

**HOUSE OF ASSEMBLY**

Wednesday 5 December 1984

The **SPEAKER (Hon. T.M. McRae)** took the Chair at 2 p.m. and read prayers.

**STATE DISASTER ACT AMENDMENT BILL**

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

**NEW MEMBER FOR ELIZABETH**

Mr Martyn John Evans, who made an Affirmation of Allegiance, took his seat in the House as member for the District of Elizabeth in place of the Hon. Peter Duncan (resigned).

**PETITION: PRE-SCHOOL EDUCATION**

A petition signed by 209 residents of South Australia praying that the House urge the Government to provide increased funding for pre-school education in rural areas was presented by Mr Lewis.

Petition received.

**PETITION: EQUAL OPPORTUNITY BILL**

A petition signed by 75 residents of South Australia praying that the House amend the Equal Opportunity Bill so that it is in the same form as it was in when introduced by the Attorney-General was presented by Mr Max Brown.

Petition received.

**PETITIONS: OPEN SPEED LIMIT**

Petitions signed by 299 residents of South Australia praying that the House reject any proposal to reduce the open speed limit from 110 km/h to 100 km/h were presented by the Hon. P.B. Arnold and Mr Lewis.

Petitions received.

**PETITIONS: ANTI-DISCRIMINATION BILL**

Petitions signed by 160 residents of South Australia praying that the House delete the words 'sexuality, marital status and pregnancy' from the Anti Discrimination Bill, 1984, and provide for the recognition of the primacy of marriage and parenthood were presented by the Hons P.B. Arnold and D.J. Hopgood.

Petitions received.

**PETITION: CRIME**

A petition signed by 682 residents of South Australia praying that the House legislate for higher penalties for serious crimes; reform the parole system; give greater protection to the public and urge the Government to conduct

a referendum on the reintroduction of capital punishment was presented by Mr Oswald.

Petition received.

**QUESTIONS**

The **SPEAKER**: I direct that the following written answers to questions without notice, as detailed in the schedule that I now table, be distributed and printed in *Hansard*.

**NATIONAL CRIME AUTHORITY**

In reply to **Hon. H. ALLISON** (13 November).

The **Hon. G.J. CRAFTER**: As the Attorney-General indicated, the reference to a judge of a court of the State does include members of the Industrial Court. The Attorney-General undertook to pursue the matter with the Inter Governmental Committee and ask the Commonwealth whether it had in mind judges exercising industrial jurisdiction.

**VEHICLE SERVICING INDUSTRY**

In reply to **Mr MAYES** (18 September).

The **Hon. G.J. CRAFTER**: The results of the survey conducted by *Choice* magazine on the servicing of motor vehicles are obviously cause for considerable concern. The survey was conducted in New South Wales and there is no information available as to whether a similar survey conducted in South Australia would produce a similar result. However, it is interesting to note that New South Wales is the only State which has attempted any comprehensive regulation of the motor repairing industry. Under the New South Wales Motor Vehicle Repairs Act 1980, all motor vehicle repairers are required to be licensed and all their employees are required to hold a tradesman's certificate. The *Choice* survey suggests that this extensive system of regulation in New South Wales has not proved to be effective in removing consumer problems in this area.

The *Choice* magazine article calls upon Governments to legislate to control the motor vehicle repair industry. However, no constructive suggestion is made as to the form which this regulation should take. In view of the experience in New South Wales it seems unlikely that a comprehensive licensing or registration system would be the answer. Such a system would also be very expensive to develop and maintain and, of course, the costs would eventually be borne by the motoring public.

One of the greatest difficulties in this area is that the average motorist is not usually in a position to know whether or not work which has been carried out on his or her car has been done properly—or at all. If it has not been done properly, problems as a result of the ineffective repairs may not manifest themselves for some time and it is then sometimes difficult to establish that the ineffective repairs were the cause of the subsequent problem. A system of random spot checks might be established to ascertain whether repairs have been properly carried out, but this would be enormously expensive. A considerable portion of the cost of repairs often consists of disassembly and reassembly of components, and this cost must be incurred again if the repairs are to be checked after they have been completed.

It is often assumed that a licensing or registration system will solve problems of this kind because, it is said, those who are incompetent or lack the necessary experience and skills will not be able to obtain a licence and will therefore not be able to operate the business in question. However,

this assumes that the problems in fact result from incompetence or lack of skill, whereas this is not always the case. A trader may have sufficient competence and skill to satisfy the licensing authority that he should be licensed, but may then still carry on business in an unsatisfactory manner by means of misrepresentation or failure to apply the skills which he has.

In the case of the motor vehicle repair industry, the Government is not satisfied that a licensing or registration system would be the answer. Further, the cost of establishing a comprehensive monitoring system to check the quality of repairs, either on a systematic basis or a random basis, would be prohibitive.

Instead, the Minister of Consumer Affairs has asked the Department of Public and Consumer Affairs to investigate the possibility of establishing, in conjunction with the South Australian Automobile Chamber of Commerce, a comprehensive code of conduct for motor vehicle repairers. I would be prepared to consider recommending legislation to support that code, because this is an area in which I do not believe self-regulation would be effective. The legislation might take the form of a statutory requirement to comply with the code of conduct, together with powers conferred upon the Commercial Tribunal to take disciplinary action against any repairer found to be in breach of that code. The ultimate sanction for serious breaches would be an order of the Tribunal prohibiting the trader from carrying on business as a motor vehicle repairer or, in appropriate cases, permitting him to continue to do so only subject to conditions imposed by the Tribunal.

In the meantime, any consumer who is dissatisfied with his dealings with a motor vehicle repairer should lodge a complaint with the Department of Public and Consumer Affairs. The Department can investigate such complaints and attempt to resolve them by negotiation and conciliation. Where disputes are not resolved by this means, the Department can advise on the procedure for having the matter adjudicated by a court. Most claims regarding motor vehicle repairs would fall within the small claims jurisdiction of the court, which ensures that there is ready access to justice with minimal expense and delay.

## QUESTION TIME

### STATE AQUATIC CENTRE

**Mr OLSEN:** Will the Minister of Public Works confirm that bungling by the Public Buildings Department has resulted in a massive escalation in the cost of the State Aquatic Centre, which is being developed in the North Parklands? When the Government announced this project in July last year (and I note that another Minister is giving the Minister of Public Works some assistance for his reply), it was estimated that the cost of the project would be \$4.2 million and it was stated that it would be completed by early October this year. However, the date for the expected completion is now March next year and the latest official Government estimate of cost is \$7.2 million. Whilst this represents an escalation of more than 70 per cent in just over a year the final cost is now likely to be almost \$10 million, or more than double the original estimate. Reports from the building and construction industry indicate that the escalation results from the Public Buildings Department design of the project specifying much more steel than was necessary. In fact, we have been told that the framework contains enough steel to support a 10-storey building, so that, instead of an aquatic centre, we are getting an engineering dinosaur that will cost taxpayers at least \$5 million more than the original estimate for this facility.

In addition, industry leaders have clearly indicated that, had the previous Government's plans been proceeded with for an aquatic centre on the West End Brewery site, South Australia would have got more value for its money. The former Government's proposal would have had more facilities, including an extra pool to limit operating costs, whereas, in addition to escalating costs and a delay of at least six months in the completion of the project, the Auditor-General has been critical of this Government's failure to quantify the cost to taxpayers of operating the centre. This project appears to be fast becoming a financial fiasco for which the Government must accept full responsibility.

**The SPEAKER:** The honourable Minister of Public Works. The honourable Minister of Water Resources.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. SLATER:** I will answer this question, because the Department of Recreation and Sport is the client group and the Public Buildings Department is the project manager.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. SLATER:** I want to take issue with all the comments made by the Leader of the Opposition. He talked about delays in commencing the project. There are a number of factors relating to this and I have mentioned them publicly on previous occasions. First, negotiations needed to be undertaken with the Adelaide City Council (the owner of the site), and they took longer than expected. It was anticipated that the project would start in about April of this year. However, its commencement was some few months after that. The differences that occurred in relation to that delay involved the provision of car parking. The Government, after discussion with the Adelaide City Council, came to an arrangement regarding additional car parking.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. SLATER:** Members can laugh their bloody heads off, but let me finish the answer. When the project finally commenced, it was found that the original swimming pool had been leaking for some time. It is just like the member for Mitcham—he has a bit of a leak at times. Let me tell honourable members that these are the facts of the matter.

At a very critical time in the concrete pour there was inclement weather, which put the project back a few weeks—perhaps a month or more. So, all of those things combined. It was expected that the project would have been finished at about this time, in December. It is likely to be finished now in March of next year. However, information that I have received from my colleague responsible for the Public Buildings Department, the cost is as stated, \$7.2 million.

**Mr Ingerson:** That's \$3 million more.

**The Hon. J.W. SLATER:** The member for Bragg says '\$3 million more'. The original estimates—and they were estimates—were based on a number of factors, as far as the structure is concerned. It was certainly not true when the Leader of the Opposition said that we will not get value for money. We will get value for money and I can tell honourable members that as far as the Hindley Street site is concerned—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. SLATER:**—it would have cost about \$14 million. I have mentioned in the House before that the previous Government was not secure about that site because it never purchased the site from the brewing company until the day before the 1982 election—that is how confident it was about that project. There were 2½ years of delay concerning that project. About \$180 000 was spent on architects

fees, consultancy fees and feasibility studies and we received exactly nothing for that.

*Members interjecting:*

**The Hon. J.W. SLATER:** Members ought to go out and talk to the bloody swimming fraternity and see how it feels about this project.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.W. SLATER:** Those people believe that the project is in the interests of swimming in South Australia and the public generally. It will certainly be an asset to South Australia and sport in general, and the cost will be \$7.2 million.

#### GLENELG TRAMLINE

**Mr MAYES:** Will the Minister for Environment and Planning urgently investigate the matter of replacing trees, which are now dead, that were recently planted along the Glenelg tramline as part of the Glenelg tramline beautification process, and discuss with his colleague the Minister of Transport and the Unley council the matter of future maintenance of such plants? Several constituents who live along the tramline have contacted me and have expressed their concern about the dead trees which were recently—

*Mr Mathwin interjecting:*

**Mr MAYES:** Some dead logs on the other side of the House are interjecting, but I point out that these constituents are concerned that many of the trees which were recently planted by local schoolchildren are dead. Urgent replacement is required, and there is a need for a maintenance agreement. My constituents are very interested in their local surroundings and in ensuring that the tramline is beautified.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. D.J. HOPGOOD:** This matter has been flipping into and out of my life with an interesting frequency: I can recall the occasion on which former member Gil Langley took the opportunity in the House to ask a question about the Glenelg tramline to congratulate me on the birth of our second daughter. Certainly, I will take up the matter that the honourable member has raised. In fact, since June we have had a very good growing season and, if trees have died in greater numbers than what would be regarded as a reasonable number, given that there is always some loss in these projects, it would suggest that there are matters in relation to their looking after that need to be addressed seriously and quickly.

I would not suggest that the replacement of those trees would be appropriate at this time of the year, and we would probably be looking to an autumn replanting. The greening of the Glenelg tramline is, of course, one of the more central aspects of the whole of the greening of Adelaide project. We give it very high priority, and I can certainly assure the honourable member and the House that the Government will treat the matter that he has identified as one of extreme urgency.

#### DEPARTMENT OF MINES AND ENERGY ANNUAL REPORT

**The Hon. E.R. GOLDSWORTHY:** Is the Minister of Mines and Energy refusing to table the annual report of the Department of Mines and Energy because it reveals a further significant decline in mineral exploration in South Australia? The Department's report for the year 1983-84 has been with the Minister for some time, and it is customary for the report to be tabled in Parliament as soon as it becomes

available. In fact, I cannot recall the report not having been tabled before this time previously. However, the Minister has chosen to not table the report either yesterday or today. If it is not tabled tomorrow, Parliament will have to wait until next February for this important report.

I understand that the report reveals a further significant drop in spending on mineral exploration during 1983-84 from the record levels achieved during the time of the previous Liberal Government, and that a principal reason for this is the Government's anti-uranium policy—or, at least, its policy which allows one uranium mine to proceed while others are closed down. The report is also likely to contain comments about the Government's failure to allow vital petroleum exploration to proceed in the North-West of South Australia. In view of the significance of the exploration and mining industry to South Australia's economic future, I ask the Minister to stop sitting on the report and to table it tomorrow.

**The Hon. R.G. PAYNE:** The honourable member's use of the word 'understanding' passes all understanding. He is suggesting that he is in possession of some information. His information is incorrect, and I am not failing to table the document. It will be tabled tomorrow, when I have it.

#### SOUTHERN VALES SCHOOLS

**Ms LENEHAN:** Will the Minister of Education advise the House of what, if any, additional secondary facilities are being planned for the southern area? In an article in the *Southern Times* newspaper last week it was reported that there is concern amongst the area's principals about possible overcrowding in southern area schools. I will quote from that article, headed 'Bursting at seams', as follows:

Southern Vales high schools have written to Education Minister, Lynn Arnold, expressing concern at over-crowding in the area. This follows meetings between representatives of Christies Beach, Aberfoyle Park, Willunga, Reynella East, Wirreanda and Morphett Vale High School councils.

The meetings were told that all the schools, except the new Aberfoyle Park High School, would be at or near their building capacity next year, with still more increases in student demand to come.

I ask the question because the vast majority of those secondary schools are within my electorate, and it is an issue with which I have been concerned since becoming the member for Mawson. I am aware of the concerns and am anxious to know whether the suggestions which the area principals have made to the Minister are being investigated.

**The Hon. LYNN ARNOLD:** I can provide some advice to the House on this matter. Indeed, it is a matter of some concern to numerous people in the southern area and also to the Education Department, along with members in this place. The matter was discussed during the Estimates Committees as we considered what kinds of options might have to be looked at by the Education Department to meet the needs of enrolment changes both upwards and downwards in the latter half of the 1980s.

With regard to the situation in the Southern Vales area, I am aware of the concern of the high school council chairpersons of the area. They have communicated that to me separately and also through the member for Mawson. With regard to the capacity of schools in the Southern Vales, the situation is as follows: both Christies Beach and Morphett Vale High Schools are currently below assessed capacity, but it is recognised that Reynella East High School will be near its capacity in 1985, along with Willunga High School. Wirreanda High School is already clearly over capacity, as is Aberfoyle Park High School, and that has been noted.

Already I have announced previously in this House in answer to a question from the member for Mawson, who

is concerned with the local area, that the Hallett Cove R through 10 school will be established and will be operating at the secondary level by 1988. A Morphet Vale East High School is also proposed to be established, opening in 1988. It is anticipated that that school will ease pressure on Reynella East and Wireanda High Schools.

The other point that should be noted is that we have a request in the major works programme for additional solid buildings at Willunga High School, where the latest demographic survey has indicated that, by the end of this decade, it could have a population of 1 200. Its current capacity is 950, so it would be clearly stretched without the provision of extra buildings. We now come back to the important question.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. LYNN ARNOLD:** I refer to the question of other secondary schools that will be under capacity and how we will cope with that problem. I said during the Estimates Committees that we require public discussion about the range of options available to the education system to cope with what will be dramatic changes in enrolment patterns of schools in the latter half of the decade. The Government and the Department are committed to meeting the needs of rapidly growing areas by the provision of new facilities as we are able to do so, but we also have to take into account changing circumstances in areas of declining enrolment.

I take this opportunity to say to the chairpersons of the Southern Vales high school councils that the Government is concerned about the issue, is planning for it and is seeing that resources are being budgeted for in forward capital works programmes to meet the needs of students in that area who will be attending secondary schools.

### TAFE COLLEGES

**The Hon. MICHAEL WILSON:** Will the Minister of Education say how many TAFE colleges have been told by the Government not to enrol new students in 1985? The Opposition has already exposed in previous questions the crisis that is developing in tertiary and further education in South Australia as a result of funding shortages. Courses have been reduced or cut out altogether, affecting a wide range of people, even including the mentally and physically handicapped.

I have now been informed that the Gilles Plains Community College has been told by the Government not to enrol any new students in 1985 and that some of its existing continuing students will have to go to other colleges for some of their courses, particularly business studies. I understand from information given to me that other TAFE colleges may be facing similar difficulties as a result of the Government's failure to give technical and further education the priority that it promised at the last election. The consequences of these cuts will be most serious, because they affect mostly young people seeking vital training to pursue chosen career paths in employment.

**The Hon. LYNN ARNOLD:** The honourable member's actual question was how many TAFE colleges have been told not to accept new students in 1985: the answer is 'None'. In discussion, the honourable member alleged that one particular college had been told by the Government that it must not accept new students. The answer to that is that it is incorrect.

The next point that the honourable member made is with regard to business study courses at that college; he said that some students had been asked at this stage to continue their studies at other colleges. I make the point that it is not

unusual for there to be rationalisation of courses between technical and further education colleges.

**An honourable member:** Come on!

**The Hon. LYNN ARNOLD:** Before there is any outcry on the other side, I ask members to recall, for example, the rationalisation that took place with regard to child care courses in the Department of Technical and Further Education under the former Government.

Other rationalisation of courses has taken place. I do not want to say that rationalisation of courses should not happen between TAFE colleges: it is quite reasonable on occasions that it should happen. I also accept that on other occasions it has not been reasonable. Therefore, it behoves the Department and the Government to make sure that if ever rationalisation of courses is proposed, it is in the best interests of students and of the Department and that it makes the best use of the resources available.

However, I also make the point that the Director-General of Technical and Further Education is still advising colleges that these matters are subject to further discussions between him and principals of colleges to determine their budget situation for 1985. Also, as I indicated on an earlier occasion, it is still a matter that has been under consideration by the Government.

**Mr Baker:** When?

**The Hon. LYNN ARNOLD:** The member for Mitcham interjects and says 'When?' I remind members of this place (and it is a case of telling anew the member for Mitcham who was not here under the former Government) just what happened with some of the budgetary decision making at TAFE under the former Government. I recall that there were many TAFE colleges in South Australia which, on a previous budgetary occasion, went to the Government and said that the situation was not satisfactory for their course provision and that they would have problems.

By the end of January the Minister and the Government got their act together and were then telling colleges what would happen to their budget for that calendar year. We will advise colleges of their final situation within the next couple of weeks, which is not January next year, and we will pick up a number of the concerns that have been raised on earlier occasions. However, I repeat the point that the principals of colleges have been advised that those are ongoing discussion matters with the Director-General of the Department of TAFE, and that those discussions are taking place. Further, not separately from that but in consort with it, as the Director-General advises the Government, the Government is also having further discussions on this matter. We will make available some advice on the subject in the next couple of weeks for the information of colleges.

However, I come back to the point that the question raised by the honourable member is an attempt to suggest that no new students, in his wording, will be accepted at TAFE colleges, which is quite a ludicrous statement. Also, it is quite ludicrous to suggest that this was a Government instruction. I ask the honourable member, when he starts thinking about TAFE resource allocation, to recognise that the matter of rationalisation of courses is always something that should be left open for discussion and that it can be an educationally positive thing to do if one wants to make sure that one is giving the best range of subject unit offerings to students in particular course areas.

### LOTTERY AND GAMING ACT REGULATIONS

**Mr PLUNKETT:** Can the Minister of Recreation and Sport say whether the regulations under the Lottery and Gaming Act have been amended recently and how they have affected the game of bingo? As some references have

been made to me in relation to minimum charges per game, I would be grateful if the Minister could explain the present situation.

**The Hon. J.W. SLATER:** There have been a number of amendments recently to the Lottery and Gaming Act, and the one to which the member for Peake has specifically referred involves a minimum charge per game of bingo. As I believe that there has been some misunderstanding about that matter, I want to take the opportunity to explain in some detail that all the recent amendments to the regulations in question were made in consultation and discussion with the various promoters of the game and, indeed, with those persons who have a special interest in that area.

I think that there has been a maximum charge of 20c a ticket ever since bingo came into operation in South Australia, and there have been requests from time to time over a period of years in regard to a minimum charge for bingo.

The problem we saw as a Department on which my officers have advised me is that many of the highly patronised clubs—the larger clubs—that have the capacity to accommodate a large number of players can charge as little as 5c or 2c a game and can still pay fairly attractive prizes, although the opportunity for the individual, of course, is restricted somewhat by the number of players. The prize is based on the charge per card and the number of people who participate in the game, and this has created some anomalies. First, those venues that can attract large attendances are keeping players away from smaller clubs which, therefore, are losing a potential income from bingo.

Since the introduction of the sale of instant bingo tickets, in conjunction with housie (or bingo), some promoters have been enticing players by reducing the cost of the bingo cards, as I said, to as little as 2c and, of course, they are then able to attract additional numbers. The fact that they are able to sell instant bingo tickets means that they are able to make more money and to reduce the price per game to 2c and also reduce the prize. It was believed that we ought to make an alteration and set a minimum charge of 10c, and this was done at the request of and in discussion with a number of the major bingo promoters, including some of the league football clubs and other persons and organisations that have been running bingo for a considerable number of years.

As a matter of fact, a petition was received from approximately 1 500 bingo players requesting that the prize money in bingo be increased, notwithstanding that such an increase would have a parallel increase in the cost of bingo cards. The question of applying a minimum of 10c per bingo card has been under consideration for a considerable period, during which officers of the Department of Recreation and Sport have examined and assessed very carefully all the relevant factors concerning the issue, at the same time ensuring that it is fair and equitable for all promoters. There have been difficulties regarding the large bingo promotions compared to those operating in a much smaller way. Therefore, the decision was made and the regulations were changed, assessing all those matters, and I believe that it was a step in the right direction—

**Mr S.G. Evans:** What are you doing about the \$50 000 bingo tickets that are sold?

**The Hon. J.W. SLATER:** That is another matter. I am unable to answer that question now.

The point I make clearly is that we are trying to do as much as possible to assist all the organisations in their fund-raising activities by having a minimum charge which in actual fact, I believe, does not affect the individual player to any great extent.

## GRANTS TO NON-GOVERNMENT SCHOOLS

**The Hon. JENNIFER ADAMSON:** Does the Minister of Education agree that notifying non-Government schools of their funding for 1985 on 3 December makes sound budgeting impossible, especially when many schools have been notified of massive reductions in their grants, and what action does the Minister intend to take in the event that some schools will need to either raise fees beyond the capacity of parents to pay or go deep into debt, a situation that could eventually lead to the prospect of closure?

I was advised today that a leading Catholic school in my district, Rostrevor College, has had its grant for 1985 cut by an anticipated \$160 000 based on the application of the Government's new formula for funding non-Government schools. Another Catholic school has had its grant reduced by \$106 000, and a non-Catholic school has had its grant reduced by \$140 000.

Although 54 per cent of Rostrevor students are of ethnic origins, under the narrow definitions of ethnicity contained in the new formula only 6 per cent of those students would qualify for needs-based grants on this basis. The Headmaster of Rostrevor has advised me that under the formula the school could double its income by accepting only Government assisted students and those who could afford to pay the full cost of fee increases, which for year 12 would rise to well over \$1 000 per annum next year. Rostrevor and other similar schools would then become institutions composed of haves and have nots. The school has estimated that the cumulative effect over the proposed four-year period of the application of the new formula could result in up to three-quarters of Rostrevor families having to remove their sons from the school because they will no longer be able to afford the fees.

**The Hon. LYNN ARNOLD:** I think the honourable member would do well to recall a statement I made in May of this year indicating the new basic principles for funding of non-Government schools in this State. That statement, which was made not only to this House but to the entire community, indicated that for 1985 there would be a per capita grant that was 50 per cent of the total sum available for non-Government school funding. In other words, of the 23 per cent of the model standard school cost, 50 per cent of that sum of money would be a per capita grant to the schools.

It was also mentioned on that occasion that there would be an extension of needs-based principles applying to the 50 per cent balance, an extension of what had previously been the case. They were the clear guidelines laid down publicly in May this year which the entire education community understood clearly. The matter as I then indicated in my Ministerial statement to the House was referred to the Advisory Committee on Non-Government Schools for their advice to me on how we could spend that 50 per cent needs-based component and meet the Government's principle of extending the way in which needs were being met. That matter was referred to that committee about the middle of the year.

I have had discussions with them on various occasions and they have done considerable statistical research to determine what the effect could actually be. As it happens, they came back to me in November with recommendations which were accepted by me because they were the unanimous views of the Advisory Committee on Non-Government Schools. I accepted those recommendations; they seemed a fair and appropriate way of handling an extension of needs-based funding, and schools were subsequently advised of that. The point that needs to be made is that the advisory committee is made up of representatives from various sections of the community, including significant representation

from the non-Government schools sector itself. Mr John McDonald, the Director of the Catholic Education Office, is one member of that committee. That is important to note, because members of that committee have been discussing matters within their own arenas as to how needs-based funding could be extended.

Although earlier the committee wondered about the problem of a late announcement, it did not recommend to me that the implementation of the funding proposals for 1985 should be delayed, because they believed that schools had been well aware of the changes mooted in the Ministerial statement in May and that schools could therefore have planned on that basis.

Further, the honourable member continues to use the word 'reductions' in an attempt to imply that the Government has cut funding to non-government schools. That is absolutely untrue. In fact, the sum made available to non-government schools has increased. That money is tied to the model school formula: the 23 per cent figure is fixed and, therefore, while some schools have had reductions in their level of funding, that must mean that other schools have had increases.

Let me now take the opportunity to outline the difference in the needs-based funding model now being promoted by the advisory committee and accepted by me as Minister. Previously, a formula was used to determine a position along a continuum of schools from category A through category E, and the needs-based money was allocated by a mathematical computation carried out by the committee. However, the committee has told me that that fails to address the needs of individual students and that schools, which may have been in category A, for example, yet have a commitment to meet certain needs in the education community, have received no financial support to meet those needs because they were in category A through some other measurement. This new method allows all schools across the continuum to obtain access to needs-based funding if they are meeting those sorts of need.

These needs are assessed by determining how many Government-assisted students are provided with places within those schools (and this is an entirely commendable method), by determining the needs of ethnicity in schools, the needs of Aboriginal students in schools, the needs of itinerancy in schools and, significantly, the needs of boarding students. One point made to me when I became Minister was that no financial help was given to schools that provided a boarding education service for country students: such schools had to charge day students extra in order to provide such a service. Therefore, it was felt that some assistance should be given to such schools in that regard. I recognised that argument and told the advisory committee that I supported it, and the advisory committee accordingly recommended to me that the allocation should include an allowance for that. It is a matter of some note that this is the first State Government that has done that.

