HOUSE OF ASSEMBLY

Wednesday 13 September 1978

The SPEAKER (Hon. G. R. Langley) took the Chair at 2 p.m. and read prayers.

PETITIONS: VIOLENT OFFENCES

The Hon. R. G. PAYNE presented a petition signed by 177 residents of South Australia praying that the House would support proposed amendments to the Criminal Law Consolidation Act to increase maximum penalties for violent offences.

The Hon. D. W. SIMMONS presented a similar petition signed by 957 residents of South Australia.

Mr. GROTH presented a similar petition signed by 1 303 residents of South Australia.

Mr. EVANS presented a similar petition signed by 222 residents of South Australia.

Dr. EASTICK presented a similar petition signed by 43 residents of South Australia.

Mr. DRURY presented a similar petition signed by 610 residents of South Australia.

Mr. ARNOLD presented a similar petition signed by 547 residents of South Australia.

Mr. GROOM presented a similar petition signed by 103 residents of South Australia.

Mr. KLUNDER presented a similar petition signed by 81 residents of South Australia.

Mr. WHITTEN presented a similar petition signed by 2 274 residents of South Australia.

Petitions received.

PETITIONS: VOLUNTARY WORKERS

Mrs. ADAMSON presented a petition signed by 38 residents of South Australia praying that the House would urge the Government to take action to protect and preserve the status of voluntary workers in the community.

Mr. EVANS presented a similar petition signed by 52 residents of South Australia.

Mr. WOTTON presented a similar petition signed by 208 residents of South Australia.

Mr. GUNN presented a similar petition signed by 34 residents of South Australia.

Petitions received.

PETITIONS: PORNOGRAPHY

Mrs. ADAMSON presented as petition signed by 677 electors of South Australia praying that the House would pass legislation to provide for Ministerial responsibility adequately to control pornographic material.

Mrs. BYRNE presented a similar petition signed by 223 electors of South Australia.

Mr. WELLS presented a similar petition signed by 121 electors of South Australia.

The Hon. HUGH HUDSON presented a similar petition signed by 38 electors of South Australia.

Mr. TONKIN presented a similar petition signed by 538 electors of South Australia.

Mr. GROTH presented a similar petition signed by 80 electors of South Australia.

Dr. EASTICK presented a similar petition signed by 188 electors of South Australia.

Mr. BECKER presented a similar petition signed by 129 electors of South Australia.

Mr. WHITTEN presented a similar petition signed by 370 electors of South Australia.

Mr. GROOM presented a similar petition signed by 79 electors of South Australia.

Mr. DEAN BROWN presented a similar petition signed by 171 electors of South Australia.

Mr. GUNN presented a similar petition signed by 125 electors of South Australia.

Mr. KLUNDER presented a similar petition signed by 56 electors of South Australia.

Petitions received.

PETITION: MARIJUANA

Mr. EVANS presented a petition signed by 39 residents of South Australia praying that the House would reject any legislation that seeks to decriminalise the use of marijuana and would strengthen present legislation providing penalties.

Petition received.

PORT WILLUNGA PRIMARY SCHOOL

The SPEAKER laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Port Willunga Primary School.

Ordered that report be printed.

STATE BANK REPORT

The SPEAKER laid on the table the annual report and accounts of the State Bank of South Australia for the year ended 30 June 1978.

Ordered that report be printed.

QUESTION TIME

FROZEN FOOD FACTORY

Mr. TONKIN: Will the Premier say whether the Government will now obtain the advice of outside experts in an effort to salvage the operations of the Frozen Food Factory by putting them on a firm business management basis and, if necessary, leasing the facility to private enterprise? The Auditor-General's Report shows that the major deficiencies in the Frozen Food Factory's operation are inadequate accounting and operational controls, and inaccurate or non-existent financial and stock control.

The Deputy Premier has stated that the concept was a pioneering one, but reference to *A Guide of Microwave Catering*, by Lewis Napleton, first published in 1967, shows that the famous Lyons Tea Shops in Britain used the chilled and frozen food method of supplying shops from a central kitchen for more than 20 years before that time. The Kaiser Foundation, in San Francisco, a group of 11 hospitals with more than 2 000 patients, has used a commercial frozen food factory for many years, and has done so efficiently at a considerable saving on previous catering costs. In other words, it can be done.

Will the Government therefore seek expert advice from these and other sources and seriously consider offering the facility on a tender basis to private enterprise, so that it

can be operated at maximum efficiency for the benefit of the taxpayers?

The Hon. D. A. DUNSTAN: No. The Leader has pointed to some perfectly pertinent comments made by the Auditor-General on the present operation of the Frozen Food Factory and its accounting system. The Government has been concerned about this and has taken remedial action already in that particular area. However, for the Leader to say that the factory is not operating in such a way as to save money, as against conventional food operations for the Government, or that it does not have staff available to it who have experience already in this particular area is nonsense and completely baseless. The chief technicians from the area were taken from private enterprise and had considerable experience in that area.

Mr. Goldsworthy: Why is it losing so much money?

The Hon. D. A. DUNSTAN: So do most operations of this size and nature in the early months of their operation. This plant has not been operating for a full year. It is inevitable, because it is a pioneering operation, that it has had some teething problems at outset, but we expect them to be solved in due season. For the honourable member to suggest that somehow or other it should be handed over to the private enterprise operation that he lauded some time ago in the House and whose product he cited as being a better cost operation than the factory's seems a bit strange to me now that an analysis of the contrasting operations of the private sector disclose that it would be a very much worse deal and very much more costly for hospitals in South Australia to buy food from this source than from the factory.

Mr. Dean Brown: They never said that at all.

The Hon. D. A. DUNSTAN: They did. The honourable member normally takes the attitude that the moon is green cheese. He never bothers to base any of his statements in the House or anywhere else on any facts. In relation to the establishment of these works, it was perfectly clear that it was necessary for us to establish a frozen food facility in South Australia in order to make considerable savings as against conventional hospital food operations, the costs of which were mounting. That investigation was undertaken not only by my Government but also by the Hall Government. It was clear from the recommendations within the departments to Ministers, and accepted by Ministers of both Governments, that it was necessary for us to proceed in this area. The fullest investigations of overseas operations were made, and recommendations were then made to the Public Works Committee, accepted by it, and recommended to the Government.

Mr. Tonkin: The process is all right; it's the administration.

The Hon. D. A. DUNSTAN: The administration generally of the operation has already shown savings against what would be the cost to the Government of the conventional food operation, on the evidence put before the P.W.C. in 1974.

Mr. Tonkin: That's too high, too.

The Hon. D. A. DUNSTAN: No doubt it is, but if the honourable member knows anything about hospitals (and I would have thought that, at least from his own profession, he would know some modicum about them), he would know that there are considerable difficulties about working an efficient general standard operation of food supply to hospitals, because of the differing demands that are made by hospitals for that food operation. That has become patently obvious from the investigation made by the Corbett Committee. Regarding the Frozen Food Factory, considerable difficulties have arisen from the differing nature of food demands that are made from hospital to hospital on the facility of a central supply of food for hospitals.

It is difficult to get people within hospitals in South Australia to demand food on a standard basis for hospital patients. There are considerable difficulties about pre-plated food operations and the plating of food within wards. If one has a pre-plated food operation, inevitably one gets some waste at ward level. All these things pose considerable difficulties in administration. It is significant that the Corbett Committee in its investigation has recommended the restoration of storage bin cards as a means of food control.

Before 1973 the storage bin card system had been so unsatisfactory in many of its operations that it was recommended that it be abandoned in 1973. The sorting out of a large-scale operation of this kind inevitably provides some teething problems. However, there is not the slightest evidence from food operations in South Australia and from the food processing industry that anyone could do the job more efficiently. Certainly, the Leader's evidence to this House about alternative food supplies mades it quite clear that it would be a darn sight more costly if we involved private enterprise in the operation.

YOUTH PROGRAMME

Mr. DRURY: Has the Minister of Community Welfare any information about the Community Improvement Through Youth programme, and how young unemployed people can make use of that scheme? I represent a district in which a considerable proportion of young adolescents live. They became one of the first casualties of the Fraser Government's cutbacks.

Mr. Chapman: Comment!

The SPEAKER: Order!

Mr. DRURY: As a matter of fact, the youth opportunity unit at Morphett Vale has ceased to exist.

Mr. Chapman: Still commenting!

Mr. DRURY: That is a fact, not comment. It starts with "F" the same as "Fraser" does. There must be a way for young people beneficially to spend their time. Hence, I am interested in any information the Minister has.

The Hon. R. G. PAYNE: I thank the honourable member for his question. I suppose that the most beneficial way for people to spend their time would be if the economy of the country was controlled in such a way that there would be enough jobs for them. However, I do not believe that that is really what the honourable member was asking me. He asked me about the activities of the CITY programme. Most members would know that recently the Government announced that $248 000 had been made available for the continued operation of the programme, which had been in operation during most of the previous financial year. The operation will continue with the same aims that it had during the previous year: that is, to provide an opportunity for young people to devise community improvement schemes and to provide those young people with the means and advice to enable them to undertake them.

The scheme has twofold benefits: the community benefits from the community improvement schemes put forward and the young people concerned, as the honourable member suggested, benefit from their involvement and commitment in that activity. During the previous financial year about 1 300 young people were directly involved in CITY schemes. Since the Government announced the continued funding of the scheme at a higher level, I understand that already about 12 projects have been put forward. Last week I had the pleasure and

privilege of visiting a camp conducted under the auspices of CITY at Macclesfield, south of Adelaide, at which 40 children who were either mentally handicapped or in underprivileged circumstances were cared for and entertained by 37 young people for four days. Most of those young people were unemployed and provided their services on a voluntary basis to help the children concerned have a life experience that they probably would not have otherwise been able to enjoy. I point out that these are the people so easily labelled in the past as "dole bludgers", the young people in the community who, according to many critics, have no interest in anyone but themselves and who do not wish to work even if employment were available. This kind of activity surely gives the lie to that sort of argument, which was put forward in the past. These young people were quite prepared to come forward and, after a short period of training, give their time in that way. I said that I had the pleasure of visiting that camp. It was a pleasure to see the obvious enjoyment and experience that the children concerned obtained at that camp. I understand that there were some tears at the conclusion of the camp and that many of the children did not wish to leave.

The point I want to make is that, despite the restrictions under which all State Governments have been placed by the recent Federal Budget and the way in which the States have been forced to curtail activities that should be carried out in the community, the State Government has seen fit to further fund an activity of this nature so that young people in this State, anyway, who are unemployed may have the opportunity to participate in work experience schemes such as this.

OTTOWAY WORKSHOP

Mr. GOLDSWORTHY: Can the Minister of Mines and Energy say for what purpose the $450 000, which was granted as a special allocation by the Treasury to the Ottoway workshop, was used during 1977-78? On page 117 of the Auditor-General's Report reference is made to the fact that there was not enough work for any of the Engineering and Water Supply Department workshops during 1977-78, but that work was found by other departments to employ, at a reasonably satisfactorily level, the workshops of the Engineering and Water Supply department, with the exception of the Ottoway workshop. The report also states that $450 000 was made available to the Ottoway workshop for an unspecified purpose. How was that money used to overcome that workshop's difficulties?

The Hon. HUGH HUDSON: I will get that information for the honourable member.

BUS PRIORITY LANE

Mrs. BYRNE: Can the Minister of Transport say whether it is still expected that the first of the major bus priority lanes will be introduced on the North-East Road in November or December of this year following the programmed resurfacing of this road? This proposal is part of a joint improvement programme planned by the Transport Department and the Highways Department, and supports work done by the North-East Area Public Transport Review. The reserve lane was suggested by NEAPTR to improve the flow of public transport vehicles and will provide short-term improvement until a major new transport facility is developed.

Transport experts have predicted that a lane will increase the viability of public transport services on this road. The reserved lane concept is expected to speed up traffic movement to the north-eastern suburbs and, given the traffic congestion that occurs on this road, especially during peak periods, relief in this regard is urgent.

The Hon. G. T. VIRGO: Work has been progressing on revamping the North-East Road to provide the bus-only lane to which the honourable member has referred. The delay in introducing it has been brought about by the weather, because the Highways Department intends to resheet the road and, by so doing, it will be able to reline the lanes to provide a bus-only lane. I think it is important to emphasise the fact that a short-term and not a long-term advantage will accrue, as was mentioned in the explanation of the question. Investigations undertaken by officers show it is certain that the improvement in public transport in the Tea Tree Gully area as a result of the bus-only lane will be of a short-term nature and will not provide the long-term answers that are so urgently needed.

KOKI LODGE

Mr. EVANS: Will the Minister of Transport obtain the full details of costs and operations of the State Transport Authority tours to Falls Creek this snow season, in particular in relation to the tours to and the use of Koki ski Lodge? Will the Minister allow the S.T.A. to participate in such ventures in the future? I have been told that Koki lodge accommodates 42 people and that the S.T.A. took a contract for the whole lodge for the period from the fourth week of July to the first week of September. The normal rate for this type of accommodation is more than $200 a week. The S.T.A. bookings for the lodge for the first week were three; the operator who owned the lodge tried to find more guests, and I believe he found three, leaving 36 beds empty. The second week there were 12 bookings, and the operator found 20, leaving 10 beds empty. I think the third and fourth weeks were full or nearly full. One of those weeks involved a school bus trip, with staff members who looked after students, as well as the students, getting a concession rate. The fifth week there were five bookings, and the sixth week eight.

The S.T.A. tours were advertised to leave on Sunday mornings at $355 for six nights and seven days, with the guarantee to the Koki lodge to fill and pay for all beds. Another operator at Falls Creek is offering eight nights and seven days at $354, with no guarantee to any lodge operator. In practice, the S.T.A. found that Sunday morning departures were not popular, so it reverted to Saturday evening departure, even though the advertising brochures carried misleading information stating that the tours would leave on Sunday morning. In his answer I hope the Minister will detail the total cost of operating the buses, plus overheads, including two drivers, and that he will give the total loss of the venture, which must run into many thousands of dollars. Will he also state the concession rate paid by students and staff members, and how many students overall were accommodated?

The Hon. G. T. VIRGO: Clearly, a rather disgruntled operator has fed the honourable member with the information that has led to this question. It is typical of the attitude of so many people like the member for Fisher: nationalise the losses, but give all the profits to the private sector. Indeed, that is in line with the question of the Leader of the Opposition to the Premier earlier this afternoon. The S.T.A. is running a charter and tour operation on a business basis. It is competing with the private sector, and I believe it is giving the private sector a

reasonable run for its money, upsetting some sections of that sector.

Mr. Venning: They couldn't run at a loss—

The SPEAKER: Order! The honourable member for Rocky River is out of order.

The Hon. G. T. VIRGO: The member for Rocky River can mutter under his breath, as he usually does. I think South Australia has reason to be justifiably proud of the tour and charter operations of the S.T.A. I shall try to get the detailed information the honourable member seeks. I am pleased that he has been able to offer specific details on a day-to-day basis, and perhaps he would do the House and the public a service if he were to tell us who is this disgruntled private operator, so that we can see that, in future, he gets a little bit of cream to put on the jam that he is not capable of earning for himself.

WEEKEND DETENTION CENTRES

Mr. GROOM: Will the Chief Secretary elaborate on proposals for implementing community work orders for weekend detention centres in appropriate cases? Last Saturday, during a television news segment, it was reported that the Minister was considering proposals, in appropriate cases, for community work orders and for weekend detention centres for persons convicted of criminal offences. I am interested in these proposals, especially in relation to whether they will catch the situation of, say, vandalism, when, for example, a person who was caught smashing beer bottles on beaches, leaving broken glass, could be made to clean up the beach.

The Hon. D. W. SIMMONS: During the recent Parliamentary recess, I visited Tasmania and New Zealand to see the forms of correction to which the honourable member has referred. I was most impressed with what I saw, especially in New Zealand, which is far advanced, in my view, in the whole area of correction, and where a wide range of institutions enables the appropriate type of detention to be given. New Zealand also has several methods that we do not have. One of these relates to periodic detention, which takes two forms. I will not go into the matter at great length, because a Bill covering this matter will be presented to the House before the end of the present session. One form of periodic detention in New Zealand is residential and the other non-residential. With residential detention, people are sentenced to a certain number of months of periodic detention. Every Friday night, they have to front up at a hostel at 7 p.m. They undertake certain activities that night and are sent out to work under supervision for the whole of Saturday. They work on the Saturday night, and on Sunday they clear up the place and leave at 11 a.m. They are thus effectively deprived of the best part of their weekends for the period of their sentence.

This form of detention has the disadvantage of being fairly expensive because hostels, to achieve their objective, can hold only about 15 people without making the situation unworkable. That involves a certain capital cost, together with the running cost of a husband and wife to manage the hostel and to provide relief. I do not want the House to believe that I think we should not have this type of detention. Although it might not be practicable in the present circumstances, I think it has a valuable role to play.

The other type of periodic detention I saw in New Zealand involves offenders fronting up at 8 a.m. on Saturday and working in a gang for eight hours, subject again to supervision. This is an inexpensive way of running the operation. I think it costs about $40 a day to provide part-time supervisors, transport, and lunch. It is an economical and, I believe, socially effective way of dealing with a particular problem. In Christchurch, I saw one place where, on a Saturday morning, 215 men had to attend and go out on these activities, and I saw 269 involved in this way at Auckland. So, the honourable member can see that this practice is widely availed of in New Zealand.

The type of work they are doing varies considerably. I saw some of the projects. Naturally, it is work that is not in competition with the sort of work that might be carried out in the private sector; the object is not to take work away from people who are not in prison. The fact is that there are plenty of areas in which prisoners can be put to work doing jobs that would not otherwise be done. Because of the very nature of these activities, there is a heavy emphasis on community projects. In fact, the Tasmanian scheme, which is somewhat different from the New Zealand one, provides for them to perform community work, sometimes on a one-for-one basis, under supervision of some outside supervisor. In New Zealand, I was told that one of the gangs from Auckland cleaned up an area of headland that subsequently became a most attractive part. It spent much time in cleaning up rubbish, bottles, etc., so that now it is a favourite picnic spot for the people of Auckland. The type of activity to which the honourable member has referred is certainly one of those that would be used by the Correctional Services Department to occupy periodic detainees.

FROZEN FOOD FACTORY

Mr. DEAN BROWN: Will the Premier table in the House all correspondence and reports relating to the Frozen Food Service that were referred to the Committee of Management of the Health Industrial Services on 13 July 1978, as mentioned on page 243 of the Auditor-General's Report and, if not, will he explain why the Government is afraid to reveal the facts? At page 243, the report states:

> Deficiencies disclosed by audit were referred to the Committee of Management on 13 July 1978.

I ask the Premier to table that information. As outlined by the Leader of the Opposition yesterday, the Auditor-General's report is also critical of the inefficient management and control of the Frozen Food Service, and I will quote one fact from the report which highlights that. The revenue statement, on page 241 of the report, shows that the sales of frozen food to institutions amounted to $444 716 for the first six months of operation of the factory from 1 January to 30 June. The stock on hand at the end of the first six months amounted to $429 163. A note at the bottom of the statement states that the stock on hand had been valued at selling price to the institutions. If one works that out, in the first six months of operation the food service managed to sell only 51 per cent of total production. I refer also to an earlier statement in the report, on page 240, which states that, during the first six months of operation, the factory operated on a limited scale. That highlights, very markedly, I might add—

The SPEAKER: Order! The honourable member is commenting now.

Mr. DEAN BROWN: Those facts clearly indicate that the factory could not sell more than 50 per cent of its production and is therefore grossly under-utilised, or is grossly over-producing. It is no wonder, therefore, that the Government is looking for other uses for food from the factory.

The SPEAKER: Order! I have already called the honourable member to order.

The Hon. D. A. DUNSTAN: The honourable member's explanation seems to bear no relationship at all to his question, which was whether I could table some correspondence about which he asks. I have not seen any correspondence. I will examine the matter and give the honourable member a reply.

YOUTH WORK PROJECTS

Mr. ALLISON: Will local government bodies and other recognised authorities be reimbursed by the youth work unit at the Premier's Department for moneys paid out by way of salaries to co-ordinators and project officers, those payments having been made in good faith in an effort to assist the Government in administering youth work projects in South Australia? Reference is made at page 108 of the Auditor-General's Report to inadequate financial control being exercised over the payments made for this scheme. It seems unfair to expect local government to bear the losses incurred when the scheme was not administered effectively by the Government. I understand that the Premier's youth work unit is now delaying final payments by asking for full statements from project co-ordinators regarding alleged over-expenditure on some projects.

The Hon. D. A. DUNSTAN: I am afraid that I do not entirely follow the honourable member's contentions. I will refer his request to the head of the youth bureau and get a considered reply for him. I am not aware of the complaints that he makes in relation to local government, but I will investigate the matter for him. I have received no complaints from local government about it at all.

CIRCLE LINE BUS

The Hon. G. R. BROOMHILL: Can the Minister of Transport tell me the present level of use of the circle line bus service? We are all aware of the widespread support in the community for this bus service. In the early stages of the service some criticism was made about time table difficulties of the service. Perhaps the Minister has information about that matter, too.

The Hon. G. T. VIRGO: I do not have the up-to-date position on the circle line service although, in a general way, I can say that the earlier problems associated with its late running have, to all intents and purposes, been overcome. Bearing in mind the length of the trip, the number of traffic signals through which the service must go and the number of rail and tram level crossings it must negotiate, it is probably an impossible task ever to get the service running strictly to time unless it is given a very leisurely time table. As it is not desirable that that should happen, there will always be some late or erratic running. Generally speaking, within acceptable limits, the circle line service is now operating successfully in relation to time tables; it is certainly operating successfully as far as patronage is concerned.

The last figures I have show that the service was carrying about 5 000 passengers a day, which indicates quite clearly that it is a service that is acceptable to the public and one that I think ought to be retained and improved wherever possible. I will certainly discuss the matter with the Chairman of the State Transport Authority and see whether there is any further information I can bring down for the honourable member.

MONARTO

Mr. RODDA: Can the Premier say what plans the Government has formulated to minimise the mounting losses in relation to Monarto? The Auditor-General's report on page 378 refers to a loss of $3 033 000 for the year 1977-78. That is a loss which, during these stringent times, must be of as much worry to the Premier as it is to members on this side. How much longer is this belated project to be a continuing drain of this order on the taxpayers of South Australia?

The Hon. HUGH HUDSON: I think that the Auditor-General's report refers to it as the excess of expenditure over income. First, the Government is continuing to use the borrowing capacity of the Monarto Commission to assist in the overall Loan programme available to the State, so the requirements of expenditure for the Monarto Commission are, in part, being met out of Loan funds rather than through a vote from the Budget.

Secondly, the moneys made available by the Commonwealth were made available partly in the form of grants and partly in the form of loans. The bulk of the money was Loan money. There is a provision in the agreement for renegotiation, and we will be taking advantage of that and making an approach to the Commonwealth Government asking that the Loan moneys be converted to grants until some start is made on the Monarto project, in which case it would have to revert back to being Loan money once again. However, while the Monarto project is deferred (if it were deferred for a number of years) those moneys should be treated as grants and not as loans, because the basis of the deferment was the action taken by the Commonwealth government in not continuing support for the project on the basis we had been led to expect. Whether or not we can get some adjustment in the arrangement with the Commonwealth remains to be seen.

The staff of the Monarto Commission is being reduced to the minimum necessary for a care and maintenance situation. The income that can be obtained from the land there is being maximised.

Mr. Tonkin: But you're still borrowing money.

The Hon. HUGH HUDSON: We are still borrowing money in order to avoid the Government's having to make other votes available to the Monarto Commission. The Leader should appreciate that that borrowing of money assists in the Government's own Loan programme. If the Commonwealth Government made a proper Loan provision for the States, and if members opposite used whatever good offices they had with their Federal colleagues to get some change in the kind of economic policy that is being followed by the Federal Government, this sort of temporary expedient may not be necessary.

Mr. Tonkin: But you're accruing interest.

The Hon. HUGH HUDSON: Interest is being accrued, but it is not a proper charge against the Monarto Commission. If the current situation of the Monarto Commission is being continued by borrowing rather than a vote from the Revenue Budget, that interest on the additional borrowing will ultimately become a charge on the Revenue Budget. It would have been a proper charge on the revenue Budget if it had been voted from the revenue Budget in the first place. If the Leader had an ounce of commonsense he would have appreciated that fact.

Mr. Tonkin: Yes, you—

The SPEAKER: Order! Members of the Opposition have complained often that they do not have an opportunity to ask questions. Interjections have been made several times today, and they have kept the Ministers talking longer than necessary.

The Hon. HUGH HUDSON: How anyone could expect there could ever be a future Government led by such incompetent leadership as the Opposition has is beyond my understanding.

The SPEAKER: Order!

The Hon. HUGH HUDSON: During the past two years the staff employed by the Monarto Commission has been reduced from 67 people to 14 at 30 June 1978, and since then the number has been reduced by four. The staff employed by the Monarto Commission today numbers 10, and hopefully it will soon be reduced to nine. Of that nine the Chairman and General Manager (Mr. Richardson) is employed by the Government in many other ways. For example, he is employed for a considerable part of his time in connection with the Jam Factory.

Effectively, the proper current charges that apply regarding the Monarto Commission currently involve the employment of eight people and, against that, income is received from the leasing of property in the Monarto area. Further work is being carried out on reafforestation in the area, and generally speaking the condition of the land as a consequence of the activities of the commission is better than has been the case for many years. The operation at the present time is therefore being run as economically as possible.

Honourable members and the public at large should appreciate that the Monarto Commission can borrow $1 000 000 a year outside the Loan Council without being affected by the attitude of Fraser and Howard with respect to total Loan Council programmes and that at the present time we are really substituting $1 000 000 a year borrowing by the Monarto Commission for what we should by rights be able to borrow under normal Government and semi-government Loan Council programmes but cannot currently borrow because of the attitude of the Federal Government, which seems to be designed to ensure that building and construction industry in Australia generally and in this State in particular will be reduced to record low levels of activity.

WHYALLA TAXIS

Mr. MAX BROWN: Will the Attorney-General investigate a signed condition of employment agreement between the proprietor of Whyalla Taxi Services Pty. Ltd. and its owner-drivers in regard to what I describe as a comprehensive car insurance policy to be administered by the proprietor of that taxi company? I will forward all relevant details to the Attorney-General. Among other things, the proposed agreement states:

> Each and every driver of a taxi-cab operating in the fleet of Whyalla Taxi Service Pty. Ltd. must sign a contract of agreement with Whyalla Taxi Service Pty. Ltd. before he or she is permitted to drive.

The said agreement contains rules and regulations, etc., and clause 10 relates to accidents, drivers liability and owner's expenses. Clause 10 states that in the event of any damage arising from any incident or accident in which the hirer of the vehicle is proven to be at fault, the hirer shall pay to the owners the cost of repairing the said damage, the amount of liability being limited to a certain amount. The proposed agreement then states:

> The said security amount must be paid into the office of Whyalla Taxi Service Pty. Ltd. at the rate of not less than $5 per week, until said security amount is held by Whyalla Taxi Service Pty. Ltd. The driver will, when leaving the company, apply in writing to Whyalla Taxi Service Pty. Ltd. for the balance of his or her contribution to the fund. Such driver shall not drive with Whyalla Taxi Service Pty. Ltd. within six months of leaving unless he or she lodges a security of $100 before commencing to drive, or such requirements as Whyalla Taxi Service Pty. Ltd. may require.

It seems that the proposed agreement, among other things, suggests that the proprietor of Whyalla Taxi Service Pty. Ltd. is setting himself up as an insurance company, at no cost to himself, and could be violating the Commonwealth insurance legislation.

The Hon. PETER DUNCAN: I shall undertake an investigation of the matters the honourable member has raised when he provides the documentation. From what he has said, it sounds as though the taxi company is requiring its drivers either to pay the premium on compulsory motor vehicle insurance or, alternatively, to pay some sort of surety, which the company is then holding to put towards the cost of any damage it may suffer. I do not know whether that would be sufficient to breach the laws relating to insurance, but I shall look at the matter when the documents are supplied to me and bring down a report for the honourable member.

ROAD FUND

Mr. RUSSACK: Can the Minister of Transport say why the percentage of money passed on by the State Government to local government from Commonwealth grants for roadworks in this financial year has been reduced, in comparison with the amount provided last year, by ·7 per cent, whilst the amount from the Commonwealth Government has been increased by 6·9 per cent? I have taken figures from the Federal Budget papers, which state that South Australia received $40 400 000 for this purpose in 1977-78, of which $5 900 000, or 14·8 per cent, was passed on to local government; in the current year, the amount is $43 207 000 and, according to a reply to a question asked of the Minister, it is intended to pass on $6 100 000, or 14·1 per cent. The Budget paper states:

> Although the relevant Commonwealth legislation does not determine any particular amount which the States must provide to local government, in each State amounts determined by the State are passed on to local government.

In Victoria, 38 per cent is passed on to local government, in Western Australia 34 per cent, in Tasmania 23 per cent, in New South Wales 21 per cent, and in Queensland and South Australia, equal lowest, the figure is 15 per cent.

Mr. Venning: Good question!

The Hon. G. T. VIRGO: It is a very good question, because it gives me an opportunity to remind the honourable member, as well as the interjector from Rocky River—

Mr. Venning: You need a lot of help.

The Hon. G. T. VIRGO: On this occasion we do not, because the member for Goyder failed to say that the allocation was approved by the Federal Minister.

Mr. Russack: Recommended by the State.

The Hon. G. T. VIRGO: It does not matter who recommends it; it is approved by Peter Nixon, who must put his seal of approval on it. The second point the honourable member should know—and I am sure he does, although some of his colleagues may not—is that there is a vast difference between the classification of roads in South Australia and those in some other States. Indeed, in South Australia, the Highways Department accepts far more responsibility, and, as such, is financially more committed to roads than is the case in other areas where local government has a higher commitment than it has in South Australia.

Mr. Russack: That's Government policy, isn't it?

The Hon. G. T. VIRGO: It is the policy of the Government concerned. When the member for Goyder makes a comparison between South Australia and Victoria, he is referring to the fact that the Liberal Government in Victoria accepts less responsibility for roads in rural areas than applies in South Australia: let that position be clearly understood both by the member for Goyder and by the member for Alexandra.

The final point that I hope eventually sinks into Opposition members is that every State (not just South Australia) in the Commonwealth has bitterly complained to the Federal Minister that we are getting less and less in real terms for roadworks, be they for the Highways Department or the Main Roads Department, whatever it is called in other States, both for the State road authority and for local government. Every other Minister (whether Country Party, Liberal Party or Labor Party) has consistently complained to and urged the Federal Minister to return to the States greater sums from the petrol tax that the Commonwealth pinches from the motorist. We have all asked for greater sums, with the notable exception that no Liberal Party member in South Australia has ever supported us. I think it is about time that members like the member for Goyder and the member for Alexandra, in their shadow capacity, joined with the South Australian Government and urged Peter Nixon to provide South Australia with a fair share of the money that the Federal Government is taking from the motorist.

Mr. Russack: When you get more you give less.

The SPEAKER: Order! The honourable member has asked his question.

Mr. Venning: It will never be enough.

The SPEAKER: Order! I have been very lenient today. I call the honourable member for Rocky River to order.

