will explain a little later why it is already beginning to manifest itself in our community.

It saddens me to think that they are influenced—and I think the Minister is influenced—by external people and comments, which quite often come from people who ride the band wagon of something that is extremely popular for today. Let me say that the greenhouse effect is getting as much publicity as I have seen anywhere. I rang the meteorological department the other day and said, 'What is the worst scenario that can happen in a five-year period in South Australia if the greenhouse effect is as bad as we are led to believe?' I understand that right at this moment there is a program on the ABC looking at the greenhouse effect. The response was—

The PRESIDENT: There is a conference on the greenhouse effect at the Convention Centre.

The Hon. PETER DUNN: Thank you, Madam President, for informing that there is a conference in the Convention Centre on the greenhouse effect. I am reliably told that the greenhouse effect will make a 2 per cent difference to the weather patterns for South Australia for whatever period they are addressing at the time—say, five years. That is

minuscule. Weather patterns vary up to as much as 10 per cent in any one year. I believe that the Minister has said that the greenhouse effect is having an effect and that therefore there will not be farming in the western and northern areas.

The Minister of Agriculture has been unduly influenced by the hype in the papers today—the garbage and the rubbish about the greenhouse effect and other things such as the ozone layer. If we look at the maps and photographs that have been taken since about 1971, we see that in one year the hole in the ozone layer around the South Pole will have opened up quite enormously and in another year it will have closed up quite markedly. I am informed that the ozone layer depends markedly on thunderstorm activity around the equator.

With all the things that go on around this earth there are changes. The Minister is saying, 'I am going to ride along with the hype of today, such as increased holes in the ozone layer and the greenhouse effect. Those farmers who have been farming in that area for 30, 40 or 50 years do not understand what they are doing, and I will not offer them any succour because I believe they can get off their farms.' The Minister virtually said that in the statement that he made. He stated:

I do not think that we can assure individuals that they will retain farming as their predominant vocation.

The quickest way to ruin primary industry is to mix it up with something else. That fact has been well proven. I do not disagree that people who live in the cities and like to have an area of land in the Hills, or wherever, to relax on, to look after, or to run horses or sheep and cattle on, should do what they like. I like that idea. It is fine and should be encouraged. However, those people will never be able to provide the food that is required to support, first, the nation and, secondly, the export income that we require to maintain our standard of living.

Unfortunately, so many people in the city have a very unusual attitude to the 'cockey', as they term it. I will cite what Julien Cribb, who writes for the *Australian*, wrote about the attitude of city people to the farming community. I believe this has a bearing on what the Minister is thinking in his black box in Grenfell Street. Mr Cribb stated:

In Australia, the farmer is seen by many city people as inefficient, a poor manager, a whinger with his hand stuck out for Government subsidies. His arguments are rejected, his independence resented, his industry regarded as a loser. Many better-educated Australians, indeed, hold the view that the nation would be better off if more farmers were forced off the land—

and does that not sound familiar—

to be replaced by enormous company farms which could supposedly run them more efficiently and restore the nation's lost export income. That chillingly misinformed view of Australia's farm sector has come to light in detailed qualitative research of urban attitudes to agriculture carried out on behalf of the National Farmers Federation (NFF).

Mr Cribb goes on to say:

Recent research identified four distinct strands of opinion about farming among urban Australians:

Apathetics: who basically never think about what agriculture means to them at all, and see no connection between its performance and their own problems of inflation and high interest rates or their living standards.

Sympathetics: a much smaller group consisting mainly of blue collar males—

and the Hon. Terry Roberts will be interested in this—

and well-educated single females, who are both well-informed and genuinely care about rural sector problems.

I believe that is the predominant group in this place at present. The article continues:

Concealed hostiles: who mask a strong hostility and resentment towards the farm community, based mainly on their romanticised notions of the supposedly free and easy rural lifestyle.

Overt hostiles: mainly well-educated white collar males holding both well-informed and totally contradictory ideas about agriculture based on emotional criticisms, and who want farmers forced off the land.

Mr Cribb further states (and I guess this is getting close to the bone):

With politicians virtually mesmerised into big-government, high-tax policies by the plethora of competing demands from small interest groups on public funds, the drain on the nation's biggest export income-earning industry has accelerated.

In other words, they really do not understand what primary industry is about and, unfortunately, our Minister has fallen into this trap. He is mesmerised by the fact that there are individuals who require relatively small sums of money. He wants operations to be big and run by a company so that they can be efficient. We have proven time and time again that the family farm is the most efficient way to produce food in this country. I can assure members that had the farms in areas which are now in great trouble on Eyre Peninsula been owned by companies there would not be anyone there now; those areas would have been totally depopulated. In fact, I think that the Government wants the area depopulated, and all the signs are that that will occur.

The Government has indicated that it does not even want to run water, something that has happened in every other drought year. There is no reticulated water to the west of Ceduna. People must harvest water themselves. In drought years, which occur once every 10 years or so (in fact the last drought was only six years ago in 1982) the Government has shown some sympathy towards those people. The Tonkin Government carted water to the tanks that were supplied some years ago by previous Governments, which knew full well that water would be needed at odd times in drought years.

What does our Minister do? He says, 'No, I am not going to cart water.' What are his reasons? They are very interesting. The Minister's reasoning is that, if water is carted, the price of land will increase. He said that on radio; he said that the carting of water is likely to raise the price of land. I have never heard anything so ridiculous. One of the Minister's other actions has raised the price of land, but that will not be the result from the carting of water to keep animals alive.