The other point that has been separately identified concerns the interest subsidy payment, which now comprises a separate line in the allocation to non-government schools. Therefore, I believe that the guiding principles made publicly available in the announcement I made six months ago in May have now been translated into definite formulae and figures by the advisory committee. I believe that these formulae and figures will serve the non-government sector well and that they will therefore meet the needs of students attending non-government schools in this State.

#### RAILWAY PARKING

**Mr HAMILTON:** Will the Minister of Mines and Energy, as Acting Minister of Transport, urge the State Transport

Authority to provide car parking spaces at metropolitan railway stations for those disabled persons who wish to park their vehicles there and travel by train? Whilst the Government has set up a working party to investigate the needs of the disabled at metropolitan shopping centres, etc., it appears that the provision of car parking spaces at metropolitan railway stations has been overlooked. Disabled constituents in my district have asked me to request that this matter be addressed, especially as the STA encourages travellers to park their vehicles at the nearest railway station car park and travel by train to the city or to the other side of town. I therefore ask that the STA be requested to make special provision at all metropolitan railway stations, where possible, for car parking spaces for the disabled.

Now the circumstances have changed. The member for Murray refers in this House to an article in the Police Association's journal and tries to convince the House and the public that a view contained therein is the view of the Police Department.

**The Hon. R.G. PAYNE:** I thank the honourable member for the question and commend him for his concern for the disabled in the community. I was thinking, while he was explaining the question, that I can recall the members for Unley, Henley Beach and Brighton on earlier occasions raising such matters in relation to the provision of parking spaces for the disabled at shopping centres, for example, and getting some sort of enforcement so that, where they are provided, some careless or unthinking person does not take the place that has been reserved for a disabled person. I can inform the honourable member that my colleague the Minister of Transport will be back on deck tomorrow. I may not personally be requesting the STA, on behalf of the honourable member, to examine this question, but I will certainly undertake to ask my colleague the Minister of Transport to take up this matter with the STA.

#### POLICE POWERS

**The Hon. D.C. WOTTON:** My question is directed to the Premier.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. D.C. WOTTON:** Is it the Government's intention to continue its policy of going soft on law breakers by not proceeding with legislation to give the police wider powers? The Opposition has been informed that the Government has now decided not to proceed with legislation to amend the Police Offences Act to give the police wider powers in a number of important areas. In fact, I am informed that rather than widening police powers the Government intends to reduce them. A number of promises made by the Government—

*Members interjecting:*

**The SPEAKER:** Order! The honourable member for Murray.

**The Hon. D.C. WOTTON:**—during the past year have indicated that legislation would be introduced to widen police powers. For example, in a statement reported in the *Advertiser* on 18 August last year, the Attorney-General indicated that the Government planned to introduce the amendments during the last session of Parliament. The Government's failure to act is causing serious concern to the Police Force. The Police Commissioner recently made a public statement about the lack of police powers to investigate the most serious drug offences. In the latest issue of the *Police Journal*, the President of the Police Association, Tom Rienets, had this to say about the Government's attitude to police powers:

At a time when the word 'crime' is on practically every lip in the country, because of recent publicity surrounding the various commissions of inquiry and Parliamentary reports, the South Australian Government seems to be playing right into the hands of the law breakers and going against public opinion. Opinion polls show the public are wanting and in fact demanding public places be free from behaviour that is disorderly or offensive, and wants criminal activity countered by effective policing techniques.

Mr Rieniets' comments reflect growing concern within the Police Force about the failure of this Government to equip officers with the tools of trade they need to effectively fight the growing crime rate in South Australia.

**The Hon. G.F. KENEALLY:** I want to point out to the honourable member and to the House, if they do not already know, that there is a distinction between the Police Association and the Police Department.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. G.F. KENEALLY:** The Police Association is the industrial organisation representing the industrial concerns of its members.

*The Hon. D.C. Wotton interjecting:*

**The SPEAKER:** Order!

**The Hon. G.F. KENEALLY:** I point out to the member for Murray that, when I established a committee to look at preparing legislation for dealing with complaints against the police, I put on that committee an officer of the Police Department, representing the Police Association. The honourable member made great play and got headlines that the Police Department was not represented on that committee. He made the distinction himself, in this House and also publicly, between the Police Association and the Police Department, and so did the Leader of the Opposition. Now the circumstances have changed. The member for Murray refers in this House to an article in the Police Association's journal and tries to convince the House and the public that a view contained therein is the view of the Police Department.

*The Hon. D.C. Wotton interjecting:*

**The SPEAKER:** Order!

**The Hon. G.F. KENEALLY:** It is very well known that discussions have taken place between the Minister responsible for the police and the Police Association, which is an affiliate to the Trades and Labor Council and which has been to the Minister to discuss its attitude towards this legislation.

*The Hon. D.C. Wotton interjecting:*

**The SPEAKER:** Order!

**The Hon. G.F. KENEALLY:** In addition, the Police Department is involved in constant discussion with the Minister. In fact, the Commissioner of Police on two occasions has had cause to write to members of the Police Association throughout South Australia saying that the negotiations between the Police Department and the Minister were progressing well.

**The Hon. D.C. Wotton:** We are not talking about—

**The Hon. G.F. KENEALLY:** Oh yes we are; we are talking about the legislation which has taken some time to bring before the House, extending from the period of the previous Government's term of office until now. That is freely acknowledged. Discussions between my colleague the Deputy Premier, the Minister responsible for the police, and the Police Department are proceeding, and legislation will be introduced into the House.

**The Hon. D.C. Wotton:** To do what?

**The SPEAKER:** Order!

**The Hon. G.F. KENEALLY:** To clarify police powers in South Australia. The honourable member made two points: first, he said that we were not going ahead with the legislation; then he said that the legislation would reduce police powers. He cannot have it both ways. This is purely an attempt to make some political point scoring for the *Sunday Mail*. It may well do that, but the fact is that the negotiations and

discussions that have been going on for some time are continuing. I make the point again that the relationship between the Police Department and the Government is as sound and strong as it has always been. Every now and then there is a hiccup between the Government and the Police Association—as there always is between government and unions representing workers in the work force.

*Members interjecting:*

**The SPEAKER:** Order!

#### SESQUICENTENARY PROJECTS EMPLOYMENT

**Mr PETERSON:** My question is directed to the Minister of Housing and Construction, representing the Minister of Labour. What controls and responsibilities are applied in relation to payments made to people employed on sesquicentenary projects funded with State money? A young person who was employed on such a project has contacted my office on several occasions. This person worked on a project until June but received final payment due only a matter of weeks ago, after having made many attempts since June to obtain one. That person is still awaiting receipt of a group certificate relating to that term of employment. What responsibilities do such projects have towards the people employed on them?

**The Hon. T.H. HEMMINGS:** I appreciate the honourable member's concern for his constituents. If the honourable member can provide me with full details (I am sure that there are other details apart from those given to the House), I will obtain a report urgently and make it available as soon as possible.

#### ELECTORATE ASSISTANCE

**Mr OSWALD:** Will the Premier confirm that the Government is providing additional electorate office assistance in terms of both manpower and equipment, which is being funded from public funds, in the Labor held State electorates of Baudin, Salisbury, Whyalla and Norwood? In the interests of avoiding charges of gross political misuse of public funds by giving additional support only to Labor electorates, will the Premier provide additional resources to members on this side of the House so that we can also provide additional support to our constituents?

**The Hon. J.C. BANNON:** The Government responded to a request—we notice that they are Ministerial officers, except in the case of Whyalla. In response to requests by honourable members a detailed Public Service Board investigation was undertaken in that area and some further resources were provided.

*Members interjecting:*

**The SPEAKER:** Order! I ask the honourable Premier to resume his seat. There is too much interjecting—asking a question first and then, before the Minister can answer, or even get into his answer, there is a howl of interjections so that he cannot continue. It is wrong and against honourable members' Standing Orders. The honourable Premier.

*Members interjecting:*

**The Hon. J.C. BANNON:** Yes, I was having a conference with my colleague the member for Stuart because, as the Leader of the Opposition would know from his time in Government, special arrangements were made for him to be provided with extra office assistance.

**Mr Olsen:** Who? Detail it!

*Members interjecting:*

**The SPEAKER:** Order! I ask the honourable Leader to restrain himself. I will be forced to vacate the Chair if this continues.

*Members interjecting:*

**The Hon. J.C. BANNON:** Is this a genuine question or not? I am staggered by the reaction of honourable members

opposite to my answer. They are not interested in asking a serious question or listening to the answer.

**The Hon. E.R. Goldsworthy:** You'll move your own electorate offices, but you won't move ours.

**The SPEAKER:** Order!

**The Hon. J.C. BANNON:** That is not true.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.C. BANNON:** I am not in charge of this area, but I am aware of requests that have been made by a number of honourable members opposite including the members for Coles, Kavel and Davenport, for moving their offices. We are looking at those offices as leases become due. I am quite happy to obtain from my colleague the Minister of Labour a report which can be provided to honourable members.

I am not sure whether honourable members have had a response to those requests as yet in relation to electorate offices, but there have been discussions on it within Cabinet and certain guidelines have been laid down. I am sure that honourable members would not expect expenses to be incurred that are not necessary to be incurred, but if there are to be movements in electorate offices, the timing and the leases currently involved are all important matters. These matters are fully discussed and considered. If honourable members opposite have specific requests and want some detailed information and guidelines and a Public Service Board investigation, they will have it.

*Members interjecting:*

**The SPEAKER:** Order! I ask honourable members to come to order.

### STATE AQUATIC CENTRE

**Mr TRAINER:** I direct my question to the Premier, in the hope that he will be given a better hearing than he was given in his previous answer. Will the Premier advise the House what priority was given to the aquatic centre in the capital works Budget which he inherited on coming to office in 1982?

**Mr Ashenden:** Listen to this!

**The Hon. J.C. BANNON:** Yes, I suggest that the honourable member should listen to this. Earlier today the Leader of the Opposition asked a question about the aquatic centre which was responded to directly and accurately by my colleague the Minister of Recreation and Sport, whose Department is the client department for this project. It triggered in my mind the memory of certain decisions made by the previous Government in relation to the aquatic centre proposal which it had. As my colleague remarked in his answer, the contract for that West End operation was signed almost the day before the election—right on the knocker. That was a commitment for a very expensive and indeed extravagant project which this Government reviewed. It was extravagant because it was twice the cost of the one that is going on.

**An honourable member:** Extravagant!

**The Hon. J.C. BANNON:** That is a correct description of it. This Government reviewed it and, as a result of that review, the decision was made to have the North Adelaide centre upgraded. That is the first point I want to make. It triggered this in my mind because those opposite were implying that in some way delays on the current aquatic centre were a great contrast with what had happened in their time. I remind honourable members of matters to which I referred on 18 October 1984, when I advised the House that, contrary to those allegations that the aquatic centre, the contract for the purchase of land for which was

hurriedly signed the day before an election, and contrary to that going ahead on schedule and at a pace that would have had it opened at the same time as ours, the Government had taken a decision, not announced to the public, to defer that project.

In fact, it had made the decision that the proposed aquatic centre be deferred for at least one year and that any further decision to proceed be based on further studies concerning costs, operating viability and the impact on Government funds. I think that exposes the total hypocrisy of the question asked by the Leader of the Opposition and the innuendo that was connected to it. Just look back at the record of the previous Government in relation to that project.

Let me say further that a point that has also just come to our notice is that the PBD, which has been put under question in this instance, has acted as a project manager, but, in the case of the specifications for steel and the design work involved in that, the consulting work was done by Lange, Dames and Campbell, a respected Adelaide company. If the Opposition has quarrels over that, or rumours and innuendoes within the industry, perhaps it should seek out that private company before it starts raising the matter in this House.

### LABOR PARTY BENEFITS

**The Hon. B.C. EASTICK:** Will the Premier say what specific benefits are being given to members of the Labor Party in their electorate offices, as was the base question asked by my colleague, the member for Morphett?

**Mr Trainer:** It was pretty—

**The Hon. B.C. EASTICK:** It shows the level of intelligence of the member of Ascot Part when he can speak in that way. My colleague, the member for Morphett, asked a question which was not specifically answered by the Premier, other than an acknowledgement that special circumstances or special benefits were accruing to Labor Party members. I further indicate that there is plenty of evidence of Labor candidates and members of the local Labor Party in a number of electorates held by Liberal members being provided with information that is being fed to the press in the Liberal members' electorates.

I ask the Premier to look at the *News* of last evening in which a member of the Gawler branch of the Labor Party, Mr Piccolo, announced the answer to a question on the Tambelin railway station which had been undertaken by me with the Minister of Transport some 3½ months ago and which was subsequently taken up on behalf of a number of people by the member for Davenport. An answer given by the Minister of Transport 2½ weeks ago indicated that no action would be taken, but it was revealed in the pages of the *News* last night that Mr Piccolo had been able to advise the specific details of upgrading the Tambelin railway station. I dealt in some detail, by way of explanation, with a particular additional benefit that this Government is providing for political purposes. It is on the basis of a revelation by the Premier that members of his Government, not only Ministers but also the member for Whyalla, had the benefit of public expense in an advantageous way greater than that which is made available to all members of the House.

**The Hon. J.C. BANNON:** I did not confirm anything.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.C. BANNON:** The member asked me what specific benefits are being given to members of the Labor Party. I am not aware of specific benefits being given to members of the Labor Party as members of the Labor Party. Any benefits that we have as members of Parliament to



carry out our electoral duties are provided as such, and honourable members know that. As to whether or not candidates for whatever political Party have access to information or are able to ask appropriate questions, and so on, all I say is, 'Good luck to their activism,' and they ought to be congratulated by those people. If in fact—

*Members interjecting:*

**The SPEAKER:** Order!

*Members interjecting:*

**The Hon. J.C. BANNON:** Extraordinary!

*Members interjecting:*

**The SPEAKER:** Order! The honourable Premier.

**The Hon. J.C. BANNON:** I repeat again that there are no specific benefits as members of the Labor Party. I reject that: it is not true and, if the honourable member seeks further information, I will attempt to provide it.

### FAMILY COURT

**Mr MAX BROWN:** I am beginning to wonder whether this question came from a research officer or someone. Will the Minister of Community Welfare, representing the Attorney-General in another place, ask his colleague to take up with the Federal Attorney-General—

*Members interjecting:*

**The SPEAKER:** Order! The honourable member for Whyalla.

**Mr MAX BROWN:** Thank you, Mr Speaker. Will he take up with the Attorney-General the infrequency that currently—

*Members interjecting:*

**Mr MAX BROWN:** I am finding it very difficult to proceed. I will start again. Will the Minister ask his colleague in another place to take up with the Federal Attorney-General the infrequency that currently occurs in respect of the sittings of the Family Court, particularly in country areas and more particularly in the Whyalla area? It appears from research that I have done about this matter that the Family Court this year sat in Whyalla on only four occasions, which means that it has a frequency rate of sitting every three months. For example, I point out to the Minister that the Family Court has not sat in Whyalla since 13 November. I point out the reason why I am asking the question, namely, that presently it appears that by not sitting on a frequent basis the court is adding tremendous strain to services such as the Legal Aid Commission and the marriage counselling services of certain service organisations in Whyalla.

I am particularly concerned that the delay in Family Court sittings is placing these sorts of services in the embarrassing situation of now having to become literally unworkable. I think that the matter ought to be taken up with the Federal Attorney-General.

**The Hon. G.J. CRAFTER:** I thank the member for Whyalla for his question. I will most certainly refer it to my colleague for reference to the Commonwealth Attorney-General to ascertain the frequency and methods by which the country circuits of the Family Court are determined in this State. I will also obtain a report from my own Department with respect to the impact that the infrequency of those visits has on counselling and other support services in the community of Whyalla in particular.

### PERSONAL EXPLANATION: ELECTORATE OFFICES

**Mr S.G. EVANS (Fisher):** I seek leave to make a personal explanation.

Leave granted.

**Mr S.G. EVANS:** I refer to a subject that was raised recently about help in electorate offices. I wish to state that I have made requests on behalf of virtually all members who have had a large workload in their electorates, and those requests have been made to the last three Governments. The basis of the requests was that in electorates such as mine, which has one of the largest numbers of constituents of any electorate in this State—

*Ms Lenehan interjecting:*

**Mr S.G. EVANS:** I said, 'One of the largest'—and which has many newly developed areas and several distinct communities, there is a need at times to have some extra help. I suggested in those requests that juniors could be made available on a 12-month basis because there is a lot of unemployment and not many opportunities for juniors to get some training in the work force. I suggested also that if those juniors were able to obtain employment within that 12-month period, perhaps through contacts made in the member's office, it would help them to get established, but that request has been refused continually. I have also discussed the suggestion with the Deputy Premier, but that proposal has not come to fruition. It was a genuine request, so I make the point that as an individual I made the request for those who have difficult electorates to represent, but my request was refused.

**Mr OLSEN (Leader of the Opposition):** I seek leave to make a personal explanation.

Leave granted.

**Mr OLSEN:** During the course of Question Time the Premier, in response to a question from a member on this side of the House, indicated that I had as Leader of the Opposition in my district received special consideration and benefits—whilst I have been a member of this Parliament, that I had received special consideration such as extra office space and extra personnel to man such offices. I want to clearly indicate that I have been misrepresented. In no circumstances have I received from the Government at my electorate level any extra consideration whatsoever over that which applies to any other member in this House.

**The Hon. E.R. GOLDSWORTHY (Kavel):** I seek leave to make a personal explanation.

Leave granted.

**The Hon. E.R. GOLDSWORTHY:** It was suggested by the Premier that approaches had not been made in relation to district offices and that, if they were made, they would be considered. I was surprised to be notified officially that two Labor members had had their district offices transferred: in the case of one member from his current district into an area which he does not represent at the moment but which he will represent, he hopes, after the next State election.

I applied over 12 months ago to have my district office transferred within my present district, but that was refused. I have subsequently made the same request. Far be it from the facts as outlined by the Premier. The fact is that there are members on this side of the House who are not being treated in the same way as Government members are treated in relation to district offices.

**The SPEAKER:** Call on the business of the day.

### SELECT COMMITTEE OF INQUIRY INTO PETERBOROUGH STEAMTOWN INCORPORATED

**Mr GUNN (Eyre):** I move:

That the time for bringing up the report be extended to Wednesday 13 March 1985.

Motion carried.

### STATE DISASTER ACT AMENDMENT BILL

The Hon. J.C. BANNON (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the State Disaster Act, 1980. Read a first time.

The Hon. J.C. BANNON: 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

The State Disaster Act provision for the declaration of a 'state of disaster' has been used only once—on Ash Wednesday 16 February 1983. Subsequently there were, *inter alia*, special inquiries by a Review Team comprising Brigadier L.J. Lewis and Mr W.M. Scriven and by a working party established as a subcommittee by the State Disaster Committee. Their recommendations and those of others were discussed at a seminar in November 1983, when it was accepted that the Act, regulations and State Disaster Plan needed amendment. The subcommittee of the State Disaster Committee made recommendations recently regarding the Act and regulations and, following revision of their suggestions by the State Disaster Committee, this Bill was drafted. Regulations are in preparation and recommendations concerning the plan are currently before the State Disaster Committee.

The subcommittee consisted of representatives of police, Country Fire Services, Metropolitan Fire Service, Department for Community Welfare, local government and State Emergency Service and the suggested amendments have the support of those bodies as well as the State Disaster Committee. Over the past 18 months much work has been done to improve State disaster preparedness. Representation at State Disaster Committee meetings has been extended by the representatives of certain functional services acting as *de facto* members or observers, and co-operation between services has been enhanced.

Communications have been and are being improved, common maps have been issued, the committee to look at CFS/MFS co-operation has arranged a common emergency centre (in the new MFS Building) which will be manned on dangerous days, seven regional SES officers are being recruited, arrangements in the State Emergency Operations Centre have been improved and Exercise Shakeup II has tested the Centre and the functional service headquarters. Further improvement is continuing, particularly in the area of regional disaster plans. These amendments to the Act are put forward in association with these activities.

The explanations of the clauses as set out below do not generally need amplification but there are two new concepts. Lack of workers compensation cover is something which worries volunteers engaging in the often hazardous work of combating disasters and clearing up afterwards. Whilst there is cover during a declared state of disaster, it became apparent after Ash Wednesday II that clearing up operations continued for some time after the expiration of the declared period of disaster. From a drafting viewpoint the best method of overcoming this was to include provision for the Governor to declare also a 'post-disaster period' of up to seven days which would relate to the provision of workers compensation cover only. This period will not afford any extra powers to authorised officers except that they may be directed to assist the owners of property. No post-disaster operation may be carried out except at the request of the owner.

The other entirely new feature is the proposed establishment of a 'State Disaster Fund' with provision for a com-

mittee to administer it subject to directions of the Governor as to principles. This formalises the type of arrangement used after Ash Wednesday II when so much private money was generously donated from sources throughout Australia.

Clauses 1 and 2 are formal. Clause 3 amends the arrangement of the Act. Clause 4 amends various definitions. It is made clear that the meaning of 'disaster' includes epidemics of disease. It is also made clear that 'disaster area' can clearly mean either the whole, or a part, of the State, depending on the terms of the declaration. New definitions of 'post-disaster operations' and 'post-disaster period' are provided.

Clause 5 enlarges the State Disaster Committee to include nominees from the State Emergency Service, the Metropolitan Fire Service, the Country Fire Services, the Local Government Association and the Minister of Community Welfare. Clause 6 provides that the State Disaster Committee must monitor the standard operating procedures for handling fires, floods, etc., of those organisations that play a role in the State Disaster Plan. Clause 7 makes it clear that a state of disaster declared by the Governor lasts for 96 hours from the time of the making of the declaration.

Clause 8 restates the various measures that can be taken during the continuance of a state of disaster, in a form that empowers both the State Co-ordinator and any authorised officer to do, or cause to be done, any of those things. It is made clear that animals can be destroyed. It is also made clear that the movement of persons, vehicles, etc., can not only be prohibited but also be directed. Clause 9 inserts a new Part that deals with post-disaster operations. New section 16a provides that the Governor may declare a post-disaster period for a specified number of hours running on from the end of the state of disaster, but being no more than 168 hours (that is, seven days). This period cannot be extended or renewed. Financial provisions similar to those in section 14 of the Act are provided. New section 16b spells out the measures that an authorised officer may take, at the request of an owner of property, during a post-disaster period. Basically the measures are in the nature of assistance in 'mopping-up' operations and action to prevent further loss or injury. Such measures may of course only be taken within the disaster area. Volunteers may assist an authorised officer in this work.

Clause 10 extends the protection provided by this section in respect of absence from employment to authorised officers involved in post-disaster operations. Clause 11 extends the workers compensation cover provided by this section to authorised officers and volunteers who assist them in carrying out post-disaster operations.

Clause 12 is a consequential amendment. Clause 13 provides for the establishment and administration of a fund into which donations for disaster relief may be paid. The fund will be administered by a committee subject to directions from the Governor. Clause 14 removes a provision that empowered the Governor to promulgate the State Disaster Plan by regulation.

The Hon. B.C. EASTICK secured the adjournment of the debate.

### NURSES BILL

Second reading.

The Hon. G.F. KENEALLY (Minister of Local Government): 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

It is with considerable pleasure that I introduce this Bill, which will reform and update the professional registration of nurses in this State. Proposed changes to the legislation are substantial. The new Act will replace anachronistic legislation first introduced in 1920. The overall aim of the changes is to modernise the legislation consistent with modern trends in the nursing profession. This legislation will again put South Australia in the forefront of comparable authorities in Australia and will enable the Nurses Board to exercise proper control over the profession as well as adequate protection for the community.

The original Act assented to in 1920 was designed to provide for registration of general nurses, mental health nurses and midwives and to regulate the training of nurses which, until then, had been conducted under the jurisdiction of the Australian Trained Nurses Association and the Royal Nurses Association (SA Branch). As well as standardising training, the original legislation addressed the lack of nursing staff in country hospitals and had a strong focus on reducing the incidence of maternal mortality. The registration of midwives was at that time operative in all States, except South Australia, and in most European countries. With the loss of 8 000 maternal lives between 1893 and 1920 in New South Wales alone, registration of midwives was introduced to protect the mother and child.

The original Act has been amended from time to time, specifically in 1954 when the mothercraft nurses roll was established, in 1959 when enrolled nurses were required to register and again in 1964 when the Nurses Board assumed control of dental nursing qualifications. The training of dental assistants is now conducted by the Dental Assistants Association. In June 1940 a register for infant welfare nurses was established and in December 1963 legislation was passed providing for the establishment of a Psychiatric Nurses Register and a Mental Nurse Register.

Since Florence Nightingale introduced modern nursing practices to the world, the role of nurses has been continually extended to keep pace with the advances of medical science and technology. Increasingly, and particularly in the past 10 years, nurses have assumed responsibility for more complex patient care. New community activities and expectations, the introduction of highly sophisticated medical technology, changing medical practices and higher educational standards have all created a very different environment from that to the 1920s.

The nursing profession is aware of its responsibilities created by a new environment and has responded positively. It has recognised that the current Nurses Act does not take account of these changes and is inconsistent with modern practices in health care. This new Bill is introduced with the co-operation and full support of the Royal Australian Nursing Federation. The Bill is modelled on other professional registration bodies involved in the delivery of health care. It addresses the present inconsistencies, rationalises the administration and updates the provisions in line with current practices and requirements.

The principal provisions provide for the definition of unprofessional conduct and powers to deal with this, competency and capacity, principles governing Board hearings and the powers and functions of the Board. The proposed new Nurses Bill focuses on the technical competence of individual professionals, professional ethics and maintenance of professional standards in the delivery of health care. It also provides a new complaints mechanism. Under the proposals contained in this Bill the Board's functions are much broader. Its overall charter is to achieve and maintain the highest professional standards of competence and conduct

in nursing and to ensure the community is properly provided with nursing care of the highest standard.

The role and function of professional registration boards in monitoring professional qualifications and regulating the practice of a profession has long been established. The setting up of the Nurses Board was an evolutionary process following similar Boards for doctors, dentists, opticians, etc. Originally comprising seven members, increased to 10 in 1966 and 11 in 1970, it is proposed to maintain the Board membership at 11. Nurses will comprise seven out of the 11 members with representatives from the medical profession including a medical practitioner and a psychiatrist and a representative from the SA Hospitals Association.