SPEED LIMIT

Mr. WHITTEN: Can the Minister of Transport say whether the Australian Transport Advisory Council or the State Ministers of Transport have had any discussions concerning a uniform maximum speed limit for vehicles on roads throughout Australia? The Minister would be aware that the various States have differing speed limits—South Australia, 110 km/h; Victoria and New South Wales, 100 km/h; and the Northern Territory has no absolute maximum. The *News* of 28 August contains a report, under the heading "Speed limit rise urged", which states:

> The Road Safety and Traffic Authority may urge the Victorian Government to raise the maximum speed from 100 to 120 km/h in high standard highways and freeways. The authority will examine a proposal for the new speed limit late next month. It is expected to make a recommendation to the Government soon after.

The Hon. G. T. VIRGO: ATAC has examined the question of the speed limit on several occasions, particularly when the changeover from Imperial to metric measurements was adopted. It was the uniform decision of ATAC that the maximum speed limit throughout Australia should be 110 km/h. Regrettably, many of the Ministers who subscribed to that decision and who voted for it went home, and then went their own way.

In saying that, I except Victoria. Because of a strange arrangement in Victoria, its Minister of Transport is not responsible for the road traffic laws: it is the Chief Secretary, I think, and as he does not attend conferences. I do not suppose that we can be too critical of him. Regrettably, there are other Ministers present at the conference who vote for the recommendation and then go home and go their own way. The speed limit under the Australian code is 110 km/h. I would not see any increasing of that limit now but, at some stage, without guessing when, I do see a reduction, because evidence is clearly available that shows that a reduction will result in a reduction in fuel consumption.

Mr. Venning: Oh!

The Hon. G. T. VIRGO: The member for Rocky River says "Oh" as he normally does when he drives his sheep on to the rail because he cannot sell them any other way. A reduced speed limit does result in reduced fuel consumption, and I am fairly certain that that is the way Australia will have to go in future.

CITY PLANNING

Mrs. ADAMSON: What does the Minister for Planning see as the State Government's responsibility for overall planning of the city of Adelaide, and does the Minister see any need for amendments to the City of Adelaide Development Control Act to ensure that architecture and design of new city buildings does not clash aesthetically with their immediate environment? The City Mutual building on the south-east corner of North Terrace and Pulteney Street, which was recently completed, is part of an area and intersection that is historically and visually important to Adelaide, yet the owners of the building have been allowed to erect constructions in the forecourt of the building that can be described collectively only as a monstrosity that is completely out of scale and out of sympathy with its surroundings. A series of tubes and funnels of composite material, presumably designed as fountains, resemble either a chaotic cluster of burst drainpipes or a series of ships' funnels disgorging spray. The effect is extremely ugly in what could have been a pleasant plaza. In view of the fact that the building is opposite both Scots Church and Bonython Hall, it is a tragedy in aesthetic planning and environmental terms that it has been allowed to happen. People might well ask what is the point of planning and zoning regulations if this kind of thing can happen in our capital city.

The Hon. HUGH HUDSON: The provision of the Adelaide city plan set down certain developmental principles. The aesthetic appearance and architectural merit of a building is something that can be taken into account by the Adelaide City Council. Efforts have been made in more recent years to produce buildings of better architectural merit. Unfortunately, the opinion of what is good architecturally is often a matter of individual judgment, and opinions vary to a considerable extent. For example, I personally consider Ruthven Mansions an architectural monstrosity of the first order. Why any effort should be made for preservation there, I cannot for the life of me see, but that is a personal opinion, and others have a different view point. I personally consider that Grenfell Centre and the Ansett building on North Terrace are also architectural monstrosities, but I know there are other opinions about that. The Ansett building is better than what was originally proposed.

When I was Minister of Education I always felt that the use of off-form concrete to the extent that it was used in certain school building designs in earlier years was aesthetically appalling. I know many architects who go ga-ga about it and who are tremendously excited about it, but I could never see that. I am not in a position to make the kind of judgment the honourable member has made about the City Mutual building, which is in the course of construction.

Certainly, the design of the building would have been considered by the Adelaide City Council. Under the City

of Adelaide Development Control Act it is possible for the Minister to call on the City of Adelaide Planning Commission to make a decision rather than have the council make a decision on any matter or any decision that is of substantial interest to the State. It would not have been possible in relation to this application to use that provision of the Adelaide Development Control Act.

Basically, the City of Adelaide Development Control Act was designed to permit the Adelaide City Council to exercise a considerable degree of independence in relation to its decision-making process. Parliament having approved of that principle, subject to certain limitations set out in the Act and subject to the operations of the City of Adelaide Planning Commission, I do not think it is possible for us to turn around and say, "Well, that is a decision that the council made with which we disagree and, therefore, we must not let them make any more decisions."

The Hon. D. A. Dunstan: Bonython fountain is regarded as an aesthetic triumph.

The Hon. HUGH HUDSON: You see, that is another one. The Premier gets the reverse of joy from the Bonython fountain. One of the fundamental problems we have in this area—

Mr. Chapman: What sort of joy does he get?

The Hon. HUGH HUDSON: The reverse—he gets pain. It is rather like listening to a speech from the member for Alexandra. I presume that that produces a similar reaction. I suggest strongly to the honourable member that she should make her aesthetic feelings known to the City Council.

The Hon. G. R. Broomhill: How do you—

The SPEAKER: Order!

The Hon. HUGH HUDSON: The member for Henley Beach is grossly out of order.

The SPEAKER: I hope that the honourable Minister will soon finish his reply.

The Hon. HUGH HUDSON: The member for Coles on any standard is more pleasing aesthetically than is the member for Henley Beach. I suggest that the matter ought to be taken up with the City Council, remembering that the honourable member's opinions are probably of the same quality as my opinions; they are our individual reactions without architectural knowledge, no doubt, and are probably opinions to which the City Council will not listen anyway.

At 3.8 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

TRESPASSING ON LAND ACT AMENDMENT BILL

Mr. GOLDSWORTHY (Kavel) obtained leave and introduced a Bill for an Act to amend the Trespassing on Land Act, 1951. Read a first time.

Mr. GOLDSWORTHY: I move:

That this Bill be now read a second time.

This Bill seeks to remedy the situation which has emerged in recent years in relation to trespassing on land. The principal Act was passed in 1951 and has not been amended since that time. The principal Act defines trespass as occurring only when a fenced paddock contains stock, and does not apply to an orchard or vineyard which is not fenced. It is obvious that many paddocks which normally carry stock do not do so for 12 months of the year, and it is also a fact that many orchards and vineyards are now not fenced as modern mechanical methods of working these properties are inhibited by the erection of a fence. It is believed that the law of trespass should cover properties such as have been described. That is believed not only by me but also by many people with whom I have discussed this matter whose orchards and vineyards are not fenced.

The other feature of the Bill is that it increases all penalties in the Act by a factor of five, that is, the penalty for trespass, for failing to leave the property on request, for failing to state name and address on lawful request, for giving a false name and address, or for a person making such requests falsely stating that he is the owner or occupier of the land. Considerable difficulty has been experienced in recent years in relation to trespass in the Adelaide Hills, and it is felt that this Bill will assist in controlling the situation by widening the definition of properties encompassed by the legislation and by providing penalties which reflect more accurately those originally envisaged.

Clause 1 is formal. Clause 2 widens the definition of properties to which the Act will apply to include orchards and vineyards which are not fenced and fenced paddocks whether or not they are carrying stock. Clause 3 increases the maximum penalties for unlawful entry from £10 to $100 for a first offence and from £20 to $200 for a subsequent offence. Clause 4 increases the penalty for unlawfully remaining on property to maxima of $200 and $400 for first and subsequent offences.

Clause 5 increases the penalty for failure to give name and address from £20 to a maximum of $200. Clause 6 increases the penalty for falsely stating that a person is the owner or occupier of the land from £20 to a maximum of $200. Clause 7 makes consequential amendments.

The Hon. PETER DUNCAN secured the adjournment of the debate.

VOLUNTARY WORKERS

Mr. WOTTON (Murray): I move:

That, in the opinion of this House, and in recognition of the most valuable voluntary services rendered by so many dedicated and concerned people to the community, the Government should take action to preserve and protect the status of voluntary workers in the community and charitable organisations.

I have often spoken previously in this House about the need to foster a strong spirit of community responsibility. In fact, such a responsibility felt within the community should be encouraged. The services provided to the people of this State by voluntary agencies and bodies that serve the community must be free to expand. I believe it is a tragedy that Government intrusion into and trade union interference with voluntary organisations is threatening to destroy the whole basis of voluntary service.

Voluntary agencies have a real role to play in providing a range of services to the community. However, the role they play in community development goes further than just providing service. Voluntary agencies are, in fact, accessible and people can be directly involved in their activities. Local agencies have the ability to identify local needs and to communicate those needs to all levels of Government.

Since it became known that I was to move this motion today, I have received many letters about the need to support voluntary agencies in this State. It would be impossible in the time available to read all of that correspondence, but I will read a representative letter that sets out the concern the community has about this matter.

The letter states:

> I read, with interest, the article. It is pleasing to see that you are willing to support voluntary workers in various organisations, and I assure you of my full support, and also my appreciation. As a mother of a St. John Ambulance Brigade volunteer, I can vouch that all volunteer officers are highly trained personnel, having to do at least a nine-week first-aid course before being accepted into St. John. They then complete a 20-week advanced first-aid course, a 12-week care of the sick in the home course (females only), and a 20-week casualty care and transport course before they can become attendants. A re-examine for care of the sick in the home and casualty care and transport must be passed each year. Before a volunteer is permitted to drive an ambulance he/she must pass a driver's test. So the argument that the volunteer service is not competent does not hold water.
>
> If the volunteers are prevented from working for St. John Ambulance, we have no way of telling where it will end. So many services depend on volunteers, who work harmoniously with paid workers. To name just a few, there are Red Cross, Meals on Wheels, the Blind Society and Church Missions. I am President of the Adelaide City Mission Inc. Women's Auxiliary, which is a volunteer organisation, and I know that the mission would have difficulty surviving without its voluntary workers. If volunteers are forced out of these organisations, where are the extra paid workers to come from and who will bear the cost? Most people who at present do volunteer work are not interested in paid positions, so, unless the A.G.W.A. is prepared to have untrained people manning our ambulances, there will immediately be a drop in the availability of ambulances. Surely we should be free to give of our time if we so desire, and to do away with voluntary services would be to do away with the right of the individual.

Much concern was expressed in the community when it became known that the St. John Ambulance Brigade particularly was under threat from union interference and involvement. I am pleased to say that this threat has since abated and I hope that it will not arise again. Because of that situation a general feeling of concern has been expressed by all organisations that work on a voluntary basis. A letter to the editor in the *Advertiser* referring to the St. John Ambulance situation stated:

> What sort of society are we coming to? Now a man may face a $50 union fine for giving his time of his own free will to help others. That is the threat of the A.G.W.A. Secretary, Mr. R. F. Morley, to salaried ambulance crews who try to continue their long-standing practice of carrying on, out of their paid hours of duty, as volunteers.
>
> The talk by the union that only salaried staff can give an effective service is specious. It is transparently aimed at achieving union control over a fine voluntary organisation. The volunteers are not a bunch of bumbling amateurs but a group of skilled and committed people whose dedication to help others gives them a sense of motivation to excellence that exceeds the ambition, and probably the comprehension, of salaried staff.

I could quote for many hours from the many different and varied organisations and agencies which work in a voluntary way. In a recent paper published by the International Prisoners Aid Association for Offender Rehabilitation and Crime Prevention, an article by the Australian Crime Prevention Council stated:

> Voluntary workers are indispensable in a community-based corrections service, especially in extra-mural treatment programmes such as probation, parole and after-care. Behind them is a long tradition of unpaid social service which developed into the professional social work profession of modern times.
>
> As early as 1872, when the first International Penal and Penitentiary Congress was held, there were delegates representing prisoners aid and aftercare agencies. During the early 1950's the representatives of voluntary agencies felt the need for an international organisation of their own which could serve the peculiar needs of offenders aid agencies.
>
> Since 1960 representatives of the association have been participants in United Nations Congresses on the Prevention of Crime and the Treatment of Offenders. In 1964 with the achievement of consultative status with the United Nations administration, as an international non-government organisation, IPAA greatly increased its opportunities and responsibilities.
>
> During the last couple of decades the major achievement of IPAA has been to keep the independent member agencies in touch with each other and to represent the viewpoints of voluntary agencies in discussions with statutory authorities at the various national levels and at international gatherings. Through annual meetings, conferences, research projects, correspondence and publications information had been disseminated and new ideas generated and exchanged. Throughout these activities there has been a keen awareness of the responsibility of the "haves" for the "have nots".
>
> Early in the history of IPAA it became clear that given adequate resources the organisation was in a good position to encourage the extension of voluntary correctional agencies through practical assistance and advice, with the overall objective of improving the quality of services and bringing about close co-operation between voluntary agencies and the official correctional services. More recently IPAA has been adding to its traditional emphasis on "aid" and "rehabilitation" the concept of "crime prevention".
>
> IPAA has shown that volunteers have opportunities for flexibility, experimentation, intimate knowledge of local customs and resources and family casework. They can also engage in community organisation and community enlightenment on crime prevention and treatment.

I believe that the health of a democratic society may be measured by the quality of the functions performed by the private citizen. All voluntary agencies start at the instigation of concerned people who see a need at some level in the community. At the moment there are well over 450 voluntary bodies ranging from small groups of people to such massive agencies as the Red Cross Society and the various homes for children and the aged, and each agency faces the same problems relating to staffing and funding. There are various forms of agencies: some provide service to others, and some provide service to special problem groups; there are small, less formal groups of people who get together to help themselves; and many small groups have grown to the size of some of the larger organisations from self help to service to others. The one organisation that comes to mind immediately in this respect is the Spina Bifida Association. John F. Kennedy, in his inaugural address on 20 January 1961, said:

> Ask not what your country can do for you; ask what you can do for your country.

Many agencies are made up of dedicated people who have struggled and are still struggling for the survival of what they believe in. The viability of the organisations, studies tell us, does not have a great deal of bearing on the actual size of the organisation. Many large organisations have had serious, and in many cases are still experiencing serious, financial troubles. Many of those troubles are blamed on increasing wage costs and in some cases insufficient funding or subsidy. Similarly, many community-based services have had to close or are in great difficulties. Others with public appeal seem to be able to make ends meet. It has become obvious that organisations able to generate their own funds are able to balance the budget. I use as an example those which are able to benefit from the sale of books and fees from courses, such as the

Phoenix Society and COPE.

There are varied roles of voluntary agencies. Mr. Dunstan, when he was Attorney-General, Minister of Aboriginal Affairs, and Minister of Social Welfare, in 1969 addressed and delivered a paper to the Fourth National Conference of the Australian Council of Social Services held in Melbourne. He presented a paper under the heading "The urban family, higher density housing and voluntary action". In his address Mr. Dunstan said:

> For governmental structure to change, for the patterns of administration even within a State to alter, for new voluntary organisations to spring up to cope with modern needs, will require an assault upon the conventional acceptance of just what it is we are trying to do through social welfare agencies, Government and voluntary alike.

Under the heading "The importance of voluntary agencies" he went on to say:

> Supposing, however, we are able to undertake major redevelopment schemes and provide for a higher density population in convenient living quarters so that more fluid and multiplied social relationships can take place for individuals in the society in place of a more staid and fixed series of relationships centred upon the family, and suppose we can in this high density area reduce isolation and commuting time which are the inevitable concomitants of the cottage sprawl—we still have a whole series of problems for State and voluntary agencies.

Mr. Dunstan then went on to quote from a speech handed down by the Administrator of the United States Housing and Home Finance Agency as follows:

> Recent experience in the urban renewal process tends to magnify the importance which should be assigned to the function of voluntary groups in helping to bring the successful programmes to change and improve the environment of the city. In too many communities plans for the clearing of blighted and obsolete areas have been viewed as matters which can be decided by technicians in consultation with the local power elite, and where these plans have ignored the needs and desires of significant groups in the community and where the programmes have been implemented largely by Government action without enlisting the support and advice of citizen groups urban renewal programmes have gotten into serious difficulties.

Mr. Dunstan continued as follows:

> If we are to proceed effectively with higher density urban redevelopment to provide an alternative to a cottage environment for the newly developing relationships which I have mentioned, then clearly the voluntary agencies must turn their attention to this area. It has been easy enough in newly developing countries such as Israel to find voluntary agencies providing social clinics adequately staffed and concerned that disease in the community is to be treated as disease, but the provision of welfare clinics of this kind in newly developed or redeveloped high density areas is not something which so far the voluntary agencies appear to have provided for or to have contemplated in Australia.

I shall not continue with the quotation, but the Premier emphasises the need for voluntary agencies in society, and suggests the need for changes within the structures of voluntary agencies in our changing society.

Obviously, there always will be people willing to help others in need, but the type of person who traditionally has done so and the ways and means of so doing seem to be changing. Most voluntary organisations seem to rely on help from people in the 40 years to 50 years age group, and in many cases it is becoming more difficult to get volunteers. Where church groups are involved it is not quite so difficult, and likewise where the service is given out of working hours and where younger people can participate it is not so difficult. Today, real fears for their future are sweeping through many of the State's voluntary welfare agencies. Inflation in the past has played havoc with their finances, and staggering increases in salaries, wages, and administration costs are hitting them. Private giving is tending to dry up or to continue, although at a lower rate. Many agencies are deeply uncertain about where they fit into the pattern of developing Government welfare services, and now many voluntary community welfare agencies and organisations believe they could face elimination as a result of possibly having to pay volunteers for their services.

This is seen as a massive threat hovering over the heads of all who are concerned for other people and who are aware of the rights of the individual and of the client population being served by organisations and voluntary workers. I believe that voluntary services are necessary as a part of the lifeblood of our community. It may be that some voluntary agencies and organisations have become more and more professionally staffed. However, there is still need for these agencies to provide opportunities for voluntary service; in fact, such professionalism should help us to see the need for lay leadership and neighbour help in local situations. It should help and not hinder the supply of voluntary help available, and in fact should train it to share independently in community action.

South Australia has always been proud of its voluntary contribution to the community, and rightly so. More than 450 voluntary bodies serve specialised community needs, and up to 500 000 people in this State, or 40 per cent of the population, do voluntary work of some kind. Often in our every-day life we are assisted by organisations which rely heavily on a person or persons, probably even without our thinking about it, giving valuable time in a voluntary capacity. Here again, I refer to Red Cross, Meals on Wheels, St. John, Homes for Elderly People, hospitals, progress associations, hospital auxiliaries, and, for our children at school, the ladies in the canteens do magnificent voluntary work.

It would be difficult to list the 450 bodies and the variety of human needs for which they cater, some with only a handful of helpers working entirely on a voluntary basis, and many others with a nucleus of paid staff who are qualified administrators, accountants, nurses, drivers, and so on. Working side by side with the professional people are the volunteers. Who would argue about the skills they may or may not have? They are willing and happy to serve their fellow men and women, and they find happiness in helping others and enjoyment in the company of those with whom they work. I think especially of the many retired people who find a new purpose in life in retirement by becoming involved in voluntary agencies.

I am sure every member in this House will have had some involvement with the many voluntary organisations and agencies, even if not personally directly involved. Surely, we must be aware of the concern of all community minded people, regarding any threat that is seen to interfere with the right of any individual who wishes to serve his community in a voluntary capacity. If we are not aware of that side of the problem, let us look closely, as a Parliament, at the problem this State would face if voluntary agencies had to close down—and that is what would happen in many cases if all the helpers working in these organisations had to be paid. Who is going to pay for the services which would have to be provided to take the place of such agencies? I suggest that neither this nor any Government or the community could afford the enormous bill involved. To quote the *Advertiser* editorial of 11 July:

> The truth of course is that the right to give voluntary, compassionate, unpaid help to one's fellow man and woman is part of the basis of any humane society. Long may it

remain so.

Recently, the Minister of Community Welfare in this House made the following statement:

> The fact that any voluntary organisation or organisations should be under any form of pressure to dispense with any of its voluntary workers touches off the old debate about the proper role and limits of the welfare state. Some argue the physical and mental welfare of each citizen should be the complete responsibility of the State. They argue that all the services needed must be of the highest possible professional standard; and since the labourer is worthy of his hire, all who deliver these services should be paid at appropriate rates.

I suggest that that Minister, above all, should realise the importance of the role voluntary agencies and organisations play in serving the community and in serving those who need to be served and protected. The editorial in the *Advertiser* on 2 July states:

> Yet the desire to abandon voluntariness ought not be carried too far. The notion that each of us has an obligation to help less fortunate fellows is at the very root of the Judeo-Christian ethic. That ethic is not to be satisfied by a weekly tax deduction in return for which some public servant administers compassion vicariously. The result would be a totally secular concept of society in which the struggle for mere physical security had been won while a spiritual vacuum remained.

What happens now in South Australia? St. John Ambulance volunteers give about 500 000 hours a year to help the sick and injured. That is a noble sacrifice by hundreds of ordinary citizens who believe in trying to be their brothers' keepers. They are not alone in their ministry. Throughout the State, we have about 450 voluntary bodies. In those agencies there is a great deal of paid help. They could not function properly otherwise, but it would be true to say that most could not function adequately without voluntary help.

I summarise by saying that most if not all voluntary bodies are looking for more people who are prepared to give of their time freely. These organisations are most concerned at any threat to their future which now hovers over their head and which would remove the right of any individual to serve the community in a voluntary capacity.

I believe strongly that every individual should retain that right. I also believe that such people should be encouraged by this Government or by any other Government to serve their fellow man or woman in a voluntary capacity. In other words, such people should not only be tolerated by Governments but should also be nurtured and encouraged by this Government or by any other Government.

The Government should be aware of the possibile consequences that would arise from any impediment that would bring a halt to the valuable work presently being carried out by voluntary workers. If any such action should be necessary to assure the people of South Australia that this Government will in the future protect voluntary agencies against any form of interference that would remove the right of any individual to serve the community in a voluntary capacity, I call on the Government to take the necessary steps to amend any legislation that would enable the Government to take such action. It is for that reason that I have moved my motion.

Mr. GROOM (Morphett): The motion is nothing more than an attempt to use the St. John Ambulance Brigade industrial dispute in another one of the Opposition's cynical political campaigns. It has created unwarranted concern in the minds of many individual voluntary workers and the agencies to which they belong. The Opposition has conveniently ignored the history of ambulance services in other States that forms at least part of the basis for the claims being made by professional ambulance drivers in this State. I would prefer, as I am sure most other members would prefer, to leave industrial matters to the Industrial Court and the proper industrial tribunals to resolve.

For the Opposition's benefit, I will set out the situation in other States. In Queensland, Brisbane had the first ambulance service in Australia. It came into existence in 1882 as a fully-paid 24-hour a day service. In the 86 years since then, its existence has not led to any union encroachment on or interference with the development of a strong and vigorous voluntary sector. In New South Wales, the fully professional ambulance brigades have been run by the Health Commission for 30 years, and volunteers make their contribution at sporting events and other public gatherings. The remainder of the voluntary sector is still intact and flourishing.

In Victoria, the ambulance service of Melbourne has been a paid professional service for over 20 years, and is one of the 17 professional services in that State. There are also two volunteer services, one of which, I understand, is likely to become a professional service soon. No-one in Victoria, which has a Liberal Government, would suggest that this state of affairs has threatened other voluntary agencies. Victoria is known far and wide as having one of the strongest voluntary sectors in Australia, and that is under a paid ambulance service.

In Western Australia, Perth and Fremantle have had fully professional ambulance services, 24 hours a day, since 1969. Again, there is a Liberal Government in Western Australia, and there is no suggestion that this has placed other voluntary agencies at risk. Tasmania also provides a 24-hour a day fully professional ambulance service and, once again, voluntary agencies continue to operate unscathed. In the light of all this, I fail to see how any Opposition member can expect anyone to take seriously the claim that a fully professional ambulance service in South Australia, if ever that should come to pass, would be the death knell of voluntary service in this State.

What the Opposition really means by support for the voluntary sector is leaving volunteers virtually unsupported to carry the bulk of the burden of caring for this State's distressed and needy citizens. The mover is evidently unaware of one of the provisions in the Community Welfare Act. I refer to section 7c, passed in 1972, which assists voluntary agencies engaged in the provision of services designed to promote the wellbeing of the community. That duty is imposed by the Community Welfare Act on the department and the Minister. When the mover suggested that the Minister ought to be more aware of this, he should refer, first, to the Act before implying criticism of the Minister or his department.

What happened when a Liberal Government was in power in South Australia? Its last period in office was in 1969-70, and the financial support it provided to voluntary groups and agencies through the Community Welfare Department during that period totalled $182 000. In the financial year 1977-78, with the social democratic Labor Government in office, direct financial support through the department to the voluntary sector totalled almost $2 200 000, an increase of nearly 1 200 per cent in support for the voluntary sector.

We all know what, if a Liberal Government ever got back in office in South Australia (and woe betide that day if it ever comes), would happen to this financial support of voluntary agencies in this State. It would apply pruning measures, and the first thing that it would cut would be its expenditure on voluntary agencies, thus setting voluntary

organisations and agencies back. It is obvious, from what the Liberal Government is doing in Canberra, that a State Liberal Government, which follows its colleagues' policies and which supports the Fraser Liberal Government to the detriment of this State, would cut the financial contribution to voluntary agencies.

I hope that members can see that, over the past eight years, voluntary agencies have received considerable support from the State Labor Government. The figures I have given deal only with financial contributions made by the Community Welfare Department, but other departments, notably Recreation and Sport, Health, Premier's, and Education, have also provided large sums to assist voluntary and community groups to develop and extend their activities in South Australia. It would be true to say that the strength of the South Australian voluntary sector to make the contribution it makes in the community is due in no small part to the assistance and support it has received from the present State Government, particularly since 1970. That assistance has not been all one way.

The department has recognised the expertise that exists within the voluntary sector, and it is not backward in tapping these skills when there is work to be done on behalf of the needy. I cite a few examples. Since 1972, nine Community Welfare Advisory Committees have been established to investigate and make recommendations on various welfare matters. On each one there has been voluntary sector or community representation. The Community Welfare Grants Advisory Committee advises each year on the distribution of hundreds of thousands of dollars worth of grants to voluntary agencies, and on that committee there is majority community representation. In the review of the Community Welfare Act which has been under way since early this year, all voluntary agencies have been invited to make submissions on what the new Act should contain. The department is now refining the basic material and submissions from all sections of the community, including the voluntary sector.

In addition, the Community Welfare Department has had some personal experience of voluntary workers. I refer, for example, to the 700 approved foster parents, without whose services about 1 000 South Australian children would probably be in institutional care, and also to the 350 registered community aides who provide thousands of hours of voluntary work, assisting social workers in providing services to the needy.

Dozens of voluntary organisations use departmental premises for meetings and activities around the State. Last and not least is the huge voluntary effort made each year by members of the State's 26 community councils for social development, which work with voluntary community groups and keep the Minister advised on local welfare needs.

The member for Murray has made great play of this motion. In the Mount Barker *Courier* of 26 July he expressed the view that volunteers should not only be tolerated by Governments but should be nurtured by them. He went on to say that the Government, particularly the Minister, should be aware of the possible consequences that might arise from any impediment that would bring a halt to the valuable work being carried out now by volunteers. I suggest that the only impediment to the continuation of the close working relationship that exists between the Government and the voluntary welfare sectors in this State is the type of ill-founded statement that the member for Murray and his fellow Liberals come out with from time to time.

Just a few weeks before the member for Murray told the readers of the Mount Barker *Courier* that the Government should nurture volunteers, he said that it was a tragedy that Government intrusion in voluntary organisations was threatening to destroy the whole basis of voluntary service on which they were founded. Whenever the State Government assists voluntary organisations the honourable member says that it is an intrusion. He should make up his mind what is the real aim. I suggest to all members opposite that it is time they stopped playing politics with this sort of issue and stopped frightening people who work in voluntary agencies. A fully paid professional ambulance service will not be the death knell of voluntary agencies.

It is clear, on the financial figures alone, that the State Government has given considerable support and assistance to voluntary organisations that exist in South Australia. The State Government recognises that by laying it down in the provisions of the Community Welfare Act. The Government is not willing to rest on its laurels: it recognises that other voluntary organisations are in need of support. No-one pretends that there are no such voluntary agencies that do not require further support and assistance from the State Government and, hopefully, from the Federal Government, although, with present policies in Canberra, I doubt that voluntary agencies will get the sort of assistance that a Labor Government is prepared to give them.

A part-voluntary organisation that the member for Murray did not mention is the State Emergency Service. The member for Light and I attended a National Council Disaster Conference in Mt. Macedon, Victoria, in June this year. The State Emergency Service in South Australia consists of a small number of units sponsored by their respective councils. Volunteers are trained in rescue techniques, including rescue first aid and counter-disaster measures. The units co-operate as far as possible with other responsible organisations such as the South Australian Police Force, the St. John Ambulance, the Country Fire Service and the Red Cross.

The nearest State Emergency Service operation to my district is at Mitcham where many volunteers are often called on to do State Emergency Service work and counter-disaster work. They have engaged in a number of training programmes over the years. The State Government has recognised the need to assist this sort of organisation. The planning for a co-ordinated State disaster plan has been going on for the past three or four years. Before that, State disaster plans were in the hands of local councils or, at the local level, and through the Police Force.

True, more needs to be done in relation to the State Emergency Service and the many volunteers who participate in that organisation. The recent plane crash in Victoria indicates the need for the State Emergency Service to get proper support from the Federal Government as well as the support it is getting from the State Government. South Australia is vulnerable, particularly my district, because of such incidents as a plane crash, like the one that occurred in Victoria. People can be killed; parts of the planes that collide in mid air can fall over the residential areas.

Mr. Wotton interjecting:

Mr. GROOM: Unfortunately, the area was represented by a Liberal member for seven years before that and the airport is still there. Adelaide is vulnerable because of earthquakes, bush fires, a major aircraft crash, severe storms, epidemics, rail crashes, explosions or gas and chemical leaks. Councils need to play a far greater role in the State Emergency Service and give far greater assistance to volunteers engaged in that sort of work. The State Government has recognised the importance of the State Emergency Service. Generally speaking, the service needs some upgrading (probably through legislation) and

some improving.

At present the State Emergency Service acts under the authority of Cabinet. At the conference I attended at Mt. Macedon, it was clear that planning in South Australia is quite advanced. I was impressed with the South Australian delegate from the Police Force, one of the heads of the State Emergency Service, who spoke at that conference. This is an area that the member for Murray overlooked. It is an area of great importance to South Australia that needs far more support at the municipal level, the State level and the Federal level.

As I said at the outset, the honourable member's motion is a cynical attempt to make capital out of the St. John Ambulance dispute, which would more properly be dealt with in the Industrial Court. Because of the matters I have raised and because of the great financial support that has been given to voluntary agencies in South Australia, I move:

> Leave out all words after "That" and insert "this House commends the South Australian Government for its long-standing policy of support, assistance and encouragement of voluntary effort within the community and that the spirit of partnership which prevails between the Government and voluntary sectors is the best means of helping people in the community who are in need".

Dr. EASTICK secured the adjournment of the debate.

STATUTES AMENDMENT (SALE OF CIGARETTES) BILL

Mrs. ADAMSON (Coles) obtained leave and introduced a Bill for an Act to amend the Community Welfare Act, 1972-1976, and the Cigarettes (Labelling) Act, 1971-1975. Read a first time.

Mrs. ADAMSON: I move:

That this Bill be now read a second time.