The Minister has been saying, 'You have to change your mode. You have to get away from cropping and get into animal production.' While he says that on the one hand, on the other he says, 'I am not going to cart water.' Those people are facing one of the worst droughts in living memory. It is not the worst drought in history but the worst drought that the people living there have experienced. There has been only about four inches of rain.

I would have thought it would be an excellent idea for the Minister to show a little compassion, but I do not think there is any compassion in this Government. It has totally lost the blue collar vote, as we have seen from the by-elections in Oxley in Queensland, Port Adelaide and Adelaide. It has lost the little people, the people who would like a little succour. As members would know, the rural industry in South Australia fluctuates enormously, more than in any other State.

It would be wise if the Minister took that advice and said, 'I will help you over this tough time when you are finding it very difficult after a period of less than good years with low commodity prices.' I think the Minister would be well advised to give a little sympathy and succour to those people and say, 'I will have some water carted out to those areas west of Ceduna so that the farmers can cart the water from that central point.'

There are many arguments in favour of that. This situation has arisen in the past and it will arise in the future. It has happened in good years when the prices have been better than they are at present, and to suffer a drought when prices have already fallen makes people feel dejected. However, they are stickers; they are triers; they are entrepreneurs and will stick it out as best they can. Many of them have diabolical financial problems and need some assistance.

As I said previously, the Minister does not want water carted west of Ceduna because he thinks it will raise the price of land. Let me explain what he is doing at the moment. If farmer A wants to buy out farmer B, the Minister is saying, 'We will lend you funds from SAFA (South Australian Financing Authority) at a concessional interest rate, starting at 8 per cent and gradually rising over a period of 10 years to commercial rates.' What in the world will raise the price of land more quickly than people being able to borrow money at a concessional rate? Notwithstanding, the Minister says he will not cart water, a very humane thing to do, to alleviate the suffering of the stock and to save having to cart them to another area. He will not offer agistment or a freight subsidy for farmers to cart their stock away from the area, and he will not consider the carting of water for stock. In other words, he is virtually signing their death warrant.

I say to the Minister—forget hypotheticals, forget what you think you can do to assist those farmers and go and listen to them. We know that the Premier went out there and got great political mileage and publicity out of it, but he has done nothing since he came back and from my observation over six years in this Parliament that is exactly what he has done every other time. He always comes in when the thing is cured. He will be at Roxby Downs on Saturday, probably with the Attorney-General, drumming his chest and telling us what a marvellous project it is—and need I repeat what has been said many times about his argument in Parliament when the project was trying to be got off the ground in 1982, when he called it a 'mirage in the desert'. I can assure members that he will be calling it better things than that on Saturday when he goes there. It is a major project, and will bring some $1 100 million into this State in its very first year—that is, if the Democrats do not torpedo freight arrangements for the yellowcake. It is a marvellous project and everybody should go and have a look at it. While we are having a less than good season agriculturally, at least Roxby Downs will keep the standard of living in South Australia rising—and it is not a city project; in fact, it is very much a country project.

Let us now look briefly at two or three of the other things that are going on in this State. For example, as to the *Island Seaway*, what a magnificent project that was that this Government set up! I do not think it has even reached the planned speed that it was supposed to do ever since it has been operating, even with a tail wind. I do not think it is a very clever project at all. It was designed to service the people on Kangaroo Island and on lower Eyre Peninsula. However, it does not even go to Eyre Peninsula any longer.

The Hon. L.H. Davis: Isn't it called the 'Island Slewway'?

The Hon. PETER DUNN: The 'Island Trolley', I think! It will not steer, it will not go very fast, it has cracks, it fills up with water, kills sheep, and tankers fall over on it. It is a great project, I tell you!

The Hon. C.J. Sumner: You ought to be Leader of the Opposition.

The Hon. PETER DUNN: It was the Government which got the project off the ground. It contacted a group in Victoria to plan it, but that group has now gone broke. It then got the plans drawn up by a group in Sydney, although I believe that that group has also gone broke. The Government can really pick them; it really understands how to build a boat. I could nearly swim to Kangaroo Island in a day and the *Island Seaway* cannot even get there. It cannot get to Port Lincoln, either.

Let us look at one thing that has happened because it cannot go to Port Lincoln. There is a battler living at a place called Warramboo who makes silos for holding grain. He got a contract on Kangaroo Island to supply a number of silos. He said that he would transport them to Port Lincoln, put them on the *Island Seaway* and take them to Kangaroo Island. He did not realise that it could not get to Port Lincoln and that it was likely to sink, so they will not take it. The fact is that the employees of the vessel will not take it to Port Lincoln. This person will lose his contract. The Government has a lemon, and if the situation is not fixed up it will be in a fair amount of trouble. The propellers are too big and the vessel is cracked. The steerage has had to be modified. It even ran into the side of the bridge on the Port River. The project has involved nothing but failures. The Government does not think things through. The project should have been given more thought. It was even designed initially for double-decker sheep truck crates, but they knew there were triple-deckers everywhere—so, another metre was added, and it now catches the wind and cannot be steered. It is a great project—the Government should be proud of it!

I refer also to the State Rescue One helicopter, the allocation for which has gone from $500 000 back to $360 000. It is the biggest Mickey Mouse outfit in any State of the Commonwealth. It is a great observation platform and that is about the strength of it. It is good for directing traffic, but when it comes to rescuing anybody, we know what happens. A pilot ditched a plane not 11 miles from Adelaide Airport the other day and one hour later the State Rescue helicopter was not there to assist. That is a disaster! I fly over the gulf twice every week and if I ever had to ditch I would not be at all happy about getting that helicopter to come and rescue me. For a start, it could not lift me out of the water. It is a twin rotor aircraft and has no stability. It cannot winch more than 250 pounds out of the water because it becomes unstable. The Government should look very carefully at the matter.