The seven members of the nursing profession represented on the Board are a general nurse, nominated by the South Australian Health Commission, a psychiatric nurse elected by the psychiatric nurses, a mental deficiency nurse elected by mental deficiency nurses and four nurses nominated by the Royal Australian Nursing Federation (one of whom is to be an enrolled nurse).

Express provision is made for the first time for a lay person. This linkage with the community expresses the recognition by the nursing profession of its responsibilities to the consumers of care and the community in which it practises. For the first time, the legislation specifies that the Chairperson of the Board is to be one of the members who is a registered nurse. In practice, the Chairperson in recent years has been a nurse—the new legislation enshrines that practice.

This Bill also streamlines the administration of the Board and provides for the Board to operate as an independent authority reporting to Parliament. Consistent with the move to self sufficiency of registration boards, the Nurses Board will be able to appoint its own staff and be responsible for its own finances (currently all moneys are paid to Treasury). To ensure proper financial administration, all accounts will be audited by the Auditor General, with a formal report to be submitted to Parliament within 14 sitting days after the report has been delivered to the Minister. A report must be delivered to the Minister on or before 30 September each year. The tabling of the annual report in this way better informs the community on the direction of the profession and is an additional mechanism of accountability.

The Bill seeks to simplify and modernise present registration and enrolment requirements. Presently four registers and three rolls are maintained by the Board. These are:

General nurses register; midwives register; psychiatric nurses register; mental deficiency nurses register; and rolls of general nursing, mothercraft and dental nursing.

The four registers will be maintained under the Bill, as are the rolls for general nursing and mothercraft nursing. The dental nurses roll is, however, discontinued, since training in this field is now carried out and recognised through the Australian Dental Association/Dental Assistants Association. While the mothercraft nurses roll is continued under this Bill in relation to those who were on the roll under the old Act, it should be noted that training in this discipline is no longer carried out in this State. Not only have the existing registration procedures been streamlined, they have also been extended. Limited registration has been allowed and will permit overseas nurses, not normally accepted for registration, to undertake specialised courses to develop their skills. Recognition is also possible in relation to interstate and overseas nursing qualifications for registration in South Australia. These provisions enable greater mobility for nurses and provide opportunity for upgrading skills.

In addition, a system of endorsement for the recognition of post registration/enrolment qualifications will be introduced and criteria established to determine standards for these courses. Another important provision is the require-

ment for nurses who have not practised for five years to undertake refresher courses before obtaining a practising certificate. This provision applies even where individual registration has been maintained. As well as imposing restrictions and limitations on the provision of care as deemed necessary, the Board can also require a nurse to provide evidence that he/she is physically and mentally fit to continue to practise.

Registration obliges practitioners to ensure and entitles the public to believe that defined standards of competence will be met and maintained. In this way registration boards provide an interface between the public and the profession. The demands from the community and the community expectations require not only the highest standards but scrutiny of the system which ensures those standards. The Nurses Board will continue to handle disciplinary matters without the creation of a disciplinary tribunal. Some professions now have separate disciplinary tribunals. However, as most nurses work under supervision and not as self employed persons dealing with the public without restriction, it is not considered necessary to provide a separate disciplinary tribunal. Nurses in fact are held in high regard by the public, and most complaints received by the Nurses Board are related to the employer-employee relationship rather than the patient-practitioner relationship.

A broader range of sanctions is defined following inquiry into incidents of professional misconduct, including suspension or cancellation, fine of up to \$5 000, imposition of conditions, or a reprimand. At present, the Board can only cancel, suspend or take no action at all. Another important consumer protection provision is the power of the Board to investigate complaints relating to the competence of a nurse, and to impose restrictions on the right to practise. The present Act does not allow the Board to take such action where there are concerns about the competence of a nurse.

Further, the Board can now proceed to hear a complaint even if a nurse fails to attend. Action can also be taken against fraudulent registration or enrolments. Attention is particularly drawn to the provisions restricting the provision of nursing care by unregistered and unenrolled persons. It is an offence, carrying a penalty of \$5 000 or imprisonment for six months, for unregistered or unenrolled persons to hold themselves out as being registered or enrolled. Similarly, it is an offence for another person to hold out an unregistered or unenrolled person.

In relation to the provision of nursing care, no person may recover a fee for providing such care unless the person was registered or enrolled. Hospitals, health services, and nursing homes, will of course be able to recover fees for nursing care provided by qualified persons or specifically authorised persons. As honourable members would be aware, there are a number of persons working in the nursing home area who are not qualified as nurses. Not all of their duties are nursing in nature, but they do provide basic physical care to residents. To ensure that these services can continue to be provided, it is intended that nurse attendants will be specifically authorised under the relevant provisions of the Act.

In the broadest sense the new legislation provides for community accountability. Patients are entitled to expect that nurses will not stray beyond the boundaries of their own expertise and that professional responsibility for colleagues will be acknowledged. They also expect technical excellence in individual services and effective quality assurance mechanisms. The provisions of this Bill make a significant contribution towards achieving these goals.

The health care system in general is under increasing scrutiny by the public. The role of the nurse is integral to the effective operation of the system. The nursing profession

has responded enthusiastically to the need to develop its professional status as part of the health care team. I commend the Bill to the House.

Clauses 1 and 2 are formal. Clause 3 repeals the Nurses Registration Act, 1920. Clause 4 provides definitions of terms used in the Bill. Subclause (2) provides that the Act will apply to unprofessional conduct committed before its enactment. This is in the nature of a transitional provision. A nurse who is guilty of such conduct cannot be penalised under the old Act after it has been repealed. This provision will ensure that he can be disciplined under the new Act. Paragraph (b) of the subclause ensures that a nurse can be disciplined for unprofessional conduct committed outside South Australia.

Clause 5 establishes the Nurses Board. Clause 6 provides for the membership of the Board and related matters. Clause 7 provides for the appointment of a Chairman of the Board. Clause 8 provides for procedures at meetings of the Board. Clause 9 ensures the validity of acts of the Board in certain circumstances and gives members immunity from liability in the exercise of their powers and functions under the Act.

Clause 10 disqualifies a member who has a personal or pecuniary interest in a matter under consideration by the Board from participating in the Board's decisions on that matter. Clause 11 provides for remuneration and other payments to members of the Board. Clause 12 provides for the appointment of the Registrar and employees of the Board and safeguards the position of employees of the existing Board. Clause 13 will enable the Board to establish committees. Clause 14 sets out functions and powers of the Board. Clause 15 provides for delegation by the Board of its functions and powers to the persons referred to in subclause (2) (a) (i) and to a committee of the Board.

Clause 16 sets out powers of the Board when conducting hearings under Part IV or considering an application for registration of reinstatement of registration. Clause 17 frees the Board from the strictures of the rules of evidence and gives it power to decide its own procedure. Clause 18 provides for representation of parties at hearings before the Board. Clause 19 provides for costs in proceedings before the Board. Clause 20 requires the Board to keep proper accounts and provides for the auditing of those accounts.

Clause 21 requires the Board to make an annual report on the administration of the Act. The Minister must cause a copy of the report to be laid before each House of Parliament. Clause 22 makes it illegal for an unqualified person to hold himself out, or to be held out by another, as a nurse. Clause 23 prohibits the recovery of a fee or other charge for the provision of nursing care by an unqualified person. The effect of this is that fees charged by such persons (or by their employers) may be paid but cannot be recovered in a court of law. A 'qualified person' is defined in subclause (4) to be a nurse or a person qualified under an Act to provide the care in question. The limitation against recovering fees or other charges does not apply to persons carrying on the business of a hospital or other related businesses if the care is provided through the instrumentality of a qualified or authorised person. Subsection (3) enables the Minister to authorise a person or class of persons for this purpose. This provision will cater for the continued employment of nurse attendants in nursing homes.

Clauses 24 and 25 provide for the registration of nurses, psychiatric nurses, mental deficiency nurses and midwives and for limitations on the areas of nursing in which they may practise. Clauses 26 and 27 provide for the enrolment of general nurses (supervised) and mothercraft nurses. In the case of mothercraft nurses only those nurses who were enrolled as mothercraft nurses before the commencement of the new Act will be entitled to be enrolled as mothercraft nurses under the new Act.

Clause 28 provides for reinstatement of registration and enrolment. A person whose name has been removed from a register or roll for any reason will not have a right to be automatically reinstated. Before being reinstated he must satisfy the Board that his knowledge, experience and skill are sufficiently up to date and that he is still a fit and proper person to be registered or enrolled. The Tribunal may under Part IV suspend a nurse for a maximum of one year or may cancel his registration or enrolment. Subclause (3) of this clause provides that a nurse whose registration or enrolment has been cancelled may not apply for reinstatement before the expiration of two years after the cancellation.

Clause 29 prohibits a nurse who has not practised for five years from commencing practice without the approval of the Board. Before granting its approval the Board may require the nurse to obtain additional qualification and experience. Clause 30 provides for limited registration or enrolment. Registration or enrolment under this clause may be made subject to conditions specified in subclause (3). Subclause (1) will allow graduates, persons seeking reinstatement, other persons requiring experience for full registration or enrolment and persons wishing to teach or carry out research or study in South Australia to be registered or enrolled so that they may acquire that experience or undertake those other activities. Subclause (2) gives the Board the option of registering or enrolling a person who is not fit and proper for full registration or enrolment. He may be registered or enrolled subject to conditions that cater for the deficiency.

Clause 31 provides for provisional registration or enrolment. Clause 32 provides for the keeping and the publication of the registers and other related matters. Clause 33 provides for the payment of fees. Clauses 34 and 35 make provisions relating to the register and rolls that are self-explanatory.

Clause 36 will enable the Board to obtain information from nurses relating to their employment and practice of nursing. This information is considered important to assist in manpower planning of nursing services for the continued benefit of the community. Clause 37 is a provision which will allow the Board to consider whether a nurse who is the subject of a complaint under the clause has the necessary knowledge, experience and skill to practise in the area of nursing that he has chosen. This important provision will help to ensure that nurses keep up to date with latest developments in their practice of nursing. If the matters alleged in the complaint are established the Board will be able to impose conditions on the nurse's provision of nursing care.

Clause 38 is designed to protect the public where a nurse is suffering a mental or physical incapacity but refuses to abandon or curtail his practise of nursing. In such circumstances the Board may suspend his registration or enrolment or impose conditions on it. Clause 39 places an obligation on a medical practitioner who is treating a nurse for an illness that is likely to incapacitate his patient to report the matter to the Board. Clause 40 empowers the Board to require a nurse whose mental or physical capacity is in doubt to submit to an examination by a medical practitioner appointed by the Board.

Clause 41 provides that a complaint alleging unprofessional conduct by a nurse may be laid before the Board. The orders that can be made against the nurse or former nurse are set out in subclause (3). Clause 42 provides for the variation or revocation of a condition imposed by the Board. Clause 43 makes machinery provisions as to the conduct of inquiries. Clause 44 provides for a problem that can occur where a nurse who is registered or enrolled in South Australia and interstate and has been struck off in the other State continues to practise here during the hearing of proceedings to have him removed from the South Australian register or

roll. Experience has shown that these proceedings can be protracted. This provision will enable the Board to suspend him during this process.

Clause 45 provides for appeals to the Supreme Court. An appeal will lie from the refusal of the Board to grant an application for registration or enrolment or re-instatement or imposing a condition on registration or enrolment. Appeals will also lie from orders of the Board under Part IV. Clause 46 allows orders of the Board to be suspended pending an appeal to the Supreme Court. Clause 47 empowers the Supreme Court to vary or revoke a condition that it has imposed on appeal. Clause 48 makes it an offence to contravene or fail to comply with a condition imposed under the Act.

Clause 49 provides that where a nurse is prosecuted for providing nursing care in contravention of the Act or a condition imposed under the Act, it shall be a defence to show that the nursing care was provided in an emergency. Clause 50 provides for the service of notices. Clause 51 provides a penalty for the procurement of registration or enrolment by fraud. Clause 52 provides that where a nurse is guilty of unprofessional conduct by reason of the commission of an offence he may be punished for the offence as well as being disciplined under Part IV. Clause 53 provides for the summary disposal of offences under the Bill. Clause 54 provides for the making of regulations. The schedule sets out transitional provisions.

**The Hon. MICHAEL WILSON** secured the adjournment of the debate.

#### PRISONS ACT AMENDMENT BILL (No. 2)

Second reading.

**The Hon. G.F. KENEALLY (Minister of Local Government):** 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

The principal object of this Bill is to clarify the interaction between those provisions of the Prisons Act that deal with the obligation of the courts to fix non-parole periods and those provisions of the Act that provide for the automatic cancellation of parole where a parolee is sentenced to further imprisonment for an offence committed while on parole. The clarification has been sought by the Chief Justice of the Supreme Court, as in a recent appeal before the Full Court in the case of *R v Slater*, conflicting opinions on the proper interpretation of the relevant provisions were given by the judges comprising the Full Court. The Government quite obviously wishes to put the matter beyond doubt, and would have done so in the recent Bill passed by this House had the letter from the Chief Justice been received in sufficient time.

The Bill seeks to spell out clearly the liability of a parolee to serve the balance of his existing sentence, or sentences, of imprisonment should he be sentenced to further imprisonment for an offence committed while on parole. The Bill also seeks to spell out more clearly the obligation of the courts to fix a fresh non-parole period in that situation, taking into account the combined effect (as determined by the sentencing court in making the sentences concurrent or cumulative) of the new sentence and the balance of the

existing sentence that the parolee is liable to serve. The Bill finally spells out what should happen in the situation where a parolee is sentenced (while on parole) to imprisonment for an offence committed before he was released on parole, or where he is imprisoned (while on parole) for non-payment of a fine, etc. I commend this Bill to members, as I believe everything reasonably possible should be done to facilitate easy interpretation of a very complex area of the law.

Clauses 1 and 2 are formal. Clause 3 firstly provides for the fixing or extending of a non-parole period in respect of a prisoner who is sentenced to further imprisonment while he is still in prison. Subsection (2aa) deals with a person who is sentenced to further imprisonment for an offence committed while on parole from some other sentence. In this situation, the sentencing court must look at the total period of imprisonment now facing the person (i.e. the combined effect of the balance of the existing sentence and the fresh sentence) and fix a non-parole period if that total period is one year or more.

Clauses 4 and 5 are consequential upon clause 6. Clause 6 provides that where a parolee is sentenced to imprisonment for an offence committed before his release on parole, or for non-payment of a pecuniary sum, his parole is suspended while he serves that new sentence, or the non-parole period of that new sentence, as the case may be. Upon his release from prison, he continues on the old parole. If he had a non-parole period fixed in respect of the new sentence, he will of course be released on parole from that sentence, and so will be serving two lots of parole, simultaneously, until one or other period of parole expires.

Clause 7 re-states the provision that actually caused the difficulties in *R v Slater*. The primary liability of a parolee who is sentenced to fresh imprisonment in respect of an offence committed while on parole is to serve in prison the unexpired balance of all existing sentences (the actual period of course being determined by whether the sentences themselves were concurrent or cumulative). 'Unexpired balance' means the balance from the date of the commission of the new offence. This primary liability is, of course, subject to any fresh non-parole period that may be fixed at the time of the imposition of the fresh sentence.

**The Hon. D.C. WOTTON** secured the adjournment of the debate.

### CHILDREN'S SERVICES BILL

Adjourned debate on second reading.  
(Continued from 4 December. Page 2059.)

**The Hon. MICHAEL WILSON (Torrens):** This Bill seeks to incorporate child care centres, babysitting agencies, private family day care and registered children's services centres (kindergartens) into the Children's Services Office. In addition, it transfers the licensing powers regarding child care centres, babysitting agencies and family day care agencies now contained in the Community Welfare Act to this Bill. It sets up powers of inspection and entry concerning all of the above and provides for cancellation of licences and appeals to the Minister. The Minister becomes a corporate body with power to delegate.

The Bill also allows for the transfer of staff from the Public Service or other agencies while maintaining benefits such as superannuation. The Bill further sets up a Children's Services Consultative Committee and a series of regional advisory committees. There will obviously be a Director and other staff. Finally, the Bill repeals the Kindergarten Union Act and makes consequential amendments to the Community Welfare Act.

The Opposition calls on the Government to withdraw this legislation. The Opposition believes that, for reasons which I shall give, the Government has handled this legislation in a ham-fisted manner. The Opposition states that, because of its opposition to the Bill and its request for Government to withdraw the legislation, it will not seek to amend the Bill in Committee. Rather, it opposes the Bill as a whole. In fact, it opposes the principle of the Bill although not necessarily the principles of the Coleman Report on which this Bill was based.

Let me detail the reasons why the Opposition opposes this measure. First, members on this side believe that there has been a serious lack of consultation on this Bill since it was drafted. Secondly, the Opposition believes that the Government is using a hammer to crack the egg of the present lack of co-ordination in childhood services and that the Government is selectively implementing the recommendations of the Coleman report. The Government proposes to disestablish the South Australian Kindergarten Union, which has given excellent service to the people of South Australia in the field of early childhood education, a fact acknowledged by the Government as late as June this year.

**Mr BECKER:** Mr Speaker, I draw your attention to the state of the House.

*A quorum having been formed:*

**The Hon. MICHAEL WILSON:** A further reason for the Opposition's failure to support this Bill is that it believes that the Office of Children's Services, the statutory authority established by this Bill, represents an unnecessary bureaucracy that is counter to Ms Coleman's recommendations. Further, by approaching the problem from a different angle, the Government could implement effectively many of the recommendations in the report without having to resort to this measure. By approaching the problem from a different angle, the Government would have found it unnecessary to advertise the new administrative positions as it has already done—an act that has caused concern in the children's services community. Finally, by proposing to form a series of statutory advisory committees, the Government is over-regulating the present flexible and efficient input of parents into childhood services through local management committees, regional committees and the State council.

Before dealing with those objections in detail, I wish to comment on the fact that the Premier is handling this legislation. Previously, in this place I have drawn attention to the fact that the Premier is handling this controversial matter of childhood services. In reply, the Premier said a few months ago that he thought it politic that he should handle the matter because he was thereby showing how important the Government thought it was. Because the Coleman Report covers several portfolios (namely, education, community welfare and health), the Premier thought that he should handle the matter. However, the real reason for his handling the matter is that either his Ministers cannot agree or he is not strong enough to decide which Minister should handle it. If this Bill goes through, I do not believe that the Premier will administer the legislation for more than 12 months: he will shed it to one of his Ministers. I believe that the Premier has handled this matter for political reasons because his Ministers cannot agree. Further, most of the people involved in children's services want the matter handled by the Minister of Education and, if the Premier asks Mr Guerin, he will be told that that is so.

**The Hon. J.C. Bannon:** He is the Minister assisting the Premier.

**The Hon. MICHAEL WILSON:** Yes, but the people in the field do not know to whom to go. A few weeks ago the Minister of Education complained because we had not asked him a question on this matter: in fact, we directed the question to the Premier. Turning to my Party's objections

in detail. I shall first deal with the matter of consultation. The Coleman Report, on which this Bill is based, was released early this year. At that time it was impossible for many people to secure a copy of the report, but eventually people received copies and were able to make an input. Then the Government set up a steering committee to advise it on the recommendations of the Coleman Report. There has been some criticism in the field, not because of the lack of ability of the people on the steering committee, but because there was no representation of people with expertise either in early childhood education or in child care. In saying that, I do not reflect on members of that committee.

Having received the report of the steering committee, the Government set up an implementation committee to advise it on how to implement the recommendations of the steering committee. During that process, much consultation went on, and many organisations were asked to make submissions. That was all very well, but over the last few weeks the Government has brought down the legislation and circulated a draft Bill only seven days ago. It then expected the people involved in childhood services and child care to be able to comment on the Bill, state their opinions on its nature, and submit objections to its clauses, all within seven days. Then, the Premier demanded that both Houses of Parliament pass the legislation in one week, thereby treating it as an urgent measure. The Minister assisting the Premier promulgated draft guidelines on the legislation. I believe that those guidelines were called 'drafting instructions', but such instructions gave no idea of the contents of the Bill because they dealt only with broad principles.

Some organisations in the field of childhood services, on the basis of the former consultation and without having seen a copy of the Bill, gave their imprimatur to what the Government was trying to achieve. For instance, the Board of the Kindergarten Union and its staff said that they approved of what the Government was trying to do in setting up a Children's Services Office. However, since the Bill was introduced, they have changed their mind. It was all very well for the Premier a few weeks ago in this House to wave in the air a letter from the staff of the South Australian Kindergarten Union supporting the concept of this initiative, but he cannot do that now because these people, having seen the legislation, have severe reservations.

I make it plain at this stage that the Liberal Party supports the co-ordination of child care and pre-school services in this State: it supports that recommendation from Ms Coleman. However, the way that the Government is handling the matter is cumbersome, costly and unnecessary. There are other recommendations which come into this matter, but I wish to quote the important recommendation in the Coleman Report upon which this legislation is based. It is contained at page 5 of the report, recommendation 1.3.1, as follows:

That a single State Ministerial department be created to plan, resource, administer and regulate all early childhood education and care services, out-of-school-hours and vacation care services, neighbourhood houses, playgroups and toy library services; to ensure co-ordinated planning with other agencies of the State; and to co-operate with the Commonwealth Government agencies with interests in these matters. The new department should be answerable to one Minister, who should be a member of the Human Services Subcommittee of Cabinet. The central section of the department, which will function on a regional basis, would comprise a relatively small number of personnel (with most positions transferable from the present sponsoring bodies)—

that is very important—

and could be largely financed by the current expenditure required to provide the present array of administrative and support services.

I will return to that later, because that is a very important part of the recommendation. Looking at that recommendation in some fine detail, I note that the first part of it requires that there should be a single State Ministerial

department to handle this matter—not a statutory authority. What is in the Bill? A statutory authority. It is called an office—a funny name for a statutory authority—but it is in fact a statutory authority.

**The Hon. G.J. Crafter:** What's wrong with that?

**The Hon. MICHAEL WILSON:** What I am saying, for the benefit of the Minister, is that the first recommendation of Ms Coleman is rejected by the Government. Ms Coleman further states 'to plan, resource, administer and regulate all early childhood education and care services'. What is the Government's response in this measure? It certainly has not agreed with Ms Coleman on that point, because we are not getting all early childhood education and care services in this Bill. The Government is selectively implementing the recommendation.

What we have in the Children's Services Office is the child care section of children's services, in its many parts, and the Kindergarten Union. Where are the Education Department child/parent centres? Where are the non-government pre-school services? They are not there. So, that is the second part of the recommendation that the Government has rejected. The recommendation states that they should be answerable to one Minister. Of course, they are not answerable to one Minister, because there is only half of the childhood services in the particular statutory authority.

**Mr Ingerson:** Do they know which Minister?

**The Hon. MICHAEL WILSON:** We do not know which Minister. The Premier nodded his head a while ago to signify that he will retain control of the statutory authority. In that case, childhood services will not be answerable to one Minister. The child/parent centres will be answerable to the Minister of Education, and the child care services and the Kindergarten Union will be answerable to the Premier. So, once again, that very important part of Ms Coleman's recommendation is rejected by the Government.

Ms Coleman went on to say that her recommendations could be implemented by the Government with a relatively small number of personnel; in fact, 'positions transferable from the present sponsoring bodies'. Then she says that it should be able to be financed out of current expenditure, involving no additional costs. The setting up of the Children's Services Office will represent not only additional administrative personnel on top of what now exists in the various sections of childhood services, but it will also represent a fairly strong additional cost as well.

In other words, all of those recommendations by Marie Coleman in that very important recommendation 131 are virtually negated in this legislation, and I find that very difficult to accept. The Opposition finds it very difficult to accept, and that is why it calls on the Government to withdraw the legislation, to have another look at it and to try to come up with a less costly, less cumbersome, and more efficient system that will not disadvantage the people in the childhood services area.

My next point is very important: it refers to the disestablishment of the Kindergarten Union. This Bill repeals the Kindergarten Union Act. I find that very hard to understand, and I will tell members why. Certainly, in Ms Coleman's report, she recommended that course of action, and that is one of her recommendations that the Government is accepting in full: the repeal of the Kindergarten Union Act. However, I am puzzled by this, and I want to show the House why. Issue 8.1 of the Coleman Report, at page 60 states:

The account of problems in this section of the report should not be allowed to obscure the fact that the extent of provision of early childhood education in South Australia is outstanding by national and international comparisons. The quality of programmes, including the involvement of parents, is equally high.

It is a very fine commendation of the Kindergarten Union, because bear in mind that it provides 70 per cent of pre-

school education in this State: Education Department child/parent centres provide something less than 30 per cent; and the non-government pre-schools provide the rest. I repeat 'outstanding by national and international comparisons'.

**Mr Lewis:** That's unqualified, isn't it?

**The Hon. MICHAEL WILSON:** It is unqualified: 'the quality of programmes, including the involvement of parents, is equally high', and that is an area that my friend from Mallee is extremely concerned to see retained. That is the statement in the Coleman Report, yet we have a measure here to repeal the Kindergarten Union Act.

Let us not leave it to Marie Coleman; let us look at what the Premier had to say. On 5 June 1984, he issued a press release, attached to which was a background paper entitled 'Childhood services background'. On page 3 of that paper the Premier states:

Kindergarten services have achieved high standards in South Australia over the last decade. The Kindergarten Union is now a large organisation almost totally funded by Government. Great credit is due to the Union for the development of these services.

I do not want to leave it there, and once again I want to quote a statement made by the Premier. His latest statement concerning the Kindergarten Union was made in his second reading explanation of this Bill, introduced into this House yesterday, wherein he stated:

The Kindergarten Union has rendered great service to the South Australian community and in its long and distinguished history has developed pre-school education services for our children which are regarded as among the best in Australia.

I have referred to two statements made by the Premier and one from Ms Coleman which in fact support and commend the Kindergarten Union for what it has done over the 80 years of its history, and yet their answer is to disband the Union.

I also want to mention to the House that Professor Lucille Lindberg of Queens College, New York, regards the Kindergarten Union of South Australia as a paramount organisation in the delivery of pre-school education in the world. Professor Lindberg regards the Kindergarten Union as one of the finest examples of the delivery of pre-school education in the world, and that opinion is shared by Dr Margaret Roberts, of London University. Two international experts in the field have expressed that opinion, and we also have the statements made by the Premier and Ms Coleman, but we now get an Act to repeal the Kindergarten Union Act. What we are getting from the Premier is praise before the fall.