The purpose of the Bill is to ensure the effective enforcement of section 80 of the Community Welfare Act which provides:

> Any person who sells, lends, or gives, or offers to sell, lend or give, to any child under the age of 16 years any tobacco, cigar or cigarette shall be guilty of an offence and liable to a penalty not exceeding $20.

Clearly, this section is not enforced by the State Government. In fact, few South Australians seem aware of its existence. Many retailers and purchasers of tobacco appear to be unaware of the law, and until this matter was raised earlier this year in this House I think it is fair to say that few South Australians knew that there was such a law prohibiting the sale of tobacco to children under the age of 16 years. That is a totally unsatisfactory state of affairs. The fact that that is so is reinforced by an answer I received from the Chief Secretary to a question asked on 16 February. The Chief Secretary, in his reply, acknowledged that few offenders are reported for this offence. He went on to say that it is difficult to enforce the existing law.

My point is that either we agree as a Parliament and a society that children should be protected in these various respects that we determine and that we enforce that protection, or we do not. First, do we agree that children should be protected from the dangers that result from smoking? I think that not one member would not agree that it is the responsibility of adults, and particularly of Parliament, to ensure that this protection is afforded.

Secondly, having agreed to that principle, are we prepared to do what is necessary to see that that principle is implemented in legislation and enforced? It seems clear to me that the State Government is not prepared to do that and we have evidence of that in more than one sphere, not only in relation to its complete failure to enforce the law prohibiting the sale of tobacco to minors but, also, its increasing failure to enforce the law regarding the sale of alcohol to minors. However, there is no doubt in anyone's mind that both of these laws are valid and should be enforced.

I refer to the report of the Senate Standing Committee on Social Welfare entitled "Drug problems in Australia". This report reinforces the danger of smoking to health. It also makes the point that there are grounds for Governments to take action to prevent children from endangering their health. The committee recommended that Commonwealth and State Governments determine, as national policy, a commitment to decrease per capita consumption of tobacco. It is well known that tobacco is the most addictive of the licit drugs. It is also well known that the most important factor leading to young people smoking is peer group pressure.

The point is what are we as legislators going to do about these twin facts that are leading to more and more young people smoking? Children are succumbing to the effects of advertising and to peer group pressure, but are not having anything put in their way that shows society's condemnation of what is being allowed to happen to them. The one thing that stands by way of protection for these children is an effective law that is properly enforced. The Senate Standing Committee recognised that when it said, on page 100 of its report:

> Another aspect of concern to the committee is the sale of cigarettes and other tobacco products to children. Currently, all States and the Australian Capital Territory have laws prohibiting the sale of cigarettes and tobacco to anyone under sixteen years of age. The penalties vary but the maximum fine is only $20. Tobacco is at least as harmful to health as is alcohol. Yet, by comparison with the stringent prohibition of the sale of alcohol to minors, the restrictions on the sale of tobacco to minors are weak and apparently are not enforced. The law must indicate disapproval of recruitment of the young to tobbaco use, and the committee recommends:
>
> > That laws which make the sale of tobacco products to minors illegal be strictly enforced, and that the penalties prescribed be increased.

In the face of that advice, I think it would be extraordinarily difficult for any member of the Government to oppose this Bill, or, indeed, to have any grounds for opposing this Bill.

The committee's conclusions are reinforced time after time, week after week almost, in press reports of comments by experts on the subject. During a visit to Adelaide, the Professor of Medicine, Tel Aviv School of Medicine, Dr. Gerald Baum, said that schoolchildren were becoming increasingly younger and heavier smokers and that in 20 years the resultant damage to heart and respiratory systems would be enormous. I ask the Minister of Community Welfare: are we going to acknowledge this and do something about it, or are we not? A report in the *Advertiser* on 16 June stated:

> Twenty-two per cent of nine-year-old Australian boys and 5 per cent of girls of the same age are smokers. This was revealed in a survey into the smoking habits of Australian schoolchildren presented to the National Health and Medical Research Council meeting in Adelaide yesterday.
>
> The survey says that by the age of 15, 72 per cent of boys and 53 per cent of girls are regular smokers. The chairman of the New South Wales Health Commission, Dr. R. McEwin,

said the study of 25 000 primary and secondary children had revealed an "outrageous situation".

Indeed, "outrageous" is not too strong a word to use to describe a situation where adults, by their straight neglect, are allowing children to endanger their health with not only disastrous personal consequences but also disastrous economic consequences for the nation's taxpayers, who will have to foot health bills in years to come. The report continued:

> "The number of heavy smokers (if 40 cigarettes a week is classed as heavy for this age group) is nearly a third of those who smoke," he said. "About 5 per cent of those who smoke are regular smokers—20 cigarettes a week."
>
> "Children are well aware of the dangers so we're going to stop talking about that," he said. "We must change our tack and change attitudes and behaviour and that is a more difficult problem to solve."

I agree about the difficulty of the problem but I propose this Bill as one of the solutions to that problem. If we do not take a stand somewhere, there is nothing to stop a gradual decline in any kind of supervision or control of children smoking and there is nothing to stop infants smoking in the same way as they chew lollies. Where are we going to take a stand?

The law mentions the age of 16 years, but that law is not being enforced, so it might as well not exist at the moment. What this Bill proposes is the redesign of the law so that it can be enforced. To that end, the Bill seeks to amend section 80 of the Community Welfare Act by increasing the fine from $20 to $200. Quite clearly the fine at the moment is worthless in terms of a sanction against the retailer. The second purpose of the Bill is to insert in the Community Welfare Act a clause which requires retailers of tobacco products to exhibit prominently in their premises a sign advising the public that it is an offence to sell tobacco to persons under 16 years. What on earth is the use of having a law if no-one knows about it? That is why it is absolutely necessary that not only retailers but also the public are clearly advised. That is the purpose of that clause.

The third purpose is to amend the Cigarettes (Labelling) Act, section 4, by including the prescription of warnings relating to supplying children under the age of 16 years, in addition to the present warnings relating to health. I acknowledge that, being a State within a Federal system, there are difficulties for South Australian suppliers trying to enforce those labelling warnings in South Australia alone, but someone has to take a lead, and why not South Australia? We are supposed to be the pacemaking State in so many ways, so why not let us be the pacemaker in a way that will ensure the good health of our children?

The fourth purpose of the Bill is to amend the Cigarettes (Labelling) Act by the addition of a clause prohibiting the sale of cigarettes by means of a vending machine, which is not marked with the prescribed warnings relating to health and supply to children under the age of 16 years. It is true, as the Chief Secretary said in his reply to me on 16 February, that vending machines do pose a problem but to my mind that is no excuse whatsoever for ignoring the problem and for failing to do anything about it.

To summarise, in view of the proven link between smoking and fatal disease, including heart and lung disease, and in view of the addictive nature of nicotine, there should be widespread community support for laws which are designed to prevent children from starting to smoke at an early age. It is the responsibility of this Parliament to make these laws, and I urge all members to support the Bill.

The Hon. D. W. SIMMONS secured the adjournment of the debate.

PLANNING AND DEVELOPMENT ACT

Adjourned debate on motion of Dr. Eastick:

> That the regulations under the Planning and Development Act, 1929-1976, relating to rural land, made on 6 April 1978 and laid on the table of this House on 13 July 1978 be disallowed.

(Continued from 16 August. Page 585.)

Dr. EASTICK (Light): When this matter was debated on 16 August 1978, I gave briefly the reasons I see for the need for the disallowance of regulation 70A. Since I moved the motion, I have received comments from people who support my action and from people who do not support it. The point has been made that regulation 70A (which has more than once come back to this House as a regulation laid on the table) seeks to determine that subdivision may take place only in economic units. The crux of the matter is that there is no clear definition anywhere of what is an economic agricultural unit. For example, in the case of an appeal involving Farmers Co-operative Executors and Trustees Limited and the Director of Planning, judgment was delivered on 17 November 1976 by Judge Ward, Commissioner Bulbeck and Commissioner Fordham, page 5 of which states:

> There was much debate before us as to the meaning of the term "independent economic unit for the business of primary production". The report itself gives no indication as to how this term is to be interpreted, and it seems to us that there is considerable scope for difference of opinion as to its interpretation.

That situation has continued in many appeals. In the appeal case of D. W. and D. M. Gordon and the Director of Planning, the judgment of Judge Ward, Commissioner Bulbeck and Commissioner Buttrose, which was handed down in Adelaide on 17 July 1978, highlights the difficulty relating to regulation 70A. At page 6, the judgment states:

> The important point, it seems to us, is that a decision has been made that land in certain areas of the State, rural areas, will be of a certain size which could be said to depend upon matters related to the particular locality in which the land is situated. Looking at the regulation in this light we cannot say that it is so out of line with other restrictions on the division of land as to take it outside the objects and purposes provided for in the legislation. We have come to the conclusion, therefore, that the regulation is within the regulation-making power created by section 62 (2) *(c)*, and that it is not one which is beyond the power of the Governor to make.

I highlight that point because I do not want it to be thought that the issue I am raising is related to doubts about His Excellency's signing the regulation, and its Gazettal. Quite obviously, that is not the issue. It has been clearly indicated in the judgment I have just read that that ability exists. At pages 7 and 8, the judgment states:

> We acknowledge that there are expressions in the regulations attacked that may, in practice, be very difficult to interpret and apply. It may be difficult to decide in any particular case whether the allotment, if created, would be used for the purpose of primary production, or for non-residential rural pursuits. It may be difficult to know what is a "non-residential rural pursuit." It may be difficult to decide what types of primary production, or non-residential rural pursuits are predominantly and substantially practised in the locality. It may be difficult to decide whether an allotment can provide the owner or occupier—whoever that might be—with sufficient economic return to enable him to continue the rural use on a permanent basis. We do not know how hard the owner or occupier (whoever he is) is to be called upon to work, what capital investment is required of

> him to produce the economic return, or what type of economic return is required by what family.

Without proceeding further with that document, let me say that I believe that it highlights the gross difficulty that exists in coming to terms with this vexed problem. I believe the manner in which the Government has acted in throwing this regulation back into the House on a number of occasions shows a singular lack of nouse and a complete lack of understanding of the action that it should be undertaking in concert with other people in the area who are concerned, most particularly local government and certainly developers. Although I do not talk on behalf of developers in the total sense, I make the point that there has been a continuing frustration on this vital issue by virtue of the way in which the Government has approached this subject. It would not be the desire of members on this side of the House and in another place to constantly attack this regulation on behalf of the people they represent if the regulation could be demonstrated to have been totally thought through.

In effect, the regulation is undertaking a holding operation until the Minister and his advisers bring down a completely new approach to the Planning and Development Act. It is disadvantaging many people by the manner in which regulation 70A is being approached. I have had comment from those who are in favour of the Government's action and from those who are opposed to it. One person who wrote to me and who is in favour of the Government's action makes the following statement:

> Despite all the problems in determining economic units rightly identified by Dr. Eastick, it is one of the few controls available to ensure that subdivision occurs where it is most appropriate.

With that statement in itself I would not argue, but I would argue the basis on which it is made. The action of the Government has seen, on a continuing basis, the destruction of much of the amenity of this State, by forcing subdivisions of an area far greater than the requirement of many people in the South Australian community. Many developments of the minimum 30-hectare requirement provide the opportunity for people to run a horse or two, whereas they would have been quite satisfied with a subdivision of five acres or 10 acres.

Information provided to me, that I have no reason to disbelieve, states that, for a 12-month period (either the 1977-78 financial year, or a 12-month period from 1 January 1977 to 31 December 1977 (I am not quite sure which is correct), 750 allotments of 30 ha were created in South Australia, using up 22 500 ha of rural land. I am positive that that area of 22 500 ha will not be adequately used. Many people will purchase allotments of that area because they cannot purchase a smaller area, and the allotments will be used for one or two horses, in the same way as a smaller subdivision would be used.

I do not apologise for saying that the Government is forcing many subdivisions in this State of areas larger than is necessary. If the Government would come to the nitty-gritty of the problem, and get around the table with the people involved—local government and developers—to look positively at the matter (preferably before we wait any longer for the Hart Report), we could see in the years ahead the creation of smaller subdivisions, providing for the lifestyle required by many people, without the destruction of large areas of rural land, as occurs at present. I believe the Government should be addressing itself to this matter now. It has dilly-dallied and wasted too much time already by persisting with this unreal regulation 70A which has been disallowed previously and which is still the bane of many people who are genuinely interested in maintaining the amenity of South Australia.

I made the point, which was questioned by one person who wrote, that the Government, by maintaining its attitude, is forcing many people to sell their land to developers, who then set about creating subdivisions. I can illustrate this fact privately to anyone concerned by naming specific cases. The developer is familiar with the process of subdivision and of appeal to the planning and development authorities, and he adds the cost of that exercise to the final subdivision created. A private person who seeks to subdivide so that another member of the family may use part of the family estate, or to obtain funds to develop a viable agricultural unit on the balance of the property (be it intensive farming, such as pigs or poultry, vegetable growing, or floriculture) is denied that opportunity and is forced into the hands of the developer. That is a fact we must face.

Regulation 70A has been criticised for some time, for the reasons I have outlined. The State Planning Authority and the Government, in my opinion, have had ample time to come up with a more suitable approach, and they stand condemned for failing to do so.

In details provided to me in July last year by people vitally interested in this matter, it was pointed out that the regulation is designed to control the division of "land in a rural area", which is defined in part as land specifically shown on an authorised development plan in a rural area or zone. A perusal of authorised development plans applying throughout the State shows that only in the case of metropolitan development plans is there a clear designation of a rural area or zone. Thus, there would be created by the wording of the regulation an uncertainty about the land to which it would apply.

It is noted that "land in a rural area" can also be land shown on an authorised development plan outside a country township or a proposed urban area. Again, in relation to plans which have been authorised, this provision is quite ambiguous, since most authorised plans do not define the limits of country townships. It is most unclear what parts of areas covered by such town plans as exist in authorised and development plans actually constitute an urban area, as referred to in the new regulations.

It is further noted that "land in a rural area" can mean land used as rural land. This is unclear, because the use of land for rural purposes can change at any time, and it is not a reasonable reference for use in a definition. Also, there seems to be uncertainty about the position of land which is partly in rural use and partly in use which might be deemed urban or non-rural.

Further, "land in a rural area" can mean land which does not form part of a developed township or a developed urban area. This, too, is ambiguous since what constitutes such land is arguable. Development in one sense can mean anything done by the hand of man to land which has changed it from its original natural state, and it is also suggested that there could be much uncertainty as to what constitutes a developed urban area.

The regulation is "to control any allotment which would not be an economic unit"; that is a quotation lifted directly from the regulation. The definition of this term adds considerably to the serious uncertainties which could be raised by the application of the regulation, for the following reasons. The definition refers to the possibility (no more than that) of an allotment being used for the purpose of primary production or for non-residential rural pursuits of the type predominantly and substantially practised in the locality.

First, the definition relates to a hypothetical use of land which might not ever be realised. Secondly, it could be extremely difficult to determine what is the nature of

primary production or non-residential rural pursuits predominantly and substantially practised in a particular locality. Thirdly, it is unreasonable and impracticable to make reference to the use of land in a locality when such use could change very quickly—especially due to the notoriously variable nature of agriculture.

One has only to consider the situation over the past three years, particularly in 1977, when the problems of agriculture were much to the fore as a result of the drought conditions that existed. Fourthly, in referring to the use of land presently carried on in a locality, an authority controlling subdivision or resubdivision could be referring to an undesirable use or a use which is not economic or even legally carried on. The term "locality" is in any event vague, and in this context its interpretation could readily be subject to much argument and uncertainty. If we see some of the appeals that have been before the board, we will notice that there has been much difficulty in interpreting these loose terms.

The second point I offer in relation to the regulation is that the definition refers to the hypothetical owner or occupier of a proposed allotment without recourse to any other income not being provided with sufficient economic return from the use of the allotment to enable him to continue the rural use on a permanent basis. This seems to mean that income from other than use of the allotment, such as income from bank interest, shares, child endowment or a host of other types of incidental or supplementary income which a large proportion of people gain, cannot be taken into account. This is an unreasonable and unpractical basis upon which to make any judgment.

What constitutes "sufficient economic return" from the use of land is also questionable, as this must involve a consideration of the individual circumstances and abilities of a particular owner or occupier, and a large number of other factors. The Planning Appeal Board has independently observed that "difficulties will arise in assessing what is to be an economic return and on what basis as to capital engaged in labour employed the return is to be earned". (See *Biggs v. Director of Planning*, P.A.B. No. 439 of 1976). In any event, what is sufficient for one person will not be sufficient for another. A short consideration of the complexities of fair wage determinations should suffice to support this point.

Yet another point of uncertainty is the reference to sufficient economic return for the continuation of "rural use" on a "permanent basis". Again, a highly theoretical basis of consideration is to be used. There can be no guarantee that land contained in an allotment will be put to a rural use or that it will be required for such use. The control therefore seems to involve a judgment about land use when there can be no certainty about how land will be used once subdivided (or even without subdivision).

There has been a considerable degree of concern by interested parties in this matter. The Government has continued to smack them in the eye by throwing back this regulation without really coming to terms with the issues at point. I believe that the House should urgently seek from the Government, by the acceptance of this disallowance, a rethinking of this whole matter. I believe that we owe it to the people in the community to recognise that there must be an element of opportunity for self-determined life-style. I believe that the determination of life-style must allow those people to enter into a form of land tenancy that gives them the opportunity to carry on that life-style whilst not destroying the overall amenity of the State.

In other words, I am in complete accord with a system whereby subdivision will take place in definite areas rather than on an *ad hoc* basis, but I recognise that there are many people who now look on a rural existence as supplementary to their employment in other areas, whether in the professions, on the production line, or working on the wharves or in one of the service industries of the State such as the tramways, railways, etc. I believe that we owe it to the people of the State to look positively at this matter, and we can best do it by disallowing this regulation and by getting around the table on vital issues that the Government is trying to sweep under the table by persisting with this obnoxious piece of legislation.

The Hon. HUGH HUDSON secured the adjournment of the debate.

POLICE REGULATION ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 23 August. Page 697.)

The Hon. D. W. SIMMONS (Chief Secretary): I oppose the Bill, which provides two methods for the removal of a Commissioner of Police. The first is on address by both Houses of Parliament, and that provides for actual dismissal. Alternatively, the Commissioner may be suspended from office by the Governor for stated reasons, and the suspension is followed by dismissal if within 12 sitting days of the statement being laid before Parliament an address is presented by one House praying for dismissal.

We do not support the involvement of Parliament in this situation. Her Honour Justice Roma Mitchell, in paragraph 177 of her Royal Commission Report on the dismissal of Harold Hubert Salisbury, has the following to say:

> I have reached the conclusion that Parliament should not be involved in the removal from office of a Commissioner of Police. One reason which leads me to this decision is that I do not think it feasible to keep in office a Commissioner of Police whom the Executive does not trust or with whom its relationship is unworkable. The maintenance of peace and good order is so vital to good government and to the safety of the community that it can not properly be allowed to be endangered by continued disharmony between the Government and the Commissioner of Police. A further reason is that I am not satisfied that Parliament is the proper tribunal for the fact finding which would, of necessity, precede an address from both Houses of Parliament or from either House of Parliament.

The Government concurs in that view. Further, I make the point that I think it is important to point out that the Bill does not provide adequate protection for the Commissioner, because the alternative methods of dismissal can leave him completely at the mercy of the Government of the day.

Mr. Evans: Isn't he now?

The Hon. D. W. SIMMONS: Under the proposed amendments to the Act, which will be introduced soon, he will be given some protection. Under the Bill before us now he has no effective protection. In the first case, he can be dismissed upon the presentation of an address by both Houses of Parliament, praying for his removal. In future, it is likely that Governments of either persuasion could have a majority in both Houses. In that case, the passage of an address, although affording the opportunity of debate, could be a formality. There is no redress to the Commissioner in the case of such a dismissal. The Opposition might well bear that in mind.

Secondly, even in the alternative case, the Government, which in terms of this Bill can recommend to the

Governor the suspension of the Commissioner, can, because it is the Government and has a majority in one House, ensure the adoption of an address to the Governor praying for the removal of the Commissioner. Again, there is no protection for the Commissioner from a Government determined to dismiss him.

The Government agrees with the Royal Commissioner that the appropriate body to determine whether a Commissioner of Police has been dismissed improperly (that is, dismissed not in accordance with the law) is the court. Accordingly, the Government will introduce legislation in the next week or so (certainly before the end of the Budget debate) to give effect to the Royal Commissioner's recommendations and to provide adequate protection for a Commissioner by making the Government's action subject to the decision of the court. I oppose the Bill.

Mr. EVANS secured the adjournment of the debate.

CLASSIFICATION OF PUBLICATIONS BILL

Adjourned debate on second reading.
(Continued from 23 August. Page 699.)

Mrs. ADAMSON (Coles): This Bill seeks to repeal existing legislation that has been condemned by almost every responsible section of the community in South Australia. It has been condemned by individuals and by broadly representative groups. It is high time we had a new law in this State to control pornography. In the place of the present law, this Bill seeks to enact a law that gives as much weight to responsible protection of minors as it does to the rights and freedoms of adults. It seeks to redress the present untenable situation where there is no Ministerial responsibility for the law or the actions of the Classification of Publications Board. It seeks to give a truly representative voice of the community on the board and seeks to prohibit something that any member of a civilised community finds abhorrent, namely, child pornography.

Since I last spoke on the existing law last year (when it was in the process of being amended) I have received several hundred letters from community groups protesting vehemently about the Premier's attitude to pornography in South Australia. They are not crank groups. They are not right-wing groups, but are the churches of South Australia, the school welfare and mothers clubs of schools in South Australia, responsible women's groups, professional groups, the Federation of University Women, the service clubs and the WRANS. They are the people who are protesting against the Premier's attitude to pornography. They can hardly be labelled "cranks" and they can certainly not be labelled "agents of darkness", to use a favourite phase of the Attorney-General.

I want to demonstrate that the law in South Australia would not be tolerated in Parliaments of any other English-speaking country. The attitude of the Labor Party to pornography in South Australia is beneath contempt: it is out of step with the law in every other State in Australia and overseas. I stress the second part of the principle that is enshrined in the Act. The first part maintains that adults should be free to see and read what they wish. The second part of the principle maintains that children and others should be protected from seeing and reading material that is offensive to them. However, the existing legislation does not fulfil the second part of the principle of the Act. That pornography is a political issue in South Australia is testimony to the fact that the people of this State will not accept the law, and neither will they accept the assurances that the Premier gives them that the law has got everything nicely under control.

Like a parrot, the Premier prattles incessantly of freedom—freedom for adults to see and read what they wish. It is a bogus kind of freedom that puts women and children at risk and places material that is absolutely repulsive and disgusting in the hands of young children: it puts it there by accident, because, no matter what the law might do in terms of putting nicely screened windows over shops that sell pornography, the fact is that pornography that is classified in South Australia is bought and then discarded in places where children can have access to it. Alternatively, it is deliberately recycled. It is available in secondhand bookshops, and it matters not that the Premier denies that child pornography is on sale in South Australia. It is on sale. It is being sold through secondhand bookshops, even if it is not being sold—

Mr. Groom: Name the book shops.

Mrs. ADAMSON: —through the licensed premises. I can name the publications, and I will do so. The laws of other countries demonstrate quite clearly that the law in South Australia is out of step with that of the rest of the civilised world. I quote from the Standing Committee on Justice and Legal Affairs of the Canadian House of Commons. The Committee states:

> In the past 10 years our community has seen a dramatic increase in sexually explicit material.

Every word uttered by the committee applies to South Australia. It continues:

> It has become more widespread and more easily available throughout Canada. This material takes many forms—paperback books, magazines, photographs, movies, videotapes, comic books, records, marital aids, artificial appendages, and various types of equipment and paraphernalia. Many types of human activity, such as sodomy, cunnilingus, fellatio, incest, masturbation, bestiality, necrophilia, sadism, masochism, defecation and urination, are depicted, described and advocated in clear and explicit terms.

Those who wish to read the first annual report of the Classification of Publications Board (which was tabled yesterday in Parliament) would note that all those activities are listed in the report, as are the criteria by which the board judges them. The Canadian report continues:

> The situation has seriously degenerated from the days of the cheesecake photograph, the girlie magazine, the French post card, and the Henry Miller novel. A close examination of this material has revealed the emergence of a number of unhealthy social tendencies which are unacceptable to the vast majority of Canadians—

I suggest that they are also unacceptable to the vast majority of South Australians—

> This material is exploitive of women—they are portrayed as passive victims who derive limitless pleasure from inflicted pain, and from subjugation to acts of violence, humiliation and degredation. . .The clear and unquestionable danger of this type of material is that it reinforces some unhealthy tendencies in Canadian society
>
> The effect of this type of material is to reinforce male-female stereotypes to the detriment of both sexes. It attempts to make degradation, humiliation, victimization, and violence in human relationships appear normal and acceptable. A society which holds that egalitarianism, non-violence, consensualism, and mutuality are basic to any human interaction, whether sexual or other, is clearly justified in controlling and prohibiting any medium of depiction, description or advocacy which violates these principles.

I would not argue with that, and I doubt whether any other

responsible South Australian would argue with it, yet the Premier of this State argues with it. He argues with it continually and refuses absolutely to accept any changes which have been advocated in this Parliament by any member of the Liberal Party to redress what has become an absolutely intolerable situation.

One of the reasons why the situation is intolerable is that there is increasing evidence of the harm that is being done socially by the proliferation of this material. More and more clinical psychologists are putting their minds to this problem and coming up with clear, scientific answers arrived at by proper professional processes. For example, after two years of research two of Britain's leading psychiatrists say that they have found evidence to indicate that aggression and explicit sex in the media has a powerful effect on attitudes and behaviour. A newspaper report states:

> Professor H. J. Eysenck and Dr. D. K. Nias, of London University's Institute of Psychiatry, yesterday called for tougher TV and film censorship in the light of their findings.

That attitude is reflected in the fact that the British Parliament has recently passed legislation to control child pornography which is far far tougher than anything proposed in this Bill. That legislation was supported by both Houses of Parliament and by both Parties, yet legislation which is considerably milder in terms of its penalties has been opposed by the Labor Party in the other place.

A report that appeared in the *News* on 5 September 1978 stated:

> Blue movies and hardcore pornographic books make men more aggressive towards women, according to a survey. What women's libbers have long suggested was confirmed today by an American expert on aggression, Mr. Ed Donnerstein. In laboratory conditions, he tested the effects of hard-core pornography on men at Iowa State University. The volunteers were made angry, then viewed a short blue movie. Afterwards, they were more willing to administer electric shocks to women in the test than they were to shock other men.

The report goes on to give details of the experiments which Mr. Donnerstein conducted in order to test the validity of the argument that pornography brings out aggression and results in deviant and violent sexual behaviour.

Yesterday the Premier tabled the first annual report of the Classification of Publications Board. That report is worth looking at for some of the facts, but by no means all of the facts, unfortunately, which should have appeared in such a report. On page 2 of the report, after the members of the board are listed, there is a paragraph which states:

> Upon expiration of the first term of three years two members, Dr. LePage and Ms. Ward, were not available for reappointment.

One cannot help asking the question "Could it be that these two members refused to be part of a board that was classifying child pornography?". It is interesting to note that all members of the present board are appointees of the Premier and are public servants paid with taxpayers money. One member of the board, Dr. Peter Eisen, who is on the board by virtue of being a person skilled in the field of child psychology, has been transferred from the Child Guidance Clinic to Associate Professor of Child Psychiatry at the Flinders University.

Dr. Eisen is on record as telling the United Nations Status of Women Committee, "Some pornography is beautiful". It is not surprising that the Premier should appoint people to the board who think pornography is beautiful, because, basically, the Premier is a libertarian who absolutely refuses to accept any other principle than that adults should be free to see and read what they wish. The Premier also refuses to accept Ministerial responsibility for the actions of his board. In a letter to the *Advertiser* on 29 March this year the Premier stated:

> In view of the *Advertiser's* editorial it should also be pointed out that the Government does not instruct the Classification of Publications Board as to decisions to be made. The Government submits its views for consideration to the board, which has autonomy.

What kind of a system is that? I thought we were operating under the Westminster system of Government, which requires Ministerial responsibility. The Minister is responsible to Parliament, Parliament is responsible to the people, and the people judge their elected representatives on how they fulfil that responsibility.

How can the Premier claim to be a part of the Westminster system when he absolutely fails to fulfil or even to accept any Ministerial responsibility for what is supposedly done in the Government's name? He simply appoints to the board people who he knows share his libertarian views and lets them get on with the job. Let us look at the job they got on with. On page three of the report appears a heading "Material classified" under which are listed the numbers of classifications, on an annual basis, that have been classified by the board, as follows: 1974-75, 1 150; 1975-76, 1 900; 1976-77, 800; and, in the current year, a total made up of 277 unrestricted classifications and numbers of restricted classifications, 177 under classification A, 430 under the classification AB, 1 under classification ABD, 79 under classification ABCD, and 47 under classification ABCDE. Classification was refused on 20 publications, five of which involved children and 15 of which involved excessive violence.

It is interesting to compare the South Australian board's decisions with the decisions of boards in other States. Until 1 July 1978 the board had refused to classify as child pornography and sadomasochism less than 70 titles. If one compares this with the figures of the board in Tasmania (which is administered under a Labor Government), one finds that since its inception it has classified 6 800 titles. There is a great discrepancy, indeed, between the total number of titles (1 031) classified by the South Australian board since it commenced operation and the number classified by the Tasmanian board, which was established at about the same time.

One can look at the New South Wales figures and see that the board there also classified a far greater amount of material. It also has the power to prohibit classification, as do all the other States. South Australia does not, because the Premier will not allow that power to be written into legislation.

Mr. Groom: Don't you think it's a community responsibility?

Mrs. ADAMSON: I agree that the community is largely responsible for setting its own standards, but Parliament has a responsibility, and I believe that the Government in this Parliament has absolutely abdicated that responsibility. The honourable member will find, if he looks at the number of petitions laid in this Parliament during the past three years, that many South Australians believe the same thing. Page 6 of the report lays down the guidelines that the board established for itself. They are too long to read out here, but I recommend them to members as being an interesting comment on the kind of material that board members are prepared to classify and let go out into the community. They state that some material should not be available to minors, and should be sold under an A classification enclosed in a plastic bag.

In such a classification they list "masturbation of an obvious nature". I wonder how many people in South

Australia would realise that when that classification is given to a publication it enables a publication, which depicts a nun in a habit masturbating with a crucifix, to be sold in any shop in South Australia as long as it is enclosed in a plastic bag. It also enables any publication which depicts foreign objects being inserted into the genitals to be sold in any shop in South Australia so long as it is enclosed in a plastic bag. Members may remember that in July 1977 a child aged 12 was raped anally and vaginally with a screwdriver. She had to have a hysterectomy and she has since become a mental vegetable. A lot of this material is nothing more than a rape manual, and if the member for Morphett, who is trying to interject, will open his eyes and look at it that is what he would see.

Mr. Groom: Your people have the power to stop it coming into the country.

Mrs. ADAMSON: Certain of these publications are produced locally. The law in South Australia is more or less a Magna Carta for porn dealers. They know they can produce anything and nothing will be prohibited under the Dunstan regime. We must remember we have a libertarian Government that will not prohibit anything.

Mr. Groom: If you have evidence go and tell it to the Police Department.