Take the scenario of a small aircraft doing a controlled ditch off the end of runway 23 off Glenelg. Such a scenario is likely to happen. The plane has gone down at a very gentle speed, no-one is hurt and everyone is out in the water. How will they be taken ashore? Will the sea rescue squadron help? We know how long they took to get out to the Cessna 210. It needs a quick response and a better helicopter. What is needed is some advice and a good helicopter, not a lot of money. I am amazed at the vacillation of the Government. It has been tiddling around with this matter for five years, and it is a tiddler of an outfit. We use what the Americans threw out 10 years ago.

In Sydney, six rotary wing aircraft do the job adequately. Such aircraft also need an infra-red imaging resonance camera, which is called FLER, to locate people in the water and in forests. It determines heat sensitive areas and would be ideal for the police, who would use it a lot. However, the Government has to put aside $360 000 to run the rotary wing aircraft that we have. What would happen on a Saturday in the middle of summer with 200 sail boats off the coast and a squall comes through, upturning 20 or 30 boats? There would be no-one to rescue them. In a squall, there is no way to rescue anyone or set up a platform for frogmen.

Unlike the other capital cities, in Adelaide a lot of light aircraft travel across St Vincent and Spencer Gulfs. There is a lot of traffic to Whyalla and Port Lincoln yet, if a plane ditched in that area, the chance of recovery would be zilch with the present rotary wing aircraft. That is unfortunate and I implore the Government to consider putting more money aside to upgrade that facility.

I conclude on the subject of road funding. The Program Estimates reveal that project planning work will be undertaken in rural areas on the Port Augusta to Adelaide road; road duplication from Port Wakefield to Two Wells, which is nearly an outer suburb of Adelaide; Birdwood to Verdun road, that is in the suburbs; Port Wakefield bypass, that is a great help—we already have a road through there; and Port Pirie bypass—another bypass. In conjunction with the Federal Government, there will be investigation of projects to be funded under the newly created national arterial category in the new Australian Centennial Road Development program. If they have not been in Government long enough to know what projects should be carried out, they should give it away.

When the Minister visited Eyre Peninsula, he said that there would be no more sealing of roads on the peninsula—none at all. I do not know where the Minister gets his advice but he certainly does not take it from people around the State; he goes his own sweet way. Approximately $20 million has been spent on the Gawler bypass, which was already there. I admit that there were some accidents, but all that was required was for drivers to slow down, and the bypass would have lasted many years. Instead, $20 million was spent, which would have sealed all the roads on Eyre Peninsula, although only three or four require sealing.

About six kilometres of road was built for the Gawler Bypass at a cost of about $20 million. We are now considering a bypass for Port Wakefield and one for Port Pirie. We already have a bypass around Crystal Brook that cost about $10 million. The Government has its priorities wrong. Dirt roads are being used for the transport of a product that will raise the standard of living when we sell it here. It is an absolute shame!

The Hon. G.L. Bruce: Are you saying all the traffic should go through Gawler?

The Hon. PETER DUNN: It never has—it had a bypass. The honourable member interjects and says that it ought to go through Gawler. It had a perfectly good bypass but, because everybody used to travel on it at 110 km/h, a few accidents occurred. If vehicles had been slowed down to 80 km/h, it would have lasted much longer. There was no necessity to spend $20 million on a Gawler bypass. It was a great waste, and the Minister was conned. Roads on Eyre Peninsula have a low priority.

The Hon. Barbara Wiese interjecting:

The Hon. PETER DUNN: I know that there are no votes in it for the Government, so it will not worry about this, just as it will not worry about the people who live on Western or Upper Eyre Peninsula. The Government could not give a damn about them. The Government believes that those little people cannot vote against it and that it should concentrate on winning votes in the city. As a result, this budget may appear to be a very mundane budget in that it does not provide very much for the city, but it certainly provides a lot less for the country—in fact, I believe that it provides nothing for the country areas, other than a few public works projects, which I suppose will go ahead.

About $20 million will be spent on the Royal Adelaide Hospital and I think that expenditure is necessary, but $20 million is to be pork-barrelled to Port Noarlunga to build a hospital there. There is already a Southern Districts Hospital in that area and Flinders Medical Centre is only 12 minutes away. I queried how long it took to travel by ambulance from Port Noarlunga to Flinders Medical Centre and I was informed that it takes 12 minutes. The Minister of Health is trying to close the hospitals at Blyth, Tailem Bend and Laura. The Government has its priorities wrong. If that is not pork-barrelling, I do not know what is. We will also build a new school at Reynella. It is about four miles from the sea, but it will be air-conditioned.

The Hon. G.L. Bruce: Are you saying Reynella doesn't get hot?

The Hon. PETER DUNN: It certainly does not get as hot as Wudinna, where people are raising their own money to install air-conditioning in their local school. One would not want to bank on being fed by this Government, because one would probably go hungry. I think that, all in all, the budget is somewhat of a rort.

Golden Grove is also to have a new school, so that is more evidence of pork-barrelling. There is no doubt that the Government looks after its own but, when it comes to the little people who need some help over a tough spot, it feeds them to the wolves. I believe that the Government has lost its way. We need a change and, the sooner that change comes, the better.

The Hon. R.I. LUCAS: I want to address only one matter, which relates to the very large appropriation under the general category of education. The appropriation refers to the large amounts of expenditure being directed towards schools. That involves just over 20 per cent of total expenditure by the State Government. Admittedly, it is a declining percentage over the past seven years since the peak during the time of the Harold Allison budget (1981-82), but nevertheless it is still a not insignificant proportion of State Government expenditure.