**Mr Lewis:** An obituary.

**The Hon. MICHAEL WILSON:** An obituary before the event. It reminds me of Henry VIII, who promoted Thomas Cromwell to an earldom and then chopped off his head. I find disturbing the Premier's praise of the Kindergarten Union and then the axe being forced by this legislation, and the Opposition opposes that, because we believe it is not necessary. All the Premier or the Minister had to do was to bring the Kindergarten Union under Ministerial direction. That is all that had to occur to bring about a reorganisation and a co-ordination of childhood services. I will refer to that matter again in a moment.

I turn now to the question of child parent centres, because they are not included in this legislation. The Minister of Education knows that the non inclusion of child parent centres in this legislation has caused a great deal of comment and criticism in the community. The Opposition believes that the time has come for child parent centres and the Kindergarten Union to remain and to co-exist together. The Education Department child care centres have a particular role to play: they deliver pre-school education under a philosophy slightly different from that of the Kindergarten Union, but the Opposition believes in freedom of choice

and it is good that the community should have that choice. We believe that child parent centres should co-exist with Kindergarten Union establishments, and let that be an end to all the talk that has gone on in the past about trying to amalgamate them—trying to absorb one into the other. Why has the Government, which has tried to use the method contained in this Bill to set up a co-ordinated childhood services area, left child/parent centres out?

The Premier or the Minister said that a 12 month review would be undertaken and that maybe in 12 months time, depending on the review, child/parent centres would be moved into the Children's Services Office, directly responsible to the Minister, to the Premier, taken out of education and put into—

*The Hon. Lynn Arnold interjecting:*

**The Hon. MICHAEL WILSON:** Just calm down; you will have a chance in a minute.

**The Hon. Lynn Arnold:** I am just trying to correct you.

**The Hon. MICHAEL WILSON:** You do not have to correct me, because I am very accurate in this: it has been said that there will be a review, that 12 months down the track the Government will have a look at the matter. I suggest to the Premier that he will never move child/parent centres into the Children's Services Office. Statements were put on record before this legislation was introduced, in the second reading explanation and elsewhere that there will be a close co-ordination between child/parent centres and the Children's Services Office; in fact, the Director of the Children's Services Office will have some say in relation to resources and things of that nature. I do not deny that, but the fact remains that it is my belief that the Government will never put child/parent centres into the Children's Services Office. It is very simple. Most of the child/parent centres are in marginal electorates, and it is politically inexpedient to do so. What we say is that child/parent centres make a real contribution to pre-school education in this State and should be left within the Minister of Education. We believe that the other services should be left with the Minister of Education, and I will come to that matter later. Also, the non Government sector is not included in this legislation. Non-Government pre-schools are not included under the Children's Services Office.

**The Hon. J.C. Bannon:** What would be the scream?

**The Hon. MICHAEL WILSON:** The Premier says, 'What would be the scream?' There is a way to co-ordinate non-Government pre-school services with the other services, but all the Premier says is 'What would be the scream if they were moved into this office?' I want to read to the Premier a letter to the Minister of Education from Mr John McDonald, the Director of Catholic Education. He represents the biggest part of the non-Government pre-school sector. It is a long letter, and I shall quote it in part, although not selectively. The letter states:

This office has supported the various early childhood studies that have been undertaken in South Australia over recent years.

Of course, I guess he is referring to the Lees Report, the Burdett Report as well as others proceeding. The letter continues:

In particular Marie Coleman was advised that this office supported her review because we face problems in making known Catholic pre-school needs and concerns. Hence, we are supportive of any move to rationalise and clarify early childhood services communication and decision making structures. In principle we support the idea outlined in recommendation 1.3.1 [of the Coleman Report] that early childhood services should be under a single Ministry.

Mr McDonald's recommendation is that they should be under single umbrella. The letter continues:

However, we believe that this Ministry ought to be held in a duo with the education portfolio.



That is very specific. I wonder how the Premier can say, 'We can imagine the scream if we tried to co-ordinate them.' In the next paragraph Mr McDonald states:

Hence we suggest that if a new Ministry is to be created the portfolio should be held by the Minister for Education to ensure that there is continuity of educational policies and practices across the 0-8 years of childhood.

The Bill does not reflect that, but the Opposition accepts that. That gives the lie to what the Premier interjected just a while ago, because we have the Catholic Education Office offering to be co-ordinated under a single Ministry. Will we have Catholic pre-schools co-ordinated with child/parent centres under the Minister of Education or will we have them co-ordinated with the Kindergarten Union under the Premier?

*Members interjecting:*

**The SPEAKER:** Order! There is too much audible conversation.

**The Hon. MICHAEL WILSON:** Before detailing to the House the Liberal Party's solution (because, I state again, although that we believe very strongly in the co-ordination of child care services with the rest of childhood services—we are saying that this is not the way to do it). I come back, first, to the question of consultation. I know that the Minister of Community Welfare, when he was in here a little while ago representing the Premier, looked at me askance when I said that there had been inadequate consultation since the drafting of the Bill.

I wish to quote two examples of the view held out in the community by certain organisations about the lack of consultation since the drafting of the Bill. That is an important qualification. I will read an extract from a letter to all staff, sent out by the Pre-School Teachers Association, dated two or three days ago. It states:

The PSTA Committee met on Monday 26 November and considered the legislation. We are forwarding the following comments to the steering committee and political Parties.

The first comment is:

We deplore the lack of time for consultation.

Further down, the letter states:

Of the six members of the committee left at this late stage of the evening, five believe that there was inadequate time to discuss the legislation, and inadequate information available on the structure of the Children's Services Office, and therefore believe the legislation should be postponed until Parliament sits in February.

The Pre-School Teachers Association is an arm or affiliate of the South Australian Institute of Teachers. The Executive of the South Australian Institute of Teachers has never in the past showed a marked tendency to favour the Liberal Party.

**The Hon. Lynn Arnold:** Come on—what about 1979?

**The Hon. MICHAEL WILSON:** I would hardly call that a marked tendency. No doubt exists that the Executive of the South Australian Institute of Teachers, until very recently, has been hostile to the Liberal Party. I want to put that statement in context.

Also, I have a letter dated 3 December from the Kindergarten Union to the Premier. That was dated only yesterday, so I hope the Premier has had a chance to see it. I think his officers were advised that I was getting a copy of the letter.

**The Hon. J.C. Bannon:** I have already replied to it.

**The Hon. MICHAEL WILSON:** I am pleased about that—no doubt the Premier will read that to the House in replying. The letter states:

The Board draws attention to the statement in your letter of 3 September that 'the maximum possible opportunity for discussion will be provided'. Further, you have assured us 'there will be ongoing discussion and we will ensure that the basis of the legislation is fully understood and supported prior to its introduction into Parliament'.

The Board then states:

The Board believes that neither of these two conditions has been met and would further make the point that had the steering committee had the benefit of someone with direct experience in early childhood education, many groups would not find themselves in the position in which they now are, of having to give hasty consideration to a legislative proposal that is complex and requires time for thoughtful analysis.

As with the words of the Pre-School Teachers Association, they are not the words of people who believe they have been adequately consulted. No-one in their right mind could say that they were supportive statements as far as the Government is concerned. The pity of it is that the Government had some degree of consensus four or five months ago, although not out where the services are delivered. However, it had a degree of consensus amongst organisations. But, to use the vernacular, the Government has blown it because of the way the legislation has had to be brought in, in the last week of the sittings when, for the first few weeks of this session, we did nothing but rats and mice legislation. That is where the Government should have given adequate time for consultation and then brought in the Bill.

*The Hon. J.C. Bannon interjecting:*

**The Hon. MICHAEL WILSON:** Then, the answer to the Premier is that he has to leave the legislation until February. We are saying that the Government should withdraw the Bill, because it is not achieving the objects of Marie Coleman in a way that is sensible and efficient. The letter further states:

The KU gets no pleasure at all about being adversely critical of the manner of the implementation of the overall thrust (the Coleman recommendations) with which we generally agree and continue to support.

Like the Opposition—generally agree and continue to support. The letter continues:

However, I wish to remind you that full support of the passage of the draft legislation also includes the repealing of the Kindergarten Union Act which, in effect, causes the cessation of 80 years of experience in the delivery of pre-school and other early childhood services in this State in its present form. The Union's board must be convinced that what is to replace the Kindergarten Union, as established by its Act, is not only no less than what we presently have but also provides the opportunity for the development necessary to any agency providing children's services.

The letter then goes on to talk of specifics with which we will deal in Committee. There we have the situation: the disestablishment of a statutory authority that has served this State well for 80 years, after the Premier and Ms Coleman have praised its operations and when it has an international reputation for excellence.

It would be very different if the Government had shown the same confidence in the Union as did Ms Coleman in her report. Let us assume that, as the Kindergarten Union results are of world standard, there is probably not much wrong with the Kindergarten Union organisation or staff and that, therefore, the legislation should confine itself in the short term mainly to bringing the Kindergarten Union and all providers of children's services under one Minister, leaving the senior key staff and their positions intact. The new Minister could then direct and co-ordinate in an orderly manner at a speed which would avoid the turmoil that inevitably arises from undue and unreasonable haste.

That now brings me, as I wind up my contribution, to what we believe should happen. I have already said that the Premier had merely to bring the Kindergarten Union under Ministerial control. Of course, it has been argued that it is under some sort of Ministerial control already, because it depends on the Government for funding. However, one has a situation in which the Minister does not have power of direction and, therefore, he bears the brunt of all the criticisms that occur in the pre-school area. That is what Ministers are for: it is Ministerial responsibility. If I can

interpolate here, I know that the Minister has got himself off the hook with North Haven Kindergarten only in the last 24 hours. I understand from some constituents of the member for Semaphore that he was facing a situation where 80 children of pre-school age next year would not be able to attend pre-school or kindergarten. However, I understand that the Minister has resolved that question over the last 24 hours.

**The Hon. Lynn Arnold:** I am resolving things all the time.

**The Hon. MICHAEL WILSON:** As I was saying, the Kindergarten Union has to be brought under Ministerial direction; then it becomes directly responsible and accountable to the Minister of Education. It is in the education section of the Cabinet with the child-parent centres of the Education Department. Then one adds to the Minister of Education (and he already has it, of course) the responsibility for liaising with the non-Government sector. Then one gives the Minister of Education the responsibility for child care services.

By doing that, one then brings about most of the recommendations of Ms Coleman. One does not form a separate Ministerial department, which was her main recommendation. Perhaps the Premier takes the view that that is an expensive exercise as far as the Government is concerned and that in this time of stringency one cannot afford to set up another Ministerial department, although we attempt to set up a children's services office that only does half the job that Ms Coleman recommends.

Nevertheless, it will, I suggest, be an expensive exercise. Perhaps the Premier does not want to create another Minister or to have a separate Minister for childhood services unless he uses a Minister with another portfolio; I do not know. However, this suggestion or this tack taken by the Liberal Party achieves virtually all of Marie Coleman's recommendations. It co-ordinates Education Department child care centres, the Kindergarten Union, the non-Government schools sector and child care services under the one Minister, directly responsible.

That one Minister could have a co-ordination unit directly responsible to him or her to ensure that the Minister is able to co-ordinate those services, because, if it is going to work and if one is going to bring about the best of what Ms Coleman wants, it is the Minister who will have to do it. One will not achieve it, given the troubled history of this matter right throughout Australia as far as co-ordination is concerned, especially in the child care sector, which badly needs co-ordination within itself, let alone with other agencies otherwise.

If it is to be effective, it must be with the Minister, and the buck has got to stop with the Minister. That is the way in which it would be achieved. Of course, one simply imposes on that the consultation procedure. I have not said a lot about the consultation procedure set down in this legislation, but I will say this: I do not believe it works if one superimposes a regulatory consultation procedure by legislation.

The Kindergarten Union has a marvellous system of parent involvement, and that should be retained at all costs through its management committees, regional councils and the State council. It should not be imposed by Statute; nor should this measure be imposed by Statute. It may work; it may not, but in this legislation one is detailing who will be on this and who will elect this person to try to get a representative cover. I do not believe it will work. One cannot over-regulate human beings in that way: one needs to have a flexible consultation system. That is what the Liberal Party supports—a flexible consultation system.

In summing up, the Liberal Party calls once again on the Government to withdraw this legislation to allow those people who feel they have not been consulted to make their point and to be consulted, to have a look at the way in

which it is doing this job, which is by over-regulation and unnecessary, and to do it in the simpler way over a longer time, thereby allowing things to be done gradually and not just tossed into one great melting pot, as from day one, with all the problems that that will bring.

The Liberal Party calls on the Government to withdraw the legislation and let everybody have a chance to have a proper look at it. The Liberal Party says without fear of contradiction that, if the Government is not prepared to withdraw this legislation or, at the very least, to delay it until February or March, we will have no option but to oppose the legislation both at the second and third readings.

**Mr MATHWIN (Glenelg):** I support the remarks of my colleague in relation to opposing this Bill. I also call on the Government to withdraw it at this stage, because I believe that it has been most unfair about the treatment it has given to some sections of the community. I am disgusted by the treatment given to the Kindergarten Union by the Government. It is an all-out attempt, as far as I am concerned, to dismantle the Kindergarten Union, which is held in very high esteem in the community generally throughout South Australia.

Indeed, the Union is second to none in teaching young people and looking after them. Its support systems (which have been established over the past 80 years) have proved that it is a marvellous organisation which is staffed by dedicated people. I say without fear of contradiction that I was disgusted to see the treatment by this Government of the Kindergarten Union. I know that the Premier said in his second reading explanation that all people have been talked to and have had their opportunity. I do not believe that they have had a fair opportunity at all.

This Government is trying to disestablish in just two days an organisation that has been set up for 80 years; that is all the time that we have been given. We have not been sitting in this place very much in the past 12 months, yet the Premier of this State has the audacity (and I choose that word deliberately) to introduce a Bill of this nature and expect it to be through this House and the other place, and possibly amended one way or the other, within two days.

If that is not legislation by exhaustion, the Premier should think it out. That is the situation, and it is all very well for the member for Brighton to laugh about it. However, she is at least one of the few Government back-benchers who is obviously interested enough to listen to the debate and possibly to take part in it.

**Mr Lewis:** There are four of them in here.

**Mr MATHWIN:** Two of them are Ministers and one is a potential Minister. I refer to a Kindergarten Union report entitled *Kindergarten Union of South Australia Philosophy Policies and Practices*. If it were possible, I would read the whole report into *Hansard*, because it is good reading. However, one would not be able to do that unless one was the first speaker and had unlimited time in which to do so. However, at present I am not able to do that. Nevertheless, I think that there are a few selected areas that I ought to put into *Hansard* for people to peruse. Page 14 of the report, dated September 1984, under the heading 'Purpose and Goals of Pre-School within the Kindergarten Union', states:

The purpose of pre-schooling is to promote the optimum development of each young child within the contexts of his/her family and total environment.

Of course, 'family' to members on this side of the House is a very important word and has a very important meaning; and we stand it as the cornerstone of our philosophy. On page 17, under the heading 'Pre-school curriculum', the report further states:

The curriculum is to be thought of in terms of activity and experience rather than of knowledge to be acquired and facts to be stored, and the child is the agent in his own learning.

They are very important factors, but unfortunately I believe that some Government members do not share that view. I say 'unfortunately', because I believe that the Minister has not read this philosophy at all. Indeed, if he had done so, he would not have supported his Premier in the way in which he has in the haste to dismantle the Kindergarten Union.

A great deal has been said about the quality of pre-school services in this State over a period of time. In his second reading explanation the Premier said that it is the best in Australia. I would go further than that and say that it is equal to any in the world. Indeed, I have been told that the people in the great country of America are most envious of the kindergartens in South Australia particularly, because of what they provide for the young children of our country. So, I say that it is equal to any in the world, and the access to families is outstanding. In other words, it is quite simple for families to have their children taught in kindergartens. Everyone has the opportunity within reason. That quality has been achieved by the provision of support services, which as I have said have been established over a long period of time—80 years—and which include planning and maintenance support, staffing and personnel support, administration and financial support, special services support (this is of great value) and advisory support, which, of course, is most important indeed. One must have advisory support staff who are able and willing to visit kindergartens regularly—once or twice each term.

We know what has happened in the fields of primary and secondary education, where the people who used to visit those schools no longer do so. There has been a drop in those schools in areas such as discipline and other things. I suggest that, if they are called on to attend more regularly than that if the need arises, these people should run an in-service facility and have counselling staff. I suggest that without the fine areas of support the quality would not be the same as it is now; yet, we have a situation now where members of the advisory support staff are wondering what will happen to them.

I well remember during the period that this has been developing and fermenting that from time to time the Minister of Education, who is obviously second in command of this Bill because the Premier has taken it over as his baby, has assured the House, and indeed I understand other people, that the advisory staff and any staff at all of the Kindergarten Union have nothing at all to fear. Everything was going to be rosy: there were no problems. They would all be found positions: they would all be fitted in somewhere, and there would be no loss in salary or conditions at all. Yet, we find as we read the *Advertiser* that already positions have been advertised for the new situation at lesser salaries than those applying presently to those personnel.

They are in the position of applying for these jobs and accepting them at a lesser salary and under worse conditions than they enjoy at present. Yet the Minister of Education, who at one stage was exceedingly jealous about the fact that members on this side of the House were asking questions of the Premier about this subject, said that he as Minister of Education should be receiving and answering those questions. At times, when he was given an opportunity to do so, he did tell members of this House and, therefore, the people of South Australia that there was nothing to worry about: everything would be taken care of. In other words, he said, 'Have confidence in us.'

**The Hon. H. Allison:** The trust thing.

**Mr MATHWIN:** The trust thing that has been pushed so well by the Labor Party—the socialist Party, both federally

and at State level. It is a great pity indeed that the Government has seen fit to dismantle this great organisation, the Kindergarten Union. Surely, with its record, which has been admitted in part, perhaps reluctantly, by the Premier and the Minister, and the fact that it is a very good service (perhaps the greatest in Australia—they have already said that), the union should not be treated in this manner. If they believe it to be so good, the new office could be built on the foundations that have been established by the Kindergarten Union.

That, to me, would be obvious and fair and could well be accepted by the community in general, particularly by those who are upset about what is developing in the whole situation. It is no use the Minister's saying that all these people have been informed about it. The people have not been told. The people have been assured that nothing would happen: everything in the garden is lovely. We have the whiz kid, Mr Guerin, who is no doubt the architect behind the Bill.

One could perhaps call it his Bill, and maybe history will do that. He has been before the Public Works Standing Committee many times; he is certainly an intelligent and clever person, and I suppose he could be regarded as being something of a whiz kid, but whiz kids do get carried away. He has said that everything is all right, and he has told the Kindergarten Union and other interested parties not to worry because it will all be fixed up, but the Kindergarten Union has found out too late that it is all over. The whole system is being dismantled. After it was said that everything would be all right, when the Premier introduced his Bill he said that it would have to be dealt with in two days.

**The Hon. H. Allison:** They have all the questions but they ain't got the answers.

**Mr MATHWIN:** I agree with what my colleague the member for Mount Gambier says. To me it is a sorry situation, and I am very upset about it, because I believe that a confidence trick has been played on the people in the Kindergarten Union.

*Mrs Appleby interjecting:*

**Mr MATHWIN:** It is all right for the member for Brighton to call on someone from higher up but I do not think He will help. At least the member for Brighton is the only Government member in the Chamber at the moment apart from the Minister.

**Mr Hamilton:** I'm here; what are you talking about?

**Mr MATHWIN:** You are not quite in here yet; you are neither in nor out. The member for Albert Park, the front runner for the Ministry, has come in just a bit late. I have received a letter from the Pre-School Teachers Association, and I suggest that these people are a bit out of touch with what goes on among their teachers, because I can say with authority that what they have written to me is quite wrong. In part, the letter states:

We therefore wish also to publicly dissociate from a few—

I wonder where they have been all their lives—

insecure pre-school teachers who are opposing the imminent passage of legislation to establish the CSO.

Obviously, they are in the know; they are in the Minister's pocket. There must have been some sort of deal done there. The letter continues:

We feel strongly that these people are not representative of pre-school teachers—

I have a message for them: the people in the kindergartens are indeed representative of pre-school teachers. The others ought to get out of their offices and into the field; they should go into the electorates and really find out what is happening in kindergartens, where they will discover that the teaching staff in those kindergartens are upset about the situation. First, the Government eventually decided to send

out the draft Bill (I suppose it thought that it had better send a copy to the Kindergarten Union because, after all, there are a few kindergartens about the place) on 20 November, with a deadline for the receipt of comments on 28 November. The Kindergarten Union was given seven days in which to circulate the draft Bill to all kindergartens in South Australia.

*Mrs Appleby interjecting:*

**Mr MATHWIN:** The member for Brighton has interjected, even out of her seat. What did she say?

**Mrs Appleby:** I said that they have been continually circularised with information.

**Mr MATHWIN:** I think the situation is that they were given eight days within which to have the draft Bill sent around to all the kindergartens in the State. It is all right for the member for Brighton and me to say that our kindergartens could reply within eight days, but what about all the kindergartens in the country areas?

**The Hon. H. Allison:** They gave them two weeks at the end of term.

**Mr MATHWIN:** Obviously the person in charge of the draft Bill was the Premier, with his whiz kid adviser, who must have said that that was plenty of time. If it had been the Minister of Education, who has been a teacher, he would know that that would be an impossibility at this time of the year. I am sure that when he rises to speak he will say that it was wrong and that it was not fair to the teachers. He has been in the profession himself, and he knows the situation at the end of term. To expect a copy of this draft Bill to be sent out to all kindergartens and then returned within eight days is completely wrong. I am sure that even the Premier, who has now gone out for a drink of water or whatever—

**The Hon. G.F. Keneally:** He has an appointment.

**Mr MATHWIN:** An appointment—even he would admit that that was an oversight.

**Mr Ashenden:** Who is handling the Bill?

**Mr MATHWIN:** We have the second-in-charge now, the Minister of Education. To continue quoting from the letter from the Pre-School Teachers Association:

... these people are not representative of pre-school teachers as a whole, and we are concerned that they are doing pre-school teachers a disservice.

If standing up for principles and speaking on behalf of those concerned with what is happening within your own association and among friends in your profession is wrong, then I suppose they are doing a disservice, but I know that the people in the kindergartens and the parents are upset about this legislation. They believe it should be held over, and so do I. If it is not held over, it should be withdrawn. I believe that the fair and honest thing to do is withhold the legislation until the beginning of the year. I think that, if the Bill is so important that it had to be introduced prior to the Christmas break, it is only right that the Government should have brought it in earlier. If it meant coming back a bit earlier, so be it, because we have not been sitting that often this session. There would have been plenty of time to do this.

**Mr Hamilton:** How many days did we sit?

**Mr MATHWIN:** It is not Question Time. It is no good the member for Albert Park having a bit of practice on me. The Clerk will be able to tell him.

**Mr Hamilton:** I thought you knew.

**Mr MATHWIN:** I might know a lot but I do not know everything. In his introductory remarks the Premier said that there had been close involvement with management, officers of the services, and the like. He has failed in this matter completely, and I think that he has been most unfair to the Kindergarten Union.

**The Hon. Lynn Arnold:** Do you say that the Union has not been involved?

**Mr MATHWIN:** I said that the Government had given the kindergarten movement as a whole only eight days. The Government committee comprised a representative of the Education Department (Mr Barr), a whiz kid from the Premier's Department and another member. Why was not the South Australian Kindergarten Union represented on that committee? After all, it is the most important body involved. Why did not the Minister of Education insist that a representative of the Kindergarten Union be appointed to the committee? We are often told that we have the best kindergartens in the world, yet the Kindergarten Union was not represented on the committee.

**Mr Groom:** What do you think has been going on for the past 12 months?

**Mr MATHWIN:** That is a good question from the member from Hartley, who has just come into the Chamber.

**Mrs Appleby:** What about—

**Mr MATHWIN:** The member for Brighton should not be naughty and interject while out of her seat. We are told that the Children's Services Office will commence operating in February 1985, and we are given only two days to get this measure through Parliament. In his second reading explanation, the Premier said:

The Government considers that these changes are of such importance and will yield such benefits for our children that they should not be further postponed.

Then, in his most condescending manner, the Premier said:

The Kindergarten Union has rendered great service to the South Australian community and, in its long and distinguished history, has developed pre-school education services for our children which are regarded as among the best in Australia . . . We are seeking to develop the very best range of services for all our children.

By this Bill, the Premier is seeking to dismantle the Kindergarten Union. Why? I hope that the Premier will later explain what he meant when he said in his second reading explanation:

The Bill also invests the Minister with the powers of a body corporate, enabling the acquisition, holding and disposing of property, and incurring of rights and liabilities.

That is another sore point that we will have to take up in Committee because, under that provision, the Minister's power is absolute. We do not know who will be the Minister in charge of this new office: the Minister of Health does not want it; the Minister of Community Welfare does not want it; and the Minister of Education does not want it. There was a bruising in Cabinet over this matter. In many parts of the State land has been donated to the Kindergarten Union for the establishment of a kindergarten. For instance, the Crawford family donated the land on which the Brighton kindergarten stands and the family also gave thousands of dollars towards the cost of its establishment. However, the Minister by the stroke of a pen will be able to authorise the sale of a kindergarten. In my district, of course, the Minister may exercise a more flexible approach after the next election if the present member for Brighton wins her new seat. In such circumstances, she may remove the fly in the ointment as regards the kindergartens in her new district while I am doing something about those in mine.

It is wrong that one person should have the power that this Bill invests in the Minister. Clause 12 of the Bill provides that the Minister may take certain action with the approval of the Minister administering the relevant department, that he may take other action with the approval of the Minister of Education, and yet again that he may take other action with the approval of the Health Commission; but the Bill contains no provision about the approval of the Minister of Community Welfare being required. No wonder the nose of that Minister is out of joint: he does not rate a mention in clause 12, whereas the others do.

Who will be appointed Director of the new office? I will lay 10/1 now that Ms Coleman will get the job, because I

have heard that she is a moral to get it. Will the Minister say whether that is true? I am glad that he apparently agrees with me.