Mrs. ADAMSON: Unfortunately, the Police Department has been very reluctant to prosecute, and one can only assume it is because the Attorney-General has given it instructions accordingly. There have been a very small number of prosecutions. From memory, only 13 prosecutions have been instituted since the Act was enforced. When one looks at the number of publications which were refused classification, and which were thus liable to prosecution under a certificate from the Attorney-General, one finds that only 20 publications were refused classification. They have not been prosecuted, and hundreds and hundreds of copies of those publications, which have been refused classification, have simply gone out into the community where they have been sold, and are in the process of being recycled. If the honourable member supports such a system, all I can say is that he is out of step with every responsible body in South Australia.

Mr. Groom: You don't understand the law. You read the Criminal Law Consolidation Act.

Mrs. ADAMSON: I may not understand the law, but I do understand one thing: I understand the needs of children to be protected from the likes of the honourable member opposite.

The Hon. G. R. Broomhill: A little strong!

Mrs. ADAMSON: Yes; I say that in the sense that the honourable member's sense of responsibility as a legislator is sadly lacking. If the honourable member wants facts, let me demonstrate. The Chief Administrative Officer of the board, Mr. J. M. Holland, a public servant paid by the taxpayer to fulfil his duties according to the needs of the board, in a letter written earlier this year says:

> Some States of course treat all these publications in the same manner and, although the question may therefore be academic, the members of the South Australian board would appreciate the views of other board members in Australia as to whether a photograph of a bound girl being tortured by say someone pinching her nipples with a pair of pliers is likely to be more offensive to reasonable adults than say oral intercourse performed voluntarily.

I ask you, where has decency and feeling gone when judgment of pornography has degenerated to the stage in South Australia where it becomes a function for a committee to perform, a committee which needs the advice of other committees on a subject on which surely anyone with a minimum of conscience and common sense could reach a decision without any difficulty.

I think perhaps the best commentary I can give on the situation in South Australia is a quotation from a anthology, entitled "The Spirit of Tolerance", which was published in the early 1960's. A foreword to the book was written by Mr. Victor Gollancz, the publisher. He says, in reference to the kind of material about which I am speaking, the following:

> The bogus-highbrow kind of filth I have in mind, on the other hand (and its publication has proliferated horribly), is life-denying: spiritually as well as physically disgusting and tasteless to an almost incredible degree, it offends against value of any kind (including intellectual value) every bit as much as against public decency. And the point is this: seeing everything in terms of brutal mechanism, it offends, most of all, against respect for personality, which is essentially spiritual.

This Bill seeks to restore some of the decencies which have been lost by virtue of the present legislation. It seeks to require Ministerial responsibility. It acknowledges that some material is so depraved that no civilised community would tolerate it even in the name of freedom. It therefore seeks the power to prohibit some material. It seeks to protect children by defining child pornography and outlawing it. It seeks to provide guidelines for the board so that some people nominated by the Premier will at least have the guidelines laid down by this Parliament and not those they choose for themselves.

It also seeks to give genuine community representation on the board through the addition of a member nominated by the National Council of Women, a broadly representative body representing through its affiliated bodies more than 200 000 women in South Australia. In all, the Bill tries to do what responsible Parliaments in other States and in other countries have already done. I support the Bill and I urge all other members to do the same.

Mr. WHITTEN secured the adjournment of the debate.

UNEMPLOYMENT

Adjourned debate on motion of Mr. Max Brown:

> That this House condemns the Federal Government for its continuing policy of creating massive unemployment throughout Australia. The House further condemns the current attitude of the Federal Government in accepting ever increasing figures of unemployment with complete disregard for the plight of the people that unemployment has seriously affected and calls on the Federal Government to immediately instigate as a matter of extreme urgency a "Get Australia working programme".

(Continued from 23 August. Page 706.)

Mr. GROOM (Morphett): I want to commend the mover of this motion for his obvious concern about unemployment in this country. It is quite obvious from the Federal Budget that was introduced in August that the Prime Minister and his Federal colleagues are not really concerned about unemployment and do not see it as a major problem in Australia.

In the *Advertiser* of 12 September 1978, the Prime Minister was reported as having stated that official unemployment figures in August were up only as a result of a distortion, a temporary aberration. When I turned to the *Concise Oxford Dictionary* to try to get the meaning of those words, I found that one definition of "aberration" is "moral slip, another intellectual deficiency". Finally, the Prime Minister has conceded that the Federal Liberal

Government is involved in a moral slip, or an intellectual deficiency in relation to unemployment. He went on to make other comments, but it is clear that members of the Liberal Party are not nearly as concerned about unemployment as they are obsessed about inflation.

We have a record of broken promises on the part of the Federal Liberal Government. In his pre-election speech in November 1975, the Prime Minister said that he would need three years to carry out the programme of a Liberal and Country Party Government to get Australia back on its feet. He has had three years, but the country is not back on its feet, as he said. We have a predicted unemployment level of 500 000 people, and the true figure is probably nearer 600 000, so it is clear that the Prime Minister has not honoured his election promise of November 1975.

Mr. Chapman: You're exaggerating.

Mr. GROOM: We will see who is correct as time unfolds. In the *News* of 6 December 1975, the Prime Minister was reported to have said that the Liberals would cut the number of jobless by 200 000. At that time, the number of unemployed was about 300 000. We know that that pre-election promise has not come to fruition. The *News* on 4 December 1975 reports that the newly appointed Minister for Labour and Industry, Mr. Street, said that the coalition would help the jobless. It has certainly helped them, but in the wrong direction. It deliberately set about increasing the number of unemployed in the community.

It has been predicted that the recent Federal Budget will increase the number of unemployed people. What did the Prime Minister do to wage-earners in that Budget? In the *Advertiser* report of the Budget, the sales tax situation was put down as a gain. But the Prime Minister and his colleagues took away the ability of people to purchase new motor vehicles. What he did to the wage-earners, to small business men and to pensioners in the Budget was disgraceful. Pensioners are paid by the State and cannot be put out of work, so he has reduced their living standards. He increased personal income tax by 1·5 per cent, which means, according to the *News* of 16 August, $4 a week extra tax payable by wage-earners.

Mr. Chapman: Is this your Ministerial speech?

Mr. GROOM: I shall have to ignore that comment. The Federal Liberal Party penalises wage-earners in two ways: it puts them out of work, and it imposes heavy tax burdens on them. Last night, during the adjournment debate, I quoted figures showing that wage-earners and small business people pay the bulk of income tax collected in this country. Of all income tax collected, wage-earners pay 60 per cent and small business men 19 per cent, a total of 79 per cent coming from those two groups. Public companies, which should be contributing a far greater amount to Australia's wealth instead of making profits of $150 000 000 and exporting the bulk of it overseas, are paying only 21 per cent of all income tax collected.

The Hon. G. R. Broomhill: What about farmers, like the member for Rocky River?

Mr. GROOM: He is doing all right. I take it that he will oppose legislation relating to the disclosure of interests of Parliamentarians. If the Bill passes, it will be interesting to see his assets, which I am sure are voluminous. Apart from the levy on income tax, the wage-earner has been penalised by an increase of 16 cents a gallon in petrol, taking more out of his pocket, and leading to higher inflation because, in Western democracies, we need fuel to run a wide range of activities. The Prime Minister has also put up the price of beer by 3·5 cents a glass and of spirits by 10 cents a nip, at the same time increasing the price of cigarettes by 10 cents for a packet of 20. Not only will wage-earners be put out of work as a result of successive Liberal Budgets, but the wage-earners will be hit through increases in the prices of petrol, beer, cigarettes, and spirits.

What has the Liberal Party done to public companies? In its first Budget, it made tax concessions of $60 000 000 to mining companies, although those companies collectively had made $500 000 000 profit in the previous year. That is how the Liberal Government looks after its friends. The investment allowance cost $480 000 000 in the first year of operation, and operated for a couple of years. It did nothing for unemployment or for the economy, but big public companies got large gains.

What has happened with the levy the Prime Minister has put on fuel? It will not affect the fuel public companies hold in storage. The oil companies will make millions of dollars out of the levy, because they can sell their storage at the new price. We can see what sort of distribution is going on in the community. Time and time again, the Liberal Party has fooled the public with its seeming support for small business people, actually giving them no support whatsoever. The Menzies Government squeezed business people by introducing a provisional tax system which, with inflation and progressive tax rates, has meant that small business people have had to pay virtually double taxation. The wage-earner and the small business man are hit by Federal Liberal Government policies.

Not only has that Government touched wage-earners and small business people, but it has attacked pensioners in a most deplorable manner. The Federal Government has shown that if it could sack pensioners it would. It cannot do that, so it has reduced their living standards. The 1976 Budget reduced the value of allowances to pensioners by 15 per cent (that is, the supplementary assistance), because it did not provide for inflation. The aged and disabled persons' homes funding programme was reduced by 45 per cent in real terms. Spending on health was reduced by $126 000 000, and funds for local government were reduced by $80 000 000, meaning that local government must increase council rates. That increase falls back on pensioners who own their homes or who live in home units. It has been passed on by way of rate increases. At the same time, the Government made tax concessions of $60 000 000 to mining companies which had made huge collective profits in the previous year.

During 1978, the Federal Government has worried the life out of pensioners. The *News* on 29 May reported that the Government proposed to reintroduce a means test for pensioners over 70 years of age. Certainly, it went close to fulfilling that leak, almost in its entirety. There were proposals to make pensioners in hospitals pay about $45 a week from their pension of $52 for a hospital bed; that was reported in the *Advertiser* on 29 May 1978. On 8 May 1978 the *Advertiser* had reported that there was to be a crackdown on pensioners earning more than $20 a week. The Government would use S.S. tactics. Each time a pensioner has a slight variation in income for eight consecutive weeks, he must fill out his forms all over again.

Instead of persecuting pensioners for trying to earn more than $20, without prejudicing their pensions this sum of $20 should be increased to enable them to have a proper standard of living. We now know that future pension increases for those over 70 years of age will be subject to a means test, thus creating enormous anomalies in the community. It took many years to reach the stage where the means test was abolished for those over 70 years of age, but the Federal Liberal Government is now introducing deplorable policies relating to pensioners, wage-earners, and small business people.

Pensioners will get the increase in pensions for the first half of 1978 (they will get a couple of dollars extra in

November), but there will be no other increase for a year. For 1½ years, they will be affected by price increases and inflation, thus reducing further their standard of living. The adjusting of pensions annually will mean a reduction in the value of pensions, whereas at the same time and in the same Budget, as a result of the levy on crude oil, the oil companies will make millions of dollars profit, because their oil in storage will not be affected by the levy, and they will be allowed to sell it at the new higher price.

I am aghast at the policies the Federal Liberal Government has introduced in Australia, with the support of its State colleagues. The Liberal Government is reducing the standard of living of wage-earners, squeezing small business people, and propping up public companies and allowing them to make enormous profits. Utah is an example. As a result of a taxation concession of $150 000 000, it made an extra profit of $40 000 000. Who will that money benefit? I support the motion. I commend the mover for his obvious concern about unemployment, and hope that his motion will have the support of all members.

Mr. DEAN BROWN (Davenport): Unemployment is an extremely important issue and, judging from the reaction of the public, it is obvious by the most important political issue presently facing any State or Federal Government. The motion moved by the member for Whyalla has been supported by the member for Morphett. I have heard both speeches, and both of them were disappointing, to say the least. Both of them were nothing more than cheap, superficial politicking, with no regard for the unemployed or for the real problem of unemployment or of how to solve it. If that was a Cabinet speech by the member for Morphett, obviously he has little chance of getting into the Ministry. The standard of debate put forward by Government back-benchers has been disappointing. I move to amend the motion as follows:

> Leave out all words after "That this House" and insert: congratulates the Federal Government on allocating $240 000 000 in 1978-79 for schemes aimed at assisting the unemployed and for giving top priority to trade and technical education. In addition this House expresses grave concern at South Australia having the highest unemployment rate of any State in Australia and urges the State Government to adopt new policies to stop the decline of South Australia's manufacturing base.

First, I will outline the major cause of employment. I think that all members would agree that the unemployment problem is caused by many complex and inter-related factors. I have gone through them, and I intend to list what I see as the most important ones. I do not say that they are the only factors, but I think that they are the key ones.

Obviously, one of the most important factors is the high cost of wages. In Australia, we have had a faster escalation of wages than have most other developed western nations. Because of the high escalation of wages, Australia, especially in 1973, 1974 and 1975, reached the stage where it was no longer economic for companies to take on additional employees. In effect, the Australian labour force priced itself out of jobs, and this is one of the most important reasons for our present unemployment.

Secondly, we have the high additional costs associated with employing persons. I am talking not of actual wages, but of the additional costs over and above those wages. These have escalated recently, largely because of legislation, particularly that introduced by State Governments. I refer to additional costs such as pay-roll tax, which is a 5 per cent tax on any wage paid; workmen's compensation premiums, which have escalated greatly; and other associated costs, including a 17½ per cent loading on annual leave. These additional costs have now risen to the point where it is estimated that for most professions the overall additional costs range between 35 per cent and 50 per cent of the base salary. In other words, for every $100 paid to the employee, an additional $35 to $50 needs to be put aside by the employer to cover the additional costs.

The third basic reason for unemployment (and this applies particularly to youth unemployment, which is by far the area in which there is the greatest problem) is that wage rates for school-leavers and those below 20 years of age have increased at an even greater rate than have adult wages. Furthermore, certain industrial awards contain no junior rates. For example, just before Christmas, a building contractor contacted me, because he wished to engage in his building yard a 14-year old lad during the school holidays. The lad was to do unskilled work, such as tidying up and carrying, in the contractor's yard. When the contractor telephoned the arbitration inspectorate to ascertain the wage to be paid to the lad, he was told that, as there were no junior rates under the appropriate award, he would be required to pay that unskilled lad $168·40 a week. Needless to say, the lad did not get the job.

Even where there are junior rates in awards, the margin between the junior rate and the adult rate has narrowed considerably. In the junior male clerks award, for example, over the past few decades the percentage increase compared to the adult wage has been considerable. In 1960, the school-leaver aged 15 years was receiving 20 per cent of the adult wage, whereas by 1977 he was receiving 50 per cent. A school-leaver with two years experience received 50 per cent of the adult wage in 1960, whereas he received 70 per cent in 1977.

The fourth basic reason for the increase in unemployment has been the reduced demand for consumer goods in Australia. That has occurred for two reasons. First, we now have a mature economy, whereby most people already enjoy an extremely high standard of living and, therefore, there is not the same demand for new consumer items. Secondly, the growth rate of the population has slowed considerably because of a decreased birth rate and a lower rate of immigration into the country. This has meant that demand for new infrastructure for the community and for new houses has been reduced. No longer is there the demand for Governments to build new schools, new roads, and other facilities at the rate at which it was previously constructing them.

There is not the demand for new houses now that there was some years ago. Housing has not been so much affected by the reduced birth rate but more by the reduced immigration rate. It is interesting to consider the long-term projections for housing for the Adelaide area. The number of houses required is likely to drop from 12 000 to 13 000 (which could be taken as the norm in the past) to a level of between 7 000 and 9 000 from now to the year 2 000.

The fifth reason why unemployment has increased is the increase in imports of manufactured goods in Australia. Unfortunately, a greater percentage of our domestic consumer items is imported into Australia rather than being manufactured here. We all know that the basic reason for that is partly the wage escalation and partly the 25 per cent across the board reduction in tariffs that occurred in Australia. If I wished to be political, I could criticise considerably the Whitlam Government for that, but I do not wish to get on to that plane this afternoon.

The sixth major problem creating unemployment is automation, which I believe is inevitable in our community, and we should, as a community, try to appreciate its effects and to use it to our benefit rather

than to our detriment. I believe that automation will cause major problems. We need to assess those problems and to adapt our Government policies accordingly.

Automation will mean that we need to reassess the type of working week that we now have, both the number of hours a week we work and our starting and finishing times. Perhaps we will even need to reassess the number of days a week we work. Automation will have benefits: it will largely replace the human being in carrying out the monotonous and routine tasks that have created such boring jobs in the past. The important point about automation is that we should not be afraid of it: we should appreciate that it is going to occur and we should try to understand it, accommodate it, and try to overcome any adverse human effects it may have.

The seventh reason for high unemployment has been the higher participation rate of the population in the work force. It is well known now that, partly because of the change in lifestyle, more and more women are becoming involved in the work force. If one considers the growth rate of our work force on a long-term basis, one sees that there has been no reduction in that rate but instead a different group of people has been participating in the work force. In effect it could be said that more women are participating in the work force and that fewer youths are participating because they are unemployed.

I have outlined the seven main reasons that I put down as causing the high and unfortunate level of unemployment in Australia. Let us fact it: Australia is not the only country facing an unemployment problem. We should be pleased that we do not have the unemployment levels being experienced in the United States, the United Kingdom, Canada and other developed western nations. We are certainly better off than those other nations, in the same way that we are better off in terms of inflation.

We should consider what the Federal Government is doing to try to overcome the unemployment problem. This motion is cynical and extremely political. The honourable member has the same lack of credibility that his own Federal Party now maintains. His own leader, Mr. Hayden, has simply said that the only solution to the unemployment problem is to increase the Federal Government deficit by way of budgeting. All economists now appreciate that by increasing the Government deficit one increases the demand for the Government to borrow on the money market and therefore directly forces up interest rates.

Mr. Hayden and the Labor Party (and apparently the member for Whyalla) are prepared to advocate that, to help solve the unemployment problem, we should increase the inflation rate and therefore increase the Government deficit. That is not credible.

It is unfortunate that the member for Whyalla and the member for Morphett particularly were not prepared to consider in a constructive manner what the Federal Government is doing. In the recent Federal Budget the Government has allocated a total sum of $240 000 000 for what it calls "manpower programmes". In other words, programmes have been adopted to encourage young people and other unemployed people to take on jobs. The programme is directed in several areas: the national employment and training programme (the NEAT scheme) and the S.Y.E.T.P. (or sweet pea scheme), the special youth employment training programme. That programme, in particular, should be examined in some detail but, before doing so, I point out that the total allocation for manpower programmes this financial year has been increased by 44 per cent over last year's expenditure. That shows the priority that the Federal Government is giving to these programmes. That would be the greatest percentage increase of any area in the Budget.

The SPEAKER: Order! During the course of the honourable member's speech (and I have spoken to him before about this), he has, at no stage for 15 minutes, addressed the Chair. I have told him to do that several times. I hope he will address the Chair at some stage.

Mr. DEAN BROWN: My apologies, Sir.

The SPEAKER: I hope that it does not happen again.

Mr. DEAN BROWN: This year $122 000 000 will be allocated to the NEAT scheme, under which the emphasis is on practical on-the-job training so that the person can take on effective skills and get job experience. Under the sweet pea scheme, an allocation will be made whereby young people who have been unemployed for some time can get a subsidy of $45 a week for up to four months.

It is interesting to note from the figures how successful that scheme has been and to compare it with the figures produced yesterday by our Treasurer on the success of the State Unemployment Relief Scheme. Members opposite, instead of making stupid, cynical political remarks, should consider the facts. The sweet pea scheme has been extremely successful in creating employment for young people and, furthermore, those people have been able to maintain their jobs.

The Hon. G. R. Broomhill: Where are these people?

Mr. DEAN BROWN: I will quote the exact figures to the honourable member.

The Hon. G. R. Broomhill: Where have you got them from?

Mr. DEAN BROWN: They came from a Commonwealth Government department. At the end of June this year 33 790 young Australians were receiving assistance under the sweet pea scheme. Those figures do not take into account the total number of young people. In South Australia alone (and I know that these facts are hurting members opposite) to the end of June 3 638 South Australians were receiving assistance under the scheme. If that figure is compared with the figures produced by our own Treasurer, we see that double the number of people are receiving assistance under this scheme as are receiving assistance under the State Unemployment Relief Scheme.

I know it hurts members opposite to learn that the Federal Government scheme is employing twice the number of people that their own scheme is employing in South Australia. Furthermore, let us consider the success of this scheme. Under the State Unemployment Relief Scheme, which is sponsored by the South Australian Government, a person has a job for a short period and then loses the job. The figures presented yesterday by the Treasurer show that only a small number maintain employment with the same employer in another area. The numbers are minimal.

For the period since October 1976 during which the "sweet pea" scheme has been operating, 40 per cent of the people who received assistance under that scheme have retained their jobs with their existing employers, and a further 21 per cent have immediately found employment with another employer. In other words, 61 per cent of those people found immediate employment either with their existing employer on a long-term basis or with another employer.

We know that the State Government has been using Commonwealth funds for its so-called State Government Relief Scheme. The new requirement placed on the SURS scheme is that people have to be eligible for the "sweet pea" scheme to be able to get funds. In other words, the Commonwealth Government has been subsidising, up to $67 a week, the State Unemployment Relief Scheme. The money being spent by the State Government, which it claims is State Government money, is largely Common-

wealth Government money. This shows that the Commonwealth scheme has been far more successful, twice as successful, in relation to the number of people employed, and well above that in success in getting people long-term employment—and, after all, is that not what we are after? There is no point in giving a young person a short-term job to fill in three months; they should be given long-term employment.

Members interjecting:

Mr. DEAN BROWN: Listen to the chorus coming from the other side of the House—those facts have really hurt. Members opposite obviously have not been told the facts and they realise now that the State Unemployment Relief Scheme has failed. If honourable members want further proof of the failure of the SURS scheme, I point out that in the financial year just finished $22 000 000 of State funds was spent on the SURS scheme. Let us look at what happened to unemployment figures in this State during the same period.

Mr. Groom interjecting:

Mr. DEAN BROWN: Just keep quiet for a moment and listen to the facts. During the 12 months during which the Government spent that $22 000 000 on SURS unemployment in South Australia has risen by 46·8 per cent compared to a national increase of only 18·3 per cent, even though South Australia was the only State that had a State Unemployment Relief Scheme. If ever anyone wanted evidence that the SURS scheme has failed to create long-term employment, it is proved by the fact that this State has wasted $22 000 000 on the SURS scheme and still has the highest increase in unemployment of any State in Australia.

Let us also compare what has happened in South Australia with what has happened in New South Wales. Before the previous State election the Liberal Opposition in South Australia recommended that the State Government give a complete rebate of pay-roll tax for all additional employees, that there should be an increased base rebate on pay-roll tax, and that there should be no pay-roll tax for apprentices. The New South Wales Labor Government adopted a similar policy some three or four weeks after the Liberal Party made those recommendations in South Australia.

New South Wales, currently, has the second lowest unemployment rate in Australia, yet 12 months ago it had one of the highest. During that same period South Australia has moved from fifth position to first position. Again, if ever one wanted proof that the economic policies of the Dunstan Administration in South Australia had failed, that is the proof. The fact that the Commonwealth "sweet pea" scheme has employed twice as many people in South Australia as the State scheme has done and had had a far higher employment retention rate, and that States which have adopted policies other than the State Unemployment Relief Scheme have had a far better employment rate than has South Australia, proves that.

In my amendment I referred to the need to increase trade training in Australia. I congratulate the Commonwealth Government for what it has done in this area. It has introduced the CRAFT scheme, and this year the allocation for that scheme will increase from $32 500 000 to $46 000 000. There are 63 000 apprentices being assisted under that CRAFT scheme. It is interesting to see that the Commonwealth Government quite deliberately increased the percentage of funds available for technical and further education.

Looking at the period during which education expenditure in Australia boomed, the one area that was neglected (particularly by the previous Federal Government) was the trade and technical area, and it had reached a stage where there was a shortage of skilled tradesmen in Australia. That shortage is likely to occur again. In some areas it already exists. It is estimated that by the end of this year or early next year there is likely to be a major shortfall in the number of apprentices and skilled tradesmen available, especially in Western Australia in oil exploration.

I think it is of benefit to look at what has come out of the seventh conferece of economists in Sydney which was held two weeks ago. If ever the Commonwealth Government's policy has been reaffirmed, confirmed and endorsed by economists, it was at that conference. I quote from the *Financial Review* of 31 August 1978, which states:

> A further milestone in the gradual conversion of the academic economics profession to the proposition that real wages need to fall temporary if unemployment is to be overcome is being passed this week at the seventh conference of economists in Sydney.

The article goes on to point out that a large number of papers at that conference were presented stressing the need for real wages to be decreased for a short period. They went so far as to ridicule the economists from the Melb ourne University who they believe are completely out of step in claiming that there can be an economic recovery or an increase in employment by simply stimulating demand, as put forward in the Hayden counter Budget recently.

The unemployment problem is a most unfortunate one. I see and know a number of people who are unemployed. I know the dilemma they face. They have my greatest sympathy. Young persons who have been at school for from 10 to 15 years and go out into the workforce are obviously embarrassed and hurt when they cannot find employment. They feel that, although they have completed all that education, the community is shunning them. It is a social as well as economic problem. The Federal Government is aware of that problem and has done much to help those people. The most important thing is to ensure that we have a sound economy in the long term.

The Hon. G. R. Broomhill: Is that what you tell these people?

Mr. DEAN BROWN: It is interesting that the vast majority of Australians accept the proposal that the best way to overcome unemployment is to ensure a sound economy which, by its own stimulation, can create sufficient employment positions to employ all Australians who want jobs. The Commonwealth Government realises the urgency of the problem. It has tried to stimulate the trade and technical training area, and to give as many opportunities as possible to young people who have not got jobs. It has made subsidies available for a period of up to four months to young people who have been unemployed. It has given additional assistance to encourage young people to retrain under the NEAT programme. This year, it has increased the allocation by 44 per cent.

Rather than ridiculing and decrying that, the Labor Party, both at Federal level and in this State, should be actively encouraging it. The facts stand: those schemes proposed by the Federal Government, and especially the "sweet pea" scheme, have been far more successful as policies to reduce unemployment than has been the State Unemployment Relief Scheme policy adopted by the Dunstan Government in South Australia.

Having heard the State Budget yesterday, I was disappointed to learn that it contained no new initiative whatever to help the unemployment problem in South Australia. After all, this State has a worse problem than has any other Australian State. It is up to this State

Government to overcome the specialised problems in South Australia, an unemployment problem which is created because industry has completely lost confidence in the Dunstan Government.

Mr. ABBOTT secured the adjournment of the debate.

POST-SECONDARY EDUCATION

Adjourned debate on motion of Mr. Bannon:

That this House calls upon the Commonwealth Government to restore its funding of post secondary co-ordinating bodies such as the South Australian Board of Advanced Education which it withdrew for stated reasons that show a total misunderstanding of their nature and function. The decision was made public without any prior consultation with the States yet, by its very nature, it distorts the States' budgeting procedures. The House notes that this is yet another example of the Fraser Liberal Government's abdication of responsibility in the areas of health, education, and welfare.

(Continued from 23 August. Page 712.)

Mr. ALLISON (Mount Gambier): Some three weeks ago, when this debate was adjourned, we had drawn the attention of the House to the lack of spontaneity in the original motion. In that respect, it was no different from the campaign organised several weeks before the Federal Budget so that the A.L.P. and this Government would be ready to ridicule and to denigrate anything that may be the outcome of that Budget. That campaign will fail, because it has that hollow ring about it. This motion also should fail because of its petty nature.

Mr. Tonkin: How many letters have you had as a result of the expensive Labor Party campaign on the Federal Budget?

Mr. ALLISON: Surprisingly, I have not received any communication at all other than from people who have asked, "What are they playing at?"

Mr. Tonkin: I have received one.

Mr. Dean Brown: I haven't received any, either.

The SPEAKER: Order! The honourable member for Mount Gambier is making the speech.

Mr. ALLISON: Thank you, Sir, for your protection. The Australian public is the ultimate judge of the success or failure of these campaigns. There seems little doubt that, whatever the Government may be trying to trigger off by way of motions before the House or actions outside it, it is relatively unsuccessful, as it deserves to be.

The member for Ross Smith made the motion rather more sweeping than we had envisaged when he included the Federal Government's abdication of responsibility in the areas of health, education and welfare. Last week, I declined to debate the issue of health; this week I think it is worthy of resumption. In spite of the criticism levelled against the Federal Budget on the grounds of inadequacy of treatment of the health issue, the Federal Opposition has left alone the Federal Government's Medibank decision in its own mini Budget which was brought out two or three days later. Why was that so? The Federal Government has brought out a Medibank health policy which is extremely close to the original concept of Medibank devised by the then Whitlam Government.

The salient points of the latest modification to Medibank are that there are two important additions. First, every Australian is now covered automatically, and free of charge (a statement often questioned when we have to consider that "free of charge" means that someone has to pay for the scheme through taxation, but nevertheless "free of charge" is an expression we will use because the original Medibank was alleged to be free of charge; it is being paid for out of general tax revenue).

Secondly, the element of compulsion to join health insurance has been removed. People are automatically covered through the Medibank scheme. Previously, people had to pay a compulsory levy or join one of the voluntary health schemes through private insurance. What will happen in relation to medical benefits? The new Commonwealth medical benefits will automatically cover all Australians for 40 per cent of the scheduled medical fee—all Australians; no patient, however, will have to contribute more than $20 towards the cost of any individual service, provided that the scheduled fee is charged for the service. Payments of the new medical benefits will be made through the private health funds.

What will happen to hospital benefits? Standard ward care in a public hospital will be free of charge to every Australian. Of course, the main criticism the member for Ross Smith made against the Federal Government was that it had abdicated its responsibility in the field of health. To give everyone free hospital care is hardly an abdication of responsibility.

In the field of private health insurance, if people want to take out something better than the free basic hospital benefit, they have the option, but they will be paying a considerably reduced fee to the private health services —much less than the charges which obtained before the Federal Budget. The funds themselves will have to offer a basic table providing a minimum coverage of 75 per cent of the scheduled fee. Where scheduled fees are charged, 40 per cent of the scheduled fee is paid by the Government and 35 per cent by the fund. The remaining 25 per cent, up to a maximum patient payment of $10 for any one service, will be met by the patient, but that maximum of $10 by any one patient is far less than we might otherwise have assumed. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

BARLEY MARKETING ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

STATE BANK ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

[Sitting suspended from 6 to 7.30 p.m.]

ALCOHOL AND DRUG ADDICTS (TREATMENT) ACT AMENDMENT BILL

Second reading.

The Hon. R. G. PAYNE (Minister of Community Welfare): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill amends the principal Act, the Alcohol and Drug Addicts (Treatment) Act, 1961, as amended by the Alcohol and Drug Addicts Treatment Act Amendment Act, 1976, which was assented to in December 1976 but which has not yet been brought into operation. That Act was designed to enable persons found to be intoxicated in a public place to be picked up and taken home or to a sobering-up centre, and was passed together with an amendment to the Police Offences Act providing for abolition of the offence of public drunkenness. After the Alcohol and Drug Addicts (Treatment) Act Amendment Act, 1976, was passed, it was determined that, because of financial and other considerations, the premises of voluntary agencies and police stations would have to be used as sobering-up centres, at least for quite some time. However, under the terms of that Act only premises specifically established for the purpose could be declared to be sobering-up centres.

This Bill, therefore, is designed to enable both institutions established for the purpose and the premises of voluntary agencies and police stations to be declared to be sobering-up centres. In addition, the Bill makes provision for any police station that has not been declared to be a sobering-up centre to be used as a temporary place of detention for intoxicated persons until transport can be arranged to the nearest sobering-up centre. This is intended to cater for those situations where it is not practicable for the police to take an intoxicated person direct to a sobering-up centre because of the distance involved or the need to perform other duties. Apart from these changes, the Bill, if enacted, would not effect the principles relating to the apprehension and detention of intoxicated persons that were approved by Parliament in 1976.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 makes amendments to definitions of terms used in the principal Act that are consequential on amendments to the substantive provisions of the principal Act.