All members would be aware that for some time parents have been gravely concerned about standards and discipline in our schools system. That is evidenced by the large numbers of students who are moving away from the Government system into the non-government system. Indeed, since 1982, upon the election of the Bannon Government, there has been a net decline of some 22 000 students in Government schools while, at the same time, there has been an increase of almost 10 000 in non-government schools. While all members in this Chamber will take differing views about the reasons for that stark movement between Government and non-government schools, it is an important matter that ought to be addressed by all members in this Chamber, irrespective of what political Party they represent.

Each member in their own way needs to consider the reasons for this movement from Government to non-government schools, and set about, when in government, trying to correct that. I want to look at the critical question of principals in schools and, more importantly, the process by which the Education Department undertakes the selection of principals, senior departmental officers and senior or promotion positions within the schools (such as deputy principals).

I believe that at the moment this is one of the major problem areas we have in education. Frankly, in my view the current system is a disaster. The best and most capable applicants are not being successful when applying for new principal positions in South Australian schools. Whilst there are some general criticisms (which I will address in a moment), there are also some quite specific allegations in relation to a small number of corrupt practices that presently occur in the selection of principals in our schools.

Over my three years as shadow Minister I have received a series of allegations about this problem. On occasions people in the Education Department have rung me some one or two months prior to the successful applicant for a particular position being announced and they have told me to note down on my note pad the time, the date and the name of the soon to be successful applicant, whether it be for a school or an advisory position.

One particular informant in the Education Department has a 100 per cent success rate over the past two years of successfully identifying, at least one month prior to the actual selection process, three senior positions in the department, all of which went through the facade of the current selection panel system. There have been serious allegations about certain applicants being favoured and provided with more information about a particular position than less favoured applicants. I have received a number of allegations about certain members of selection panels who, prior to the actual interview process, have sat down for periods of half a day or so with one of the applicants and coached that person in the ways of going through the interview process and in successfully selling themselves to the selection panel.

Those allegations are not coming to me from disgruntled losers in the particular process, they are coming from senior representatives of associations of principals in South Australia. I accept that on occasions there will be disaffected and disgruntled losers in the selection or interview system—there always are—but these criticisms are not coming, as I said, solely from those who have been unsuccessful, but they are coming from representatives of associations of principals in South Australia.

Those criticisms, for some years now, have been forwarded to the current Minister of Education, to the previous Director-General of Education and, I would presume, also to the current Director-General of Education. After some three to 3½ years, no action has been taken at all by this Government or by the present administration in the Education Department in relation to the quite serious allegations that have been made about the current system of selection of principals.

I want to now specifically address the problems that I see in our current system of selection of school principals. The major criticism of our current system is, quite frankly, the fact that the members of the selection panel are not able to see, or are not provided with, work reports or supervisors' reports from within the department relating to all the applicants for the particular position. If I am a teacher, principal or deputy principal with a 20-year record within the Education Department, within the system at the moment there exists a series of reports or a series of people within the department who know my strengths and my weaknesses as an applicant for this particular position; they know whether I am good as a principal, whether I have a good track record, and whether there has been a series of complaints about me over the years, not only from my colleagues but also from the parents of the individual schools with which I have been involved.

That information exists within the system, but such is the strangeness of the selection system for principals in our schools that all that information that exists within the department is not allowed to be made available to members of the selection panel for the particular position which is being applied for. So, there is a 20-year record of my performance but when I apply for the position of Principal of the Gilles Plains Primary School, for example, members of the selection panel are not allowed to—and this is quite specific; it is not that they do not seek that information—be provided with the information of my 20-year history of teaching and administration within the Education Department.

For anyone who has had experience, as indeed you have, Mr Acting President, in the real world, in the private sector and indeed in many important positions in other areas of the public sector, such practices, quite, frankly are not only amateurish but are quite clearly laughable and unacceptable. If we are to get the best qualified principals for our schools, how can we ignore their history, their record, and their experience over their period of time within the Education Department? The reason why we currently are not able to have access to that information is the quite strong opposition from some members and leaders of the South Australian Institute of Teachers and others within the Education Department who believe that it would be unfair to certain applicants if their track record was compared with somebody else who had 20 years of top quality experience within the Education Department. If that is not woolly-headed thinking, I have never seen woolly-headed thinking. That is the major criticism, and there is a series of other important criticisms that can be made of our current system.

Under the present procedure, the panel is selected after the advertisement has been placed for the position. I believe that the current selection process for the panel and the number of members to be on it will have to be streamlined. At the moment, members of the panel get together, have a chat and list the essential criteria for the position that is involved, for example, the principal of a local school. They look at a series of indicators for those essential criteria. At that stage, even before any of the applications have been read, the five members of the selection panel compile the questions to be asked at the interviews for each of the short-listed applicants.

So, even prior to reading anything about the applicants—and again I reiterate that they are not allowed to have the complete track record of the applicants—the panel members work out exactly the nature of the questions to be directed to all applicants. Panel members are not allowed to stray from the four or five prepared questions, or whatever number it is. They must be directed in exactly the same fashion to each of the short-listed applicants. Even if a member of the selection panel has a specific concern about some aspect of an applicant, the panel member is specifically not allowed to question the applicant about it. The panel must ask the same questions of all applicants, and no follow up questions are allowed from the panel members.