**The ACTING SPEAKER (Mr Ferguson):** Order! The honourable member's time has expired.

**Mr LEWIS (Mallee):** This measure, conceived in haste, will cause the Government to regret at leisure and at length. If the Government forces the measure through Parliament before Christmas, members of the public concerned for childhood services will condemn it for as long as it remains in office.

**Mr Ashenden:** Only a few months!

**Mr LEWIS:** It will not be long. The Labor Party will not be forgotten for what it does if it manages to do what it wants to do to childhood services by the implementation of this Bill.

**Mr Ingerson:** It's trendy.

**Mr LEWIS:** That is a kind way to refer to it. Labor members are self-confessed Marxists in the matter of childhood services. In putting such propositions as this through Caucus, Labor members are not normal in their philosophical attitude towards society. They wish to see only the utter destruction of the Kindergarten Union and the competent people who have run it for the 80 years of its existence. The Premier's second reading explanation was written by someone who was supposed to know more about the subject than he obviously does, but the writer has misrepresented the position remarkably. My remarks may be the cause of some mirth by Government back-benchers and others, but I leave it to posterity to judge the accuracy or otherwise of my perception.

Mr Acting Speaker, I point out to you and to your two colleagues who are in the Chamber that, while the Opposition happily and gladly gave the Premier leave to introduce this Bill yesterday without notice, Opposition members now find that they must obtain copies of the Bill for themselves and that the debate has been brought on even before the *Hansard* proofs of the second reading explanation are available. So, in order to get copies of that explanation we have had to get typed copies from the Premier's office. That is disgusting.

If the Government considers that this matter is so vital and that public consensus and approval are so important for its approach to the subject, the least the Government could have done was to show members a little more courtesy than it showed the Kindergarten Union and other responsible people concerned with childhood services who have tried to help it. I will demonstrate by evidence how disgusting the procedure on this Bill has been. On the first page of the Premier's second reading explanation, this sentence appears:

... the Government took the decision in June to draw together a number of responsibilities, and place them under the control of a single Minister, and to bring together the various service functions in a new agency—the Children's Services Office.

Well, that is just a fat fib; it is just not true. It is a doublespeak. There are still childhood service agencies outside the purview of this Bill. So, for the Minister to say that is a gross distortion: for the Premier to say it in a speech that was written for him is a gross distortion of the reality. He went on to say:

Since then an exhaustive process—

I do not know who is exhausted by it—

of planning for the establishment of these new arrangements has taken place.

They must have been exhausted by the fact that they had them so close to their chest the whole time that no-one could see them.

**The Hon. H. Allison:** They still are.

**Mr LEWIS:** You are not kidding. We cannot prise them loose; we cannot even find them. The explanation continues:

There has been close involvement of management and officers of the services involved, and industrial organisations in the planning work.

Piffle! That is just not true. In the next paragraph, the Premier went on reading his speech:

Every effort has been made to provide information during the planning process and to provide the opportunity for community input into that work.

Seven days! Is that every effort? The Government made up its mind in June. The Premier continued:

There has been substantial consultation—

that is nonsense—

down to the level of detail unusual in such a planning process.

Well, hell, I would like to see him talk to someone fair dinkum for once. He continues:

There are of course many individual groups and organisations involved.

This is the eulogy to get him off the hook for those he ignored. They did not belong to the Labor Party and they were not part of the feminist Marxist left who wrote it for him and they were ignored, so now he is telling them that there were many organisations involved in the children's services field. It may not have been possible to reach or respond to all of them. Tough! He continues:

Nevertheless, a wide range of local groups, organisations and concerned individuals have made a very valuable contribution to planning these very significant changes.

Name one! That is the challenge I put to the Premier: name one of those organisations in the community. The next paragraph states:

In deciding on the schedule for implementation of the new structure, the Government has uppermost in mind the needs of our young children.

That is piffle. All they are doing is buying off the far left in the feminist movement of their own Party. That is the kind of philosophy that is being implemented in these proposals. That is clear to me. It continues:

There have now been many inquiries in this field in recent years and clearly, broad agreement has now been reached on the need for effective action towards co-ordination of all services.

That is agreed. However, this is not what is agreed: no-one else has agreed to the kind of proposition that this proposal contains. The Premier continued:

We believe, therefore, that it is important not to delay implementation.

If only what the people believed was being implemented, we would applaud him. He continues:

The date set for the start of operation of the Children's Services Office is February 1985.

Well then, Premier, through you, Mr Speaker, I put the question legitimately: why the hell did you not get the information about these proposals, since you had it since June (and that is stated on the first page), and why did you not get it out to the community so that it could talk about it? It is not a matter that anyone wants to play politics on. I do not know why the Government has chosen that course of action when there was quite clearly, as the Premier said, broad agreement as to what needed to be done. But, he is not doing what there is broad agreement about; he is doing what will satisfy the elements within his own Party. I guess that we have an election coming up, so he wants to get this one out of the way by then so that he can boast about it. We will only have to unstitch it again when we get into government.

I want to refer to what has happened in those processes to which the Premier referred in his second reading explanation before I make mention of the obituary notice which that speech then contained at the top of the third page. We

all know that Bruce Guerin was Chairman of the Childhood Services Office and that assisting him was Mary Corich, from the Children's Services Office; she is the professional, the Secretary. Then there was Rosemary Wighton, who is the Acting Assistant Director-General of DCW; Trevor Barr who is the—

*Mr Mathwin interjecting:*

**Mr LEWIS:** Yes, the Director's Office of the Minister of Education, who always had lots to say; and John Cooper, who is Deputy Chairman of the South Australian Health Commission. Those people set up what they called a parents consultative group which was forbidden to meet for any time longer than an hour. Short notice was always given of those meetings to try to ensure that the people more distant from the city would not get there. They were never held at times convenient to those people who were called into the group; those people were not consulted about whether the time would be convenient for them, and whenever a real issue was raised by any member of the group, they were promptly told by the outfit that Bruce Guerin runs, 'Oh, don't worry about that, we haven't quite finalised that detail.'

**Mr Mathwin:** Trust me!

**Mr LEWIS:** That is the gist of it; 'Just trust me.' It is Bob Hawke stuff: 'I am the Messiah', but Bill Hayden has got a second coming. He has rolled the rock away from the tomb and the dog is walking out with him. Anyway, that parents consultative group consisted of a few of the parents. There was, presumably, a teacher from Whyalla, Mr Roger Brown, President of the Executive Committee of the State Council of the Kindergarten Union; Bob Kimber, from Clare, who is a SAIT representative coincidentally, a teacher in Clare; Andrew Thomas, from Morphett Vale (these people were all parents); Nina Webb, from Unley; Julie Smith, from Clarence Gardens; Rudi Moser, of the Barker Kindergarten at North Adelaide; and Peter Mattner, of Ki Ki, in the Upper South-East.

It is not far from Coonalpyn, and the name Ki Ki is often mistakenly pronounced. They were the people who were supposed to have been consulted by the Guerin outfit, the people from whom that body was supposed to have derived considerable wisdom, insight and understanding of how the Parents Consultative Group was responding to the proposals that had been developed prior to June. We are now told that they were developed prior to June. The Premier said that, but every time one of those parents raised a question with someone from the Guerin outfit they were told that the matter had not been finalised, that details had not been set, or that it was none of that person's business, or even that they did not have to worry about it, that it was an administrative matter—or anything else to obfuscate. They were simply not given the information. So, how do you consult anyone's opinion if you do not give them information about which you seek an opinion, a reaction, an honest appraisal? So, the Premier is clearly distorting the truth, to use a phrase to replace a little three-letter word, which is not sex.

*Mr Mathwin interjecting:*

**Mr LEWIS:** I meant 'lie'. The regrettable part of it, therefore, is that the public is being conned into thinking that, they as individual members of the public, must be off beam, that they must be ill-informed, or that for some reason they do not understand. They are being conned into thinking that because the publicity barrage that is to be put up about this measure is intended to convince them that everyone else except them agrees with what the Government is proposing to do. Like hell they do! Members opposite should hear, read and see the kinds of things that have been put to me over the past seven days by parents and friends associated with kindergartens. These have been quite unso-

lited by me: damn it, I have had enough to do in other ways over the past seven days, but nonetheless I accept my responsibilities to hear their complaints and inquiries, and I have done so. They are, to say the least, very disturbed, and to say the most of it, appalled.

Peter Mattner, from Ki Ki, who is a member of the Parents Consultative Group, to which I have referred, is otherwise hardly known to me, and quite without being solicited in the least he tried to contact me on two or three occasions, although I was not at home. I must say that, for instance, on Sunday I left home at 8.30 in order to see six constituents, at their request, on my way to the South-East Regional Tourist Association award presentations, and I did not arrive back home until after 11 p.m. I was away from home from 8.30 a.m. until 11 p.m., even though I had been in consultation with people until the wee hours of Sunday morning after the election. I was not involved in the count, nor did I have any partisan part of it. So, I have had plenty to do, but nonetheless I had to give an audience to Mr Mattner. He wrote a letter, which states:

The establishment of the new CSO has been fraught with problems and doubts. My major concern is the limited time available to implement the organisational details of the CSO. There are many people, including present KU teachers, regional advisers, co-ordinators, and parents who are receiving limited and sketchy information regarding the CSO. Maybe we of the Parents Consultative Group are not specialists in the field of setting up a new Government department, but of my colleagues I can say that we are intelligent, capable people who are being given only a token gesture of involvement in the development of the CSO.

As a representative of the rural sector I am constantly frustrated by the length of time it takes to receive and collate information, attend meetings and discussion groups, report to the Parents Consultative Group, and meet with Mr Guerin and his committee. We in the country accept that travelling long distances, our relatively slow postal services, and costly telephone charges are the price that we must pay for our way of life, but must we also be disadvantaged and frustrated by further inefficient and inadequate supplying of details and information from Government when we serve it voluntarily?

Is this happening because Mr Guerin and his committee are struggling to meet commitments and the deadline of February 1985, and therefore efficiency has been affected, or is it only simply that the meetings with the Parents Consultative Group are only a token gesture of involvement and that any concerns, disagreements and suggestions we have made will not really be considered, anyway?

Frankly, Peter Mattner, I can say that it is my judgment, after having spoken with parents and others associated with kindergartens in the electorates between Mount Barker and Millicent, that it is both of those things: it is a token gesture of involvement and disagreements, suggestions and concerns that people like Mr Mattner may have about this measure are totally ignored. The letter continues:

For us in the country time is of the essence and when people have to often travel in excess of 100 kilometres to regional meetings, and sometimes 30 or more kilometres to our local KU meetings time must be made for them to hold meetings and register their opinions—

That is, if what the Premier said in his second reading explanation has any meaning. It continues:

In order to have effective and productive meetings we must have the relevant details, and we are not just receiving them.

That lays the lie to some of the statements made in the Premier's second reading explanation. The letter continues:

Maybe the CSO will be basically operational in February 1985— it is a big 'maybe'—

but I can foresee many teething problems and it concerns me that the present situation will continue and that no attempt will be made to assist country people to effectively register their grievances, suggestions, support or otherwise for the CSO.

So much for the Premier's distortion and the other inaccurate and misleading information in the first two pages of his second reading explanation.

My colleague the member for Torrens has already acknowledged an interjection from me when he was quoting

the first paragraph on the third page of the Premier's second reading explanation wherein the Premier literally wrote the obituary of the Kindergarten Union, before he delivered the *coup de grace*—which will be a numbers crunch in this House, and who knows? I am terribly concerned to realise that the Premier can say the sorts of things that he has said about the Kindergarten Union, and then completely abolish it: acknowledging that it is recognised internationally for its competence and expertise and yet abolish it.

Furthermore, in relation to the people who have held professional positions in that organisation, their services and skills will not be transferred in any real sense to the CSO. The very fabric of skills and professional interaction which exists between those senior professional officers will be torn apart by the kinds of people who will be appointed to the organisation.

I now turn to the CSO. I do not have much time, and I want to warn the Premier that clause 15, together with many other clauses, will get a thorough working over by me during the Committee stage. If an attempt is made to mock my assertions about the philosophical affiliations of the people who are being brought into childhood services, I will ensure that no member of this House will be able to overlook the way in which the committee entitled the Children's Services Consultative Committee will be comprised. Clause 15 (2) provides:

The Committee shall consist of the following persons appointed by the Government:

- (a) twelve persons, being parents of children, nominated by the regional advisory committees in accordance with the regulations.

It should be borne in mind that 12 members of that committee will come from the regions. There will be six persons who, in the opinion of the Minister (these will be appointed for three years), have between them an appropriate diversity of experience in the provision of pre-school education for children. It is the Minister's opinion of what is appropriate.

*Mr Gregory interjecting:*

**Mr LEWIS:** We do not know who that is yet, in answer to the member for Florey. Neither does the ruddy Premier! He says that he will be the Minister looking after the disestablishment phase, the first 12 months when he is getting rid of the KU. The Minister will appoint six people. One can bet that if it is anyone on the front bench opposite, they will be flat out lefties—chooks with a left wing and a left foot. I bet that they will lay some really gorgeous eggs. It will include non-residential care of children, family day care of children and such other children's services as the Minister thinks fit. I do not know what other children's services might be kept in mind. Subclause (2) (c) provides that four persons who, in the opinion of the Minister are suitable (as if those already mentioned are not), will represent individual groups of children with special needs. I do not know quite where that fits in, but I can again just imagine who they will be. I reckon that I could draw up the short list now.

**Mr Becker:** Tell us.

**Mr LEWIS:** I would not want to pre-empt the fun that the Premier or the Minister will have in making the big announcement. Six and four makes 10. Paragraph (d) provides for guess what? The United Trades and Labor Council! That is one group of unions, but the Kindergarten Union did not get much say in all this. What the hell does a trade unionist know about pre-school education and why does it need three representatives? They have six, four and three representatives, giving a total of 13. We have already got them rolled; the parents are done cold.

**Mr Gregory:** Inform yourself about the trade unions.

**Mr LEWIS:** I probably know more about it than the honourable member, who should not interject out of his seat.

**The ACTING SPEAKER (Mr Ferguson):** I uphold the point that the honourable member should not interject out of his seat.

**Mr LEWIS:** That is correct, and he is wasting my time, what is more. The Minister has four more persons; as if he does not have enough prerogative already! We have 12 parents and 17 others nominated by Trades Hall on South Terrace or by the Minister, who gets his endorsement from there, anyway, and has to watch out if he does not do what he is told by them.

We can imagine what that outfit will decide when it comes to philosophical attitudes and appointments to senior positions in the new CSCC or CSO which it will be administering. There are other aspects of the Bill which I will raise in Committee and which I believe need to be more clearly and carefully understood. Members opposite do not really understand what this Bill means and where it is taking them. It will certainly not help them win the next election.

I know that the Premier has always advocated consultation with unions of any kind. I am so astonished that on this occasion he did not bother to consult with the Kindergarten Union. It distresses me that there has not been more careful acceptance of the value, as well as the opinions made by that valued judgment, of people from the Kindergarten Union. It really does astonish me. They were certainly snowed. They were not given the information of the kind that they sought. Obfuscation was the order of the day. Keep them out on a limb! We know that the Education Department has been anxious to get hold of the Kindergarten Union and that certain elements of that Department would like to knock it off. The Union does not bring up children in the way that they would like it to. It would like to see children brought up in different ways. Now it is going to have its way.

We know that the Government has only partially implemented the recommendations of the Coleman Report—a report which members on this side of the House have happily acknowledged as being an expert report. The Government itself acknowledges that. Why has it only partially implemented the recommendations that it contained? One must ask these questions and, if one does not get answers, one is left to place one's own interpretation on the mischievous motives of the Government and the Premier. Of course, the one loser in the new Children's Services Office will be the Kindergarten Union itself. Quite astonishingly, the Education Department's child parent centres are not included in the legislation at this point as are CAFHS and independent school kindergartens. I do not know why there is this sort of sectional division.

The Premier in his second reading speech, said that there was public agreement about the need to get things together. He stated:

There have now been many inquiries in this field in recent years and clearly broad agreement has now been reached on the need for effective action towards co-ordination of all the services.

He said that there have been several reports, but he ignores their recommendations and the kinds of agreements that exist in the consensus context in the community and brings in a selective Bill that appeases the left wing of the feminist in his own outfit and in the broader community at large. It does nothing for pre-school education in South Australia except deliver it into the hands of the fanatical left.

The last matter to which I draw attention is the disgusting way in which the Government is at present proposing to extend facilities for the provision of child minding (and that is all one can call it) for the greedy in the metropolitan area (day care as it is called), for women and men who are

married, have children and are both working. They will get subsidised or free day care—babysitting services—for their kids but the families and children in my electorate cannot even get normal pre-school facilities. In one place they have to meet in a galvanised four by two jarrah shed with a concrete floor which the parents poured themselves and this doubles as the shadehouse beside the tennis court at Coomandook. It is on the wrong side of the tracks; there is no phone anywhere nearby; and the kids cannot get on or off the toilets. When we seek assistance for that sort of thing we are told that there is no dough. The Government gives it to the greedy—why not to the needy?

**The ACTING SPEAKER:** Order! The honourable member's time has expired.

**Mr BAKER (Mitcham):** I congratulate my colleague the member for Torrens on his superb exposition on some of the concerns that we have about measures contained in this Bill and the things that are not there principally, rather than some of the things that are there. I will also refer to the cynical exercise involved here. We have recently seen a statement made to the media by the Government Whip suggesting that Standing Orders be changed to prevent the existing practice of introducing Bills at the last minute. The suggestion is that there be a mandatory 10 days notice. Of course, the Government has failed. It seems that it wants to make rules and then break them. I will not go into whether the Whip was on a self gratification or glorification exercise in announcing to the media something that had not been discussed. In principle, we believe that time should be allowed, so why break the rules? Why do we always break the rules, particularly in this example? I congratulate the member for Brighton for being present during this debate.

She is the only one who has shown consistency of attention to this matter. I know that a number of members on the other side of the House have been contacted by concerned citizens and teachers in their areas. Also, I know that certain members on the other side of the house have either told them that they are not interested or, alternatively, have said, 'Look, I think everything will be all right.'

They have paid no attention to their constituents' concerns and by their absence today they show that they have no concern for the matter at all. In fact, I am sure that they will not even make a contribution, because, if they do so and they support the Government's position, they know that they will invoke the ire of parents and teachers in a number of organisations and centres in their districts.

By way of background, I was opposed to the Coleman Report from the very beginning. When I read it I noticed that it contained a number of observations. It drew together some threads that we knew existed in the system. It said, *per se* 'There should be co-ordination'; it said that there was fragmentation and that there were problems with administration, which we all knew beforehand.

Its recommendations did not really take us down the track of how we were going to seek improvement. Having served 20 years in the public sector, I have seen it all before. That is why I would say to anyone in this House that quite often a good idea never gets translated into a positive policy action. This is because of the intransigence of the public sector in many ways, but more importantly in an area like this, people who believe in the system they serve are pulled and pushed.

I do not have to remind honourable members here that, when we are dealing with an area such as this, tremendous pressures and demands are placed on decision makers from both sides of the fence. Some are of a political nature and others are because of anxieties and concerns. People do not know and wish to be informed. Under those conditions when a Government is intent on implementing an idea that

it has not even contrived itself it is likely to get into a trade-off situation.

In order to satisfy each of those sectors and to keep them quiet, some promises will be made. I understand that some promises have been made to certain individuals in this case. The good idea gets diluted; the principle, which is quite profound in many cases, gets destroyed. What we start out to achieve is not what is achieved. The very process that we go through and the lack of will on behalf of Ministers and decision makers often destroys that and creates a bureaucratic nightmare. Having been there for 20 years, I understand that process. I have seen some of the most disgraceful decisions made by Government because of pressures and political reasons.

Some of these decisions have been totally counter-productive and have led to a massive increase in employment in areas that are non-productive. They have meant that the final delivery of service is far lower than it was before that change was made. When I reflected on my experience, I said that Coleman *per se* was not good enough. Coleman had really done a very thin paper job. For all her qualifications, the lady concerned had not scratched the surface.

She had not understood about parents' concern for their children, teachers' concern about the way in which they deliver their service, concern about maintenance of professional standards and pride in the way they operate. Realising that all these things existed in the system and that the Coleman Report had come up with a very bland statement which took no real account of people, it surprised me.

However, let us put the blame where it should lie: that is with the Government itself. The Government said—and I do not know for what reason because I do not understand—'It sounds like a good idea.' It embraced the Coleman Report without doing its own homework, for which I cannot forgive it. The Government should have had the people with the expertise. I could name 20 people within the State Government who could have done a very good research project on the implications of the Coleman Report and who could have translated it to a position where all the people out there in the field delivering services could have understood its ramifications.

I am pleased that the member for Mawson has joined us. So, that is the process that we in Government would have gone through. That is the process that any normal Government would have gone through. Instead, the Premier or a member of his Cabinet said, 'This is a good idea; let us go ahead with it.' That is incompetence, as far as I am concerned, and it has led to the situation that we face today, because every step taken since that time has been backwards. All the way through this intricate process, which is very demanding on all those involved, every part of it has started from a defective base. I cannot understand why the Premier chose to take this route.

I now make some points about the process itself. The Premier said the Government sent out the Coleman Report for discussion. That happened when all the kindergartens and schools were on vacation! How cynical can one be if one does that. They had until 2 March 1984, from my memory of the situation, to provide information and a response on the Coleman Report. How much better it would have been if the Premier, during that period, had taken the time to get together the people with the expertise and if he had said, 'This is the basic philosophy; what are we going to do with it? Let us give those people out in the field some understanding of where we are heading and why we are headed in that direction,' rather than just having the flags waved by Marie Coleman. It should be done on the understanding of the things that the Government believes to be important.



He did not do that, and every step along the way since that time has been affected by it. Today we see before us a Bill that is incompetent in many areas. Shortly, I will discuss the philosophical context of it, but I do not wish to reiterate the ground that has already been covered in this debate. All I can say is that I have been contacted by a very large number of people, some from within my district and some from outside it. Some of those people have expressed concern because there is a fear of the unknown and others have expressed concern because they believed from the very beginning that the services they were providing would somehow be diminished by the change. They are all reasonable fears.

In fact, at no stage in the period that was made available has the Premier or any one of his deputies or public servants been able positively to allay those fears. It is worth noting that the Kindergarten Union which gave some sort of *imprimatur* originally to the process (and I will not call it a Government decision) that the Premier had suggested he would follow has now stood back from that decision because what the Kindergarten Union has seen in black and white is far different from its original perception.

I attended two meetings of people concerned about this matter and at each of those meetings there was one uninvited guest who came from the child care sector and who without particular invitation stood up and told the meeting about problems experienced in child care. I must admit that I received a greater understanding of the difficulties that they were experiencing. Those people were not sent there to enlighten the groups concerned; they were there to ensure that no decision was made by those groups, because they said, 'Look, we have to achieve change. In essence, what the Government is going to do will achieve positive things for everybody in the system.'

That was not an isolated incident: I know that it happened on a number of other occasions, because people reported back. Some people said it was like the female Mafia in action and that they used to go along to each meeting at which parents or teachers were getting together and put their point of view. It was very organised: in fact, it was like a well oiled machine. I do not say before this House that those people do not have a right of expression: all I am saying to the Premier is that in the process people who felt some sympathy for child care came back to me some weeks later and said, 'Did we somehow lose the thrust of our meeting?'

Were we able to discuss the future direction of our particular service without being swayed on this occasion? After second thoughts, they had been swayed. They had set about to submit proposals to the Government, and somehow the whole process had been eroded by the attitude 'She'll be right, mate,' the impression being that the Government had the best of intentions. The suggestion has come from a number of sources that the stepping back of the Kindergarten Union has come about as a result of vested interests. Let me assure everyone here that some of the people who were concerned originally are still concerned, and that concern is gathering strength. They had no particular vested interest, although it may have been maintained that because they were involved in the system for a long time they did not want change for change's sake.

Two persons who have contacted me have come back to me in the past few days and said, 'We support the Bill.' In all fairness I should mention that they originally said that they supported the Bill, and I said, 'Can I please take you through the Bill and give you an understanding of what this provision is if you need it?' I went through certain provisions of the Bill which I believe are defective, and they said, 'Well, what does that mean?' I said, 'I will read it again.' So, I let them form their own conclusions, and they said,

'That's not the way I originally interpreted it when I had some discussions about it.' They now find that the wording of this Bill does not meet their expectations and that their change of mind to a supportive situation may have been ill judged and somewhat premature.

I actually read the clauses involved and let them make up their own minds. I have two pages of queries and provisions where I believe the Bill is sadly lacking. As far as I am concerned, it is incompetent legislation from the very beginning. It is very rare that I can get two pages of possible amendments to a Bill. However, setting aside whether the wording of the Bill is accurate or whether it fits in with what I regard as constructive legislation, there is a question that I feel must be addressed very carefully. As it has been mentioned by a number of members, I will not dwell on the subject unduly.

If people believe that they will be supported and that they are to maintain standards, there has to be some mechanism or means for them to do so. I turn to the provision that deals with the composition of the consultative committee, which is a committee that has very limited power—almost an advisory body. The people who understand what is contained in the Bill believe that the consultative committee is a means whereby they can communicate with the Minister and action can be taken if things are not turning out according to their wishes.

Members on this side of the House have pointed to the composition of that committee: nowhere in that composition do we see a reference to 'pre-school' or 'kindergarten'. In fact, the Bill states quite clearly that the trade union movement and the Government shall have control of 17 of the 29 members of that committee. Obviously, the Government has no faith in the consultative committee, which has no teeth and no real power. They cannot be trusted to make comments which may be negative but in fact constructive regarding the implementation of this measure.

Therefore, from the very beginning, I believe that the faith that a lot of people have shown in this Government has been destroyed. It does not provide adequately to have a voice on pre-schooling, child care or family day care. The Government has said, 'We are going to have a group of parents,' saying nothing about staff, who have no representation at all. We have to rely on the good graces of the Minister and the UTLC for 17 of the 29 positions. We have seen on many occasions this Government making political appointments, appointments with which we on this side of the House do not agree. I am not saying that that is—

**Mr Mathwin:** Why would they want three from the unions?

**Mr BAKER:** I cannot understand why they need three from the unions, but they have three from the unions on the committee. It does not say from which—

**The Hon. Michael Wilson:** Three unions are involved.

**Mr BAKER:** I have been informed that three unions are involved. The Minister has seen fit to mention that the UTLC is represented, but he has not seen fit to say that any body, organisation or group of people with a common interest shall have representation, except in the total broad spectrum. However, he has seen fit to say that the UTLC is entitled to be represented. If those are not double standards, one must question what double standards are. I was disgusted when I saw this Bill because, as my colleague the member for Torrens has clearly outlined, it does not go along the path that was originally promised, even though I believe that that path was full of pot holes and impediments. It did not even meet the original guidelines laid down when the Government agreed to accept the Coleman Report; so, we have made a very poor start with this Bill.