Clause 4 amends section 5 of the principal Act by empowering the Governor to declare any premises (in addition to any institution established by the Minister) to be a sobering-up centre. Under this provision it is proposed that various police stations and voluntary agencies would be declared sobering-up centres. Clause 5 makes an amendment to section 6 of the principal Act that is consequential on the amendments made by clause 7 of the Bill. Clause 6 amends section 7 of the principal Act to provide that the Alcohol and Drug Addicts Treatment Board shall have a supervisory function with respect to the conduct of sobering-up centres conducted by voluntary agencies. Clause 7 amends section 8 of the principal Act so that the person in charge of a voluntary agency conducting a sobering-up centre or the police officer in charge of a police station declared to be a sobering-up centre may be appointed to be superintendent of the centre for the purposes of the principal Act.

Clause 8 amends section 29a of the principal Act, which is the present provision providing for the apprehension of intoxicated persons and their detention at sobering-up centres. The clause amends subsection (2) of the section by making clear that a police officer or authorised person who has apprehended an intoxicated person may remove and take into custody any dangerous object that he finds on the person. The clause also amends the section by providing that an intoxicated person apprehended under the section may be taken to a police station and held there for not more than four hours from the time of apprehension but must, before the expiration of that period, be either released, if he is sufficiently sober, or transferred to a sobering-up centre. It should be pointed out that, although the amendments fix the maximum periods for detention at a sobering-up centre by reference to the time of apprehension, the periods are, in effect, virtually the same as those fixed by the section with its present wording. Clauses 9, 10, 11 and 12, the remaining clauses of the Bill, all make amendments purely concequetial on amendments explained above.

Mr. WOTTON secured the adjournment of the debate.

CHILDREN'S PROTECTION AND YOUNG OFFENDERS BILL

Adjourned debate on second reading.
(Continued from 22 August. Page 656.)

Mr. WOTTON (Murray): I rise to speak to this Bill very mindful of the responsibility that we in this House have to carefully examine this legislation. It is, indeed, complex legislation but I believe that it is vitally important, because it will affect the welfare of children in this State for many years to come. As such, it must be treated very seriously.

The measure repeals the Juvenile Courts Act, 1971-1975, and is based on the report of the Royal Commission into the Administration of the Juvenile Courts Act and Other Associated Matters established in 1976, under Judge Mohr. While I personally feel that perhaps this legislation gives too much power to the Community Welfare Department and the related committees who are to administer the Act, I believe that it is a move in the right direction in relation to the protection, care and rehabilitation of young offenders and the protection of the community.

The Bill makes major changes to the control and treatment of juvenile offenders, with the establishment of the new Children's Court to replace the Juvenile Court, screening panels to decide whether a child is to be dealt with in court or by a children's aid panel, the Training Centre Review Board to review the progress of children detained in training centres, and the Children's Court Advisory Committee to monitor and evaluate the operation of the new legislation. The children's aid panels will have similar powers to the existing juvenile aid panels.

The legislation provides a clearer distinction between children who need care and children who have committed criminal offences, and under the Bill children will be able to request trial by jury when they are charged with an offence, if that is desired. In other words, a child will have the option of being dealt with by the Children's Court or by an adult court. It is also possible for a child to be committed to an adult court for trial or sentence, on the application of the Attorney-General. In his report, under the heading "General Considerations", in paragraph 6, Judge Mohr states:

> 6.1 In accordance with my commission the starting point for any consideration of the operation of the Juvenile Courts Act is the acceptance of the philosophy enunciated in section 3 of the Act. If the matter were to rest there the matter would be simple, but the plain fact is that widely differing interpretations have been put in section 3 and, I hasten to add, in good faith. These differing interpretations will be discussed and evaluated in due course, but some things must be made clear at the outset.
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> 6.2 I began this inquiry with one over-riding determina-

tion. I took as a starting point the basic fact that I was dealing with a system of criminal justice, albeit a specialised one in the sense that after the guilt of an accused person had been established a different system of sentencing or disposal would follow from that operating in the adult world. However, I was determined that in providing this special system of juvenile justice for young people there was to be no erosion of the fundamental rights of accused persons nor indeed of convicted persons under the guise of "helping the child" or putting the interests of the child "as of paramount importance".

6.3 It is fundamental in what follows in this report that no child shall be found guilty of a crime by means which would not, and do not apply, in the adult world, and that having been found guilty, no child should be subjected to processes which are non-judicial (in the widest sense) which do not apply in the adult world.

6.4 It is fashionable in some quarters to see juvenile crime as, in effect, an illness with the sick person to be treated in one way or another to cure the sickness. That is to place the emphasis on remedial work in the child's environment and on his personality without much regard to the nature of his offence. There is much to be said for this approach, and I do not deny it, but to use as the selective process for diagnosing the illness a system of criminal justice seems to me to be a perversion of what is normally thought to be a function of such a system. That there are children in the community who need help, encouragement and guidance is undoubted and programmes designed to provide this sort of assistance are properly the province of a department such as Community Welfare. However, to use a system of criminal justice, modified at the disposal stage, and disregard the seriousness of the offence and prefer the social circumstances of the offender in deciding what course to follow after conviction is not to give the child more rights than an adult, it is to deny them.

6.5 A child because of youth and immaturity needs more protection from the processes of the criminal law rather than less than that offered to an adult. A child needs to be protected at all stages from unfair and arbitrary treatment, whether it be at the level of police investigation or in the decision as to what is to follow conviction and how that decision is to be implemented. The guarantee afforded to an adult that he receive such treatment if involved in the processes of the criminal law comes from his access to courts of law and the availability of independent legal advice. The foregoing sentences set out a concept of justice which I take to be axiomatic.

6.6 If that axiom be accepted the difficulty which faces anyone who considers the problems which confront me is how to provide a "special" system for children without eroding those fundamental rights. This conflict of interests runs through much of the evidence given, the submissions made and indeed in the literature dealing with the topic.

I also refer to the fifth annual report on the administration of the Juvenile Courts Act, 1971-1974, and to what Judge Wilson said about juvenile offenders. Because I believe that this was a good report, I will quote from it, under the heading "The controversy about juvenile crime". There, Judge Wilson states:

> At a time when juvenile crime rates are high and when our new system of juvenile justice is no longer at the innovative stage, the controversy about juvenile crime deepens. On the one hand, the new Juvenile Court and the progressive reforms in the community welfare field are receiving praise and being hailed as a success. On the other hand, the past five years have been described as a failure with some public opinion calling for a hard-line on crime to be taken.
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> If the answer to crime control is not to be found in harsher penalties, neither is it to be found in complete reliance upon the rehabilitation theory. One answer to crime control may be found in the making of changes in the law and in administrative policy which will ensure the maintenance of a proper balance between individual liberty and public protection. Another answer may be found in a concentrated effort to strengthen the social bond. Policies, programmes and action must be realistic and firmly grounded on knowledge rather than frustration, on human capabilities rather than wishful thinking, and on performance rather than good intentions. Unless improvements occur soon, a hard line in the administration of juvenile justice may be the result. This should be borne in mind by all of us, including myself, who still hope to see rationality and humane considerations prevail. Yet another answer is to be found in the gathering and collection and dissemination of proper and accurate information about juvenile crime.

Regarding statistics, he went on to say:

> Much attention has been devoted in previous annual reports to the need for the performance of Juvenile Courts to be made the subject of proper research and evaluation. A recommendation in last year's report that as a matter of urgency a research section be established within the framework of the staffing of the Adelaide Juvenile Court has, I regret to say, not yet received the approval of the Government. There is a risk that my colleagues and I may soon feel exasperated and demoralised if this recommendation (which I now repeat again this year) is once more overlooked.
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> It is not necessary to repeat in detail all that has been said previously concerning the statistical information which is gathered each year and which forms part of the annual reports on the administration of the Juvenile Courts Act. It will be sufficient for me to emphasise that there is a great need to ensure that evaluative research should be conducted objectively and continuously in such a manner as may influence sentencing and treatment policy and practice and which may lead to reform and change of all that is ineffective. There is little to be said for maintaining sentencing and treatment methods which have been scientifically demonstrated to be ineffective. There is much to be said for innovative methods which have been scientifically demonstrated to be more effective than those of the past. Judges and magistrates who are entrusted with people-changing responsibilities should have available to them research staff and other facilities which can provide to them demonstrably useful advice. Instrumentalities, organisations or persons from outside the court system need to be encouraged to conduct independent and objective research projects.

The judge went on to emphasise the need for more staff, and I do not intend to go any further into that matter. When the State Government stated that is would legislate for changes in the South Australian Juvenile Court system, it indicated that the legislation should be ready to be introduced in the House in that same year. Describing a report in the *Advertiser* in relation to the rewriting of the legislation, the Shadow Minister in another place said that the Government's plan to rewrite the Juvenile Courts Act was a recipe for disaster. The point that was made was that it was necessary for as much time as possible to be allowed for the public to be able to give evidence and to look closely at the proposed legislation. I am grateful that this has happened.

The Government did not rush into this legislation, but has taken time to consider it properly. I hope that, even though we have had a Royal Commission into the subject, the Government will see fit to have this matter referred to a Select Committee. In his 146 page report, Judge Mohr recommended that existing care and control orders and ancillary orders committing a child to a home for 21 days be abolished, and suggested a diversion of jurisdiction in

the courts, according to the status of those presiding. He recommended that the quasi-criminal nature of proceedings in respect of neglected children be abolished and replaced by civil proceedings, and that the Juvenile Court proceedings be open to the press, the court be renamed, screening panels be established, and the Juvenile Courts Act replaced. As far as I am concerned, the Government, in its legislation, has followed fairly closely the report of Judge Mohr, with a few major exceptions that I will bring to members' notice later.

The need to rehabilitate young offenders is and always will be of paramount importance. We do not wish, by our methods of correction, detention or type of rehabilitation to train an ongoing race of young criminals who could emerge from the wrong type of treatment. The delineation between the juvenile and adult offenders causes those who have not had their eighteenth birthday to have treatment by the court different from that meted out to offenders a few weeks older, who could be committed to imprisonment, thereby commencing possible indoctrination from the hardened criminal element. The Juvenile Courts Act, 1971, has had a measure of success with a large group of young offenders under the age of 17 years. As long as those who deal with young offenders can always treat the interests of the child charged with an offence as of paramount importance, then the direction of such legislation, I believe, would be in order.

At the time of the Royal Commission, much evidence was reported by the media, and I will look at some of that evidence now. A report appeared in the *Advertiser* of 6 May 1977, written by Richard Mitchell, who explained the systems and the dangers under the heading "Power and Punishment", with the subheading "Should the Community Welfare Department have the power to hold a child in detention without court supervision? That is one of the central issues to emerge from the Royal Commission into the Administration of the Juvenile Courts Act." I will quote some of what that reporter had to say in his report, because I believe it is relevant, as follows:

> When the Juvenile Courts Act came into force five years ago it was hailed by its exponents as the most enlightened approach to dealing with juveniles in Australia. Parliament altered the concept of punishing young offenders by making their welfare and rehabilitation of paramount and overriding importance.
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> To achieve its goal Parliament reduced the power of the Juvenile Court and created the Department for Community Welfare under the 1972 Community Welfare Act with power to hold juveniles aged 10 to 18 in detention for treatment. In effect the Juvenile Court has the power only to commit a child to an institution; the department determines the length of stay, the type of treatment and release through internal review boards.
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> The fact that the Department for Community Welfare has the power to hold children at juvenile institutions and decide when they should be released without outside review has become a major area of discussion before the commission. Whether this power of detention has or ever would be abused by either the Minister of Community Welfare or his department is not so much the issue as whether such a system should be permitted to continue without effective safeguards.
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> The placing of such power in administrative and not judicial hands is what caused former Juvenile Court magistrate Mr. R. D. Elliott to complain to the Royal Commission that "it is against the spirit, if not the letter of the Magna Carta." "The lawyer in me revolts at it," he said. The Magna Carta or "Great Charter" was first issued in England in 1215 and guaranteed, in part, that arrest and imprisonment would only arise out of the due process of law and not the arbitrary action of government.

The report then deals with a statement made by Mr. Beerworth, as follows:

> And Mr. W. C. Beerworth, the Juvenile Court magistrate who went out of the jurisdiction when the 1971 reforms came in, testified to the commission that such government-held powers have been misused in South Australia. He told the commission that officers of the Department of Social Welfare, the predecessor of the Department for Community Welfare, twice used their release powers to override his orders recommitting a girl to Vaughan House. The officers had claimed there would be a staff walk-out if the girl were returned. He also cited the inappropriate release of a convicted murderer from the McNally Centre on weekend leave. The parents welcomed him home—while the parents next door were still mourning the little girl he had killed.

I am referring to this report because I believe that the legislation before us this evening will do much to overcome some of the problems referred to in the report. It continues:

> Mr. Beerworth's evidence illustrates the sort of thing that can happen when a Government department has the power to detain and release offenders without independent review. Under the old 1965 Juvenile Courts Act, the court had power to commit juveniles to specific terms at reformative institutions or until they turned 18. In addition, all juveniles aged 10 to 18 could be fined up to $100, placed on bonds or placed under the "control" of the then Minister of Social Welfare until 18.
>
> Under the 1971 reforms, the court could commit a juvenile aged 10 to 18 to an institution for 21 days only as an ancillary order after placing the offender under the "care and control" of the Minister of Community Welfare. The power to impose fines was restricted to 16 to 18-year-olds and offenders aged 10 to 16 were not charged with a specific offence but of being "in need of care and control." First offenders then had the option of going before the non-judicial juvenile aid panels created by the Act that have restricted powers to warn or counsel and order training or rehabilitation programmes.
>
> Once a child is committed to an institution on a 21-day ancillary order the Department for Community Welfare takes over completely without any reference back to the Juvenile Court. The child is held at an institution and undergoes a treatment programme arranged by the department until an internal review board of professional treatment staff decides he or she can be released. Mr. Commissioner Mohr has proposed, for discussion, a system where the power to detain is taken from the department and given to the Juvenile Court which would then decide when a child should be released and under what conditions.

I will have more to say about that in a moment. The report continues:

> This would place the court in the position of having on the one hand evidence and reports from the institutions' treatment staff and on the other the public interest—a balance that does not exist under the present system.

No doubt there is need for new legislation for the treatment of young offenders. I believe that the community generally believes that to be the case, too. Many reports from the courts by those in judgment indicate that the legislation is ineffective in relation to what they would like to see done in regard to the treatment of these offenders. One of those who have spoken out is the Chief Justice, Dr. Bray, who has made at least two public statements in that regard. One of those statements was reported in the *Advertiser* of 2 July 1977 under the heading " 'Public should know': Dr. Bray", as follows:

> The Chief Justice (Dr. J. J. Bray) kept a juvenile in the Supreme Court for sentence yesterday so the public would know there was little he could do to him. Dr. Bray said he

could not make any order which could not have been made in the Juvenile Court, but the proceedings in the Supreme Court were open to the public. He hoped the juvenile would not be "set at large in the community" until the authorities were satisfied he would not commit another offence similar to that for which he was being sentenced.

Sentencing the youth, 16, for burglary and assault with intent to commit a felony, namely rape, Dr. Bray said: "I thought it advisable to keep the proceedings here so the press and the public should know, if they are interested, just what it is possible under the present law for the courts to do to a boy of the age of 16 who breaks into a house in the small hours of the morning and gets on a girl's bed in the dark, armed with a knife, and demands sexual intercourse under threat of death."

The boy had pleaded guilty to having committed the offences at a Glynde flat on February 27. Dr. Bray said the most he could do was to place the boy under the care and control of the Minister for Community Welfare for not less than one year or more than two years.

"That is regarded as the heaviest penalty which can be inflicted on a juvenile unless he is convicted of murder or manslaughter or causing death by dangerous driving" he said. The trouble with that, Dr. Bray said, was that the boy had already been placed under the care and control of the Minister until he was 18, for earlier offences. "When you were only a little over 15 you suffered the heaviest penalty it is possible to inflict on you until you are 18", he said. "You can receive no greater penalty for anything you do until you are 18 unless you kill someone. Whether such a system is in the best interests of the community is not for me to say. Some people might think that a system whereby a boy of 15 can commit any crime short of homicide until he is 18 without any court being able to impose any sentence on him heavier than the one he has already sustained is not in the best interests of society or even of the boy himself. But that is for Parliament to consider, not for me. Of course, what the Minister has done with you in the past and what he will do with you in the future has been, and no doubt will be, affected by your behaviour while under his care and by the reports he receives. So, from that point of view, it is in your own interests to co-operate."

"All I can do is to convict you on both charges and place you under the care and control of the Minister until you reach the age of 18. I express the hope that you will not be set at large in the community until the authorities are satisfied that the risk of your breaking into premises at night and threatening rape against any woman or girl you may happen to find there is so small as to justify the experiment. At the same time I hope for your sake you will be able to make something of your life without harming other people."

Dr. Bray said he had considered releasing the boy's name but had decided it would not be fair to single him out from other juvenile offenders.

I have quoted extensively from that report because I believe it explains just how inadequate the present legislation is and how great the need is for new legislation to be introduced.

I now turn to the Bill. I believe that the long title of the Bill should include "an Act to provide for the protection, care and rehabilitation of children, to provide for young offenders, to ensure protection of the community" and then "to repeal the Juvenile Courts Act, 1975, etc.". That is what the legislation is all about, and it should be spelt out. It is providing for young offenders and it will, I hope, ensure the protection of the community. It is very much a double-sided issue. It is important to consider the correct method of providing adequate treatment for young offenders. It is equally important that we should consider ways to ensure the protection of the community. I will have more to say about that later. I quote now from the section of Judge Mohr's report entitled "A proposed new Act":

> Before proceeding further, and as foreshadowed above, I have been concerned about the title of the present Act and a good deal of evidence was given suggesting that it be changed. The most popular title suggested, in so far as the majority of witnesses put it forward, was "South Australian Family Courts Act". The proponents of this title saw the court as dealing with matters not directly concerned with children but having some wider family jurisdiction. I do not favour this concept of the court's jurisdiction and would restrict the court to dealing solely with matters concerning children. In addition, the name "Family Court" has become firmly fixed in the minds of the legal profession and the public generally as referring to the "Australian Family Court" set up under Federal legislation. The present "Juvenile Courts Act" and the styling of the courts set up thereunder has some unfortunate connotations, although steeped in history and tradition. I prefer that a new title be used for a new Act and that the courts be renamed.

Judge Mohr then refers to some of the recommendations that were put forward in submissions. I emphasise the need to spell out the importance of protecting the community. I believe that this is what the people in this State are looking for—more adequate protection. This Bill will, in part, provide that protection. It should be spelt out a little more. Clause 7 provides:

> In any proceedings under this Act, any court, panel or other body or person, in the exercise of its or his powers in relation to the child the subject of the proceedings, shall seek to secure for the child such care, correction, control or guidance as will best lead to the proper development of his personality and to his development into a responsible and useful member of the community and, in so doing, shall consider the following factors:
>
> *(a)* the need to preserve and strengthen the relationship between the child and his parents and other members of his family;
>
> *(b)* the desirability of leaving the child within his own home;
>
> *(c)* the desirability of allowing the education or employment of the child to continue without interruption;
>
> *(d)* where appropriate, the need to ensure that the child is aware that he must bear responsibility for any action of his against the law; and
>
> *(e)* where appropriate, the need to protect the community, or any person, from the violent or other wrongful acts of the child.

Paragraph *(e)* particularly relates to the need for the change in the long title. These are fine objections, but I believe that the provisions of paragraphs *(a)* and *(b)* do not always work for the best long-term solutions.

Mr. Groom: Are you supporting the Bill?

Mr. WOTTON: We have got plenty of time. I know that members are anxious to hear what we are going to do. Recent information from the Aboriginal education section indicated that results have been disastrous when children from correctional institutions are returned to their home, in accordance with the departmental policy, after training. It is not long before they are in further trouble. The concerns I have relate to paragraphs *(a)* and *(b)*.

We then go to Part III, clause 12. I believe that Part III is a very good piece of legislation indeed. My only concern relates to subsection (1). I am a little concerned about the wording, "Where the Minister is of the opinion," because there is no basis for inquiry behind the opinion that the Minister might reach; it is a fairly broad provision.

I now turn to the provision of what have been described in the media as "somewhat sweeping powers". Clause 19

(2) provides:

> Any officer of the department authorised for the purpose, or any member of the Police Force may, without an order or other warrant, remove from any place any child whom he suspects on reasonable grounds of being a child in need of care and in immediate danger of suffering physical injury.

That has been regarded as something of a sweeping power, but I would support it. I believe it is important that the police particularly should have this power; I also believe that it is right that an officer of the department should have this power. Only recently a case was brought to my notice where it was necessary for an officer to have this power to go into a home to take out a child who was suspected of being in immediate danger of suffering physical injury. I support that provision quite strongly. Physical danger is referred to, but moral danger, although more difficult to prove, I believe is an equally important factor from which children need protection. Clause 24 provides:

> Where a child is under the guardianship of the Minister pursuant to this Part, the Minister shall cause a review to be made of the progress and circumstances of the child at least once in each year that the child is under the guardianship of the Minister.

I believe that this is a very good point; it is not provided for at present and is something to be welcomed. The member for Glenelg will be going into detail in relation to Part IV, "Young Offenders". Clause 27 deals with the constitution of the screening panel and I would have thought an improvement would have been a neutral umpire, and that a court would be seen as a neutral umpire. I know it is only a screening panel and is virtually only suggesting where the youth will go from that point, but it is possible for both the Community Welfare Department and the police to have been involved somewhat extensively with that youth previously, and I believe that it would be better to have an independent umpire, as it were, in that case, because those two people will be acting as judge and jury. We could also ask why the composition of such a panel should be restricted to officers of the Community Welfare Department. As offences are committed against the community, why not involve people from the community?

I refer to clause 28, because I believe that power taken away from the court can end up in disaster. I quote from a criminal justice report, published recently in the United States of America. It states that there were 240 000 arrests in New York. Four other cities in the U.S.A. have higher crime rates than New York. The Institute for Law and Social Research (INSLAW) presented this statistically accurate picture of the criminal justice system, particularly what happens to people after arrest. Most offenders arrested for serious crimes go free and in more than half the cases the prosecutor simply drops charges.

Another significant percentage pleads "guilty" to lesser charges and receives suspended sentences, although occasionally a "guilty" plea will earn a short term in gaol. It is pointed out that most of the remaining cases are referred to diverse projects, rehabilitation, drug centres, work programmes or to other agencies. Some will be charged with the crimes for which they were arrested and, of those, even fewer will be gaoled.

The report states that in the first six months of 1977 more than half of the persons arrested in Los Angeles for felonies in Los Angeles had their charges dismissed. New Orleans dismissed six out of 10 felonies, Salt Lake City and Washington five out of 10, and New York four out of 10. More than 100 000 felony arrests were made each year in New York, and only slightly more than 3 000 were tried by court and jury. The report goes on to state that the system there fails to deal with repeat offenders. Indeed, it deals in detail with this aspect. Unfortunately, I do not have time to do so now.

Criteria need to be established regarding the number of times that an offender appears before a panel. There is a good case for first offenders who have committed minor offences to be given this opportunity but, in my opinion, repeat offenders should be dealt with by the court. If this got out of control, it could lead to a cluttered court, but at least it would give the public knowledge of the position concerning the true state of crime in the community. One fears that, as the department is involved in assessing and treating, the system could be used to cover up most of the defects and to let off any offender recommended by a person with influence.

We can expect to hear that, because of the new methods to be introduced, the crime rate has decreased. Also, the system could lead to the belief among offenders that they have got away with their offences and, having been warned by the panel, could offend again with the expectation of being similarly treated.

I refer now to clause 31, which relates to the children's aid panels. The same departmental involvement does not debar a person who has dealt with a screening from sitting on the same panel. Another matter of concern relates to clause 35 (4), which provides that no undertaking shall require a child to change his place of residence. I believe that the setting in which a child lives may be a contributing cause to the offence that he commits, yet, according to the Bill, no undertaking shall require a child to change his place of residence.

Clause 41 provides that a children's aid panel shall not sit for the purpose of exercising any of its functions under this Act in any place commonly used as a courthouse or office of police. We should add to that "or Community Welfare Department" because, if it is relevant to the Police Force, it is also relevant to the Community Welfare Department.

Clause 49 (1) provides that, where a child charged with an indictable offence is before the Children's Court, the court has full power to record any alternative verdict that an adult court may record in relation to the offence charged. Subclause (2) goes on to provide that, in any proceedings before the court under this Part, the court must deliver its verdict not later than 5 o'clock in the afternoon of the first working day after the day on which the hearing of evidence and addresses by counsel is concluded. I believe that is far too restrictive in relation to time.

Another good point in the Bill can be seen in clause 50 (1) *(c)*, which was recommended in Judge Wilson's report and which provides:

> Upon convicting the child, or without convicting the child, impose a fine not exceeding—
>
> (i) the maximum fine prescribed under the relevant Act or law for the offence; or
>
> (ii) Five hundred dollars,
>
> whichever is the lesser.

Another important aspect which does not exist at present but which should be welcomed is clause 59 (2), which provides that the Minister shall cause a review to be made of the progress and circumstances of a child who is under the supervision of a person pursuant to a condition of his recognizance at least once in each period of six months during the term of the recognizance. I believe that clause 63 (3) makes a mockery of the court's power to determine service before a person is released by the review board. This was another recommendation made by Judge Wilson: the matter should go back to the court for final assessment.

One of my main concerns regarding the Bill is that the Government has not implemented Judge Mohr's recommendation regarding the admission of the press to the Children's Court. The Government's refusal to allow the press to report the court's proceedings denies the community one of the most important safeguards in general court reform. The State Government is refusing to allow the press entry to the Children's Court, which right to entry was a recommendation made by the Royal Commission into the Administration of the Juvenile Courts Act.

I believe that open courts are essential and in the best interests of the community and the proper treatment of offenders and, if the Government had accepted the Royal Commission's recommendation, young people would still be entitled to the protection of having their names suppressed, a factor which I also believe to be vitally important. This is the best way of enabling the public to know what is happening in the Children's Court without young offenders being identified. The public would have a greater understanding of the court's operations, thus generating public confidence in the process of justice, if the courts were opened. Also, a greater deterrent would exist if would-be offenders knew that there was a risk of a degree of public exposure of their misdemeanours. The Opposition considers that the matter of the admission of the press to the court is vitally important.

In the past, there would have been much less reason for guesswork and suspicion about procedures and court action if the press had been allowed regularly to report the court's proceedings. I therefore see the admission of the press to the court as one of the most important safeguards in general court reform. The South Australian community has suffered at the hands and by the actions of a too lenient court system in relation to the treatment of the criminal juvenile, and the admission of the press to the court would provide a monitor in this type of case.

The general concept of the community going to their homes at night and gathering their family around them in safety is indeed changing, because people do not feel secure in their homes. A person alone on a city street at night does not feel as secure as he or she did when in the same situation 10 years ago. People do not window shop as much at night in the city, and it is not so long ago that that was an enjoyable pastime. People are having to lock their doors, chain their belongings and generally, unfortunately, distrust their neighbours. This has occurred only recently.

We have seen the plight of the chemists and bank tellers, in relation to whom the matter is becoming extremely serious. This is spreading to other areas also (we are also examining hotels and Totalizator Agency Board premises) as the use of hard drugs increases. It is important that the names of offenders should be suppressed from publication, although open press reporting is essential to the interests of the community and, indeed, in the interests of proper treatment of offenders.

Parents of young children cannot feel that their children are adequately protected from the situation we have in regard to law and order in this State if they are not made aware of what is happening in the courts at present. The principle that justice must not only be done but be seen to be done is just as true today as it was in the early times of British law. Someone must bear witness that this aspect of our system of justice is adhered to, and who better than the press to act as observers and to carry out this task? In many cases young people, adults, and would-be offenders would be deterred by the possibility of some degree of public exposure of their misdemeanours and crimes through access of the press to the courts. I could say much more about this Bill, but I realise that other members wish to contribute to the debate. While I believe that this is a step in the right direction, I regret that the Government has not followed all of the recommendations. Some of the recommendations in the report that the Government has not followed should have been followed, particularly in connection with the question of the admission of the press to the courts. I hope that, when we reach the Committee stage, we will hear the Minister's views on this matter.

Dr. Eastick: And we hope that the Committee stage will follow consideration of this Bill by a Select Committee.

Mr. WOTTON: Yes. We will have plenty of time to say why we believe it is essential that this Bill be referred to a Select Committee. The Bill is extremely complex, but extremely important to the community, particularly young people. With that in mind, I intend at a later stage to move that this Bill be referred to a Select Committee.

Mr. TONKIN (Leader of the Opposition): I have a deep interest in this matter. I will not keep the House for long, but it would not be proper for me not to speak at this stage. I am surprised that the member for Morphett and the member for Price seem to have treated the beginning of this exercise as a waste of time and with contempt, and I have nothing but contempt for them. I congratulate the member for Murray and other Opposition members who have done much careful work on this matter. The whole basis of the Juvenile Court is to help young people who may be said to be calling for help and seeking the support and notice from the community that they are not getting from their parents and families. I do not intend to go into the matters that I covered in this House on 23 September 1971, when the last major Bill on this matter came before the House. Much of what I said then still applies today, and I strongly believe in the need for a separate Children's Court. Young people who are alienated tend to offend and to seek attention, and society basically (and this still applies today) tends to let them down, just as their parents and families tended to let them down in the past.

The juvenile aid panels that we investigated and set up under the 1971 legislation have worked very well. The early warning system has been extremely effective in helping young people who, following that first warning, have never offended again. The Juvenile Court has had much to do with recidivists since that time, but there has been one fatal flaw that we did not see when, as members of the Social Welfare Advisory Council, we investigated this matter thoroughly. It was the Hall Government and the member for Mitcham, the then Minister of Social Welfare, who set that inquiry in train and received the report. The flaw that we did not see relates to the continuing oversight of the entire progress of a young offender by the Children's Court.

I studied this matter all too briefly while I was overseas in 1970 and again at the beginning of last year. I saw a growing acceptance of the fundamental need that the Children's Court should not simply be the referring body, but should be at the very centre of the treatment of each individual offender. The final decision must always lie with the court. Let us honestly face the facts. From time to time we have abscondings from institutions, and those abscondings make the headlines. People are concerned and upset by these incidents, and the difficulty is that young people are placed in situations where they are unable to resist the temptation to take their freedom. The reason why they are put into these situations is that they have not been assessed adequately.

While paying every tribute to social workers and officers of the Community Welfare Department, who do the best

they can for young offenders generally, I say that those officers are not always the best people to judge when a child is ready to go into an open situation. Those officers are, by nature, optimistic people who work with their patients and hope that the young people have reached the stage that the officers would like them to reach. Unfortunately the officers are not always the best people to judge, just as medical practitioners are not always the best people to judge the progress of their patients. The court must have the final say. It is the social worker's job to make recommendations and to back up those recommendations with facts and with assessment reports which the courts can then use to make a decision; that has been a major deficiency in the 1971 legislation.