I am sure that most members in this Chamber, and certainly all involved in education, are avid readers of a commentator by the name of Brendon Lasch, who writes for the *Adelaide Review*. As shadow Minister of Education, the articles by Brendon Lasch are compulsory reading for me. As each week moves by, I lick my lips in anticipation of the next expose from Mr Lasch in relation to the goings on within the Education Department. My departmental moles tell me that the Minister and other senior departmental bureaucrats are not quite so keen on reading his writings and, indeed, they probably choke on their cornflakes every week when they read the latest feature from him.

In a recent article from Mr Lasch headed 'Jobs for the girls and boys', he talks about this aspect of the selection panel system, that is, the interview. The article states:

> The interview is not intended to be an all-out interrogation to find out just how big a fool or how much of a charlatan an applicant might be. In the normal course of events, these traits are allowed to emerge later, when the position has been won. Obviously, all interviewees are given the same amount of time.

In his usually succinct and sometimes cynical way, Mr Lasch summarises all of the criticisms of the interview

process for principals in our schools. No matter how big a fool or no matter how much of a charlatan an applicant might turn out to be when presenting at an interview, the selection panel cannot stray from the agreed list of questions and cannot follow up any particular course of questioning of an applicant for a position.

As an aside, for his services to education, I would like to issue an open invitation to Mr Brendon Lasch, whoever he or she may be (I am sure that that name must be a *nom de plume*) to put his snout in the trough as a possible ministerial adviser to Rob Lucas as a future Minister of Education to help me and the Liberal Party turnaround the system that he exposes quite brilliantly each week.

The Hon. T.G. Roberts: What sort of job security is that?

The Hon. R.I. LUCAS: It is considerably longer job security than the present Minister of Education (Mr Crafter) who, I can assure the Council, will not be in that position early next year.

The Hon. T.G. Roberts: Mr Lasch will be well retired by then.

The Hon. R.I. LUCAS: Some have suggested that he might already be retired. We are not talking about Mickey Mouse positions but senior managerial positions in the education department which attract salaries of between $35 000 and $50 000 a year. Indeed, companies in the private sector would not make managerial appointments in the amateurish fashion that the Education Department has involved itself in. Because this process places no weight on track experience, everything depends on the interview (and I have talked about its farcical nature) and the attractiveness of the job application. For that reason, at the moment we have a system where wealthy job applicants are paying up to $500 to professional public relations agencies and management consultancies to write job applications for particular positions in our schools.

Referees are listed at the bottom of those application forms. A company in the private sector appointing a manager at $50 000 a year would expect the management consultancy or personnel section to follow up with the referees the strengths and weaknesses of the applicant. However, in the Education Department, on virtually all occasions, the referees of the applicants are not approached by the selection panel. In fact, the Minister and his senior advisers conceded that during the Estimates Committees.

So, the names of referees are supplied, yet the selection panels do not follow up with the referees the strengths and weaknesses of job applicants. So the selection panels not only do not have access to the track experience and work records of an applicant but there is no follow up with the referees with respect to an applicant's strength and weaknesses. That would be unacceptable in the private sector and it ought to be unacceptable when we select school principals—the most important position in our school system.

My time is nigh, but I will leave members with one further contribution from Mr Brendon Lasch in the article 'Jobs for the Girls and Boys'. Mr Lasch refers to a situation where a deputy principal on a selection panel happens to know one of the job applicants, and he says:

> If you are a deputy principal who found yourself on a panel where one of the applicants for the position had worked with you several years ago, you would have to bite your tongue and not allow yourself to be influenced by any opinions that you formed at that time. This would be the case even if the same applicant had convinced you and all your colleagues in that school at that time that he or she was the slackest, most incompetent half-wit who had ever stood in front of the class, unless of course he or she actually refers to the shortcomings in the job application.

Mr Lasch very succinctly summarises the key problem in this system. Unless the job applicant refers to his or her own inadequacies, even if you know of those inadequacies, if you are a member of that selection panel you are not able to refer to them during the interview process. It is specifically prohibited. The union leaders will not let you refer to those inadequacies during an interview for a position.

I conclude by saying that we are not just being critical of what exists in the system at the moment and the lack of action from the Minister of Education in addressing these problems. We are saying that when we are in Government at the end of next year there will be major changes to this system. We will not tolerate these inadequacies and there will be a streamlined procedure of selection for promotion positions within the department.

The Hon. Barbara Wiese: You won't get there on today's performance.

The Hon. R.I. LUCAS: We will get there; we are ahead of you on the polls and doing very well. We will have a system of work reports so that the experience, track record and history of a job applicant can be taken into account when applying for the position of a principal. We will place great weight—or certainly greater weight than at present applies—on track experience and less weight on the attractiveness of the job application form and the performance on four or five set piece questions in the interview process.

The Hon. T.G. Roberts: That all depends on policy.

The Hon. R.I. LUCAS: It is a policy. The Hon. Mr Roberts interjects. I am one minute over my time, but let me respond. He is always looking for policies. He has just got a promise. We have not only criticised; we have also indicated that there will be changes when we are in Government, and they will be significant changes. We will not tolerate the present slack attitude of the Minister of Education (Hon. Greg Crafter) and the administration of the Education Department in relation to the selection panel system. Being true to my words and true to my promise to the Minister of Tourism, I conclude my contribution by supporting the second reading.

The Hon. R.J. RITSON: In view of the hour in these dying moments of the budget speech and being aware of the—

The Hon. T.G. Roberts interjecting:

The Hon. R.J. RITSON: —need for this House to pass the budget, and in spite of interjections from members opposite attempting to delay my expeditious attempts to pass this Bill—

An honourable member interjecting:

The Hon. R.J. RITSON: I am sorry. I am clairvoyant and Dr Freud is alive and well. I shall be brief and deal with a single issue. I will not delay the Council for more than 10 or 12 minutes.