If the Minister wishes to be fair and decent about this matter, I do not believe that we can proceed with this legislation as it is presently couched. We have given the

Minister an option to delay the Bill to sort out the concerns expressed by a wide variety of people which they have not had a chance to express in written form because of the time involved and about which they have not been allowed to go to each sector and say, 'We are interested in hearing what you regard as the deficiencies in this Bill and we will make every honest attempt to fix them up if we believe that it is in the long term interests of these provisions.' As I said, I was quite angry when I first read this Bill. It takes out, for example, the word 'kindergarten' and kindergartens now become children's services centres.

**The Hon. Michael Wilson:** You don't send your kids to kindy any more.

**Mr BAKER:** One does not send one's children to kindergarten: one sends them to a children's services centre. How ludicrous. We know that children's services can encompass all people below 18 years of age; so, what we are saying is that kindergartens are no longer pre-schools. By very definition they have been taken out of the Act.

*Mrs Appleby interjecting:*

**Mr BAKER:** I have missed the interjection, I am sorry.

**The SPEAKER:** Interjections are out of order. I have been lenient and have allowed a reply, but I will not do so any further.

**Mr BAKER:** Perhaps we will have to wait for another time. By saying that the kindergartens have been taken out of the Act, to which I presume the interjection relates, I quote from the Bill as follows:

'kindergarten' means an establishment at which pre-school education is provided for children:

However—

'children's services centre' means—  
(a) a kindergarten;

It is quite clear that the children's services centres will take in kindergartens. By definition, they then have a role involving children up to 17 years of age. If members on the other side cannot understand the relationship between the two, they should go back to school.

**Mr Mathwin:** The member for Mawson thinks she runs it.

**Mr BAKER:** The member for Mawson does not really know, because she does not listen to her constituents about this, anyway. She pats them on the head and sends them on their way.

**Mr Becker:** She wouldn't be able to reach that high.

**Mr BAKER:** Wouldn't she? She probably stands on a box. We should recognise that there are great difficulties in the child care area, which is the area of greatest need.

*Members interjecting:*

**The SPEAKER:** Order! Let the honourable gentleman proceed on his own.

**Mr BAKER:** On this side of the House we have put forward some very positive solutions to the problem that the Government has, and we have expressed the way in which the whole area of pre-school child care can be resolved. We have placed priority on the child care area because of the problems that it has experienced and the new directions that have been approved by the Federal Government. The new Federal funding means that additional resources will be placed in this area of need, and other mechanisms are available within the system. One area of concern to me, though, in this Bill is family day care. This facility has permitted many parents to place their children in—99 per cent of cases—a living and loving environment. However, this Bill leads us part way towards the institutionalisation of children.

Family day care in our community is reduced under the provisions of this Bill, and I will explain that aspect further

in Committee. Under the existing Bill, family day care, because of the subsidised arrangement with the Commonwealth and because of the licensing systems being brought into play under this measure, could be placed at great risk. All members of this House would recognise that it is preferable for a child to spend time with someone who is known and highly regarded by the parent. This Bill places that process at risk, and when we get into Committee I will explain that facet and enumerate what I perceive the difficulties will be.

If the Government had started from the very beginning to examine the impact of the Coleman Report, it would not have made the enormous mistakes that we see here today. The Government has been incompetent, and it will pay for its incompetence. I am sorry that the children of South Australia, particularly in the child care area, may have to suffer because of that intransigence and lack of intelligence shown by this Government.

**Mr ASHENDEN (Todd):** This matter is of very real concern in my electorate. I have been approached by parents from all of the kindergartens within the electorate of Todd and also from some others in surrounding electorates. There is very real concern within the community by parents whose children are attending Kindergarten Union facilities that they are not at all happy with what the Government is doing. It is only fair that we look at the background of this Bill. It flows from the review of the early childhood services in South Australia by Marie Coleman, undertaken in 1983. The main thrust of the Coleman recommendations was that child care and pre-school services should be incorporated under one Minister. In addition, CAFHS and independent pre-schools were also to be incorporated.

While the concept of incorporation of child care with education has generally been accepted within the community, this Bill does not achieve that object. In fact, it only goes about halfway towards meeting the recommendations in the Coleman Report. It is interesting to note that the recommendations that have been accepted by the Government are very selective indeed. The Bill seeks to incorporate child care centres, babysitting agencies, private family day care and registered children's service centres in the Children's Services Office. However, we note some glaring omissions from this office, the most obvious being the child/parent centres, and I will be addressing myself to that later.

Initially, the Kindergarten Union Board accepted in principle the recommendations put forward by the Government, but this is no longer the case. Although I have had one letter from a Kindergarten Union teacher indicating that she supports what the Government is doing, I have been inundated with letters and telephone calls from other Kindergarten Union employees and parents of children attending Kindergarten Union kindergartens objecting to and expressing very real concern about the Bill as it stands.

The initiation of these approaches came from the parents in the kindergartens. I want to put this clearly on the record: I did not approach the Kindergarten Union; they approached me. I can state quite categorically in this House that either parents or teachers from every Kindergarten Union kindergarten within my electorate and a number of kindergartens in surrounding electorates have approached my office. Why is it that the Kindergarten Union is no longer happy with what the Government is doing? I believe there are three main reasons. First, the Government has only partially implemented the recommendations of the Coleman Report, and it has been very selective in the parts that it has implemented. Secondly, the one very real loser in the new Children's Services Office is the Kindergarten Union. Thirdly, Education Department child/parent centres are not as yet included in the legislation, and this is a very real

bone of contention among parents of children attending Kindergarten Union kindergartens.

I was asked to attend a meeting on Monday night at one of the Kindergarten Union's kindergarten management committees in my electorate. There were about 20 parents at that meeting, and all of them asked me, 'Why are our kindergartens being required to come under this umbrella but not the child/parent centres?'

I could only say to them, 'I am not, fortunately, a member of the present Government and therefore I cannot tell you; the Government has not levelled with us, and has not told us why it is at this stage that CPCs are not included.' I can only speculate, although I believe my speculation is pretty close to the truth, that the present Government is only too well aware of what happened when the previous Government tried to amalgamate child/parent centres and Kindergarten Union kindergartens, namely that there was a huge furore, so large that the previous Government reversed its decision to amalgamate those two bodies and left the child/parent centres under the control of the Education Department and the Kindergarten Union kindergartens under the control of that Union, and both bodies were then happy and the parents of children attending those organisations were happy.

I can understand the point that has been made to me, namely, that they believe they are being selectively discriminated against and being required to take an action which other virtually identical pre-school units are not being required to do. They ask why it is that if it is good enough for the Kindergarten Union kindergartens to come under this umbrella it is not good enough for child/parent centres to be included because they offer exactly the same facilities as do the Kindergarten Union kindergartens. I think that is a perfectly reasonable question for parents to ask and one that has certainly not been satisfactorily answered by the Government.

Despite promises to the contrary, the Government has not consulted either as it promised to do on this issue, to the extent that the Kindergarten Union and the parents of the children attending those kindergartens are now so unhappy that they have moved away from supporting the Government recommendation to a position of opposition. The Premier and his Ministers have had the gall to say here and also to state publicly that the Government has communicated its intentions widely, that the Government has spoken to all interested parties and that it has taken and accepted the points made by those bodies. However, nothing could be further from the truth as far as the Kindergarten Union is concerned.

As the Kindergarten Union meeting at which I was present on Monday night pointed out to me, the Government had given those bodies only a week in which to respond to the Bill that was put before them. At the meeting it was pointed out to me that that kindergarten was one of the few that had a scheduled meeting of its management committee during that week that was given for consideration of the Bill. All of the other Kindergarten Union kindergartens in my electorate and in surrounding electorates have told me that they are not having such a committee meeting in the time available. Therefore, how on earth can those committees make their feelings known to the Government?

I have also pointed out to the kindergartens that have approached me that the Government has told the Opposition that, having introduced the Bill yesterday, it would force us to debate the Bill to conclusion in the House of Assembly on Wednesday and that we would not be able to go home until debate on the Bill was concluded. I also told the kindergartens in my electorate that the Government had made it quite clear to the Legislative Council that it will not be allowed to adjourn tomorrow until it has concluded debate on this Bill. The Kindergarten Union is rightly asking

why the Government is doing this and what the Government has to hide. It is asking why it is doing this in relation to a most important Bill. They have asked me whether it is normal for a Government to introduce a Bill on one day and then force it through the House of Assembly on the next day and then through the Legislative Council on the day after that. I replied that it was not. This is typical of the present Government's attitude that, when it knows that it will create waves, (a) defers any consideration until after the Elizabeth by-election, because it knew of the problems that would be created, and (b) it now wants to force the Bill through the Houses of Parliament without its being given due consideration either by members of Parliament or by the Kindergarten Union kindergartens and their parent bodies.

Of course, the Premier has created a dilemma for himself, and this has not been missed in the community. Initially, when it was announced some months ago that a new organisation was to be created there was considerable concern in the community about which Minister would be given control of the new body. The Kindergarten Union kindergartens in my electorate made it quite clear to me, as did those in other child care areas, the CPCs and day care centres, and so on, that the vast majority wanted the new organisation to come under the control of the Minister of Community Education. However, we well know that the Minister of Community Welfare dipped his oar into the matter, and so there was conflict in Cabinet: the Minister of Education wanted control of this new organisation and the Minister of Community Welfare wanted control of it.

Typically, the Premier, who cannot ever make a decision, rather than nominate either of those two Ministers (both of whom have leadership ambitions and who would like to take over the reins), decided that he would take this matter under his wing and control it. There it is. So, *pro tem*, we have a situation where the Premier, who does not have a clue about education (and I think this is probably what has happened), who does not have a clue about the importance of education or the importance of pre-school education, has brought in this mish mash of a Bill which has brought about such community unrest. I think it should be recorded that members of the Government, including backbench members, find this amusing. I would like it recorded for all to see that members of the Government think that this is a huge joke. Of course I can tell members opposite that kindergartens from their electorates have contacted me because they felt that there was absolutely no use in approaching Government members because they had been told—

**Mr Gregory:** Which ones?

**Mr ASHENDEN:** One of the kindergartens in the member for Florey's district has contacted me to make it quite clear that that kindergarten regarded approaching the honourable member as being useless, because he would only be pushing the Government barrow. We have made it quite clear that we are prepared to oppose the legislation before the House.

*Mr Gregory interjecting:*

**Mr ASHENDEN:** If the honourable member wants to know, I suggest he ring all the kindergartens in his electorate. Unlike members opposite, I do not breach a confidence.

*Members interjecting:*

**Mr ASHENDEN:** Members of the Government do not know what a confidence is. Had the honourable member not interjected I would not have even indicated that the kindergarten was in his electorate. However, I can tell honourable members that people in other electorates with Government members have telephoned me about kindergartens in their areas. They are upset with the Government. I would be absolutely staggered if members of the Government have not also been contacted by Kindergarten Union kindergartens, the directors, the staff, and the parents of children

attending those kindergartens, pointing out that they are unhappy with what is happening. I would challenge any member opposite, particularly the honourable member who has been so vociferous, to indicate that no kindergartens in their electorate and no parents of children attending those kindergartens have telephoned to express concern about this Bill. That could not be true—there is no doubt about that at all. Members opposite would also have been contacted by parents of children attending kindergartens complaining about this matter. However, it is only members of the Opposition who have had the stomach to get up and fight for the rights of those kindergartens and parents.

I return to the dilemma that the Premier has created for himself. As I have said, he has had to take over the Bill because he could not resolve the dispute between the two Ministers concerned. It is important to realise that, again, for a political reason, the Government has not included the child/parent centres. I am sure that the Government can remember only too well the problems that were created when the previous Government attempted to amalgamate Kindergarten Union kindergartens and child/parent centres. It is also interesting to note, as the shadow Minister pointed out so well earlier this afternoon, that most of the child/parent centres are to be found in the marginal electorates of the metropolitan area.

They do not want to create waves that are going to cause any more political embarrassment than they already have. There is no doubt that there must be a lot of political embarrassment amongst members opposite because of action their Government is taking.

I believe it is nonsense to implement the present Government's policy and exclude areas so deliberately, as has been done by this Government. It has not included all recommendations of the Coleman Report. It has left out child/parent centres, CAFHS and non-Government pre-schools. So, all this garbage of saying they have created an organisation to control and organise all pre-school facilities from child care up to kindergartens, and so on, is absolutely false. It has left out vast and important areas of pre-school education and child care help. The two most glaring examples are child/parent centres and CAFHS. Why has the Government left out two such important bodies from what it states is such an important umbrella? I look forward to the Minister's answer.

I note that the member for Hartley is not here, but he interjected earlier asking us to outline the Opposition's policy. I am delighted to do that. I will repeat what the member for Torrens, the shadow Minister of Education, has said, and make it clear to members opposite just exactly where the Opposition stands on this matter. First, to prevent duplication of establishments and to increase co-operation between them, both should be under the control of one Minister. We accept that. To strengthen this control it would be necessary to amend the Kindergarten Union Act to bring the Union under Ministerial direction. The shadow Minister made that clear.

For similar reasons child care should be under the responsibility of the same Minister. To bring about the strong co-ordination recommended in the Coleman Report, it would be necessary to have a co-ordination board directly responsible to the Minister. The shadow Minister outlined quite clearly the line of control that would be set up and will be set up when we achieve Government in 12 months or so. He explained quite clearly the situation and I will not go over that line of control again. In addition, our policy is that the Kindergarten Union will not—I repeat, will not—be disestablished but will come under the control of the Minister.

Also, child care services will be brought under the control of the Minister of Education along with child/parent centres.

In other words, we will include child/parent centres with the Kindergarten Union. Thirdly, a co-ordination board which will not be a statutory board will be established. It will be directly responsible to the Minister to bring about the close co-operation and co-ordination needed between child care and pre-school education. So, for the member for Hartley and other members opposite, and certainly for the information of all residents within the electorate of Todd, I make it quite clear that the Liberal Party has a set and detailed policy on this matter.

Because of the Government's intransigence on this matter we will have no alternative but to defeat the Bill or, if that is not possible, we will certainly be doing all we can to have its consideration deferred until Parliament resumes in 1985. That will give us the opportunity to talk with those who want to talk with us.

**Mr Mathwin:** And the Government, if they want.

**Mr ASHENDEN:** I agree—it would also give the opportunity to the Kindergarten Union and parents of children attending those kindergartens to talk to the Government and have the Bill amended so that it comes back in a form acceptable not only to selected groups within the community but one that is acceptable to all groups and does what the Coleman Report recommends in bringing them all together, not just some selected areas of pre-school.

I also place on the record correspondence which I have received both from the Pre-school Teachers Association and the Kindergarten Union kindergartens within my electorate. I will quote directly from a letter from the Pre-School Teachers Association. First, it states:

We deplore the lack of time for consultation.

So much for the Government's statement that it has consulted and worked with the community to ensure that this Bill meets the requirement of all. The letter continues:

Of the six members of the committee—

that is, of the Pre-School Teachers Association—left at this stage of the evening, five believe there was inadequate time to discuss the legislation and inadequate information available on the structure of the Children's Services Office and therefore believe the legislation should be postponed until Parliament sits in February.

That puts the lie to the statements of the Premier and members opposite that there has been open and detailed consultation and that all bodies are happy with what is happening. The Liberal Party believes that the present Bill as it stands only half implements the recommendations of the Coleman Report. The Kindergarten Union is undoubtedly the real loser in the transition. The new office represents a complete complex bureaucracy and is counter to, and not supportive of, the Coleman recommendations.

Another area of concern is that the administrative positions in this new establishment will be open and the Government has stated that persons appointed thereto need not have either pre-school or educational qualifications. In other words, we will have Kindergarten Union professional staff controlled by people who have never had any training whatsoever in education or pre-school work. Is it any wonder that parents of pre-school children are extremely concerned at what is going on? We also find that the structure contained in the Bill does not represent the wishes of the grass roots of the Kindergarten Union. For all those reasons we will be opposing the Bill.

As I have said, and as the shadow Minister pointed out so clearly earlier today, the Liberal Party, in opposing this legislation, accepts a number of points. First, we accept that, for the benefit of children, child care services and pre-school services should be brought together—not just some of them but all of them. We believe that child care services should be brought under the control of the Minister of Education. We believe the Kindergarten Union should not be disesta-

blished. We believe there should be a much simpler organisation and much less bureaucracy. If this legislation is defeated or delayed for sufficient time, we will be in a position within 12 months to be able to meet the commitments we have given. Members opposite may be interested in some of the correspondence I have received from Kindergarten Union kindergartens within my own electorate. First, I have a petition handed to me this morning with 121 signatures on it. The note attached says:

Dear Scott,

Please make a point of the fact that these signatures were collected in one day.

That is one Kindergarten Union kindergarten in one day being able to obtain 121 signatures supporting its stand. The note continues, 'Many thanks for your help' and is signed by the relevant person. That is an absolute indictment of the present Government. In one day we can get a petition of this size expressing the concern of just one of the Kindergarten Union kindergartens in my electorate. I will now read into *Hansard* a letter from one of the Kindergarten Union kindergartens in my electorate. It states:

As outlined in our recent telephone conversation with you, the community of the—

and the kindergarten is named—

wishes to express its concern with the proposed Children's Services Office Bill.

1. First and foremost, we are concerned at the undue haste—there it is again—

of introducing this Bill into Parliament. Little or no time has been given for us to analyse the Bill.

2. This short period of time does not allow for consultation between the steering committee and the various parties involved on matters such as staffing, retention of similar employment for staff and the maintainance of the high parent involvement at all levels—State, regional and local committees.

3. The lack of personnel with teaching/education qualifications and experience in the administration concerns us greatly.

So, we see that it is not my opinions that I have been expressing tonight. These are the opinions of people out there—the people who have been so badly affected by the decisions of this Government. They further state:

We feel that the high standard of the Kindergarten Union kindergartens is due to the educational expertise of the administration.

It has made it clear that it wants that to continue. It wants to be controlled or have above it people who are trained in education and pre-school so that they know the problems of how things should be organised in the pre-school area.

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

**Mr ASHENDEN:** Prior to the dinner adjournment, I had outlined to the Parliament the background to the introduction of the Bill presently before the House and the concerns which many of the Kindergarten Union kindergarten employees and parents have in relation to this Bill. I had commenced to point out the concerns which specific Kindergarten Union kindergartens had in my electorate. I was reading a letter I had received from one of the kindergartens in my electorate which set out the concerns of the parents involved in the management committee of this kindergarten. I believe I had reached paragraph 3, which reads:

The lack of personnel with teaching/education qualifications and experience in the administration concerns us greatly. We feel that the high standard of the Kindergarten Union kindergartens is due to the educational expertise of the administration.

I use that paragraph to indicate to the Government that the points I have been making about this concern are not my remarks but relate to the concern that many parents and professional staff of the Kindergarten Union have. Paragraph 4 of the letter reads:

We are concerned about the small parental voice in the Children's Services Consultative Committee.

Again, I point out that this is an indication that the Government, despite what it has said, has not consulted closely with the community at all. Paragraph 4 continues:

The parents of the Kindergarten Union kindergartens take pride in knowing their voice is a valuable one in the operation of the Kindergarten Union. The present structure ensures that parents can actually have some control and influence on the education of their child.

Paragraph 5 states:

A further concern is the lack of positions available in the new office for the current middle management of the Kindergarten Union. These people are finding themselves applying for positions in the Children's Services Office which have insufficient information available on what the position entails. Furthermore, these people have not been assured of similar positions in the new office.

I stop quoting there and, for the Minister of Education's benefit, point out to him that, despite the Premier's statement in his speech to the House yesterday, there are employees presently engaged in this area of education who will not be given jobs of equivalent status or equivalent income. In fact, I have been advised by a person within my electorate of an employee presently engaged who will be required to lose \$10 000 per annum in her income to maintain a position in the new structure. I think that is disgraceful. That is something which the Government should not accept, but I can point out to the Minister that, despite the Premier's assurances, I have been given information relating to a person who will lose \$10 000 per annum in her income just so that she may be assured of maintaining the position which she holds. Paragraph 5 of that letter continues:

Originally it was stated that the new office would accommodate the Kindergarten Union staff at their present level.

That is patently false. The letter continues:

We are afraid we will be losing some very valuable staff who have much to contribute to early childhood education and services. Our kindergarten feels that the legislation for the Children's Services Office needs to be redrafted with greater consultation with the Kindergarten Union to ensure all our concerns are allayed. We urge you to defer the passage of this Bill to allow for more discussion on its implications.

That is then signed by the President of the management committee of that kindergarten. I urge the Government to accept the voice of so many people in the community who do not want this legislation rushed through and who do not like the Bill as it stands. They want it either rejected or heavily amended. Surely the Government must listen to those voices. I would implore the independent members opposite to carefully consider the situation that exists in my electorate as I am sure it exists in their electorates. For the good of the parents, employees and children involved in pre-school education, I urge the Parliament to accept our version that this be rejected.

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

**The Hon. LYNN ARNOLD (Minister of Education):** There are some comments I wish to make on the contributions on the Bill that have been heard so far this afternoon and this evening. Of course, the Premier will respond to the whole second reading speech and will canvass in wider purview many of the points than I will have time for in my half hour. Nevertheless, there are a few points that need to be made, because there are a number of inaccuracies that have either intentionally or unintentionally been conveyed in the last few hours of this debate. I rather regret the fact that some of those inaccuracies have been conveyed because, in some cases, I believe that some very elementary research would have indicated just how wrong the views that were being expressed actually were.

A number of points have been made, for example, about questions of consultation. I would like to canvass that in a moment. A number of points were also made about child/parent centres and exactly where they stand, and I also want to canvass that. I also want to say that we have not really had from the Opposition a clear understanding of exactly what it is proposing to do. We have had the member for Torrens and the member for Todd say what they believe the Liberal Party policy is on this matter, which was well interjected on, I might say, by another Liberal back-bencher, who said, 'We have a policy?' Both those policy statements do not really rest with some of the other statements which we have been hearing and which really request of the Government a deferral of this matter so that further consideration can be given to the substance of the legislation.

One other point struck me as very interesting indeed. I may, of course, stand corrected, given the sort of speeches that may yet be made later this evening by other members opposite, so I make this comment purely on the basis of the views that have been expressed to date. I would believe, if I was sitting in the gallery listening to the debate this afternoon, that the Bill dealt with one thing only, that is, the pre-school education facilities in this State. I would not, apart from the odd sentence here or there made by the member for Torrens, have any understanding that this legislation also deals with child care facilities, vacation care, after-school care, toy libraries and a number of other services providing for the needs of the first years of childhood, because none of those areas has been addressed by members opposite.

I point out to members opposite that when they start relating to this House the viewpoints that they have had shared with them by their constituents, there are also many people in this community who are very anxious to see improvements made in a number of these other areas that I have just mentioned. Not one of those areas, apart from the passing sentence here or there by the member for Torrens, really received any canvass at all. I acknowledge, of course, that it may be within the strategy of the Opposition that other speakers will canvass this. Perhaps the member for Mount Gambier, the shadow Minister of Community Welfare, will canvass that child care arena and maybe the honourable member for Coles may tackle that same arena. So, I acknowledge that we may hear those comments later. However, to this point in time we have heard virtually nothing about this equally important area of the legislation.

First, I want to return to the point about child/parent centres, because again the member for Torrens and the member for Todd in particular both made reference to why child/parent centres were being left out of the new office that is proposed in this legislation. I can only repeat (and the operative word is 'repeat', because I have made these statements on many other occasions including to the Kindergarten Union Council and at other public meetings) what is the Government's attitude in regard to child/parent centres. We must start out with a clear understanding that there are two areas of concern in the pre-school arena that have some relationship with this Bill. The first one is the individual pre-school, from whatever agency it may come.

The second area is, of course, the support services for the individual pre-schools. In the case of the Kindergarten Union, that means that we have the individual kindergartens with their management committees being the individual facility and the support services clearly being the Kindergarten Union as an incorporated body.

In the Education Department we have the child/parent centres attached to their schools as the individual facility, and then we have the Education Department support services being the support function that is equivalent to the Kindergarten Union. Likewise, with regard to the non-Gov-

ernment sector we have the individual non-Government pre-schools and, the operations of the Catholic Education Office, for example, offering support functions to those pre-school facilities.

The purpose of my identifying those two distinct areas of the pre-school arena is to make this very fundamental point which I have made on other occasions: that is, that the Bill does not propose to change the fundamental relationship of the individual pre-school facility that exists at this time. In other words, we are addressing in this legislation the support sections of pre-school education, namely, the Kindergarten Union, the Education Department support services within the Department and the other support services within the non-Government sector. That is important to remember, because I have been asked, 'Why are you not taking child/parent centres into the new CSO?'. The fact is that we are not taking individual kindergartens into the CSO in that sense: they will maintain their fundamental relationship with their management committees that exist at present. Likewise (and that is the operative word), the individual child/parent centre will maintain its relationship with its effective management committee, namely, the school council and the junior primary or primary school to which it is attached.

That continuing relationship that is being offered to child/parent centres is no different in essence from the continuing relationship being offered to the individual kindergarten. The question comes about the support service. Of course, there is a divergence about what is happening between the two main providers of effectively publicly funded pre-school education. The Kindergarten Union will be absorbed into the new CSO, but the section that provides support for child/parent centres within the Education Department—not, I repeat, the child/parent centres themselves but the section that provides support for them—will be the subject of a review between now and the end of 1985 to determine how there can be a transfer of resources away from the Education Department into the CSO.

The question legitimately would then be asked, 'Why is that not being done now?'. In fact, the Coleman Report identified that there were within the Education Department some 30 full-time equivalent positions that provided support services for child/parent centres within this State. The further examination that took place of the Coleman Report was not able to identify 30 clear individuals but found that that 30 full-time equivalent personnel question was fractured over a .1 here, a .2 there or a .6 over there. It was not easily possible to isolate from the Education Department that range of people who represent in cumulative total the 30 full-time equivalent positions talked about within the Coleman Report.