I turn now to the question of the judges of the court. I note that my colleague (if I may call him that in this instance), the member for Mitcham, intends to do something about this matter. I think we are probably all united on this issue.

Mr. Millhouse: I am glad to hear that.

Mr. TONKIN: I believe that the Children's Court, or the Family Court as it is called in so many other countries, is a jurisdiction in its own right. It should have the dignity of being a jurisdiction in its own right. The judges of the Children's Court should be just that, judges of the Children's Court, and not of the Local and District Criminal Courts, seconded as judges of the Children's Court.

I noted on my second visit to New York last year that the Family Court there had expanded considerably. That is a sad commentary, perhaps, on our way of life and on society, but a tremendous degree of status, of necessity, is given to the judge of the Family Court in New York City, as in most other countries I visited.

Mr. Wotton: It's a shame—

Mr. TONKIN: I agree with the member for Murray that it is a shame that the title "Family Court" is rather more synonymous with divorce than with anything else. The Royal Commission into the workings of the Juvenile Court was an extremely good one, as were its findings. Once again the court, as the judicial body responsible for young offenders, is taking back its responsibility through the provisions of the Bill. Always there must be a balance between the interests of the individual, the young offender, and the general public. That balance is not easy to find. It was a balance that did not shine through in the definition in section 3 of the 1971 Act. It is a balance a little more clearly defined in clause 7 of the Bill. I had in mind at one stage having it changed to the definition contained in the 1971 Act but, having read and balanced the two together, I have decided against it, largely because clause 7 of the Bill we are debating seems rather less cumbersome and tends to set out the detail in unequivocal terms.

I believe that the proceedings of the Children's Court should be reported in the press. Without any suggestion of identifying the people involved, and of course with the final discretion in the hands of the judge, the people of South Australia should know the sort of things that are happening. I do not wish to see anyone identified or to see anything reported which might identify a young person, but I believe that the people need to know what is happening and to know that they can play a part in what I think is the most important role, that of prevention.

I am saying that the Children's Court, the Community Welfare Department, and everyone associated with the treatment of young offenders should be taking the community into their confidence. Prevention, of course, is the most important part of the whole deal. We will never prevent juvenile crime or the alienation which leads to it and to other things, but we can have a damn good try at it.

The basic fundamental responsibility for preventing alienation, thus minimising juvenile delinquency, crime, and drug dependence, falls back on the individual, on individual families. This can be backed up at school, particularly with primary school teaching. We have a policy on that matter, because we believe that much can be done in primary schools to prevent the alienation in adolescence which leads to these problems.

Quite apart from that, I maintain—and always will—that the most important gifts parents can give their children are love and time to talk and to listen. If we can get that message through to more people in our community, we will not be worrying about Children's Courts. It is an impossible situation, and it will never happen; more is the pity. I repeat that the most important gifts parents can give their children are concern, love and time to talk and to listen. No doubt that would stop all our concern about alienation in a large majority of young people who need the provisions of this Bill.

I am pleased that the legislation is before the House and, although we have been waiting for it for a little while, I appreciate the difficulties in drafting, but it is good to see it here. I support my colleagues, including the member for Murray, in what has been said about the need for the Bill to go to a Select Committee, so that members of the community can take their part in framing what could be, for them, most important legislation. Any responsible person with a family would want to be part of this. I support the referral of the Bill to a Select Committee, so that the community can be involved in sorting out some of the problems the member for Murray has outlined, as well as problems other colleagues on this side will outline. I support the Bill to the second reading stage.

Mr. MILLHOUSE (Mitcham): I support the second reading of the Bill. As I understand it (and I have not done sufficient work to check every detail), the Bill follows by and large, with some exceptions, the recommendations in the Royal Commissioner's report. That being so—and I say this with charity and some respect towards my colleagues of the Liberal Party—I feel that it would be overburdening it rather, after having had a Royal Commission, with a report which has been largely followed in the Bill, for us to embark on another inquiry on top of that. Normally, in a matter of this kind, I would support a Select Committee. I think they bring forth good things. In this case, however, I think it would be overloading the matter for us to go to a Select Committee after a Royal Commission when there has been, in my experience anyway, little complaint about the Bill as it stands. I shall mention three matters, all of which could be put right by amendments either here or in another place. For those reasons, I regret that I cannot support the move to refer the Bill to a Select Committee.

I do not propose to embark on another verbal essay as to the provisions of the Bill, but I will deal with the three provisions to which I object, to two of which in due course I propose to move amendments, the other provision being one to which I believe the member for Light will move an amendment. Clause 8 deals with the appointment of judges. I make my comments with charity to my friends in the department, particularly to Mr. Gordon Bruff, who is assisting us tonight at the draftsman's table. I have great affection and respect for him and for other officers of the department. For a good deal of the time that I was Minister of Social Welfare, Mr. Bruff was the Acting Head of the department, and I came to rely on him quite strongly. However, I cannot help but feel that probably in this matter to some extent, as well as in the other matter,

since the Royal Commission report was published, the officers of the department have been able to get to the Government and have nobbled it, and have exerted—

The Hon. Peter Duncan: That's outrageous.

Mr. MILLHOUSE: It is quite outrageous, and I know that the Attorney-General, who appears to be in charge of the House at the moment, is not the Minister primarily concerned. I am not derogating from his colleague, the Minister of Community Welfare, for whom I have an affection and a regard.

However, I know from experience how difficult it is in a matter like this for a Minister to form an independent judgment and not have to rely on the experts. I do not know whether it was the Leader or the member for Murray who said that the experts are not always the best people to make the decisions, and I feel that in at least one of the matters I will deal with, maybe the first, the Government has been rather nobbled by the experts in the department, and that is undesirable.

The first matter that I come to (and nobbling may not apply so much to this) is in regard to the appointment of judges. In clause 8, there is a reproduction of the present system, which has led to all sorts of difficulties. God knows why it has been included. It is contrary to the report of the Royal Commission. Paragraph 18.1, on page 27 of the report, sets out the present provisions for appointment of judges, and paragraph 18.2 states:

> In view of what appears elsewhere in this report with respect to the functions of the Children's Court the retention of judges as part of the court is recommended despite some strong submissions to the contrary.

I am inclined to agree with the comment Senior Judge Ligertwood was reported to have made when he gave evidence. That was that the judges in the Juvenile Court were really only glorified magistrates. I remember that for many years the Children's Court, as I think it was called then, was conducted effectively by Mr. Reg Coombe, S.M., and Mr. Bill Scales, S.M. Some of the others were not so good, but those two were good and I am not absolutely convinced that we need judges in this jurisdiction. However, we have them, and I do not expect that I would have any success in reducing their status now. The Royal Commissioner goes on:

> However, the present method of appointment, viz., appointment under the Local and District Criminal Courts Act, 1926-1975, and the subsequent conferring of jurisdiction by proclamation under the Juvenile Courts Act should be abolished.

So it ought to be. He continues:

> I need only refer to the purported resignation of Judge Wilson last year to highlight the inherent dangers in the present system.

We all remember the bitter row between the Government and Judge Wilson. Judge Wilson had the title (I am not sure whether it was self-arrogated or was under the present Act) of Senior Judge of the Juvenile Court.

The Hon. Peter Duncan: It was self-arrogated.

Mr. MILLHOUSE: Yes, I thought so, from something I read in the report. He had been appointed specifically to sit in the Juvenile Court but under the present Act he had been appointed a judge under the Local and District Criminal Courts Act, which allowed him to sit in any jurisdiction. I do not say whether what he did was right or wrong, but what he did was, shrewdly enough, to resign as a judge of the Juvenile Court but not resign his commission as a judge under the Local and District Criminal Courts Act.

The Attorney knows that the result was that we had a man who said, "I am not going to sit in the Juvenile Court any more," but he was still a judge. In effect, he gave himself a promotion, because the only other court he could sit in was the Local Court in its normal jurisdiction. That is what he did until he went to New Guinea as a judge. The fact is (and this is theoretical, I suppose) that the Government could invite someone to accept appointment as a judge to sit in the Juvenile Court, and the next week that person could say, "I am not going to sit in the Juvenile Court any more: I resign." The only thing that could be done would be to find him another job or to have him amoved by resolution of the Houses of Parliament. "Amoved" is the other word for "removed". I do not know the reason for the alternative. The amoval of a judge has occurred only once in the history of the State. The late Mr. Justice Boothby was amoved in the 1860's. That is a drastic step to take.

Mr. McRae: He was a drastic man, of course.

Mr. MILLHOUSE: Indeed he was. Apart from that, what I have referred to is open to the sort of abuse that some people said was exercised or perpetrated by Judge Wilson. He did not resign altogether as a judge: he only resigned from the jurisdiction, and the Government was stuck with him. I make no comment on that case, but I have read what the Royal Commissioner stated, and the dangers in the present system to which he refers do exist. This morning I appeared in the full jurisdiction of the Local Court, and the judge before whom I appeared was Judge Rogerson, who a few months ago was appointed because it was said that he would sit as President of the Credit Tribunal. He is sitting in the ordinary jurisdiction of the Local Court. I say that with due deference and respect to His Honour, but that was not why he was appointed originally. The same thing can happen here, and that is undesirable. I find it difficult to understand why the Government, in the face of the strong recommendation of the Royal Commission and in the face of what seems to me to be common sense arising out of our experience has opted, after some hesitation, for the present system, and provided in clause 8 (2):

> (2) The court shall be constituted of the following members:
>
> *(a)* such number of persons holding judicial office under the Local and District Criminal Courts Act, 1926-1976, as the Governor may, by instrument in writing, designate as judges of the Children's Court;

I hope that that can be altered. It ought to be. There are no politics in it. The Royal Commissioner goes on to refer to two judges who are there now, Judge Newman and Judge Crowe, as follows:

> Appointments of judges to the Children's Court should be provided for in the Children's Court Act and those appointed should have jurisdiction only under that Act. Salary and terms of appointment should be the same as under the Local and District Criminal Courts Act. If this recommendation is approved and acted upon the position of Judges Newman and Crowe will have to be considered. Judge Newman in his evidence approved of this suggestion and intimated that he would accept appointment under the proposed new provisions. I recommend that the present judges exercising jurisdiction be offered the opportunity (with suitable provision for continuity of service) of accepting a new commission or continuing as they now are.

Obviously, if they would not accept a new commission, we would be stuck with them, too. In the Bill, the Government has rejected a firm, fair and sensible recommendation.

The next matter that I want to deal with is clause 49 (2). This is the one that follows, if I may say so with the utmost respect to Judge Mohr, a rather ratty recommendation in his report. It is that the court, in a criminal matter, must give a speedy decision in the same way as in a jury trial; in

the Criminal Court or the District Criminal Court the jury goes out and has four hours to make up its mind, after which it either comes to a decision, unanimously or ten to two, or it is a mistrial.

People cannot be kept waiting around to see whether they are going to be found guilty of an offence or not. This provision is an attempt to ensure that people are not kept waiting in the Juvenile Court, either. At page 31 of his report, the Royal Commissioner makes four alternatives, the last one being the one he opts for, as follows:

> That the person presiding be obliged not to adjourn at the end of the case but be obliged to retire and return within some limited time and then deliver reasons and verdict. There may be practical difficulties in this scheme—

and there certainly are—

> if a case finished at say 4.30 p.m. However, with some thought these difficulties could be overcome.

It is noteworthy that even the Royal Commissioner did not make recommendations to overcome them, but only airily said that, with some thought by someone else, they could be overcome. Clause 49 (2) provides:

> In any proceedings before the Children's Court under this Part, the court must deliver its verdict not later than 5 o'clock in the afternoon of the first working day after the day on which the hearing of evidence and addresses by counsel (if any) is concluded.

In other words, if the hearing finishes, say, on a Thursday at 4 p.m., the judge has to deliver the verdict by 5 p.m. on Friday. One of the great practical difficulties of this, which has been pointed out to me, is that it will make it almost impossible for the court to list cases, with any certainty that they will come on. What it means is that, if the judge feels that he cannot come to a conclusion on a Thursday, but will have to spend some time thinking about the matter on Friday, anything that has been listed before him for the Friday will go out of the window until he can deal with this matter first. That will mean chaos in listing, which is an important matter. It may not be of overwhelming importance, but it is important that the court, for the convenience of those concerned (the accused, counsel, and family), should with some certainty be able to say when matters will be coming on, and then be able to stick to it.

It is difficult in any court to do that exactly and always, but the Bill will make it quite difficult in the Juvenile Court. That is only one practical difficulty that occurs to me. I believe that this is an artificial provision, although enacted with some goodwill, I suppose. I hope that it can be amended, because I believe that it ought to be amended. The member for Light has an amendment, I believe, to move on that matter.

The only other matter with which I will deal is the one beloved of the press, namely, the question of whether the court should be open or closed, and I will refer to clauses 91 and 92. These clauses are very restrictive indeed and mean that the court will be shrouded in secrecy. Again, this is not in accordance with the Royal Commissioner's recommendations at pages 36 and 37. He canvasses the arguments for and against having a closed or open court. He sets out the present provisions that have caused much objection from the time they were first introduced by the former Minister and Attorney (now His Honour Mr. Justice King) in the early 1970's. The following is what the Royal Commissioner says about them:

> The effect of these two sections has been that the public has been excluded from Juvenile Courts both as a body and in so far as the bona fide press represents the public. In other words to all intents and purposes Juvenile Courts have been courts which have sat in secret and the provisions of section 76 (1) have not been availed of because the reporting of the bare result of proceedings is not seen as being of any public interest.

Some most extraordinary defence of clauses 91 and 92 by the Attorney-General was reported in the press. I cannot recall what it was, but I remember that the effect on me of reading the report was that he was talking nonsense—to use the Premier's favourite verb, he was havering. When one looks at these clauses, one sees that they are, if anything, more restrictive than the present section which is quoted by the Royal Commissioner. He goes on to say:

> 34.3—The secrecy surrounding Juvenile Court proceedings has given rise to considerable public disquiet.
>
> 34.4—In this area competing interests must be weighed.

He then goes on to do some weighing, like a good lawyer—on the one hand, and on the other hand. I think it is only fair, in view of what I have in mind, but I will not canvass it further, to refer to 34.7, at the top of page 38, which states:

> No-one seriously put forward the suggestion that the public at large be admitted to Children's Courts as they are allowed access to courts dealing with adults. With this point of view I agree.

I believe that the same provisions, with one exception, should apply to Children's Courts, as they will be, as to adult courts, namely, the provisions of section 69 of the Evidence Act. Section 69 (1) provides:

> Where it appears to any court—

(and I will skip placitum I)—

> II. That for the furtherance of, or otherwise in the interests of, the administration of justice it is desirable to prohibit the publication of the name of any party or intended party to, or witness or intended witness in, any such proceedings,
>
> the court may, either before or during the course of the proceedings or thereafter, make an order—
>
> *(a)* directing that the persons specified (by name or otherwise) by such court, or that all persons except the persons so specified, shall absent themselves from the place wherein such court is being held while such evidence is being given; or
>
> *(b)* forbidding the publication of such evidence, or any specified part thereof, or of any report or account of such evidence, or any specified part thereof, either absolutely or subject to such conditions, or in such terms or form, or in such manner, or to such extent, as may be approved by such court; or
>
> *(c)* forbidding the publication of the name of such party or witness.

Subsection (2) does not matter. Subsection (3) requires a report when an order is being made to the Attorney-General. In my view and in my experience, that is a waste of time. I used to get those reports. There is nothing one can do about them. I think that they are just a nuisance. I envisage certainly that in a Children's Court very much more frequently will it be considered by the presiding officer, the judge, that the court should be either wholly or partly closed. The reasons are obvious, and I think that they are agreed by all of us. I would omit the obligation to give a report to the Attorney-General but, apart from that, I would leave the provisions of the Evidence Act as they are, for the very good reason that we are going to appoint, and we already have under the present Act, legal practitioners as judges who are at present and are, under the Bill as proposed (although I would make a distinction between them), Local Court judges—men and women of some considerable standing in the profession on the whole (there are some exceptions, perhaps), people of common sense and experience. Why on earth can we not trust them to exercise a proper discretion as to whether the court should be open or closed? It is really an insult to the judges

we appoint.

The Hon. Peter Duncan interjecting:

Mr. MILLHOUSE: That is putting it round the other way.

The Hon. Peter Duncan: It still gives them a discretion.

Mr. MILLHOUSE: No. What I say (and, of course, it shows that the Attorney really has not got the point at all) is that courts should, as a rule, be open, but it may be closed if the judge (who will be a person of experience, intelligence and, we hope, an appropriate appointee) considers it should be closed. What the Attorney has provided here are a series of restrictive provisions and has said that the judge may abandon those if he wants to. In other words, it is the complete reverse of what I believe should be the position. What works quite well (I will not say perfectly) in adult courts could work equally well in children's courts.

Mr. Venning: What do you mean by "partly closed"?

Mr. MILLHOUSE: I quoted section 69 of the Evidence Act. It may only be the prohibition of publication of the name, it may be turning people out of the courtroom and having it closed except for those people particularly concerned with that case, and so on. I thought I had put that in fairly general layman's language. As a rule, courts should be open and not closed. Although there are arguments the other way, I can see no reason why we cannot leave it to the good sense of the people we appoint as judges to make decisions in individual cases whether courts should be open or closed. I propose to oppose clauses 91 and 92, and to make certain suggestions so that we will adopt the provisions of the Evidence Act, with one modification; that is, dispensing with the report in each case to the Attorney-General.

It seems to me that, in a Bill of this kind, it is no good saying what is nice about it: the only relevant things are what we do not like and what we ought to change. It is on this basis that I have spoken this evening. The most significant change the Bill makes is to give back to the court the power of sentencing instead of as at present really giving that power (the power of what will happen to a person who is convicted in a Juvenile Court) to the department. That provision has not worked well.

Mr. Mathwin: He comes back to the department. It has the right.

Mr. MILLHOUSE: If the honourable member thinks that, he has misunderstood clause 50. The member for Glenelg may be better on this matter than I am, I do not know.

Mr. Chapman: He's better at most things than you are.

Mr. MILLHOUSE: That is a typical remark from the member for Alexandra and shows the Party bias that I must suffer. A proper review tribunal or board is set up under this measure. That does not mean that what has happened in the past, that a kid can be sentenced one day to detention and then turn up a few days later before the court because he has been released and has committed another offence will not happen again. That is the sort of thing that has been happening up to date, and that is absurd.

The most significant change is to give back to the court the power of sentencing, subject to periodic review after every three months or something. That is a totally good change and I hope that it works. I have no doubt that it is not the sort of thing that the department welcomes with open arms; nevertheless, it is certainly desirable. I should like to see at least those three matters to which I have referred altered: the appointment of judges, the artificial provision that the verdict must be given by 5 o'clock the next day, and the other matter I raised. Apart from that, I am pretty well satisfied with the Bill as it stands. I support the second reading, and do not consider it necessary to send the Bill to a Select Committee.

Mr. MATHWIN (Glenelg): Regardless of what the member for Mitcham has said, I believe that the panel has the ability to override the court in its decision. This measure makes little change to the existing situation. If a serious offence goes to the Supreme Court and other charges go to the Juvenile Court, the final decision remains with the department and not with the court. In other words, the department has the ability, if a young person commits a capital offence, to review his case in a few months. He could be convicted and he could be returned to the farce that now prevails and placed on a bond, which is now practically a non-event. Clause 54 (4) provides:

> The Governor may at any time, on the recommendation of the Parole Board or, where the child is detained in a training centre, on the recommendation of the Training Centre Review Board, discharge any child so detained, on licence.

The board has the power to override the decision of the court. I believe that the situation that now prevails is changed little. The first consideration concerning a young offender is that he should be sentenced within reason, and not as happens now in most cases. The purpose of the criminal law is to protect the community. The provisions of this Bill seem to exclude that consideration in courts. Clause 7 provides:

> *(e)* where appropriate, the need to protect the community, or any person from the violence or other wrongful acts of the child.

Clause 28 (4) provides that the decision of a screening panel shall be final. That relates to what is to happen to children going through a screening panel.

As I see the provisions of the Bill, a gang who committed pack rape could be prosecuted without a hearing or without representation. A young person who could flee the State after committing on offence at 17½ years of age and not be caught until he attained the age of 22 or 23 years would, when he was brought back and charged, be charged as a juvenile offender.

Mr. Groom: He has committed an offence.

Mr. MATHWIN: Maybe so but, if he is caught three years afterwards, he should not be charged then as an juvenile. I understand that the Children's Court was established in South Australia in 1889, and was an experiment. Legislation was passed in 1895 and it was given much wider prominence. In her book Janet Clunies-Ross stated:

> There are two important questions: that of individual responsibility and the right of the citizen to protection from harmful acts.

It would seem that the police, in this Bill, are on the outer, particularly concerning the Community Welfare Department. The report, *Australian Criminal Justice System*, gives an account of the situation in Liverpool in the United Kingdom. I visited the Police Department there some time ago to study the juvenile situation and how the police were coping with it. This report states:

> The Liverpool police are credited with founding one of the most effective means of counteracting a disturbing increase in crime committed by children. The city of Liverpool has a population of about 800 000 people; it has a school population of approximately 132 000 children. In 1950, the problem of juvenile delinquency in Liverpool was examined. It was found that, of crimes known to the police, 1·8 per cent of school children were involved in the commission whereas only ·5 per cent of the adult population were similarly involved. As a result of this survey, it was decided to form a pilot Juvenile Liaison Scheme in 1951. The success of this

pilot venture led to the establishment in 1952 of the Juvenile Liaison Department in the Liverpool City Police. The department is now headed by a chief inspector assisted by an inspector, with a staff of sergeants and constables.

Mr. Trevor Holden, J.P., a social worker of great experience and former Chairman of the Liverpool City Juvenile Bench said, "A Police Liaison Officer acts as a social worker and he does it in a very efficient way. He has the authority of the law behind him and does have an effect which other workers would not have."

I investigated that scheme and found that it was working well. The Community Welfare Department and the Police Department work hand-in-hand to combat this rather difficult situation. As an observer, it seems to me a great pity that in South Australia the police are on the outer with the Community Welfare Department. It is time for the police and the department to work together to try to overcome this problem without any bickering.

In the *Australian Criminal Justice System,* Kraus pointed out that one must have a knowledge of the long-term crime trends as contrasted with the short-term trends and fluctuations before one can attempt to offer any explanation, or before one can plan preventions and corrections, and in any way deal constructively with the particular problem. I entirely agree with that statement. This was stated in practically every report of the Juvenile Court. The Beerworth Report in 1970 was the first of the Juvenile Court reports, and His Honour stated:

> I am not particularly happy about a number of matters which have been recommended in the report—

that is by the Social Welfare Advisory Council—

> and I am opposed to a pre-court clinic in all cases, even for first offenders. There are some parents (and the number is increasing) who take little interest in the moral well-being of their children, and they try to blame the schools.

He was also concerned about statistics. Finding the 1971 report was impossible, because that was the secret Beerworth Report that has never been released by the Government, for some reason or other. We cannot find out what the magistrate reported. The next available report was made by Judge Marshall in 1972. He referred to the question of parents and their relationship to children, and termed it, "a turned-off attitude".

One could say that that was the year of the absconders: there were 281. We all remember well the matters relating to McNally and abscondings from that institution. It is pleasing to see in the 1972 report that we had itemised in the statistics driving under the influence (·08 per cent) offences, which had decreased to 26 juvenile offenders. In the 1973 report, Judge Marshall explained that a practice was to be introduced of recording and distribution extempore remarks by courts at the time of making orders, and that was helpful for Community Welfare Department officers.

This year the department took over the preparing of statistics, and that ended the provision of figures for those juveniles driving under the influence. One wonders why that item was wiped off the statistics. This is a serious offence. We are told the relationship between liquor and driving, and we know that some of these young people should not be driving because they are not old enough to have a licence, yet the department in its first year of taking out statistics did not produce any figures for drunken driving by juveniles.

Figures for recidivists were shown: 26 per cent were third timers and 38 per cent were second timers. Liquor offenders numbered 328. There were three rapes committed by offenders under 16 years of age. In 1974 the report emphasised the need for adequate statistics, which could be studied. These could be significant and might be used for evaluation and research. Crime was on the increase that year, particularly crimes of violence, homicide, assault, robbery and rape. Hard-core offenders increased by 24 per cent for first timers, and 34 per cent for second timers.

The number of offences for driving under the influence increased to 406, while 394 juveniles were involved in drunkenness charges. In 1975, Judge Wilson's report referred to the risk involved in juvenile courts coming under the guise of rehabilitation and individualism. In this respect, Judge Wilson said that we could go too far and create in the minds of young people the idea that the courts were far too soft and that the process of juvenile justice was not justice at all. This was stated in the year in which the new Juvenile Court began to operate. The new court was opened Mr. Justice King, who had some nice things to say about it. Regarding the new legislation, he said:

> The emphasis in the Bill is therefore on the welfare and rehabilitation of the young person, but it does not overlook the right of the community to adequate protection from the law.

Mr. Justice King said that the protection of the community was important. In that year, the number of driving offences involving alcohol increased to 466, while drunkenness charges increased to a total of 641 offences. This report again stressed the importance of statistics being the subject of full evaluation. It was stated that statistics should be available for research and to keep trends under review. The judge recommended, as a matter of urgency, that a research section be established within the Adelaide Juvenile Court framework.

In the 1976 report, another appeal was made for the establishment of a research section and proper statistics. Indeed, His Honour the Juvenile Court judge said that he and his colleagues were exasperated because no proper statistics were being kept, and he emphasised the great need of levelling the crime rate in most areas. He said that there had been no significant changes in some areas but that the recidivists and hard-core element had increased by 24 per cent for third-timers and by 33 per cent for second-timers.

I refer again to offences involving alcohol readings above ·08 per cent. One can take it that this would involve drivers, as one cannot get charged with having a blood alcohol reading above ·08 per cent if one is walking down the street. A total of 561 charges were laid that year for driving with a blood alcohol content of ·08 per cent or more (indeed a great increase), while 667 persons were charged with drunkenness offences.

Many people to whom I have spoken consider that the new system is wide open for a cover-up in relation to figures. I have asked many questions regarding juvenile drinking offences and liquor offences, but have been refused the information by the relevant Minister. Unfortunately, people believe that under the new system a cover-up will occur in relation to these figures. If reports are made, they must be reasonably easily understood. Although a person in a responsible position could be worried about the statistics if, relating to a certain department or section, they looked black, it is, however, important that we keep statistical records if we are to tackle this problem.

It has been stressed repeatedly in many books and reports (and indeed it has been demanded by Judge Wilson) that statistics should be kept. I am disgusted by the lack of information given by the Minister on several questions that I have asked regarding this matter. The Minister would not reveal to me details of charges, particularly in relation to juvenile drink driving offences.

Because of the refusal of the Minister of Community Welfare to supply those figures, I referred the matter to the Chief Secretary, who was in charge of the police, because a press report some years ago referred to the amazing crime fighters turning to the compilation of figures. This announcement was made by the Police Department in relation to the upgrading of its system of gathering statistics to help improve crime prevention and detection methods. That announcement was made by Commissioner Draper in March 1978. Armed with that information, I thought it would be best to get the Police Department to give me the figures on drunkenness offences involving juveniles. Having put a Question on Notice to the Chief Secretary, I received the following reply:

> Statistics to enable the calculation of percentages of drivers over and under the age of 18 years prosecuted for driving under the influence are not readily available.

What on earth are we doing with this statistics department? What is it all about? Is it not important that we, as members of Parliament, should be provided with this information? Apparently, members of the Community Welfare Department, who must do their job properly, do not think it is sufficiently important to compile figures regarding driving offences committed by children, particularly when those children are driving when affected by alcohol. These young people can be potential killers on the road yet both the Minister of Community Welfare and the Chief Secretary, as Minister in charge of the Police Department, say that they have not got the figures. That is a disgrace, particularly because of the importance of statistics relating to these offences.

This is a Committee Bill. However, advantages would accrue if the Bill was referred to a Select Committee, thereby enabling the public to give evidence and proffer advice. I will support any move made to refer the Bill to a Select Committee. Many amendments, to some of which I will refer, have been placed on file. I refer now to clause 4, which provides that "complaint" includes information. I understand that this involves not only the summary jurisdiction but also the Supreme Court jurisdiction. There will be three groups of offences: the first will involve terms of imprisonment exceeding 10 years; the second will be for those involving imprisonment from four years to 10 years; and the third will involve those offences involving a term of imprisonment not exceeding four years.

I should like, in the limited time available to me, to bring several matters to members' attention to explain what they mean. Regarding homicide, I was concerned to see that the Minister has seen fit to refer only to the offences mentioned in sections 11, 12, 13, 16, 17 and 18 of the Criminal Law Consolidation Act. Of course, he missed section 14, which involves causing death by negligent driving. This could involve a tie-up with the refusal to give figures.

I hope the Minister will examine this matter further. Clause 7 *(e)* provides:

> Where appropriate, the need to protect the community, or any person, from the violent or other wrongful acts of the child.

Can the Minister say when it is not appropriate to protect the community? Clause 45 provides that, where a child is charged with homicide, he shall be tried in the Supreme Court. I believe that this clause, which at present refers only to homicide, should be extended to cover rape, armed robbery, and arson. In relation to the Road Traffic Act, Judge Mohr said that any child caught breaking the law in relation to driving vehicles or driving under the influence of alcohol or a drug should be tried in the normal court. The principle is this: if young people are old enough to drive, they should go to the normal court in connection with such offences. Clause 28 (4) provides:

> The decision of a screening panel shall be final.

One would have thought that the Minister would consider the question of an appeal. I am not satisfied with this provision, because we must take account of the interests of the victim. It may be possible for a child charged with murder to be released at any time after two or three months. I ask the Minister to give a further explanation of this provision. There is little consideration for the victim throughout the Bill.

We know who the hard-core recidivists are. I could name a few who have been in trouble time and time again. I imagine that, when they go before the Juvenile Court and when the department reports on them, that report does not always fully explain the situation; that is why I believe that two or three days at least should be given in which people can see the report, discuss it, and consider whether or not it is accurate. The report should be made available so that any mistakes can be pointed out.

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

Mr. GROOM (Morphett): This Bill shows once again that the Government keeps ahead of community trends and is a pace-setter for the rest of Australia. The member for Rocky River may laugh, but he spends most of his time on wharves in Chile or Argentina watching ships go by, and he then comes back here and says, "If only those ships would go past the Port Adelaide wharves." Of course, the ships off the Chilean coast were carrying ammunition and armaments.

The SPEAKER: Order! The honourable member should confine his remarks to the Bill.

Mr. GROOM: Yes, Mr. Speaker. With the exception of the member for Mitcham, Opposition spokesmen have not understood many of the provisions of this Bill. The member for Murray said that the Bill provided that the press would be refused entry in connection with juvenile matters. Clause 91 (2) provides:

> any person who is a *bona fide* representative of the news media may be present at a sitting of a court when the court is dealing with a child under Part IV of this Act.

Part IV clearly sets out that it applies to screening panels, children's aid panels—

Mr. Wotton: What is the use of that?

Mr. GROOM: You said that they were refused entry to the court.

The SPEAKER: Order! The honourable member for Morphett must use the term "honourable member", not "you".

Mr. GROOM: The honourable member said that the press would be refused entry to the new Children's Court, but his statement is not correct. Clause 92 provides a balance between the community interest and the interests of the child.

Mr. Millhouse: Come on!