The Hon. Barbara Wiese: That long.

The Hon. R.J. RITSON: I can make it 25 minutes if the honourable Minister wishes to continue to attempt to disrupt me. The matter that I want to deal with is one that I would not have raised again but for some remarks by the Hon. Ms Wiese in response to a dorothy dixer about child sexual abuse because this is a matter which I thought had been nearly put to rest until she made that response. I want to say at the outset that community welfare is a very difficult problem. I know that because I have worked for many years at the interface of these problems. A woman walked into my surgery with a broken nose, no clean clothes, no money, a sick child needing hospitalisation and locked out of the house by her husband.

I have swung all the mechanisms into action to try to put that act together to solve all the problems on a Friday

evening. That is just one of the many stories that are part of my professional life as a general practitioner. I have a great appreciation of the work of social workers in both the State and Commonwealth social security and community welfare organisations. They are good people; they are professional people; and they try hard.

We have a developing problem at the moment because of the entry into new ground—entry into the unknown. That has been a very zealous entry. It has produced journal articles and teachings about recognition, diagnosis and solutions for the problems related to child abuse. However, there is no great experience that can speak with authority as to the best methods for diagnosing the situation and dealing with it.

The Hon. Ms Wiese, in answering the dorothy dixer, quite correctly pointed out that of the large number of allegations a simple minority were validated. Of those cases a far smaller proportion resulted in disrupting the family and placing the child in need of care. I have said, and I say again, that I understand that and I support the efforts of these people because, when this matter last arose in this Chamber, the Attorney-General, on the one hand conceding the difficulty of the subject, accused the Liberal Party of rolling this matter over for political points. I will not do that, but he may well try to do it again as I work through one aspect of the issue. I will only deal with one aspect of the issue because we cannot canvass such a complicated issue in full.

The one aspect that I will deal with is that there are a few injustices. These injustices are not intentional, but neither are they accidental. They stem from certain faults in the methodology. I will move from that issue to the question of the conflict—

The Hon. Carolyn Pickles interjecting:

The Hon. R.J. RITSON: Just belt up—of interest that arises.

The Hon. CAROLYN PICKLES: On a point of order, Mr Acting President—

The Hon. R.J. RITSON: Belt up with your point of order, too. I have the right to be heard! Now sit down!

The Hon. CAROLYN PICKLES: I rise on a point of order. Mr Acting President.

The Hon. R.J. RITSON: Mr Acting President—

The Hon. CAROLYN PICKLES: Mr Acting President, I believe you must answer my point of order. I consider that the member opposite used the most unparliamentary language, and I ask him to withdraw that remark.

The ACTING PRESIDENT (Hon. J.F. Stefani): I do not think that it is a point of order or that the remark was unparliamentary. Perhaps the honourable member can explain what he means by 'belt up'.

The Hon. R.J. RITSON: Yes, Mr Acting President, I can. It is common vernacular that I thought the Hon. Ms Pickles would understand better than if I said, 'Be quiet, I have the call.' But, in fact, I apologise to the Chair for addressing the remarks to her without addressing them through you. In future I will address all my remarks through you. As I was saying, there is—

Members interjecting:

The Hon. R.J. RITSON: Mr Acting President, I am attempting to be moderate and reasonable, and to deal with a matter scientifically. I know that it is a matter upon which the honourable member, who is continuously interrupting me, has strong views. However, she has many other forums in which to express her views. Through you, Mr Acting President, I ask the honourable member to obtain a little insight into her own behaviour and allow me to speak, after which she can say whatever awful things about me she wishes to say. In an attempt—

Members interjecting:

The ACTING PRESIDENT: Order!

The Hon. R.J. RITSON: In a further attempt—

Members interjecting:

The ACTING PRESIDENT: May I have order, please!

The Hon. R.J. RITSON: In a further attempt to complete this debate with some brevity I want to deal with the question of injustices which, admittedly, account for a minority of the cases but which ought not to be accepted if they are preventable. My colleague the Hon. Trevor Griffin raised in this Chamber the question of a judgment where His Honour said:

> The people responsible for this will have to carry it on their conscience. Your conscience [that is, the accused's] is clear. It is a dreadful tragedy that has happened. Mr . . ., I do not know what can be done to put right what happened in the last 2½ years. I hope something can be salvaged from the wreckage for you. You might convey to those responsible for this just what has happened and what they have done.

They are fairly strong words. In another case involving a matter which had been found by the judge not on the balance of probability but beyond reasonable doubt not to have occurred, and in subsequent litigation over the matter of costs, the judge said in reference to the Minister who was opposing the award of costs against the Minister:

> In our view, for the Minister to endeavour to rely upon doctrines of privilege in this case, was to do nothing more than to seek to avoid the consequences of the disclosure of the departmental incompetence with which the complaint had been handled. The Minister must accept responsibility for this departmental incompetence and this must be regarded as a proper matter for His Honour to have taken into account on the issue of costs.

I now wish to discuss in slightly more detail, because it involves medical technical matters, a case which involved a child of parents who sought the physical rehabilitative assistance of one of the State's health institutions as a result of a partial paralysis of the lower half of the child's body from the effects of the removal of a tumour of the spinal cord. The parents sought the help of counsellors in handling this situation.

During the course of the institution's assistance, a psychologist's assistant—which is somewhat equivalent to a nurse's aide or teacher's aide—thought that she saw phallic significance in one of the child's drawings, a drawing which was never able to be produced or examined. Following that, the child was interviewed on numerous occasions—without any allegation by the child or by anyone else—for a period of months, because the report was made that this appeared to be a dirty drawing—whether in the mind of the child or in the mind of the psychologist's assistant, we will never know.