However, there is an obligation on the Government, the Minister of Education and on the Education Department to provide to the Government a report on how there could be a transfer of those resources from the Education Department to the CSO. In any event, notwithstanding that, there is the clear immediate obligation on the passage of this legislation that all the resource planning commitments or any other planning questions with regard to child/parent centres must come under the auspices of the CSO. There is no exemption granted from the auspices of the CSO in that regard right from the outset.

So, for example, when it comes to the matter of the Education Department proposing to establish new child/parent centres, that will not be a matter for the Education Department to determine of its own decision, nor indeed for the Minister to make separate decisions: it is something that must be referred to the CSO to determine the overall provision of pre-school facilities within the State. That will happen right from the very outset. So, I believe that point

is critically important to make. There never was a question in real terms of why child/parent centres are not being absorbed, because we are not absorbing individual kindergartens. However, the question is the support service for the child/parent centres.

The next point that needs to be made relates to consultation. A number of people this afternoon and this evening have alleged that the Government has somehow been remiss in the degree of consultation that it has undertaken with regard to the children's services legislation. I just say that some rather dramatic statements have been made. In fact, a number of people have attempted to convey the impression that the Kindergarten Union first heard of this matter only eight days ago. In fact, the track record simply does not support that kind of assertion.

I know that the Premier will detail in considerable data the actual number of occasions on which the Kindergarten Union at one level or another—by the Executive Director, the Board or the Council of the Kindergarten Union—had the opportunity to discuss matters with various members of the Government or Government Departments. Right from the outset, once the Government determined on a set of propositions with regard to the new CSO, there was the clear involvement of the Kindergarten Union.

Some months ago, I addressed a big meeting of the Kindergarten Union at which some 300 people were present. On that occasion a number of concerns were expressed by those present. I will not try to delude this House into believing that there were not deep concerns. In fact, deep concerns were expressed at that meeting. However, I want to make this point: I gave commitments on that occasion that we would maintain communication with the Kindergarten Union not only through the process of determining where we should go with the structure but also regarding what should happen with the legislation. Indeed, we have kept faith with that.

On that occasion I said that we had, first, the Coleman Report. We had then, as a Cabinet, determined that there should be a steering committee to implement the recommendations that the Government had adopted and that we should have an advisory board to advise not only the steering committee but also Mary Corich, who had been given the responsibility of piecing everything together, and that advisory committee should have Kindergarten Union representation on it.

The important point is that I did not go to that meeting and say, 'You shall appoint this person to that advisory committee.' That would have been entirely inappropriate. I said to the Kindergarten Union, 'I ask you to provide us with your nominee to participate in that advisory committee so that you can have regular contact throughout the planning stages of this matter.' Of course, I mentioned at the time that I anticipated that it was likely that Dr Fred Ebbeck may be appointed, but I said, 'It is your decision. You must make that nomination.' In the eventuality, Dr Fred Ebbeck was the person appointed by the Kindergarten Union. From that moment on, he had frequent contact either with Mary Corich in terms of what was happening or in terms of contact with the steering committee about developments that took place. That did not happen eight days ago: it happened months ago.

I also indicated at that time that it was important that we open up the lines of communication to each one of the early childhood service providers within this State, be they child care centres, pre-school facilities or any one of the number of facilities that are being addressed in this legislation. I gave a commitment on that occasion that we would issue regular bulletins to those facilities to keep them posted as to what was happening. Indeed, we have kept faith with that.

I think that members of Parliament also received those newsletters entitled 'Future children's services'. I have three issues here. A number of the topics that they canvass answer the sort of questions that we were being asked at meetings we attended. In other words, we were not attempting to put out information that we thought was important: we were listening to the questions that we were being regularly asked, and they are respectively answered in each of these newsletters.

Those newsletters went out to every pre-school or child care facility within this State. So, they were receiving regular information. Beyond that, there was an absolute willingness on the part not only of Mary Corich and members of the steering committee but also the Premier and myself that we would, wherever it was humanly possible, attend meetings where we could discuss matters and answer questions from people. There were a number of such meetings, not only within the metropolitan area but also in country areas. The attendance at those meetings was very good indeed, and we received a very good response from them.

There is one other point that needs to be made. The member for Glenelg asked why we needed a steering committee. The advisory committee that supported Mary Corich in her work was as fundamental to the whole process as the steering committee, and that point has been totally overlooked by every member opposite, because that advisory committee was being consulted on a regular basis, and on some occasions it was being consulted on a daily basis. The other point I need to make is that the Government has been very keen in all areas of service provision for the various needs of the early years of childhood, to protect the rights of particular agencies that have done so much work for South Australia over the years.

One example of that is that, when it came to the matter of choosing the selection panel to determine who should be appointed as the chief executive officer of the CSO, a proposition was put to us that the Kindergarten Union should be represented on that. Indeed, the Premier consulted with the Kindergarten Union on that matter, and we consulted on it also, and there was no hesitation at all in our agreeing to the President of the Kindergarten Union, Mr Peter Wells, being put on that selection panel. I think that that is a very important point for this House to bear in mind, because we have heard spurious allegations made in this House this evening, and people have been saying, 'We know who's going to get the job,' and they start throwing names about. They believe that it is a *fait accompli*. This Government is so keen that the matter be dealt with in proper terms that, when the matter came to us and the Kindergarten Union may have had some diffidence or anxiety that they would not be listened to, there was no degree of hesitation at all on the part of the Government: we were more than willing to see the President of the Kindergarten Union appointed to that panel.

I believe that that point is fundamental and that it must be recognised. When members opposite start saying that it is only eight days since the Kindergarten Union heard what is going on, either they are ignorant of what happened prior to the eight days or they are by some purpose of mal-intent choosing not to recognise the very substantial work that took place in the months up to now. I suggest that they ask a number of people (for example, in the Kindergarten Union) who were involved in those meetings over that period and then they will find that the kind of furphies they are raising do not have any substance at all.

After the consultation about where we were going with the structure or the kind of ambit of the Children's Services Office, we had to address the matter of a draft Bill to legislate about those matters. Indeed, the Government knew of the very tight time line on which we operated and was

anxious, first, about the public's expectation about things happening in this arena. I repeat that point because there is indeed a public expectation—and I will make a brief reference to some of the letters we are receiving in this regard—that things had to happen as correctly as possible. We were also aware of certain other facts of life, namely, a Federal election that was suddenly announced and the standard practice of the State Legislatures to have a reasonable period of not sitting prior to a Federal election, and that clearly rearranged the programme for us.

However, we endeavoured to assist as much as we could in making sure that other people knew what the draft legislation was and I do not believe that the Opposition can claim that it was not given as much of a fair go as we were humanly able to give with regard to the draft legislation. It was the firm Cabinet viewpoint that members of the Opposition and other Parties or Independent representatives in this House should have access to that legislation as soon as possible and, indeed, I signed the letters to that effect a couple of weeks ago. We also ensured that the matter was communicated to the unions involved—the Kindergarten Union and the other appropriate bodies in this State. I have been in Opposition in my time. May I say that on certain fundamental matters of legislation the same kind of goodwill was not shown to us when we were in Opposition that should have been shown. We were left to wait until we got into the House before we saw anything at all.

*Mr Mathwin interjecting:*

**The Hon. LYNN ARNOLD:** I cannot help what happens to the member for Glenelg if his own Party leaves him in the dark: that is his problem not mine. We as a Government made the draft Bill available as early as humanly possible, and it was a clear decision of Cabinet that that should happen. There was no intent on the part of Cabinet that anyone should be kept in the dark. For what purpose would we willingly choose to keep people in the dark? We want to support a community expectation that things should happen in the children's services arena. We are not attempting to play some vague or distorted Machiavellian game as the Opposition would have the public believe.

A number of issues have been raised with regard to community concern, and it will not be my argument that there is not legitimate community concern about a number of areas surrounding this issue. It is a fundamental change: I acknowledge that, but I also want to make the point that I believe that the discussions involving the Premier, me, the other Ministers and the Government have attempted to face full on those concerns and provide genuine answers, and we have done so. We have found an acceptance and a favourable reaction to the good faith that this Government has shown. Unfortunately, I believe that that good faith has not been reflected by certain members of the Opposition—and I do not want to be wholesale about this—who have seen some political point scoring to be made for their own bizarre purposes, and I believe that that has done a disservice to the children of South Australia.

While many constructive points were made this afternoon by certain members opposite, I do not think that anyone in this State could have listened to the member for Mallee's comments and believed that they in any way represented a sane understanding of children's services needs in this State. To have the genuine needs of children's services in this State and the ongoing debate that exists in the wider community, regardless of partisan affiliation, reduced to the analysis that it was given this afternoon by the member for Mallee, suggesting that this was nothing other than a plot by the Marxist left is, I believe, a gross disservice to the development of children's services in this State. Those are the sorts of comments that we had to put up with this afternoon in this Chamber.

That is what is being said to us, and heaven knows what is being said outside in the community by members. We also had comments that anyone in the ALP who proposed this sort of thing is certainly not normal. The member for Torrens acknowledged the important need for change in this area. He does not agree with what the Government is doing in many respects, but he acknowledges the importance for change and development in this area. Does the member for Mallee cast a reflection on the normality of the member for Torrens? What worries us is that that has happened not only in this Chamber but also in the wider community. I refer to the rather dramatic and emotional comments that have been made that this Government wants the destruction of the Kindergarten Union. That is utter rot. What this Government wants is the development of services that meet the needs of the children in this State, and what this Government recognises is that the Kindergarten Union has a proud record in this State and, indeed, has been a party to the provision of pre-school facilities that are of the best standard in this nation.

This Government believes that we can go from this point and develop this issue further, and I acknowledge and respect the comments made by the member for Torrens that there is a diversity of pre-school offering in this State and that diversity should be recognised: parents have the right of choice, but I think that that recognises the kind of developments that we have reached in this State. However, we have no brief to destroy the Kindergarten Union, and I believe that the Kindergarten Union recognises that, too. The point of concern expressed by certain members of the Kindergarten Union Board at this stage—and may I say not all members of the Kindergarten Board—is not that the legislation be defeated nor that the legislation is bad but they are putting the viewpoint that we defer the matter a little further. They are not attacking the substance of the legislation and, indeed, we have on file a public letter that was written by the President of the Kindergarten Union to the Premier of South Australia indicating that the Board of the Kindergarten Union supported the changes being proposed. That matter indicates that the substance of what is being proposed is supported by the Kindergarten Union. They are quibbling with the Government on the legislation itself. That is something which for some reason of deep concern the Opposition chooses not to recognise.

I could go through point by point the matters raised by members opposite and pick a number of holes in them, but I do not have the time to do that on this occasion. However, it was very edifying when the member for Todd was speaking that he indicated partly, I think, by his terminology his lack of knowledge of what this area is about. He said that many organisations in his electorate had been in touch with him and he said, 'The Kindergarten Unions in my electorate'—I am not quoting verbatim but the substance of what he said—'as did other child care areas, for example, child/parent centres and day care centres . . .'. In a terminological sense, he made a number of fundamental mistakes which indicate his lack of knowledge of the whole arena.

Each kindergarten is not a Kindergarten Union: the Kindergarten Union is the ambit body in the State which represents individual kindergartens, be they affiliates or associates. Kindergartens are pre-school facilities and quite distinct from child care facilities. Child/parent centres are not day care centres: they are child/parent centres with pre-school facilities. Day care centres serve other purposes. It is a small point, one might say, but it is indicative of the kind of misunderstanding that many members opposite have about what is happening in the proposals before not only this Parliament but the community at large.

Comment was made on letters that were received. I have on file a number of letters received from various areas. I



do not have the time to read through them, but they are letters of support, and if people wish to talk to me and canvass the opinions raised in those letters, I am happy to do so. There are many people in the community who have an expectation of some early action in this area, and they are deeply critical of moves which they say will unnecessarily delay action in this area: that is the viewpoint they hold.

The member for Bragg raises the point what about particular kindergartens? It is true that a number have expressed concern right throughout the State. It is also true that a number have expressed support; and, further, it is true as I go around and visit pre-school facilities in this State, be they child/parent centres or kindergartens, that I find they raise these concerns with me (and I am pleased that they give me the courtesy of doing so). I am able to answer questions, and after I have done so they feel happier about the situation.

I regret the fact that members of the Opposition have found it politically expedient to put a very limited view about what this legislation is attempting to do. I regret that they are choosing to seek some political mileage out of change in this arena. We have in South Australia over recent years had a very rocky road with regard to the kind of structure that exists in the children's services area. We had, as members would know, originally the Childhood Services Council, which attempted to (and in many ways successfully) provide some kind of overview of the needs of early childhood, be they pre-school, day care, vacation care or after school care, etc.

For various reasons—and I am not saying that they were wrong reasons in total—that Council was disbanded and replaced by a new set of structures that really fractured the service provision that took place in the State. I am not reflecting on the members of those committees, but those people had to sit on committees that had awful names: ECEAC in the case of my Ministry, and CWACCEC in the case of that of my colleague the Minister of Community Welfare, and so on; and the lines of communication between those had broken down. When I came into the Ministry those lines were virtually non-existent. One of the first jobs that the Minister of Community Welfare and I did was to re-establish the lines of communication so that we did not get disorder but rather co-ordination between the provision of services that existed in this arena.

We have had numerous reports, and a number of very positive things have come out of each of those reports. I am not wanting to damn with faint praise any of them, but certainly they have created a climate of uncertainty and an expectation that there is a need for urgent fundamental change within the childhood services arena. This Government is attempting to provide that fundamental change, and it is doing so by means of the creation of the CSO.

Questions have been raised by members as to why we did not accept the Coleman Report and its recommendations in total. Has there ever been a report presented to Government of such substance that has, without amendment, been accepted? I would argue there has not been such a report. This is a Government that listens to the community; a number of viewpoints were expressed about the recommendations made in the Coleman Report, and we did not feel able to accept all of its recommendations.

**The ACTING SPEAKER (Mr Whitten):** Order! The honourable Minister's time has expired.

**The Hon. H. ALLISON (Mount Gambier):** I support the remarks made by the shadow Minister of Education, who spoke eloquently and well, putting the Opposition's point of view regarding this legislation. He also has a policy to support what he said earlier today: a policy which is infinitely better (and which will be disclosed in due course) than the

policy behind this present legislation. The Minister supporting the Premier by his own admission said that South Australia has the best Kindergarten Union and the best early childhood services in Australia, and we have said that they would be the equal of anywhere else in the world. Those claims have already been made during debate.

It is astounding to think that we have to rush this legislation through in a couple of days in debate in the House in order to dispose of certain sections of the early childhood education. To suggest that a crisis will descend upon South Australia's pre-school educational area should this legislation not pass the House before Christmas, the Minister implies that the whole system will break down in 1985 when only a few minutes ago he was lauding it as one of the best anywhere in the world. I cannot understand how the Minister can speak for half an hour in this debate and say nothing, but when one examines the Bill it says very little at all to the public and to the people in pre-school education in South Australia.

The Minister has been at considerable pains to say how he and his colleagues have communicated, that the lines have been opened. Well, they have been opened but they have been discharging nothing but empty words. There is a suggestion of incompetence in the fact that the Bill is brought to us so late in the year and that we have to rush it through. I would have thought that the Minister and his advisers could do a much better job in the 18 months they have had at their disposal. Instead, what are we faced with? We are faced with a plea really from the Minister, very much akin to that given out by the Federal Labor Party at the recent election, of 'Trust me and you will find out precisely what we intend for you in the months to come.'

The Minister and the Premier have all the questions, because those questions have been put to them over the past 18 months at a succession of meetings which I attended but from which the Premier was absent, as was the Minister of Education, who instead sent subordinate officers, such as Trevor Barr and Rosemary Wighton, both extremely competent in their own fields of endeavour but neither of whom gave a single response to any of the questions that were raised. I refer specifically to the meeting that was convened of the subsidised child care centres in the Education Centre conference room in Flinders Street in June or July of this year. Time after time, when questions were raised, the two respondents for the Minister said, 'We are here to listen. We are not here to give you any answers'—they did not have any—and what we will do is come back to you with draft legislation which you can then discuss and tell us what the problems are.'

The draft legislation arrives with two weeks to spare, at the end of term when teachers are extremely busy winding up the affairs of the year, and when there is little time for people beyond the metropolitan area to convene meetings and to get an adequate response. In my electorate alone, two meetings were convened, not at my behest—the Minister was implying that members were acting in a conspiratorial manner—but they were spontaneous requests from the kindergarten staff and parents asking me to attend meetings to confer with them. At the first meeting they presented submissions, and at the last one they asked that I go back and consult over the Bill which they had only that day received.

They were extremely angry at the short time available for adequate response, and they unanimously sought deferral of the Bill until 1985, when the whole matter could be aired, and perhaps then the Bill will go through with some amendment. That is quite possible. They seek deferral until such time as they have the answers to all of the questions which have been raised and to which the Minister is either reluctant to give an answer or to which he is quite unable to respond. We have to wonder, why the rush, why the haste. Very little

positive information has been fed back. The Bill is late and the debate is rushed, and the Coleman literature has been only fleetingly adhered to. There are major recommendations contained in that remarkable document that the Minister has completely ignored. Those points were canvassed earlier by the member for Torrens, and I will not repeat them because there is not sufficient time to do so.

But I wonder whether the Minister has placed himself in an invidious position by assuming that this legislation would get through the House, that it would be ram-rodged through the Lower and Upper Houses. I do not suppose that he anticipated that there would be an Independent member for Elizabeth, and I understand that comments have been made today in the press about the possibilities of support there. Obviously, the Minister has advised positions. We do not know whether he has sycophants running around stirring up a very belated and light rain of telegrams. I received five yesterday: in fact, they are falling like summer rain, the real thunderstorm of protest having come from the troops in the field spontaneously, and have not been solicited from those on this side of the House.

*Ms Lenehan interjecting:*

**The Hon. H. ALLISON:** If you can prove anything different, Madam, you are welcome. Can I tell the honourable member that not one petition has been presented in this House from my electorate asking the Minister to defer. The conferences have been outside petitioning, outside that petty politicking, and they have been spontaneously requested by the troops in the field, and are not related to telegrams solicited at the eleventh hour-plus saying, 'Please put the Bill through.'

Earlier this year the Minister of Education himself—not the Premier, who has charge of this Bill—wrote a four-page letter to all of the Government back-benchers, and on page 1 of that letter he recommends very strongly that all members of the Labor Party lobby very vigorously throughout the electorate to convince people that they should support this legislation. He asked them to lobby, mind you: the Bill could not even stand on its own two feet. That was four months ago.

*The Hon. Lynn Arnold interjecting:*

**The Hon. H. ALLISON:** The Minister can quote them in this instance because there is no damage there. I am simply pointing out that four months ago the Minister had the time to write a letter to his political colleagues asking them to lobby, but he did not have time to convey to the people who really matter, the teachers and the staff out in the field, what the Government intended to do. It is a trust me, trust me approach, and it does not work.

*Ms Lenehan interjecting:*

**The ACTING SPEAKER (Mr Whitten):** Order!

**The Hon. H. ALLISON:** Another thing that surprises me—if we can allow the Elizabeth debate to subside a little—

*Members interjecting:*

**The ACTING SPEAKER:** Order!

**The Hon. H. ALLISON:** Another thing that surprises me is the monumental silence of the executive, the board of the Kindergarten Union. The Premier did have a letter in May of this year. The kindergarten staffs out in the field across South Australia have repeatedly told me in the last few weeks, when the import of the Bill, that is, the lack of information in the Bill finally got through, that they were surprised at the lack of leadership from up top. What did the Minister tell the board, the executive, that he did not tell the troops in the field to allay their fears? I do not think he told them very much, because very recently the President of the board wrote to the Premier, and received a response of which the Premier was kind enough to hand out a copy this afternoon, and I shall refer to that in a moment. The

Kindergarten Union board is of course getting a little more concerned now that it realises that the information that was sought over the past 18 months of communication has been only one way. The approach has been to ask for their ideas and they have received no response.

*Ms Lenehan interjecting:*

**The ACTING SPEAKER:** Order! I have called the member for Mount Gambier to order. I ask the member for Mawson to desist from her interjecting. I request and advise the member for Mount Gambier to address the Chair instead of his completely ignoring the Chair and his answering interjections that have been made.

**The Hon. H. ALLISON:** Thank you for your advice, Mr Acting Speaker: I very much appreciate that, and I shall treasure it. The Kindergarten Union has suddenly realised that it is committing suicide. It is witnessing its own demise—I doubt whether it will get a State funeral. The Minister does not have to read the Bill because he is the sole beneficiary and of course the Kindergarten Union is in fact the only real achievement in this piece of legislation. I refer to the three areas with which the legislation deals. In relation to child/parent centres, the Minister has been scared stiff because he has been under tremendous pressure from the Institute of Teachers over the past 18 months to two years. He is scared stiff to do anything about child/parent centres because the staff and the parents are resentful of being removed from the Education Department. They wish to remain with that Department: so, what does the Government do with them? It leaves them out of the Bill and says that an inquiry will be undertaken in 1985, at which time it will ascertain what support services can be transferred, although even that is nebulous—there are no promises, and that will be shelved, much to the Government's relief.

In relation to the middle section, Treasury of course has been advising Ministers and Premiers for years that the Kindergarten Union is the most significant area of overlap. It has an administration, and the Education Department has an administration. The lower end, the younger end of the childhood area, is in chaos, because it is not really coordinated. I shall refer to that in more detail because that is more in relation to my portfolio area. At the behest of the Treasurer, the Kindergarten Union, I suggest, is to be wound down, and the Minister will have access to its assets, both real estate and cash. So, what will occur is that we will create another monolithic bureaucracy to take over where the Kindergarten Union left off. It could be even more expensive than the organisations that they are getting rid of. But the Kindergarten Union is the loser in this deal. It has been promised nothing in return because there is nothing in the Bill.

**Ms Lenehan:** Why should you promise something?

**The Hon. H. ALLISON:** Why should an organisation which has existed for 84 years and which is one of the best in the world be promised something? I refer to what else the Kindergarten Union has. This is really the reason why the Kindergarten Union should be promised something. I refer to a booklet dated September 1984 and headed 'Kindergarten Union of South Australia, Philosophy, Policies and Practices'. This Bill offers nothing at all to replace those philosophies, policies and practices that have been tested through the ages. Instead, we have a socialistic, all-embracing piece of legislation which offers nothing really other than, I suppose, the indoctrination, ultimately, to which the member for Mallee referred. There is nothing other than socialism promised in the Bill.

If we are not right in that, I ask honourable members opposite to show us where we are wrong, and build something like what is expounded in this book into the legislation: build in the Kindergarten Union philosophy and practices so that that really caring element in the Kindergarten Union

booklet is there for everyone to put their faith in rather than their putting their faith in a 'trust me' plea. The lady who handed me the booklet on Thursday afternoon after I had attended a meeting said, 'That is what the Kindergarten Union stands for; that is what we would like you to defend, so tell them that you are going to preserve that.'

The Minister is in fact doing very little in this legislation other than winding down the Kindergarten Union. The President of the Kindergarten Union wrote to the Premier expressing concern and the Premier was kind enough to let us have a copy of the letter in which the Premier says that he expresses considerable surprise at the claim that the Government has not provided the maximum possible opportunity for comment. No-one denies that. There has been comment from many arms of the educational society of South Australia, but the reflection is that this communicating Government has given nothing back. The Bill itself tells us nothing of the finer working details, and that really is where the main area of concern lies. The Premier stated:

The issues underlying the legislation have been identified for many months now.

Of course they have been—questions have been asked by the hundred. The issues are identified, but what are the answers? We have none! Neither the Minister nor his representatives have conveyed the nub of the matter—the practical working detail of this legislation. It is a case of 'trust me'. The Premier stated that the process of consultation and discussion has been very substantial. Of course it has, but what has come out of it? Nothing—no Government comments! Even this evening the Minister spoke for half an hour but said nothing. Silver-tongued oratory, convincing no-one.

**Ms Lenehan:** This is a real Allison in Wonderland speech.

**An honourable member:** The mouth from the south!

**The ACTING SPEAKER (Mr Whitten):** Order! I ask the member for Mount Gambier to resume his seat. I request the honourable members for Mawson and Bragg to cease interjecting and ask the honourable member for Mount Gambier to address the Chair.

**The Hon. H. ALLISON:** The interjection which you, Mr Acting Speaker, may not have heard referred to Allison in Wonderland. I suppose we had the fairies' legislation last night. We have had rude references coming over this evening. I suppose the lady forgot which debate she was in. We are on the childhood services legislation, and I appreciate that the honourable member—

*Members interjecting:*

**The Hon. H. ALLISON:** Mr Acting Speaker—

**The ACTING SPEAKER:** Order! I call the members for Mawson and Bragg to order and request again that the member for Mount Gambier address the Chair when speaking and not answer interjections. The honourable member for Mount Gambier.

**The Hon. H. ALLISON:** Well, my last words were 'Mr Acting Speaker' before I was called to order. I find your interjection, Sir, unusual. The Premier also stated:

Other interests associated with the establishment of the Children's Services Office wishing to comment on the legislation responded within the time indicated. Although your own comments came very late, we have done our best to ensure that the support for the establishment of the Children's Services Office you expressed earlier in the year would be fully reflected in the Bill.

In other words, the comments that the President of the Kindergarten Union made this week will be ignored but the comments he made earlier in the year, in May, will be accepted and built into the Bill. It seems rather strange that one can acknowledge a letter and say, 'Thank you very much, but we believe your earlier remarks were more appropriate to our needs and the later one refers to your needs.'

We are faced with a Bill that is being railroaded and ramrodded through Parliament. The Premier further states:

... the basis of the legislation is now well understood and has received general agreement but also that there is very general support for almost all of its provisions. Certainly we have received the support of the staff associations representing all the various staff in the Kindergarten Union and from the consultative group representing your parent bodies to proceed with the legislation, with any remaining issues about administrative structure—

this is a gem—

and transitional arrangements to be worked through in the time available before the start of the next year.