Mr. GROOM: The whole purpose of appointing judges to courts is precisely to get them to hear and determine matters, and part of that determination involves the imposition of penalties. Under the common law, judges are required to impose penalties balancing the interests of the offender against the public interest. It is a matter of discretion, and judges are in the best position to deal with that matter: the media are not, because the media, with great respect to them, are more interested in selling newspapers, because that is their function. Clause 92 (4), which seems to be misunderstood, particularly by the member for Murray, provides:

> The Court may, by order, dispense with the requirements

of subsection (3) of this section to such extent and subject to such conditions as may be specified in the order.

That means that in an appropriate case the judge can waive the requirement that only the result can be published. He could go further and say that parts of the evidence could be published.

Mrs. Adamson: Conditional freedom of the press.

Mr. GROOM: If the honourable member thinks the media can determine what is in the best interests of the community and of the offender, let her say so. Actually, that is precisely the function of the judge. If one adopts the suggestion of the member for Mitcham to reverse the situation, and there is a distinction, that would mean that, for every child who comes before the Children's Court, under the honourable member's suggestion it could be argued that it would be open slather. If the judge did not make an order, the press could print it in its entirety.

If that situation were allowed, it would have to be argued in every case that the press should be excluded from reporting certain matters, other than the result. That places great pressure on the court, which is trying to deal with matters as expeditiously as possible. In appropriate cases, application could be made for the press to publish further details.

Mr. Millhouse: It wouldn't, after the guidelines had been established by the new court.

Mr. GROOM: That would be suggesting that a judge does not exercise his judicial discretion properly.

Mr. Millhouse: No.

Mr. GROOM: Under the legislation, judges are specifically charged with power, in an appropriate case, to publish more than just the result. It is not the media which is in the best position to judge the matter. It is for the court which is dealing with it, with back-up support from the police officers present, the Children's Aid Panel, and the Community Welfare Department.

Mr. Millhouse: That argument would apply to any other court.

The SPEAKER: Order! This is not Question Time.

Mr. GROOM: If the law of this State treats people under the age of 18 years differently from the way in which it treats adults, different rules apply. Other rules apply in the Family Court because of the sensitive nature of matters discussed. If we are trying to rehabilitate juveniles, we must give them an opportunity to be rehabilitated.

The Leader of the Opposition said something quite sensible in relation to screening panels and Children's Aid Panels. That does provide an early warning system. The member for Glenelg seemed to suggest that the Police Department does not work hand in hand with the community, but that is not so.

Mr. Mathwin: I didn't say with the community.

Mr. GROOM: That is what I inferred. The honourable member said they were not working hand in hand—

Mr. Mathwin: With the deparment.

Mr. GROOM: —with the department, which in a sense represents the community, because it is close to the community.

Mr. Evans interjecting:

Mr. GROOM: The department is much closer to the community than is the member for Fisher. The screening panels provide for a member of the Police Force and an officer of the Community Welfare Department to be present. If that is not working hand in hand with the department, I do not know what is. Again, on the Children's Aid Panel there is a police officer, an officer of the Community Welfare Department and, in an appropriate case, an officer of the Education Department. If that is not putting in legislative form a duty for the Police Department and the Community Welfare Department to work hand in hand, I do not know what it is doing. Evidently, the member for Glenelg has misconceived the situation again, saying that they will not work hand in hand with the Community Welfare Department.

Mr. Mathwin: I say they aren't doing it now.

Mr. GROOM: Well, the legislation clearly imposes a duty on the Police Department and the Community Welfare Department to work hand in hand, because they are equally represented on these committees.

Mr. Mathwin interjecting:

The SPEAKER: Order! The honourable member for Glenelg was heard in silence when he was speaking.

Mr. GROOM: The member for Glenelg is upset about clause 61. Once the Bill passes, no longer will he be able to make political attacks on the Minister of Community Welfare, saying that the Minister was in error in recommending the release of a child from a training centre. He has gained the title of the honourable member for McNally, because of the number of times he has raised the matter of the training centre and has made political attacks on the Minister. Under clause 61, he will not be able to do that with the same thrust and gusto as in the past, because the clause provides that it is not the Minister who releases the child, but the Training Centre Review Board. The member for Glenelg now sees an opportunity for political attacks being lost. Under the legislation, he must attack the judges of the Children's Court, persons appointed by the Governor on the recommendation of the Attorney-General, with appropriate expertise, and other persons appointed by the Minister. In future, he will not be able to make the same attacks for short-term political gain that are not in the best interests of the community.

Mr. Venning: It's not for political gain.

The SPEAKER: Order! The honourable member for Rocky River will have a chance to speak if he so desires.

Mr. GROOM: The member for Glenelg suggested that the Training Centre Review Board was usurping the power of the court. In many ways, the Parole Board, to use his language, would do that by varying an order of the court, made in an adult court, because it has the power to recommend the release of a person. There is no difference. There is the Executive power of clemency. The Governor, on the recommendation of the Minister, has a prerogative power derived from the Crown to dispense mercy. This legislation does nothing more than preserve the *status quo*, except that it provides better checks and balances and does not allow the release of juveniles in future to be the subject of a political football. The member for Glenelg has been very vocal in the past on that matter.

His other example relating to pack rape clearly shows his misconception of the situation relating to juveniles. He instanced a 17-year-old boy who disappeared for a couple of years, and claimed that if the offender was caught up with later he should be treated as an adult, although he committed the offence as a juvenile. The same rule would apply to a boy of 13 years who might be involved in a pack rape and who might be found six years later. Following the reasoning of the member for Glenelg, that person should be treated as an adult, although he committed the offence as a juvenile.

If the honourable member wants to lower the age from 18 years, let him say so, but clearly he has not understood clause 47, which is one of the major reforms in this legislation. In a pack rape situation, the Attorney-General has certain powers under this clause. If he is of the opinion that, by reason of the gravity of the circumstances of the offence, the child should be tried in the appropriate adult court, he can apply to a judge of the Supreme Court for an order for the child to be tried in the Supreme Court. That

must cover the objection of the member for Glenelg.

There are numerous examples in the speeches of members opposite that show that they have not understood the interlocking nature of the legislation. The member for Murray was involved in this situation. He is under a misconception in relation to clause 35 (4). He criticised the clause, saying that no undertaking shall require a child to change his place of residence. The member for Murray says that provision has all sorts of possibilities, because the living circumstances of the child may be producing the propensity towards offences. He has not been able to relate that to other provisions, and I refer him to clause 12 and to clause 14 (2). If the living circumstances of a child are the cause of his problem, by virtue of clause 12 in an appropriate case a declaration is applied for that the child is in need of care and control. Clause 12 (1) *(b)* provides that a child can be placed under guardianship if the guardians of the child are unable or unwilling to exercise adequate supervision and control over that child.

By paragraph *(c)* of clause 12 (1), if the guardians of the child are unable or unwilling to maintain the child, the Minister may apply to the court for a declaration that the child is in need of care. If the child presumably is living away from his or her parents and the living circumstances are the cause of the aberrations of the child, the Minister can apply for a declaration and place the child under guardianship.

Clause 14 gives the flow-on power. Clause 14 (1) (ii) provides that, if the order is made by the court, it may direct that the child shall reside with such persons as the court thinks fit. Clearly the member for Murray did not understand the interlocking nature of clauses 35 (4) and 14 (1) (ii), so unfortunately he has erred in regard to understanding two matters, namely, that one and what he said about the legislation refusing entry by the press.

Clause 12 is a significant reform, because it recognises that children who are in need, who are neglected, or who are uncontrolled children are no longer dealt with as if they were criminals, and the legislation separates that type of situation. It clearly places neglected and uncontrolled children in the civil category, not the criminal category. I remember from experience in the Juvenile Court children being brought up on complaint and dealt with as though they were there for having committed a criminal offence. I think what we are doing is a major step forward.

The legislation provides for far greater flexibility regarding penalties. Members can read clause 50, but I want to refer to clauses 50 (1) (ii) and 50 (1) (iii). In clause 50 (1) (iii) one of the penalties that can be imposed with or without a conviction, a bond, or with or without sureties is that the child will participate in such project or programme as the Director-General may require. Clause 50 (1) (ii) provides that a child will attend a youth project centre as such times as may be stipulated in the recognizance or required of him by the Director-General and will obey any directions that may be given to him by or on behalf of the person in charge of that centre.

The Chief Secretary said today that the Government was considering introducing weekend detention and community work orders. If community work order legislation is introduced, vandals may no longer be dealt with by fine. For example, if they litter a beach with broken bottles and are caught, there would be power to make them clean up the beach. That shows how the Government is a pace-setter for the rest of Australia in our legislative programme.

The final matter that I mention is the question of reference to a Select Committee. I am aghast that members opposite have foreshadowed that this Bill be referred to a Select Committee, after we have had a Royal Commission, when those members have the audacity to go on day after day about wasting money. The matter has been exhaustively examined before a Royal Commission, and is being debated in this House. Referring it to a Select Committee would be a waste of taxpayers' money.

The Hon. PETER DUNCAN (Attorney-General) moved:

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

Motion carried.

Dr. EASTICK (Light): The member for Morphett commenced his speech and, indeed, finished it with a great crowing about the pace-setting attitude of the present Dunstan Government and of the one that preceded it. He spoke of how mighty those Governments were in this particular area. If that were so, we would not be, in 1978, completely redrafting a Bill that came to this place in 1971. Obviously, the pace-setting qualities that the member for Morphett crows about have not been a reality in total. Certain deficiencies have required a Royal Commission, and have constantly been before the public through comments by the courts from the Chief Justice down. As a result of these deficiencies, we have before us now new legislation which, whilst it is desirable, comes under the classification of a "mongrel Act", according to a consultant that I have been to. I do not want to denigrate the tremendous amount of work done by officers and interested parties and I am not totally opposed to the content of the Bill, but I believe there is a need to look critically at whether the legislation has been presented in its best form. A report in the *Australian* of 17 May 1977, headed "Little thugs who laugh at the law", by Peter Ward, referring to the Commissioner then sitting, stated:

> The commissioner has now embarrassed the South Australian Government with the rigour of his inquiry—not because the Government or the department have necessarily anything to hide, but rather because of the complexity of the situation, the value judgments involved, the art of the thing, and the capacity of the issue to be politically heated. They simply want people to stop asking questions while they try to make the reforms work.

The last part is the crux of the whole matter. The Government failed to make it work and that is why we are dealing with the problem again now; there were deficiencies in the scheme. I do not want to refer at length to *The Annals of the American Academy of Political and Social Science* about progress in family law, but I refer to the section headed "The Utopian World of Juvenile Courts," by Charles W. Tenney, Jr. The preamble on page 101 of the book, headed "Abstract", is as follows:

> Born in a period of great social reform, the juvenile courts of the United States promised a new deal for children caught up in the processes of criminal justice. For nearly fifty years, the courts were permitted to grow, and to develop, virtually without interruption, practices and facilities to comport with the philosophy of the court as a "social agency," designed not to punish but to help children in trouble. Examinations of the actual nature of the court and its procedures have, however, revealed that as a "social agency" the court remains largely an idea and an ideal. Its traditionally informal procedures, designed to reflect its noncriminal nature, have been criticized in recent Supreme Court cases. The resulting return to a more legalized approach may signal, therefore, a retrenchment in the work of the juvenile courts.

In reading those comments, I could be referring to a statement that has been made by several members of the Judiciary in this State. I refer particularly to the words "largely an idea and an ideal." Members on this side do not want the Juvenile Court system to be a political

football. We do not want it to be an idea and an ideal: we want it to be a reality, functioning for the benefit of children, and that is why we have suggested to the Attorney-General that this matter should be referred to a Select Committee for further consideration.

Unlike the member for Mitcham, who has said that it has had sufficient examination by a Royal Commissioner and in other areas, we in this Party believe that there is a genuine advantage in referring the matter to a Select Committee, and we certainly would prefer it to be a Select Committee of this House rather than the inevitability of one in another place if one is not appointed here.

I said that the Bill was looked on by some as a mongrel Bill. The person who made that comment I respect quite considerably—a person with a long period of experience in the Juvenile Court area, not necessarily under that name, but who was reverently referred to earlier this evening. I make that comment because of the genuine concern that person has that there is conflict over even the name of the Bill.

How can one really refer to an 18-year-old who has been before the courts or panels on a large number of occasions as a child? Yet the provisions of this measure refer to a child as a person up to 18 years of age. Surely we should be looking at a child of a much more tender age and at adolescents at a greater age. We should be asking ourselves (and this is what I ask the Attorney-General now) what consideration was given by the Government to dividing this jurisdiction into two courts, albeit under the one overall umbrella, but with a much clearer and better definition of activity, so that we were looking at the younger group in the community who are in need of protection for their own good and at the offender situation which applies to the recidivist and to those of more mature years who are already hardened criminals or who are well on the way to being hardened criminals. Should we not, instead of placing the judge and whole court system into a state of flux with a variation in the severity of the type of case before the judge minute by minute, be clearly directing the junior group into one court and the senior group into another court, even though the chief judge of the court system may be one and the same person?

This a view that is seriously considered by many people outside as being genuinely in the best interest of the system—division, yes, but division for a purpose and result which, hopefully, will achieve the claim that the member for Morphett made of the Bill's being a pacesetter piece of legislation of which we in this State can be proud. I suggest that we will possibly find ourselves in exactly the same position as that in which we have found ourselves in the past, and the reason why we are considering this matter now is that the system of the pacesetting ilk that has been brought to us has failed. I do not want to see the end result of all the work that has taken place fail, and I hope that a second look at this matter will be taken by the Government so that we can truly look to the protection of the young and to the offences of the older ones, and act with responsibility, accordingly.

I come back to the views that have been expressed to me regarding the age range of 10 years to 18 years, and I suggest that common sense is sufficient to show that these individuals can vary as much as chalk does from cheese. I accept the situation that some 10-year-olds could be more hardened criminals than are some who are first offenders at 18 years of age. That is accepted but, basically, we are looking at two groups—the very young who need protection from themselves, and the older ones who need to be treated in an entirely different way as a protection to the community.

The Attorney-General has the power to apply to a judge of the Supreme court for a child charged with a serious offence to be tried in an adult court. The child also has the right to ask the Children's Court to send him or her to an adult court for trial. One could imagine many cases where such trials might be wise, but surely this course should never be considered for young children unless the charge is homicide. This procedure shows further the need for two separate Acts or, more specifically, for two separate courts. Again, I make that point strongly.

Clause 92 deals with the restriction on reports of proceedings in the court. Only the results and not the evidence may be published. My colleagues have indicated that we agree with that view. Here, too, one can usually feel satisfied with such legislation if the case is against a child under 15 years of age; however, when a child is a persistent offender more details should be made available to the public so that it can know whether the court is being too lenient. The point has been made by others that it is necessary that the public be apprised constantly of what is taking place so that it can have a better appreciation of the whole system than they are now permitted to have.

When a youth is older and sophisticated, especially when a recidivist, usually the evidence should be available. It should be noted that, for a breach of this section, the offender can be fined up to $10 000 and dealt with in a magistrate's court. He should have the right to a hearing in the Supreme Court if he so desires. That is another view put forward by the person who has practised in this area and believes that that is a right people caught up in this area should have.

When making a statement relevant to this Bill to the *Advertiser* the Attorney-General stressed that wider powers would be given to the Children's Court. That is an overstatement. He failed to say anything about the extremely wide powers given to the Attorney-General, powers that are also available to the Minister of Community Welfare. Those powers apply whatever the age of the child. I make that comment in relation to the Training Centre Review Board. It will be the subject of an amendment later. No provision is made for the "child" to be heard or for a representative of the child to be heard or permitted to make comment relative to the reports that are provided about him. British justice, simple justice, requires that the opportunity in these circumstances be given to a representative of the child to be heard and for the child's case to be put, if the need be, before that Training Centre Review Board.

The member for Mitcham has accepted the point, which is contained in one of the amendments that will be referred to later, of the undue haste that is associated with the need of the judge to reach a verdict in a short time. That is a travesty of justice and is against the best interests of the system in the long term. It is wrong to force a decision that is likely to be arrived at before complete regard can be given to all the facts.

I am pleased that this matter is before the House, but I criticise its coming back so quickly after having first been introduced in 1971. I recognise that the deficiencies must be put right this time. I believe that they can best be put right by completing the measure with a little less haste than the Attorney would like. I suggest strongly to the Attorney that it is in the best interests of this measure that it be considered by a Select Committee of this House rather than by a Select Committee elsewhere.

Mrs. ADAMSON (Coles): The way society treats children and young people who break the law provides the clearest indication of the way society itself regards the law. It also says something about society's view of the future: whether in the long term we want an orderly law-abiding

community in which individuals respect the rights of others and the property of others, or whether we are prepared to countenance an erosion of those rights through failure to provide proper penalties for those who transgress.

It is a relief to see the end in sight of what has become known as the "pat on the back and bag of lollies" kind of justice that came to be associated with the so-called reforms instituted by Attorney-General King. This legislation is critical to present and future generation of South Australians. It is therefore imperative that members of the community and those directly involved in or directly affected by the legislation have opportunity to express their view to the Parliament.

Members of the Government, notably the Premier, are on record as saying that they would like to see democratisation of every aspect of life in South Australia. Well, here is their opportunity. This Bill provides a magnificent chance for the Parliament to hear the views of the people on matters that directly affect the people, and consequently to have a real say in the kind of legislation they want. The need for a Select Committee is all the more important in light of the fact that the Government has failed to put into effect in this Bill two of the principal recommendations of the Royal Commission. They are the right of the press to report proceedings and the staffing of the court by judges appointed directly to the Children's Court. One of the great criticisms of the Juvenile Court is that judges are not appointed directly to it but are seconded to if from the Local and District Criminal Court.

The member for Mitcham has quoted from the Royal Commissioner's report, and there is no point in restating the Commissioner's recommendations. Nevertheless, I believe that those recommendations should be put into effect in this Bill. In common with my colleagues, I have reservations about supporting legislation that sets up a court, any court, that is not subject to public scrutiny. Any kind of secret trial is abhorrent. The public has an inalienable right to know what offences are being committed and how those offences are being dealt with by the courts. Only by having the proceedings of the court open to reporting by the press can the public be informed of the court's attitude to particular crimes and the kind of penalties that are being imposed.

The Attorney-General's explanation for continuing the prohibition of press reports of proceedings of the Children's Courts is, in the words of the *Advertiser*, "scarcely credible". In an editorial dated 26 August 1978, the *Advertiser* states:

> Mr. Duncan shows a touching, but misplaced, concern for the welfare of the press in this matter. He appears to believe that responsible newspapers, intent on complying with the letter of the law that precludes identification of juvenile offenders, would nevertheless inevitably blunder inadvertently. He feels they can be trusted to report the bare results of a case but not the detail of the case. . . If the Attorney-General cannot produce more substantial reasons for the ban on reports of proceedings, or explain how reference to, for example, "a 16-year-old boy" would tend to be an identification, he must be open to the suspicion that he has other undisclosed reasons for the ban. Subject only to the non-identification rule, the conduct of children's courts should be no more secretive than others.

All members on this side of the House thoroughly endorse that view.

One of the matters which I believe is relevant to this legislation and which has been touched upon by the member for Light is the age at which we believe a child is criminally responsible, and also the age at which young people are automatically treated by adult courts. I take the point of the member for Morphett about the reforms inherent in clause 47 of this Bill.

It seems to me that, in the light of reality, a case can be made out for reducing the age at which children are held to be criminally responsible and for examining the age at which children cease to be children in the eyes of the law and are treated by adult courts. I do not see any inconsistency in this respect with my attitude to lowering the age of consent to medical and dental treatment, which I opposed because it has the effect of reducing the rights and responsibilities of parents. However, as lowering the age is not a recommendation of the commission, there is no point in one's taking a hard line on it. Reference to a report by Mr. Peter Ward in the 17 May 1977 issue of the *Australian* will illustrate my point. Under the heading "Little thugs who laugh at the law", Mr. Ward says:

> It's been fairly quiet in Adelaide lately; nothing much has happened. A youth 17, was charged with murdering an old lady in her bed with a pair of scissors. A juvenile gang bailed up two children with an axe, a sawn-off automatic rifle and a machete. A boy, 10, was found guilty of armed robbery: one of 15 raped a nurse: and another of 15 was charged with the mugging of a 92-year-old man. And two brothers, 10 and 9, were declared habitual house-breakers, after having robbed at least 40 houses over an 18-month period.

Bearing in mind an 18-month period, I point out that those boys would have been eight years and nine years old when they started on their careers in crime. Yet this Bill says that a child under the age of 10 years cannot be held to be criminally responsible.

Another matter which was dealt with by the Royal Commission in addition to the two matters to which I have already referred as principal recommendations but which does not seem to be covered by the Bill is that of representation for children in court, as recommended by Judge Mohr in paragraph 25 of Part II of his report, as follows:

> Any child should be entitled to legal representation at any appearance before the Children's Court for any purpose. To ensure, as best one can, that every child is aware of this right, an information sheet should be attached to every summons and every child arrested should be given such a sheet before first appearance in court. Such a sheet should state in simple language that the child is so entitled and give relevant information about the availability of legal advice.
>
> Further, at a child's first appearance before the court and at any subsequent appearance when the child is not represented the court should advise the child in simple language of its right to legal advice and representation and give such assistance to the child as may be necessary to ensure that the child has legal advice if it so desires.

That recommendation should certainly be covered by this Bill. I refer now to the need for statistics to be kept and proper research to be conducted. I endorse the remarks made by my colleague the member for Glenelg, who referred to the paucity of proper statistics forthcoming from the present Government.

Clause 83 outlines the functions of the advisory committee as being to monitor and evaluate the administration of the Act and to cause such data and statistics in relation to proceedings before the Children's Court to be collected as the Attorney-General may direct.

Frankly, I would not trust the Attorney-General to collect such statistics as may objectively be regarded as necessary in the interest of the community. My mistrust is well based when one looks at the reply he gave to a question I asked recently. The Attorney was unable to provide statistics relating to child molestation simply because, he said, it would involve too much work to collect them. To my mind, that is not good enough, because the community, and particularly we as members of Parlia-

ment, should know precisely what is happening in relation to the molestation of children. The fact that it is difficult to collect statistics is no excuse at all. It should be done and, indeed, in future it must be done. The advisory committee should be given the power to determine which statistics, data and research are necessary in the best interests of justice and of the community.

This was borne out by Judge Wilson in his report to Parliament which was reported in the *Advertiser* of 7 October 1976 and in which he urged the establishment of a research centre. He said:

> There is a risk that my colleagues and I may soon feel exasperated and demoralised if this recommendation is once more overlooked.

The Attorney-General may have set up the basis of a research operation in this advisory committee, but the fact is that he is the one who determines what data and statistics are collected: it is not the committee itself. It is essential that the committee should have the right to make those judgments. Clauses 8, 81 and 92 are the principal clauses needing amending. In addition, there must be provision for proper representation of children and proper objective judgments about the preparation of statistics. The district I represent contains McNally Training Centre and also suburbs in which the residents have from time to time been harassed and terrorised by gangs of young hoodlums. Consequently, people in my district have a heightened awareness of the need for effective, tough justice for juveniles. With appropriate amendments, this Bill will go a long way toward providing the kind of justice that South Australians are looking for in connection with juvenile offenders. I therefore urge the Minister to be responsive to the community feeling as expressed by the Opposition this evening in its call for a Select Committee to enable South Australians to give evidence to Parliament on ways in which this Bill can be made more effective.

Mr. CHAPMAN (Alexandra): I have studied this Bill, but I do not suggest for a moment that I am an expert in this field. I have not had a chance to study the background in the way that the member for Murray and the member for Glenelg have studied it. It is clear that those members have done their homework and are fully equipped to speak on each clause. Clause 7 refers to the factors to be considered when courts deal with child offenders. Those factors are ideal in nature and well prepared. Clause 7 provides:

> In any proceedings under this Act, any court, panel or other body or person, in the exercise of its or his powers in relation to the child the subject of the proceedings, shall seek to secure for the child such care, correction, control or guidance as will best lead to the proper development of his personality and to his development into a responsible and useful member of the community and, in so doing, shall consider the following factors:

Five factors are then outlined. That, in itself, is an ideal claim to make. The emphasis is on care and protection of the child. Indeed, there is reference to the protection of the community, but very little such reference, and there is even less reference to the corrective aspect, which this whole exercise is basically about.

I appreciate that whilst correction by the law is being effected, some care for the personality or the individual concerned is essential, but in my view it is far too late after the offence occurs, and insufficient emphasis is placed on the importance of parental discipline, of discipline at the education level in the early years of a child. Indeed, we are starting in this Bill at the wrong end of the subject. Far too often we hear of children who have fallen out of favour with their families or at school, drifting into a situation where they tend to offend, to become involved with other offenders, and who are led, coaxed and encouraged into a situation where the State must pick up the tab. It is a disgrace that we should spend the time we have spent on this Bill in order to repair a situation where we, as members of this place, and members of the community at large, are failing miserably in the early years before the offences occur.

Mr. Venning: Do you think we have problem parents, not necessarily problem children?

Mr. CHAPMAN: There are problems in many areas. I want to spend a few minutes in criticising the lack of parental attention and discipline at the family level, and in expressing the same sort of criticism, where it belongs, at the education level. I do not speak with great authority on the Bill, but I have a large family and I will have had children at school for at least 35 years, most of that period having already passed, and I have had some experience of what is occurring at the education level.

I am disappointed that the level of discipline at our education centres in South Australia, or at least those with which I have had some experience or looked at in cases applying to other families, is miserably low, and is deteriorating. It is about time the level of discipline was lifted and firmed up at the family level, and at primary and secondary school levels in this State. Otherwise, we will be forever spending time on Bills such as this to try to correct the ills that are occurring that, in many cases, should not occur.

Turning again to clause 7, let me look at the five factors mentioned. The first relates to the need to preserve and strengthen the relationship between the child and his parents and other members of his family. It is a disgrace that we have to pass a law in this place and to go to the extent proposed in this instance to try, after the offence has occurred, to re-establish the relationship between parent and child. Surely, the situation has arisen in this State, with the massive increase of offences, where we should be directing, through the avenues we have, that more attention be given by the parent before this situation arises. To try to repair the damage afterwards, in my view, is disastrous.

It may work in isolated cases, but from my observations those cases are few, and almost invariably when the child has offended it is too late to try to repair the damage by way of the Community Welfare Department, as hard and as conscientiously as its officers may try. In many cases, teenagers are so aware of their rights in this area that they stand up not only to their parents but indeed to their teachers. Reports I have heard in this regard are quite disgraceful, to say the least. Children are being cheeky and abusive when efforts are made to discipline them at school level, particularly at secondary school level.

Mr. Slater: You suggest the cat-o'-nine-tails, I suppose?

Mr. CHAPMAN: I will come to that. I support a bit of birch at the home and at the school. There is reference in the Bill to the desirability of leaving the child in his own home. This is an ideal plea and, where it can work, I hope it will be supported. I do not know of too many cases where it has occurred. After an offence has been committed there may be cases where, with the right sort of encouragement and education, a child may best be left in his own home, but few instances have been brought to my attention since I have been a member of Parliament or where it has worked well. I repeat that only a few cases have been brought to my attention by constituents, but I emphasise the importance of encouraging parental discipline so as to avoid the sort of growth in offences that has occurred.

The desirability of leaving the child in his own home is

idealistic but, if a child has offended several times and may be in that habitual bracket, I do not believe that it is fair on the child to give the parents another opportunity, unless they have been properly educated about how to deal with the child. If several offences have occurred, surely it is a demonstration that there has been a parental control breakdown.

Then there is a reference to the desirability of allowing the education or employment of the child to continue without interruption. Again, that is great stuff and very ideal, but when a youth up to the age of 18 or even a child late in his 16th year or in his 17th year, has offended several times, what point is there in kidding ourselves and saying that that person should be allowed to go on uncorrected, remain in his own place of employment, and continue without interruption?

What point is there in having a welfare officer attend the place of employment during lunch times or smoke-ohs to try to encourage the child to do the right thing? There are correction centres, and they ought to be used in that circumstance. Clause 7 *(d)* refers to the need where appropriate to ensure that the child is aware that he must bear responsibility for any action of his against the law. That is important and ought to be rated at the top of that clause. If children have offended, surely the corrective measure is the first and paramount action to be taken. The care and welfare of the child is also important, but the corrective action has not enough emphasis in this Bill.

Clause 7 *(e)* refers to the need where appropriate to protect the community or any person from the violent or other wrongful acts of the child. Again, that is an area where the community is screaming out for greater attention and firmer correction and discipline at education and every other level for these young offenders.

The Police Force in South Australia is extremely responsible, and officers in the Police Force, from reports I have received, are absolutely frustrated. After extreme efforts to try to assist and after apprehending these young people and preparing a case, the case is virtually thrown out of court. This is understandable for a first offence. I am the first to agree that leniency should be extended to first offenders, but, when they come back after committing three or four offences for yet another pat on the head, it is, in my opinion, sick. It is about time that we in this place realised that we have a responsibility on behalf of the community and that we place greater emphasis on community protection from the ills and wrongs of these young offenders.

I am pleased that the member for Murray, the shadow Minister in this area, has told his Party what he intends to do to have the community protection rated at a higher level, and he has told us the action that he intends to take in this direction. I realise that it is an area that I must not speak about in great detail, but it is comforting to me that Opposition members have done their homework in detail and are sufficiently aware of the facts to go to the trouble of preparing the many amendments that are on file.

Generally, in making one or two other comments about the Bill, I point out that the member for Light, another Opposition member who is obviously clear about his material, who has done much homework, and who is deeply concerned about the welfare of children and about the general application of the Bill, has expressed his desire to have the court procedure divided so as to deal with the younger section of the children, as they are referred to, separately from offenders in the older section. He suggests that there be a junior and senior in which two separate cases could be heard, and I support those sentiments.

The proposal for the press to be present during the hearing of the junior offences is an important one, and I shall be pleased to support the amendment on file that refers to that aspect. I am aware that there will be several other Opposition speakers, if not some from the Government side, and I do not want to spend any more time on the Bill. I think that I have made my position clear in expressing my personal concern for the looseness in which we are handling generally young offenders of this State. The way in which have been dealt with by the courts, in conjunction with the Community Welfare Department, has been far too soft in far too many cases, and it is high time that a little more strength of the application of the law in its fullest sense was applied. I am not making these remarks with any idea of trying to downgrade the need for fair and proper care and protection of offenders, particularly the junior offenders.

I make these remarks specifically for the purposes of making clear to members that I am disappointed that the strength and guts of the Bill that could have been incorporated is disturbingly absent. I am sure that, when the public at large becomes aware of the way in which the Government proposes to deal with the ever-growing number of offenders and its failure miserably to strengthen its application of the law and its protection of the community at large, they will express their disappointment appropriately to the Government.

I believe that the public at large will express disappointment at the dogged and pigheaded attitude that has been expressed already by the Attorney-General with respect to our plea for this matter to be referred to a Select Committee. I am not one for recommending Select Committees every day of the week, as has occurred in the House from time to time, but I believe that, if we are to be selective and responsible about it, surely this a classic opportunity with an issue as important as this that we ought to be collecting evidence not for our benefit, because we realise the importance of this issue, but for the benefit of the Parliament, for the public at large, and for the Government, so as to draw to its attention what it obviously still does not realise, namely, the benefit of witnesses and evidence that could come in.