There was certainly no other evidence. After interviewing the child on multiple occasions and asking many leading questions which, along with the answers, were not recorded anywhere, eventually the child began to agree and to provide answers to certain questions which indicated sexual abuse. The matter was eventually dealt with in the Children's Court, and it turned out that the child, because of the neurological condition affecting its bladder, rectum and pelvic floor, had had to be catheterised; that is, a tube was passed into the bladder. The specialist in charge of the case had trained the parents to do this.

So a situation occurred where a child with a difficult physical disability produced a drawing that a psychologist's assistant with no professional training to speak of considered to be symbolic of a penis; and the psychologist's assistant decided to report the matter as a case of sexual abuse in spite of the child's denial at the time and, presumably, in ignorance of or wilful blindness to the history of the

specialist's treatment of the child's bladder condition and the prescribed catheterisation. The child was interviewed on many occasions and a story was extracted.

At a recent medico-legal conference which I attended in Athens, I heard a paper delivered on the interesting phenomenon called 'pseudo-memory'. It is possible, by asking leading questions, to implant a memory—

The Hon. C.J. Sumner: It's a bit suspicious, going to Athens.

The Hon. R.J. RITSON: Suspicious, going to Athens?

An honourable member: Yes. Not as bad as someone going with you.

The Hon. R.J. RITSON: There are a lot of your friends there.

The Hon. Barbara Wiese: Do you think they'll be complaining about you tomorrow?

The Hon. R.J. RITSON: Oh, I see! I do not subscribe to that theory, by the way.

The Hon. C.J. Sumner: Which theory don't you subscribe to?

The Hon. R.J. RITSON: I will talk to you in confidence outside in the corridor. A paper was delivered which described the implantation of 'pseudo-memory'. It was very interesting. There was a series of questions to the subject of the experiment which began with the question, 'How did you sleep last night?' The answer was, 'Very well.' Questioning then continued further: 'Are you sure you did not wake up?' The subject would reply, 'I do not think I woke up.' Many other irrelevant questions would follow and then, 'What was the sound that woke you up?' The reply was, 'I think it was the slamming of a car door.' This proceeded to the point where the subject recounted a vivid description of a multitude of awakenings due to the slamming of car doors by people at a party opposite or something like that. The subject no longer believed that he had initially said that he had slept well the previous night, until he heard the tape recording of what he had said, and he reluctantly came to believe it.

This was a very interesting expose of pseudo-memory from a senior academic from an Australian university. It was not done in the context of child sexual abuse; it was done in the context of police evidence.

The Hon. Carolyn Pickles: To which line of the Appropriation Bill does this refer?

The Hon. R.J. RITSON: I am not interested in that kind of interjection. This case was one where there was no evidence, except the subjective view of a person who was not professionally qualified and who thought that a drawing was dirty, a drawing which cannot be produced and which was drawn by a small child who was regularly catheterised on the instructions of specialists. It was a small child who is regularly catheterised on the instructions of specialists. As a result of that, the child was physically examined by two general practitioners.

Members interjecting:

The Hon. R.J. RITSON: I seek your protection, Mr Acting President.

The ACTING PRESIDENT: Order!

The Hon. R.J. RITSON: I would have been finished a long time ago without the interjections. The child was examined by two general practitioners who, lo and behold, found floppy perineal muscles and gaping lax orifices. Without regard to the fact that those muscles were paralysed by the spinal tumour, and without any other evidence to indicate otherwise, they said that it was consistent with sexual abuse. In fact, the evidence was demolished and the judge, among other things, stated:

> In the case of a person untrained in psycho-therapy, it is very easy to lead a young child into inaccurate responses because young children are highly suggestible. Body language used by the adult and the child is important and audio tapes, video tapes and additionally a typewritten transcript are the only ways that professionals and the courts can accurately test the worth of information.

He further stated:

> Dangers exist with multiple interviews. The first interview is crucial.

I ask members to note that point. It continues:

> It can easily become a teaching session. If the interview is coloured by what the interviewer seeks to find, the interview may not flow until the child 'catches on' to the kind of answers expected of it. The child is not testing what it's saying against any kind of reality. It's testing what it's saying against the interest and eyes of the questioner. The child develops a whole set of descriptive gambits which it is likely to repeat to the next questioner and to the next. People can quite unwittingly train the child to believe that something has happened which did not happen at all. Each successive questioner may resurrect this material without realising how it was implanted in the child's mind by earlier interviewers.

Remembering the remark that, among other things, tapes help subsequent courts and subsequent experts assess the value of the interview, bearing in mind what I said about the comments of the Minister in endeavouring to avoid the consequences of disclosure—in other words, to present only one side of it—and bearing in mind matters that I raised a year ago regarding the department making it extremely difficult for experts of one view to interview the child whilst making the child readily available to experts of another view, I turn now to the branch head circular number 1904 from the Deputy Chief Executive Officer of the Department for Community Welfare, referring to the use of tape recorders. It states, *inter alia*:

> The advantages and disadvantages of using tape recordings for presentation of evidence need careful consideration before instructions can be given.

I make the point that this is in response to Crown Law advice. It further states:

> It has come to my attention that some field staff have been advised by Crown Law to use tape recorders when collecting evidence from children in the initial interview.
>
> I am therefore instructing that until further notice tape recorders are not to be used in interviews with children under any circumstances. Courts may request the production of original notes and this would include tape recordings used solely for this purpose. Until guidelines are developed for their use, such recordings could in fact damage the department's case if strict legal requirements are not complied with.

That is my concern. It must be accepted that accidents of justice can happen in any system. In our system, probably more guilty people are acquitted than innocent people are convicted. However, I do not think that the simple answer is to put all suspects in gaol so that the guilty person never escapes, and we should try to avoid the Timothy Evans situation, the man who was hanged for a murder confessed to by someone else.

If accidents of justice are a systematic and predictable consequence of wrong methods, we should do our best to refine the procedures. A number of injustices with harsh judicial comments have occurred and I freely admit that it does not concern the bulk of cases. The Director of the department, which is supposed to be a caring department and which is supposed to help families—it is not the Police Force—has developed a directive (despite the judicial remarks about the value and importance of tape recording all the evidence because the demeanour of witnesses, etc., will help courts decide how much is pseudo-memory) to ignore Crown advice to tape-record cases from the outset because it might damage the department's case.

It brings me to what I consider is fundamentally wrong. It is not the intention of the people nor Government fund-

ing that is fundamentally wrong. All of those things have been rightly devoted to the issue. What is fundamentally wrong is the conflict of interest where the family care giver is trained to be a policeman, an investigator, a witness and a loyal servant to the Crown in litigation against the people they formerly served. It is too much to expect of these people, and that memo says it all. Crown Law advisers and judges have said that this material should be recorded, but it cannot be done because it might damage the case of the Minister the people in question serve. Whom do they serve? If, because they are pursuing the Minister's case, a Government agency disrupts a family seeking help from them, whom can they trust? Whom can they go to?

At about this time last year a case arose concerning a lady who, in the absence of any allegation, made a telephone diagnosis and an anonymous accusation that was totally disproved, with costs against the Crown after the family had been destroyed. It is too much to expect any department to be all things to all people. It was right of the Attorney-General's Department to require the whole process to be recorded to see how much was fact and how much was pseudo-memory. However, the Attorney-General's alter ego through the other Minister said that it should not be done because it might damage the case, and there was evidence to suggest that they considered it their duty to pursue their case in a less than totally honest way out of devotion to the Minister.

I ask the Attorney-General to consider developing a system which splits the functions so that the care-givers would not be the servants of a subsequent litigant who may have departmental loyalties. At the first sign of the need to multiple interview a child (perhaps to decide whether to accept the Attorney-General's advice and record all the material or record only the end product), another agency could be called in so that the nice lady (who took the child on weekends or did the supervised handovers of custody and had to handle both parents) was not the same nice lady who would have to go to bat for the Minister against that family. Another agency could come in and conduct further interviews and gather evidence.

I am further disturbed by the delegation of important matters to the subprofessional level. One document emanated from Mr Sumner's department. It was a letter to the parents of the child informing the child that Dr X (and I hesitate to use that terminology), a child psychiatrist who was giving therapy to the child, was travelling interstate and could not continue the therapy. The therapist would now be Ms Y, who was not a psychiatrist or psychologist but, rather, she was very subprofessional. However, it seems that the psychiatric psychotherapy was perfectly able to be provided by Ms Y, so this subprofessionalism is threading through the case.

It is not an easy solution, but I make the point to the Attorney-General that this sort of adversarial attitude is developing amongst some of the people in the DCW who believe that it is their role to defend the Minister's case in court, at whatever cost, including withholding evidence or making it difficult for other parties to have access to evidence. It is almost like barracking for Norwood, right or wrong; they are barracking for the department, right or wrong. After reading some of these judgments, when the Attorney-General's Department says, 'You should record this from the outset,' they say, 'No, because it might damage our case.' I think that that adversarial situation should not exist. An inquisitorial and caring situation should apply and, if the adversarial problem has to be dealt with, it should be dealt with by another separately constituted group of people in order to avoid any conflict of interest.

I agree with what Ms Wiese said in Parliament about the general rule, and this is not the general rule. One Timothy Evans is too many, if it is avoidable. These cases comprise part of a group of 20 cases. Together with friends and relatives, they make up a meeting of about 200 people in a public hall. We did not see that situation previously. To the extent that that is avoidable rather than accidental and that it proceeds from some wrong attitudes (and I refer to some scientific beliefs and some overreliance on a small

The Deputy Director stated on national television that the literature presented was all that was available, but that is not the case. A large body of literature exists that calls into question matters such as drawings and dolls. To the extent that these matters can be refined and made more professional, there should be only accidents of justice and not a systematic and predictable series of injustices because of lack of professionalism, even though they comprise only a very small percentage of the cases. One Timothy Evans was too many, but he was accidental. Twenty out of 1 500 is far too many if they are the result of a systematic, predictable and avoidable error. I have enormous respect for the Attorney-General because I find him to be a man devoted to and respectful of the parliamentary process. He has, perhaps out of an obligation to his Party, from time to time said things like, 'You are just making political points.' But basically, by saying that we were dealing with a difficult area and that we will go slowly, he has shown that he realises there is a problem. By not seeking to conceal it he has been honest and open. I think that we can have a reasonable and rational debate.

I state for the fourth time that I appreciate the good work that the department does in the many cases with which I have to work with it as a practising doctor. I invite the Attorney-General to absorb those remarks that are made in good faith without saying that it is political capital. I hope that over the next year or two there will be a further refinement of the method of dealing with this problem and more objective reviews of literature and scientific discussions. I commend the Bill and the devotion of greater finances to this important task of caring for our children. Let us do what we can to have fewer Timothy Evanses in the child abuse situation.

The Hon. BARBARA WIESE secured the adjournment of the debate.

STATE TRANSPORT AUTHORITY ACT AMENDMENT BILL

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

ADJOURNMENT

At 10 p.m. the Council adjourned until Tuesday 8 November at 2.15 p.m.