It has been reflected already in speeches of Opposition members that there is deep concern in the community, not only at the general public level but also at the official police level, court level, and magistracy level. There is obviously deep concern at the way in which the Government has presented this Bill, and I hope that it will see some common sense before this exercise is over and will agree with the Opposition and have this matter referred to a Select Committee, because invariably this will occur. From indications we have it will happen in another place, and what an embarrassment that will be to the Attorney-General.

To sit there in the pig-headed way he has this time and object, indicates that he knows that he is in a corner. He knows that it is going to happen anyway. He sits with a smirk on his face and says, "No way". It is about time he got the message.

The SPEAKER: Order! It is the "honourable member" not "he".

Mr. CHAPMAN: I apologise to you, Sir, and to members of the House for the reference I made to "he", and I withdraw it.

The SPEAKER: The honourable member does not need to withdraw it, so long as he says "honourable member".

Mr. CHAPMAN: Thank you, Mr. Speaker. The member for Gilles interjected earlier about the application of the birch. I do not know that he used that term, but I do. A bit of stick does not do any harm. I am not too proud to admit that from time to time it has been applied to my children, but not very often. I am proud of their

performance, and it is not often required, but when it is required it is delivered, as it should be at every level.

The sooner a bit of stick, cane or whatever, or a rap over the knuckles, is reintroduced at the education level and that power and authority is given back to the teaching staff and applied, the better it will be for all concerned. I do not agree that persistent or indiscriminate belting of kids is desirable at any level, but the deterrent should be on the shelf and should be applied when necessary. I do not back off from that statement, and members opposite can make whatever they wish of that remark. I have said it and I mean it.

There is no need for such a reference in the Bill. There would be no need to talk about it if we were satisfied that the Bill was tough enough and strong enough to curb the growth rate in offences in the community. It is no good members opposite laughing about this: it is a serious matter. Youngsters between 10 and 16 years old are offending at an alarming rate. Generally, there is a slackening of control, a lessening of discipline, and a lack of strength at parental and school level. When those are tightened, we will be well on the way to saving not only this State much money but also the community a large degree of concern and stress caused by the offences that are occuring.

I am now pleased to withdraw from the debate, having made the remarks I have in supporting the member for Murray (our shadow Minister in this area), the member for Glenelg, the member for Light, and other speakers who have made contributions to this debate. I am especially pleased to have made known to the House my feelings about the matter.

Mr. GUNN (Eyre): This legislation is a clear indication that the previous administration in this area has failed miserably. Throughout my time as a member of this House since this legislation has operated I have constantly had brought to my attention the failure of the courts to deal promptly with juveniles who have been apprehended by the police for serious offences. Unfortunately, it appears that the policy has been based on academic theories, which in most cases bear little relationship to the practical world in which we live. The attitude that has prevailed is that the police have gone to a great deal of trouble to apphrehend young criminals and bring them before a court, where they have virtually got a pat on the head and a bag of lollies and been told they have been naughty boys, and not to come back again.

The Hon. G. R. Broomhill interjecting:

Mr. GUNN: This sort of nonsense has gone on for too long. It is all right for the member for Henley Beach to make sarcastic comments. If he was prepared to accept his responsibility as a member of this House and stand up and squarely face his constituents, he would admit there has been a failure. I do not advocate that every person brought before a court should be put in gaol or have the birch applied to them, but I agree with the member for Alexandra that the birch should be used, and the cane should be used in schools. I make no apology for saying this. I believe the authority of headmasters of schools should be reinforced. We should not have people like the Minister of Education getting up and talking about handing over the headmaster's authority to committees, and some other form of nonsense he talked about some months ago.

Mr. Mathwin: He has even banned Biggles.

Mr. GUNN: Yes, but I understand that the *Little Red Schoolbook* is still in the libraries.

The SPEAKER: Order! I think that the honourable member should get back to the Bill. There is nothing about a red book in the Bill.

Mr. GUNN: I am pleased there is nothing about it, Mr. Speaker, and I am sure you are, too. I want to read from a letter I received from a very responsible organisation in my electorate, the Far Northern Development Association.

Members interjecting:

Mr. GUNN: Every time anyone stands up and is prepared to accept his responsibility in this House, he is accused of being some wicked facist. I make no apologies for the comments I have made in this debate.

Members interjecting:

The SPEAKER: Order! There are far too many interjections.

Mr. GUNN: I want to read this letter, written on 7 January 1978:

> At our last committee meeting held at Marree on 2.12.77 several matters were raised which we wish to draw to your attention. Over a period of three to four months several acts of vandalism and theft have been committed at Marree. The Marree school and school house suffered to the extent of approximately $1 000. There was $1 000 in goods and cash stolen from the hotel and the A.N.R. suffered by damage to goods such as motor cars being pushed from flat top rail cars to the ground causing considerable damage which no doubt the A.N.R. must make good. We understand the Marree Police have in most cases apprehended the culprits who have been brought before the court but released on bonds. The local people of Marree are very concerned for the well being of their possessions and request penalties more in keeping with the offences being opposed.

Mr. Slater: Who wrote the letter?

Mr. GUNN: It was written on 7 January 1978. These people are some of many who have approached me. Members on this side are prepared to accept their responsibilities. I believe those acts were deliberate. If they were committed by juveniles, the offenders should be dealt with accordingly. I agree with the member for Alexandra that in some of these cases the parents should be held responsible, for what their children do. When we make the parents responsible, they will take interest in what their children are doing and make sure that they are not deliberately annoying other people, or in some cases breaking—

Mr. Slater: Whom is it from?

Mr. GUNN: It is from the Far Northern Development Association based at Leigh Creek, an organisation well known to the Premier, the Attorney-General and other members opposite. I sincerely hope that, when this Bill becomes law, it will give much more protection to the community. I agree that young offenders should be given every opportunity. However, they should be made fully aware of their obligations to society. It is no good our thinking that it is good enough to allow these young people to return to the courts time after time, because most of them, after one or two occasions in court, regard the whole thing as a joke. The police are frustrated; they have not been supported by the Government. The Opposition knows this. The public is crying out for strong action, and it is about time this Parliament showed a little courage and supported the police and the public.

I hope that this Bill is referred to a Select Committee so that concerned groups can give evidence to it. I hope, too, that the Community Welfare Department is a little more realistic in its attitude. I agree with those members who have referred to the department's officers. The department has many fine and good officers who are doing a wonderful job in this difficult area. Unfortunately, however, there are other officers who seem to me to be completely devoid of reality and who are not in any way

suitable for the positions they hold. I make no apology for saying that. Many of these officers are devoid of reality, are not responsible, and are holding positions for which they have had no training and for which they are totally unsuitable. The member for Murray made an excellent contribution to the debate, and I look forward in Committee to supporting his amendments and those moved by other Opposition members. I sincerely hope that, when the Bill becomes law, it will be a great improvement on the 1971 legislation.

Mr. Chapman: Only if the amendments are carried.

Mr. GUNN: Certainly, the amendments will have to be carried to make it a realistic piece of legislation. I will support the second reading and, as I said, look forward to the Committee debate when I can support any Opposition amendments that are moved.

Mr. EVANS (Fisher): I wish to make one or two points, the first of which is that I do not believe that the present operation is working effectively with the Community Welfare Department. I hope that, in future, as we get more people who are trained and, supposedly, expert in the field in handling the situations that occur, we end up with people in the field who make close contact with the community. These people should themselves have had a stable family life, instead of the situation that often obtains now: some people do not have a capacity to lead a stable, conventional family life; nor have they led that type of life in the past. Even though they have experienced some rough times, they do not settle down when working in the field. If we are to support and encourage stable family life (which is the intention of this Bill), those practising in the field must be able to stand up and say honestly that they understand the situation and know how it should be treated.

I do not want to refer to one or two cases to which I have referred previously, because they are known to the House and to the two Ministers involved. There is no doubt that officers often find it easier to say to a child of 15, 16 (or at least under 17 years of age), "You do not have to go home and talk to your parents if you do not want to. We will not even tell them where you are living." I have experience of a case in which that happened, an experience which, for the family's sake, I regret. Someone else was doing the talking for the family, and the family was not given the opportunity to make the contact that was desirable.

In the long term, the community picks up the bill for this sort of thing. The department is supposed to be only an agent for the community, and I should like to challenge the member for Morphett on his earlier statement that these officers are trying to represent the attitudes of society, because that is not true.

Mr. Groom: In part.

Mr. EVANS: Well, it is a small part. If one asked people what they thought should happen regarding a juvenile who continued to offend, their attitude would be completely different from that which Community Welfare Department officers tend to put into practice.

So, what the member for Morphett said is not necessarily true, even in part. The honourable member also said that, where the community believed it was disadvantaged, no longer could the member for Glenelg or anyone else come here and attack a Minister and make a political point. Surely this is the place where someone should be responsible for departments. It is accepted practice that we do not attack the Judiciary.

Mr. Mathwin: That will be—

The SPEAKER: Order! I call the honourable member for Glenelg to order.

Mr. EVANS: To whom do we take complaints? Is the member for Morphett suggesting that we should forget about these matters? I am all for giving young people a first chance or sometimes a second chance, but when there is a blatant disregard for the law a tough line is necessary.

Mr. Venning: Oliver Twist!

The SPEAKER: Order! I call the honourable member for Rocky River to order.

Mr. EVANS: I support the general concept of the Bill. However, we are foolish if we believe that, even with the help of Judge Mohr's report, we know all the answers. We should seek a report from a Select Committee on this measure, which will have a great effect on the community. The Minister should not be so egotistical as to think that the community does not have something to offer a Select Committee. I hope this Bill will be referred to a Select Committee, so that every viewpoint of the community will be considered. I support the second reading.

The SPEAKER: If the honourable Attorney-General speaks, he closes the debate.

The Hon. PETER DUNCAN (Attorney-General): We have been here for three and a half hours on this debate, and most members opposite have told us in verbose fashion that they support the second reading; that is all they did. I exclude from this comment the Leader of the Opposition and the member for Mitcham, because I thought their contributions were well worth while and had some substance but, apart from those contributions, it was the greatest load of gobbledegook that one could imagine. It was so rambling that I thought it was a debate on local government.

Mr. Mathwin interjecting:

The SPEAKER: Order! The honourable member for Glenelg has already spoken, and he has interjected on many occasions. I want to hear the honourable the Attorney-General in silence. The honourable Attorney-General.

The Hon. PETER DUNCAN: We even got to the dizzy heights of hearing the member for Alexandra tell us that there should be a tightening up in some areas, that the stick should be applied more liberally, and that he had children at school for 35 years. The contributions from members opposite were lamentable.

Members interjecting:

The SPEAKER: Order! The honourable Attorney-General listened to the debate without interjecting, and I hope honourable members will not interject while he replies to the debate.

The Hon. PETER DUNCAN: I shall briefly go through the more recent history of this Parliament's association and involvement in the existing Juvenile Courts Act and the structure set up under that Act. Members may recall that, after what were subsequently seen to be unfounded allegations of Judge Wilson in 1976, we came into this Parliament one afternoon and the Opposition moved that there be a Royal Commission into his allegations. One should have seen the shocked looks on the faces of members opposite when the Premier said we would have a Royal Commission into the matter. At that stage, the Opposition tried to get an inquiry, and we gave it one. On this occasion, members opposite are again saying that there has not been enough public inquiry into this matter, that they would like to set up a further public inquiry, this time by the Parliament, into the Bill before the House. I can tell you that the Government rejects—

The SPEAKER: Order! The honourable Attorney-General should say "I can tell honourable members".

The Hon. PETER DUNCAN: I shall tell honourable members further about it in Committee. The whole history of this matter, since it was raised in 1976, has been an

attitude by the Opposition, until tonight, that there should be much haste. On several occasions earlier this year I was asked when the Bill was to come in and what was happening to it, and last year similar questions were asked. Now the Bill is before us, and the Opposition wants not to hurry the matter but to delay it. That is the message coming from the Opposition this evening.

We concede that some matters can be developed as improvements to the existing Juvenile Court structure, and that is what the Bill is about. We want to see the legislation introduced as soon as possible. We believe this is a good Bill. We accept that Judge Mohr's report was basically a good one; we agree with most of the matters in it. We want to see the recommendations of the report implemented as soon as possible, and we intend to proceed with the Bill as soon as it can be passed by the Parliament and introduced administratively in South Australia.

Bill read a second time.

Mr. WOTTON (Murray): I move:

That this Bill be referred to a Select Committee.

I shall not go into great detail, because every member on this side who has spoken has explained why we, as an Opposition, and representing the community of South Australia, believe that there should be a Select Committee. We do so, first, because this is extremely complex legislation, and, secondly, it is vitally important legislation. As each member on this side has pointed out, the legislation deals with the welfare of children in the years to come, as well as with the protection of the community.

I cannot believe that there would be two more important matters that should be debated in full. It is all very well for the Government and for the Attorney-General to say that the people have had an opportunity to debate this subject through the Royal Commission, and have had the opportunity to put forward evidence and submissions. The people have not had an opportunity to debate this legislation and to look at it, and that is what we are talking about—not the basic broad subject of juvenile offenders and matters relating to juveniles.

We are looking at this legislation, which deals with the welfare of children and the protection of the community, and I believe they should be given every opportunity. Parliament must be sure that any question of effectiveness is tested thoroughly now, not in 12 months or two years time. We do not want to bring the legislation back. The member for Light has made the point about the need to divide this legislation as between those children who are under 15 years and those who are between 15 and 18 years. It is extremely important to give the public the opportunity to consider that.

I have stated publicly that this legislation is of such importance that it is essential that ample opportunity is provided for public comment and representation. It covers issues of critical concern to every family in the State. The many people to whom I have spoken and whose advice I have sought have made the same point: they want more time to consider the matters that are raised, and Parliament should give them that opportunity. I deplore the attitude of the Attorney-General that that opportunity should not be given. That is completely despicable. I believe that members on this side have explained why the matter should be referred to a Select Committee.

The Hon. PETER DUNCAN (Attorney-General): As the honourable member has foreshadowed, the Government opposes this motion. One would be at a loss to think of any legislation that has been before this House in recent times which has had more public debate, more time for consideration, or more effort spent on it. It is not as though the Government has rejected the fundamentals of the Royal Commission report. Several members opposite have conceded that this legislation is based on the recommendations of the Royal Commissioner.

As I have said previously, Judge Mohr was involved in the drafting of the Bill. He has had every opportunity to ensure that the provisions closely mirror his recommendations. One cannot suggest as the member for Murray has done, namely, that the public has not had the opportunity in recent times to make a significant contribution on the matter. As the member for Mitcham has said, there is no justification for the waste of public money that would be involved in a Select Committee.

Mr. Gunn: You don't—

The SPEAKER: Order! The honourable member for Eyre is out of order. The member for Murray was heard in silence.

The Hon. PETER DUNCAN: A Select Committee would only delay the reforms that are before the House now. If anyone suggests that the recommendations of the Royal Commission on which this Bill is based have not had sufficient public debating time and sufficient time to be digested, I remind the House that the Royal Commission report was made public late last year. It is now a long time since then. The Bill was introduced on 22 August. It has been a public document since then and people have had the opportunity to examine its provisions. The proof that they have done that and made their views known lies in the fact that members opposite have been briefed by people outside who have had the opportunity to put their views to them in the same way as views have been put to members on this side. The result of that is that we have been able to have an enlightened debate this evening based on a full knowledge of the facts and circumstances. For those reasons, the Government does not intend to support the motion to refer the Bill to a Select Committee, thus delaying the implementation of these important reforms.

Dr. EASTICK (Light): I am concerned that the Attorney-General has such a closed mind on this matter. He refers to the fact that the Bill is substantially along the lines determined in the Royal Commission before Judge Mohr. Whilst we do not dispute that, he provides information to the House that it is not totally as determined by Judge Mohr. Judge Mohr, in the determination, did not put forward a draft Bill as such, and people in the community had no opportunity for a period beyond 22 August, as the Attorney mentioned, to come to grips with all the complexities of this issue in Bill form. As I have already said, there are those in the community who have had a long experience in this area who believe that there is much advantage to be gained by using the United States of America's method which brings about a two-court system, depending basically on age, but also having some regard to the previous history of the adolescent or the person who has had the opportunity in the first or junior of the two courts. I believe that there is a distinct advantage for the betterment of the legislation, which we accept as being better than what we have had before. I believe that it is only just that the Parliament, the Government on this occasion, gives the opportunity to that wider group of people to make these facts known so that the end result will not be the pace-setter for a short period of seven years, which the member for Morphett lauded, but which can be a pace-setter for an indeterminate period in the future.

I believe that other evidence could be directed to this

legislation that would enhance it. I stand here knowing full well that the attitude which the Attorney-General is now stating was precisely the same as the original attitude that the Government had in relation to the Health Commission Bill. No member on either side has not stood in the House and alluded recently to the fact that there was a distinct advantage in referring the Health Commission Bill to a Select Committee, as a result of which a much better piece of legislation came forward. I believe that the self-same situation exists in relation to this Bill, and I ask the Attorney-General to reconsider his attitude, because I believe that such a move would advance the cause of juveniles in South Australia.

The House divided on the motion:

Ayes (18)—Mrs. Adamson, Messrs. Allison, Arnold, Becker, Blacker, Dean Brown, Chapman, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin, Wilson, and Wotton (teller).

Noes (25)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Drury, Duncan (teller), Dunstan, Groom, Groth, Harrison, Hemmings, Hudson, Keneally, Klunder, McRae, Millhouse, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Pair—Aye—Mr. Venning. No—Mr. Corcoran.

Majority of 7 for the Noes.

Motion thus negatived.

In Committee.

Clauses 1 to 3 passed.

Clause 4 "Interpretation."

Mr. MATHWIN: I move:

Page 2—After line 16 insert definition as follows:

"arson" means any of the offences referred to in sections 84, 85, 86, 87, 88, 89, 90, 91 and 92 of the Criminal Law Consolidation Act, 1935-1976.

This refers to setting fire to outer buildings, setting fire to goods in any building, attempting to set fire to buildings, setting fire to crops or corn, etc, attempting to set fire to any crops, placing inflammable material for the purpose of causing a fire, setting fire to a coal mine or timber of any mine, and attempting to set fire to a mine. This amendment lines up with a later amendment, and it should be included in the Bill.

The Hon. PETER DUNCAN (Attorney-General): The Government does not intend to accept this amendment. As the honourable member has pointed out, it relates to an amendment that he proposes to move subsequently. Basically the intention as I understand it, although he has not explained this fully to the Committee, is to send all group 1 offences straight to the Supreme Court The Government does not intend that that should be the case. We believe that the proper place for most of these matters to be determined is the Juvenile Court. Accordingly, most offences, except the most serious, should go to the Juvenile Court initially. Therefore, we cannot accept the amendment.

Amendment negatived.

Mr. MATHWIN: I move:

Page 3, line 5—After "13," insert "14,".

Section 14 of the Criminal Law Consolidation Act relates to causing death by negligent driving, which is an offence serious enough to be included in this clause. This amendment also is connected with an amendment that I will move at a later stage, and I ask the Committee to support this amendment.

The Hon. PETER DUNCAN: I cannot accept this amendment, which seeks to have all matters involving juveniles charged with causing death by dangerous driving dealt with in the Supreme Court. There has been a practice of referring those matters from the Juvenile Court to the Supreme Court. This has been a subject of judicial comment. The Supreme Court believes that these matters would be more appropriately dealt with in the Juvenile Court. I certainly believe that to be the case. It seems to me that, whilst they are most serious offences, these offences are not the type that can be described as the most serious offence in the criminal code. I believe that, except for those types of offence all other matters ought to be dealt with in the Juvenile Court.

Mr. MATHWIN: I remind the Attorney-General that he stated previously that the suggestions made by Judge Mohr were abided by, and this was one of the areas that he stated emphatically should be dealt with in this court. I remind the Attorney also of what His Honour said on page 68 of his report, as follows:

> At present, children over the age of 16 years and under 18 years who commit offences under the Road Traffic Act and sometimes under the Motor Vehicles Act (e.g. unlicensed, unregistered, uninsured vehicle, etc.) appear before a Juvenile Court. This procedure has several unfortunate results: it clutters up Juvenile Court lists unnecessarily; the procedure whereby an adult offender can plead guilty by means of a form 4A is not available to the child.

The judge goes on to explain the reasons why he believes it would be right and proper for offences under section 14 of the Criminal Law Consolidation Act to be dealt with in this court. I ask the Attorney-General to give this matter more thought and to support the amendment, as I believe it is important that it should be carried.

Mr. McRAE: If I understand him correctly, the honourable member is referring to the offence of causing death by dangerous driving. In the case of adults, the matter is dealt with in the District Court, and it seems to me that, as the judges dealing with the matter in the Juvenile Court are of the same rank and, in fact, take the same commission as the judges in the District Court, there can be no disadvantage either to the juvenile or to the community.

The Committee divided on the amendment:

Ayes (18)—Mrs. Adamson, Messrs. Allison, Arnold, Becker, Blacker, Chapman, Eastick, Evans, Goldsworthy, Gunn, Mathwin (teller), Nankivell, Rodda, Russack, Tonkin, Venning, Wilson, and Wotton.

Noes (24)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Drury, Duncan (teller), Groom, Groth, Harrison, Hemmings, Hudson, Klunder, Langley, McRae, Millhouse, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Pair—Aye—Mr. Dean Brown. No—Mr. Corcoran.

Majority of 6 for the Noes.

Amendment thus negatived.

Dr. EASTICK: The definition of "child" is clear. I raise the question of whether in future this type of definition will be appropriate. Can we call a person aged 15 years, 16 years, or 17 years a child in today's society? This Bill calls such a person a child, but can the Attorney-General say whether the Government and its advisers have considered the definition from the viewpoint to which I have referred? Was an alternative definition considered and, if it was, what was that alternative definition?

The Hon. PETER DUNCAN: I can appreciate the honourable member's interest in this perplexing matter. The difficulty is that one has to try to find a term of art covering the age range of people to be covered by this Bill. The Royal Commissioner wrassled with the problem for some time. I do not know the details of any submissions made to him in this connection, but I know that he seriously considered recommending that the word "juvenile" should continue to be used as the principal term defining the persons to be covered in this legislation.

Eventually, he determined to recommend to the Government that the words "child" and "children" should be used in preference to "juvenile", because of the unsatisfactory connotation associated with that word in modern usage when applied to children who have not been charged with an offence, children who are now to be covered by civil jurisdiction of the court. Those were the reasons why the recommendation was made, and the Government has accepted the recommendation.

Mr. MATHWIN: I refer to the definition of "child", which means a person who had not attained the age of 18 years on the day on which he allegedly committed an offence. We have had an explanation from the member for Morphett, but I should like the Attorney-General to say whether he is of the same opinion at this moment and whether, if a person is caught some years later, he will still be charged as a juvenile, even though he has committed other offences.

The Hon. PETER DUNCAN: The honourable member will be pleased to know that I am *ad idem* with my colleague.

Clause passed.

Clauses 5 and 6 passed.

Clause 7—"Factors to be considered when court, etc., deals with a child."

Mr. MATHWIN: Referring to paragraph *(e)*, in my opinion the concluding words "of the child" are not necessary. When does the Attorney-General feel that this provision would not be appropriate? Presumably it is in the situation where it is a matter of protecting the child. What is meant by the phrase "where appropriate"?

The Hon. PETER DUNCAN: When it involves the criminal jurisdiction.

Clause passed.

Clause 8—"Constitution of Children's Court."

Mr. MILLHOUSE: I move:

> Page 5, lines 6 to 9—Delete "persons holding judicial office under the Local and District Criminal Courts Act, 1926-1976, as the Governor may, by instrument in writing, designate as judges of the Children's Court" and insert "judges as the Governor may appoint".

The effect of the amendment is to provide that judges will be appointed especially to this court, and will not be given a general commission as judges of the Local and District Criminal Court and simply appointed to the Children's Court. This is in line with the recommendations of the Royal Commissioner (at page 27 of the print I have, paragraph 18) and he is quite definite about it. Apart from that recommendation it seems a most sensible and obvious thing to do in view of the most unhappy experience of this Government with Judge Wilson, who was appointed a Local and District Criminal Court judge especially to sit in the juvenile jurisdiction. He had a row, resigned from that jurisdiction, and the Government was stuck with him. Now, the provision in clause 8 as it stands which I want to amend will allow that to happen again.

The Attorney did not say why the Government has rejected this recommendation and has put the clause in as it is. I cannot understand why anyone in the legal profession or anyone who has had any experience of this Bill would want it to be as it has been drawn. I known that the Government has been hesitant about this matter and that there have been several drafts of the clause. I know also that one draft was along the lines of my amendment, and then the Government decided otherwise. There may be some good reason why the Bill has been drawn in this way, but it flies in the face of the Royal Commission recommendations, and the Attorney has said that by and large the Government has accepted the recommendations of the Royal Commission.

Mrs. ADAMSON: I support the amendment, and I agree with the member for Mitcham that it is surprising that the Government has ignored a specific recommendation. I think it was the evidence given by Judge Ligertwood that led to the recommendation on page 27 of the Royal Commission report about the present method of appointment, to which the member for Mitcham has referred. I also seek from the Attorney-General the reason why the Government did not accept the recommendation.

The Hon. PETER DUNCAN: The Government does not accept the amendment. It did not accept the Royal Commission recommendation because it felt that, whilst there were the difficulties to which the member for Mitcham has referred (the recent problem involving Judge Wilson), there have been other difficulties with the personnel of the Juvenile Court, extending back a long time. It is a difficult and delicate jurisdiction and needs much sensitivity and understanding on the part of the judicial officers concerned.

Dr. Eastick: That would be only some personnel.

The Hon. PETER DUNCAN: Certainly. I said that the situation involving the personnel of the Juvenile Court extended back a considerable time, much longer than the period of office of this Government. We considered it preferable to have a situation where, by revocation of the order appointing them to the Juvenile Court, judges could be placed into the general jurisdiction of the Local and District Criminal Court, where they could undertake the work of judges in that jurisdiction. Whilst that has some obvious difficulties such as those that arose following the resignation of Judge Wilson, we believe that it is a better situation than to be in the position of having in the Juvenile Court judges who may prove to be less than satisfactory. Clause (4) permits the Governor, by further instrument in writing, to vary or revoke any instrument referred to in subsection (2) of this section, which is the section that deals with the designation by the Governor of persons to be judges of the Children's Court. So, by drafting the provision in the way in which it has been drafted, we have given to the court as much flexibility as possible.

At present, the Government believes that it may be desirable to staff the Juvenile Court with judges who are not of advanced years, judges who have families of their own, who have recently been fathers or mothers, and who are still in contact with young people in a direct sense. So, we will have the opportunity, as the judges get older, in appropriate cases (but not necessarily in all cases) to transfer judges from the Juvenile Court into the general jurisdiction of the Local and District Court.

Mr. MILLHOUSE: I am obliged to the Attorney for his explanation. There is, in my view, a great weakness in the line of thinking he has explained to us as having swayed the Government, namely, that frequently (and Andrew Wilson was a good example of it) a person is appointed specifically to that jurisdiction because of his apparent suitability for it. It is quite unlikely that, if it were not for that suitability, he would be appointed a judge at all. If it fails, as it did in the case of His Honour Judge Wilson, for one reason or another, good or bad, we are stuck with a person who is holding judicial office but who would not be holding judicial office if it were known that he could not sit in the special jurisdiction for which he was appointed, because he may be (and I do not say it particularly in Judge Wilson's case) well below the general standard required of a judge of the Local and District Criminal Court. He is there by default.

Mr. Goldsworthy: What would you do with him? Sack him?

Mr. MILLHOUSE: He could not be sacked.

Mr. Goldsworthy: But what if a judge of the Juvenile Court wasn't any good?

Mr. MILLHOUSE: That is a problem with any judicial appointment. But allowing him to go somewhere else where the jurisdiction is regarded as more senior and more difficult compounds the problem; it does not solve it.

This is the crux of the complaint that many people have made about the appointment of Mr. Daugherty; he was appointed to the planning and appeal tribunal, but he can sit anywhere. The gentleman appointed at the same time as Mr. Daugherty, namely Professor Rogerson, was appointed to head the Credit Tribunal, but today he was sitting in the full jurisdiction of the Local Court. I think that is entirely wrong. Senior Judge Ligertwood has said publicly that he thinks it is wrong and, heaven knows, he ought to be in a good position to say so, as the man responsible for staffing these courts with judges. Everyone except the Government has said that it is wrong.

The only reason the Attorney-General has given has in it this very grave fallacy that a person who proves to be unsuitable for one reason or another in the Juvenile Court will have to be put into another jurisdiction where the overwhelming chances are that he will be even less suitable than he was in the Juvenile Court. I think that the Government has made a wrong decision but it is obvious that we are not going to change it. It thought this matter out before the Bill was introduced and has come down on the wrong side of it. In this place at least it will not budge. I have no doubt that it is a wrong decision. Having heard the Attorney-General, I am confirmed in my view.

The Hon. PETER DUNCAN: There is a fallacy in the honourable member's comments, namely, that the Government believes that the Juvenile Court is of equal standing with the Local and District Court and is not in any way an inferior court.

Mr. Millhouse: Come on!

The Hon. PETER DUNCAN: That is the view of the Government. The honourable member's attitude is his own legal skirt showing, I suppose. He has a particular view, which is slated to the profession at large. The Government's view is that the work in the Juvenile Court is of equal importance to that of the Local and District Court. For that reason we believe that it is vital that the people who exercise the jurisdiction in the Juvenile Court or the new Children's Court should be people of sensitivity.

Mr. TONKIN (Leader of the Opposition): The Attorney has just totally destroyed his own case. I agree that the work done in the Children's Court is of equal importance to that done in the Local and District Criminal Court. The judges in either jurisdiction have equal status and importance. For that reason I believe that judges in the Children's Court should have their own jurisdiction and be judges in their own court in their own right.

Mr. MILLHOUSE: That judges in the Juvenile Court have their own separate commission for that court only does not mean to say that they are necessarily for that reason inferior to judges in the Local and District Criminal Court. They can be equal. That argument gets the Attorney nowhere. I do not agree with him that they are, as a rule, in the eyes of the profession, of equal standing with judges of the Local and District Criminal Court. I remember the Senior Judge saying in his evidence that they were really not much more than glorified magistrates, with great respect to Their Honours in the Juvenile Court at present and without referring to either of my good friends, Judge Crowe, who is a contemporary of mine, or Judge Newman, who has performed capably in that court.

As a rule, I am sure that that is quite right. I am sure that the Attorney knows that the overwhelming opinion (he may not share it) of the profession would be that there is not equality of experience and ability, except in that specialised jurisdiction. The majority no doubt would agree with me and not with him on that point.

The Committee divided on the amendment:

Ayes (19)—Mrs. Adamson, Messrs. Allison, Arnold, Becker, Blacker, Dean Brown, Chapman, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse (teller), Nankivell, Rodda, Russack, Tonkin, Wilson, and Wotton.

Noes (23)—Messrs. Abbott, Bannon, Broomhill, Max Brown, Mrs. Byrne, Messrs. Drury, Duncan (teller), Groom, Groth, Harrison, Hemmings, Hudson, Klunder, Langley, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Pair—Aye—Mr. Venning. No—Mr. Corcoran

Majority of 4 for the Noes.

Amendment thus negatived.

Progress reported; Committee to sit again.

ADJOURNMENT

At 11.58 p.m. the House adjourned until Thursday 14 September at 2 p.m.