Let us look at the transitional arrangements. In my portfolio area, Marie Coleman brought the Premier's and Minister's attention to a couple of pages of issues. The Minister will find the solutions to these over Christmas when even the builders are going on holiday and when the Education Department closes down. They are answers that he has not been able to bring forward in the 18 months hitherto. I will refer to a few of them:

2. The Child Care Act provides for salary grants based on relevant nursing and teaching awards. The Child Care Act does not subsidise long service leave entitlements or subsidise relief staff.

What about that one! It further states:

3. The Child Care Act does not provide subsidy for non-contact staff (e.g. director, book-keeper, cook), nor for all contact staff required by licensing.

What is the response? It continues:

4. Industrial law requires that employers comply with the relevant minimum award for the industry. The relevant minimum award in South Australia is the Child Care Centres Award 1983. Arguably the Municipal Officers' (South Australia) Salaries Award 1981 is the relevant award for centres attached to local government.

That is another problem. This is the next issue:

5. Neither teaching nor nursing awards in South Australia mention child care centres, and therefore are 'not relevant' under industrial law. However, the Commonwealth has approved subsidies under the Child Care Act (1972) linked to various nursing and teaching awards for persons with those qualifications.

No wonder the unionists were at the July meeting crying out to represent people who work in the early childhood scene. Lord knows how that will work out! The Minister has problems in that field. The appendix continues:

6. Significant numbers of child care personnel receive subsidy outside the provisions of the Child Care Act.

7. Consequently, a situation has developed whereby:

- (i) Subsidised centres negotiate individual agreements on conditions by case; these may contain some but not all features of teachers', nurses' or social workers' awards;
- (ii) This leads to differential treatment between centres of like qualifications, including differences in treatment of non-cash payment conditions (leave, hours of work, etc.);
- (iii) If persons qualified as teachers or nurses are employed under the child care centres award in child care centres, then they are paid at a much lower rate and on lesser conditions than similar qualifications would attract in other employment settings (viz, kindergartens or health services);
- (iv) Some staff not subsidisable under the Child Care Act but subsidised under other Commonwealth agreements, are on awards (or payments based on awards) which do not themselves refer to child care settings;
- (v) All Commonwealth staff subsidies outside the Child Care Act are not able, by Commonwealth policy, to be automatically indexed. This leads to erosion of the value of subsidies and of variations in relativities;
- (vi) Commonwealth staff subsidies in the Handicapped Persons Welfare Programme, not linked by legislation to South Australian awards, are, by Commonwealth policy, capable of indexation. This leads to invidious comparisons between individual non-Government organisations;
- (vii) State policy requires that staff whose employment is dependent on annual Commonwealth grants should be on annual contracts. In the Family Day Care Schemes operated by the Department for Community Welfare,

all staff positions are filled on three-monthly contracts, notwithstanding that the Commonwealth grant is ongoing and indefinite in duration. (A similar anomalous interpretation of State policy by the Department lies in the three-monthly contracts for Aboriginal community workers whose positions are financed by annual grants from the Commonwealth Department of Aboriginal Affairs);

- (viii) Family Day Care staff salaries are linked to the Social Workers' (South Australian Government) Award of 1980, although the actual duties of the positions are not adequately encompassed by that award and staff employed have a range of educational backgrounds;
- (ix) Nowhere in child care services are staff in a position where there is a career structure;
- (x) Payments to many staff are neither covered by an award, nor linked to an award; for example, playgroup co-ordinators, staff in out-of-school-hours of vacation care, family day care-givers (mostly women in their own homes).

These are at pages 158 and 159 of the Coleman Report, reading them in their entirety. The report continues:

8. The problems caused by the non-indexation policy in child care are particularly acute where:

- (i) There is no State award at all (e.g. for employees in playgroups), or
- (ii) The State award chosen by the service does not refer to child care centres (e.g. directors of centres, teachers), or
- (iii) Like qualifications attract indexed Commonwealth subsidy for services receiving subsidy under other Commonwealth programmes, or
- (iv) The Commonwealth subsidy (e.g. family day care) has no real link to costs of provision.

Miracle man, either the Premier or the Minister of Education, will solve all those problems, with which I suggest Merlin himself would have had difficulties over the last few years. They are going to solve all those problems in time to have the system operating trouble free at the beginning of next year, as if the system could not go on for another year with those problems built in. The Minister of Education said that no-one had addressed the area of early childhood. We have had a look at all three. We see child/parent centres left alone; Education Department sacrosanct; and Institute of Teachers, parents' and staff opposition. The same opposition was addressed to my Ministry. I do not blame the people from expressing concern. We see the Kindergarten Union wound down, and the fragmented area for which I have part responsibility in the child care centres, the subsidised area (the child minding area), is extremely fragmented.

One could understand why some volume of support would have been received by the Minister over the last 18 months from that area, so that there would be some order if the whole scene was co-ordinated under the Minister of Education rather than the Premier's Department. The Premier has to have his strong men minding for him here this evening, so who really will look after this legislation? Obviously, the community would prefer the Minister of Education, even in that area for which the Minister of Community Welfare is currently looking after. But, has the Minister promised anything at all to that very early child care area? I would be very surprised if he has offered the solutions, because in the recommendations that were sent out during the drafting period of this Bill when advice was solicited from the whole childhood area what did he say? His toothless tiger, the co-ordinating committee, is only going to be given power to advise him and nothing else. It is a bit like the Commissioner for the Ageing, who has no statutory powers and no regulatory powers. The Minister says, 'You just sit there and tell me and I will be the body corporate. I will make all the decisions. I will hire and fire. I will have the right to retrench or transfer from city to country. I, the Minister, will be the ultimate umpire in this area.' That is really what this legislation is telling the troops.

Did the Minister make any promises to allay the fears of the people in the community other than to say, as I said before, 'Trust me and all will be well'? I am cynical enough to believe, from the lack of information that he gave to the House this evening, that the Minister has addressed very few of those problems. I am cynical enough to believe that the union representatives who attended the meetings and who were openly soliciting membership and saying, 'We will look after you,' are probably more in touch with the real life situation than is the Minister. There is some sort of loose collusion behind the Minister and the troops that he was there firing up a few people to say, 'Pass the legislation.'

All in all, we have before us an inadequate Bill which contains nothing that was not available in June or July when the Minister's senior representatives, Trevor Barr and Rosemary Wighton, senior departmental executives representing the Minister and the Premier, came to the groups and said, 'Tell us your problems; we will go back.' The committee will say nothing more than, 'Follow the next instalment and we will tell you all about the Bill.' We are still waiting for it. We have the Bill, but not the next instalment. So, here we are, with a lukewarm piece of legislation which answers nothing, it dissolves the Kindergarten Union and puts nothing really substantial in its place other than Ministerial promises which are really worth nothing unless they are embodied in the legislation.

I still recall the parting words of that lady who placed this Kindergarten Union of South Australia document in my hands. She said, 'Look at the front page, Mr Allison—Philosophy, Policies and Practices. That is what we stand for in the Kindergarten Union—excellence of early childhood education.' We cannot see anywhere embodied in the Bill a statement which says that those philosophies, policies and practices which care for children will be embodied and will be put into practice by the Childhood Services Office.

*Mr Groom interjecting:*

**The Hon. H. ALLISON:** I will ignore that specious comment from the gentleman who always makes his best speeches by way of belated interjection. I conclude by saying once again that until there is much better legislation before us, the Opposition will seek deferral until late next year rather than early next year.

**The Hon. G.J. CRAFTER** secured the adjournment of the debate.

#### CLASSIFICATION OF PUBLICATIONS ACT AMENDMENT BILL

Second reading.

**The Hon. G.J. CRAFTER (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

The purpose of this Bill in the form it was introduced in another place was a comprehensive compulsory classification scheme for films, including video tapes and video disks, for private sale and hire, which would be consistent with the decisions reached by Ministers responsible for censorship at recent meetings in Melbourne and Sydney. The Bill in the form in which it was introduced in another place would have allowed, in addition, for an ER category for films depicting sexually explicit activity between consenting adults.

In November, 1983, the Government introduced into Parliament a Bill, proposing amendments to the Classification of Publications Act, 1973, the principal purpose of which was to provide for a scheme of voluntary classification of video films which had been agreed upon by the Commonwealth Government and the Governments of all states, although Queensland had reservations on some aspects. The Ministers, at that meeting in Brisbane in April 1983, agreed that it was imperative that a national and uniform system for the classification of video tapes be established in order that there be a common position throughout the country, and that point of sales controls were likely to be the most effective in controlling unclassified videos.

South Australia was the first Government to act to put into effect the decision of that Ministerial conference. However, in the course of the debate on the Bill, it was agreed that provisions relating to the classification of video films be split from the other provisions and passed pending efforts to determine whether agreement could be reached with the Commonwealth Government and the other State Governments on a system of compulsory, rather than voluntary, classification in the area of video films for sale or hire.

At the request of the South Australian Government, another meeting of the Ministers responsible for censorship matters was convened in Sydney in April of 1984. That meeting agreed on a system of compulsory classification of video films throughout Australia. An Australian Capital Territory ordinance was passed in June 1984 to give effect to the Commonwealth Government's involvement in this new compulsory scheme. Following the resolution of the issue of a compulsory as against voluntary system of classification, the debate shifted to the question whether or not X rated material should be available. The issue of the availability and the content of films in a category beyond 'R' was the subject of discussions at the meetings of censorship Ministers in Melbourne and Sydney in October. The Bill introduced in another place gave effect to the majority decision reached by Ministers at that meeting, by providing for a category beyond 'R'.

The Bill proposed amendments designed to fit in with the new compulsory national uniform classification scheme. Under the Bill, a classification assigned to a publication under 'a corresponding law' (which it was intended would be the Australian Capital Territory Ordinance) would be deemed to apply to publications under the principal Act. The A.C.T. classification of publications ordinance has been accepted by other State and Territory Governments as the model for the implementation of the compulsory national uniform classification scheme.

Under the Australian Capital Territory ordinance, it would be an offence to sell, display for sale or deliver on sale a video film unless it has been classified as a 'G' film, a 'PG' film, an 'M' film, an 'R' film or an 'ER' film. The 'ER' class (Extra Restrictions) proposed in the Bill was to be a class containing material which included specific depictions of sexual acts involving adults but excluded any depiction suggesting lack of consent or coercion of any kind. The conditions of classification applying to 'R' videos would prevent their sale, hire and delivery to a minor, and the exhibition to a minor of moving pictures from such a video, unless, in either case, the person doing so is a parent or guardian of the minor, or has the authority of the parent or guardian.

The proposed new criteria, relating primarily to the degree of violence in the various categories, were designed to provide for a national, uniform classification system that would be largely in line with the position that has been adopted over recent years by the South Australian Classification of Publications Board. In addition to making it an offence to show an 'R' video to a minor without parental or guardian consent,

the Bill would make it an offence for any person to exhibit to any other person a video tape which has been refused classification.

The basic elements of the Video Censorship Scheme proposed by the Government are as follows:

A compulsory system of classification of video tapes and video disks for sale and hire:

Under the system, it would be an offence to make available for hire or sale any video tape which does not carry its official classification. It would also be an offence to offer for sale or hire a video which has been refused classification.

Abolition of 'X-Rated' Videos:

The Government has been most concerned for some time that the classification of videos by the Australian Film Censorship Board and the Commonwealth Films Board of Review has been rather more lenient in the treatment of violence than has the South Australian Classification of Publications Board. This position has now, as a result of the meeting in Sydney in October, been altered, so that a balance has been reached in respect of the violence in the various categories proposed. However, it is important to note that the majority, that is 95 per cent of the material in the former 'X' category, was concerned with explicit sexual acts between consenting adults, and that only a small proportion (5 per cent pc) of the material contained acts of explicit violence. That small proportion of violent material would, as a result of the revision of the guidelines by the Ministers, be excluded from the proposed 'ER' class.

The new category was proposed in order to—

- meet the objections of those who have voiced concern about some of the material which has been passed in the 'X' category previously;
- recognise that adults should nonetheless be permitted a degree of freedom to purchase and hire explicit sexual material; and
- ensure the successful survival and operation of the uniform classification system by recognising the reality of the market-place demand for certain non-violent erotic material and the desirability of not forcing that lucrative market underground.

However, the Bill as now presented does not proceed with such a proposal.

Classification Categories:

The Bill now provides for a range of classification categories:

- G — suitable for general viewing;
- PG — (formerly NRC), suitable for viewing by a person under the age of 15, subject to parental guidance;
- M — cannot be recommended for viewing by a person under the age of 15;
- R — for restricted exhibition (minors prohibited in theatres, minors can see it in private if a parent, guardian or person acting with authority exhibits it).

The original Bill also allowed for the category—

- ER — for restricted exhibition—in private only. Unsuitable for viewing by a minor (minors can see if it is exhibited by a parent or guardian only). To be sold or exhibited only in restricted publications areas; to be delivered only to adults making a direct request; to be delivered only in plain paper wrapping. Not to be advertised except in a restricted publications area or by way of material delivered at written request.

Material to be refused any classification:

The Government recognises that certain material is of such a nature that it should be refused classification altogether. Classification will continue to be refused where material depicts child pornography, promotes, incites or encourages terrorism or misuse of drugs or offences against generally accepted standards of morality, decency and propriety to such an extent that it should not be classified. It will be therefore an offence to sell, hire, deliver, advertise or exhibit such material. All videos depicting child pornography, bestiality, detailed and gratuitous acts of considerable violence and cruelty, explicit gratuitous depictions of sexual violence against non-consenting persons are refused classification. If sold, hired or distributed, they will be the subject of prosecution. Also to be refused classification will be videos depicting sexual bondage, rape, sexual activity with significant violence and material which is concerned with mutilation and painful torture and other acts of gratuitous and unnecessary violence. Most terrorist material and material relating to serious drug abuse have already been accepted by the vast majority of the population as having the capacity to cause demonstrable harm. The exhibition of this material, whether in private or public, will be an offence.

These provisions are complemented by the Commonwealth Customs (prohibited imports) regulations, which prohibit the importation of offensive pictorial material depicting child pornography, bestiality, detailed and gratuitous depictions of considerable violence or cruelty, explicit and gratuitous depictions of sexual violence against non-consenting persons, and materials promoting or inciting terrorism or drug abuse.

#### Conclusion:

The Bill implements a comprehensive and compulsory classification scheme for films and video tapes, which takes into account continuing community concern about the violent nature of some material and the possible harmful effects on children.

The Bill, particularly in its original form, attempted to arrive at a proper balance between the rights of adults to read and view what they wish, and the understandable abhorrence that the community has of some depictions of violence, sexual violence, and the possible effects that this might have on behavioural patterns of some individuals and in particular the effects on children. The Bill in its current form seeks to limit the choice available to adults.

In any debate about censorship, there are important issues of principle that have to be addressed—the rights of the individual to freedom of thought and action, provided always that that action does not harm others or the community; the right of people to be free from exposure to material that they consider to be offensive; the rights of children to be protected from material which would be harmful to their social, emotional, intellectual and moral development. The question before the Government, therefore, has been one of finding a proper balance between these different and competing principles.

The Bill gives immediate effect to the apparent community desire for a compulsory system, and for a toughening of the criteria applying to the depiction of violence, in recognition of the harmful effects that this may have on children. Because the Government believes that adults should have the choice to avail themselves of non-violent erotic material, it will be introducing amendments during the Committee stage to give effect to this principle. I recommend the Bill to the House.

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 amends section 4 of the principal Act which provides definitions of expressions used in the Act. The clause

inserts a new definition of 'film' which limits the term to films, video tapes and other optical or electronic records from which moving pictures may be produced. The definition is for convenience extended to include a container, package or wrapping that is designed or used to hold such a film and that includes written or pictorial matter relating to such a film. The clause amends various definitions where necessary to reflect the change from classification of films as category 1 or category 2 restricted publications to 'R' films only.

Clause 4 amends section 12 of the principal Act which sets out the criteria for classification of publications. The present wording includes a passage referring to the suitability of a publication for perusal by a minor. The clause alters this wording so that it refers to suitability of a publication for perusal or viewing by a minor—'viewing' being the more appropriate word in the context of moving pictures.

Clause 5 amends section 13 of the principal Act which provides for the classification of publications by the Board. The amendments provide for the change to classification of films as 'R' films only, rather than, as at present, category 1 restricted publications or category 2 restricted publications. The clause inserts criteria for the classification of films as 'G', 'PG' or 'M' films. Under the clause, a film is to be classified as 'G' where it is considered to be suitable for general viewing; a film is to be classified as 'M' where it is considered that it should only be viewed by a person under the age of 15 years with the guidance of a parent or guardian of the person; and a film is to be classified as 'R' where it is considered that the film cannot be recommended for viewing by persons under the age of 15 years. The clause amends the section so that the power of the Board to refrain from classifying a publication is, in relation to films, extended to the case of any film that the Board is satisfied would, by reason of its emphasis on or explicit depiction of prescribed matters, be unsuitable for classification as an 'R' film. The clause also inserts new subsections providing that where a film has been refused classification under a corresponding law, or has been classified otherwise than as a 'G' film, 'PG' film, 'M' film or 'R' film, the film shall be deemed to be unsuitable for classification as an 'R' film.

Clause 6 provides for the repeal of section 14 which sets out the conditions that attach to publications classified as category 1 or category 2 restricted publications. The clause substitutes for the section two new provisions. The proposed new section 14 provides at subclause (1) that where a classification is assigned to a publication (a term which includes films) under a corresponding law, the publication shall be deemed to have been assigned a corresponding classification under the principal Act. 'Corresponding law' is defined by subclause (5) to mean a law of another State or Territory declared by regulation to be a corresponding law. Subclause (2) provides that a publication, being a container, package or wrapping that is designed or used to hold a film and that includes written or pictorial matter relating to the film shall be deemed to have been assigned the same classification as the classification (if any) assigned to the film.

Subclause (3) provides that the deeming provisions of subclauses (1) and (2) do not apply to a publication if a different classification has been or is assigned to the publication under the principal Act. Subclause (4) provides that where a publication that is classified is altered otherwise than in a manner authorised by regulations made for the purposes of the subclause, the altered publication shall, unless the same or some other classification is assigned to the publication, be deemed to be unclassified. Proposed new section 14a sets out the conditions that are to apply to category 1 and category 2 restricted publications and to 'R' films.

The following conditions are to apply to every category 1 restricted publication:

- (a) a condition that the publication shall not be sold or delivered to a minor (otherwise than by a parent or guardian, or person acting with the written authority of a parent or guardian, of the minor);
- (b) a condition that the publication shall not be displayed in a place to which the public has access (not being a restricted publications area) unless the publication is contained in a sealed package.

The following conditions are to apply to every 'R' film:

- (a) a condition that the film shall not be sold or delivered to a minor (otherwise than by a parent or guardian, or a person acting with the written authority of a parent or guardian, of the minor);
- (aa) a condition that the film shall not be displayed except in a space set apart for the display of 'R' films;
- (b) a condition that images from the film shall not be exhibited to a minor (otherwise than by a parent or guardian, or a person acting with the authority of a parent or guardian, of the minor).

The following conditions are to apply to every category 2 restricted publication:

- (a) a condition that the publication shall not be sold, displayed, delivered or exhibited to a minor (otherwise than by a parent or guardian of the minor);
- (b) a condition that the publication shall not be—
  - (i) sold, displayed or delivered on sale; or
  - (ii) exhibited in a place to which the public has access,
    - unless the sale, display, delivery or exhibition takes place in a restricted publications area;
- (c) a condition that the publication shall not be delivered to a person who has not made a direct request for the publication;
- (d) a condition that the publication shall not be delivered to a person unless wrapped or contained in plain opaque material;
- (e) a condition that the publication shall not be advertised except—
  - (i) in a restricted publications area;
  - (ii) in another category 2 restricted publication; or
  - (iii) by way of printed or written material delivered to a person at the written request of the person.

It should be noted, for the purposes of understanding the scope of these conditions, that, by virtue of definitions contained in section 4, 'sale' includes, *inter alia*, hiring but does not extend to sale otherwise than by retail; 'display' is limited to display on sale; while 'film', as mentioned above, is now limited to film from which moving pictures may be produced.

Clause 7 and 8 make amendments that are consequential on the proposed new section 14 (1) and (2). Clause 9 inserts in section 18 of the principal Act (which sets out the offences under the Act) a number of new offences. Proposed new section 18 (3) provides that it shall be an offence punishable by a fine of \$10 000 or imprisonment for six months if a person sells, displays or delivers on sale a film that has not been classified under the Act. Proposed new subsection (3a) provides that a court convicting a person of an offence against proposed new subsection (3) may, in addition to imposing any other penalty, order that the person shall not engage in the sale of films for a period not exceeding 12 months specified by the court, and that any failure to comply with the order is to constitute an offence punishable by a

fine not exceeding \$10 000 or imprisonment for a term not exceeding six months.

Proposed new section 18 (4) provides that it shall be an offence punishable by a fine of \$2 000 if a person sells, displays or delivers on sale a publication that is classified under the Act unless the publication or any package, container, wrapping or casing for the publication complies with the regulations relating to the marking of such publication, package, container, wrapping or casing. Proposed new subsection (4aa) provides that a person who sells films shall ensure that signs of a prescribed kind containing the prescribed information relating to the classification of films under the Act are displayed in accordance with the regulations in any premises in which he sells or displays the films. A penalty of \$2 000 is fixed for any failure to comply with this requirement.

Proposed new subsection (7) provides that it shall be an offence punishable by a fine of \$10 000 or imprisonment for six months if a person exhibits images from a prescribed film to another person or by means of any process copies the whole or any part of a prescribed film. 'Prescribed film' is defined to mean a film refused classification under the principal Act or a corresponding law or classified under a corresponding law otherwise than as a 'G', 'PG', 'M' or 'R' film.

Clause 10 amends section 20 of the principal Act which protects a person from prosecution for an offence against section 33 of the Police Offences Act or for any other offence relating to indecency or obscenity in relation to the production, sale, distribution, delivery, display or exhibition of a publication if the publication has been or is subsequently classified as suitable for unrestricted distribution or if conditions imposed under the Act have been complied with. The clause makes an amendment to this section consequential on the introduction of the classifications of 'G', 'PG' and 'M' in relation to films. The clause also extends the meaning of 'sale' for the purposes of the section so that the protection it affords extends to sale otherwise than by retail. Clause 11 makes a consequential amendment to section 22, the regulation-making section.

**The Hon. H. ALLISON** secured the adjournment of the debate.

#### CHILDREN'S SERVICES BILL

Adjourned debate on second reading (resumed on motion).  
(Continued from page 2215.)

**Mr INGERSON (Bragg):** I would like to talk about the way in which this Government treats this House in terms of introducing legislation. I think they call it contempt. It concerns me that every single time anything important comes on this Government deliberately attempts to stop—

**The DEPUTY SPEAKER:** Order! There is far too much audible conversation. It is very difficult for the Chair to understand what the honourable member for Bragg is talking about.

**Mr INGERSON:** As the Deputy Speaker did not hear me, I will start all over again. I find it very disturbing that this Government treats the House with contempt.

**Mr Groom:** You said that before.

**Mr INGERSON:** I thought I would say it again so that you could hear it. The number of times in the last 12 months—

*Mr Groom interjecting:*

**Mr INGERSON:** Have we got the heart from Hartley as well as the mouth from the south?

**The SPEAKER:** Order! The member for Hartley is out of order.

**Mr INGERSON:** I would like to place on record the way in which this Government continually asks us to discuss in a sensible intelligent way very important Bills, and in particular this very important Bill in relation to child services. I would also like to note that at last we have a reasonable representation by the back-bench of the Government. Obviously there is continuing interest in this debate, because the numbers are gradually rising. It is important that we note that, because earlier in the day we had only one or two Government members and the Premier in the Chamber, but now that we are gradually getting a little more interest perhaps they will add a little to the debate. Earlier in the debate the Minister of Education, for whom I have a great deal of respect, in this instance decided to mislead the House.

The way in which the Minister misled the House needs to be reported. It is very easy to say that one has received a letter on this matter and to set out the position of the Kindergarten Union. We know that the Minister received that letter but what he would not tell the House is the date on which he received the letter. He will not tell anybody that date because that would clearly put the position that since his receiving the letter he has also received another letter in the past couple of weeks stating that clearly there has been a change of attitude and a changed position.

*The Hon. Michael Wilson interjecting:*

**Mr INGERSON:** I thank the member for Torrens: I believe that yesterday he received a letter clearly setting out a changed position on the part of the Kindergarten Union. I would have thought better of the Minister and that he would not deliberately mislead the House. As somebody said earlier, it is nice to have a silver tongue and to have verbal diarrhoea, but what did he say—nothing!

He did not in any way whatsoever set out or explain anything. He merely stood up, misquoted and misled the House. I find that unfortunate, because I thought that the Minister of Education was a little better than that. We also heard a couple of other interesting comments like, 'We do not have to tell them anything; it is 1984'. I think that the member for Mawson said that it is 1984, and that they do not have to tell us anything. Perhaps she should read George Orwell and find out what 1984 is all about. The Government introduces things and does what it likes. It tells us at the last minute that we have an important Bill and then just rushes it through the Parliament. That is disgraceful and an insult.

*Members interjecting:*

**The SPEAKER:** Order! I ask the honourable member to return to the Bill.

**Mr INGERSON:** I think it is important that I continue, and I will do so in that vein, because I believe it is important that it be clearly recorded that this Bill was thrown on us yesterday with no pre-warning.

*An honourable member interjecting:*

**Mr INGERSON:** I must speak through the Chair. We always get these 'mouth from the south' sort of interjections in this debate; not only does she believe that she is the only person in this place who knows anything, but also it is about time that the member for Mawson started to listen to a few other people around the place. She should understand that there are in this State some kindergartens that are concerned about what is going on. I was arguing that not only this House but also the community has been treated poorly.

**Mr Ashenden:** Hear, Hear! Get close to your people and you'll find out.

**Mr INGERSON:** I thank the member for Todd for helping me put my argument. It is very clear. The one single comment that I have heard that has overridden every other comment about this Bill is, 'Why haven't we been asked as

a kindergarten whether we approve or disapprove of the structure?' There is no question or argument about the co-ordination of services.

*Members interjecting:*

**The SPEAKER:** Order!

**Mr INGERSON:** I thank you, Sir, very much for helping me. It is important to convey the point that kindergartens are concerned that they have not been fully asked about this. I want to get that point across clearly in the few minutes of my contribution tonight.

Another point I make relates to the way in which this Government treats members. I was asked a fortnight ago whether I could get a copy of the Coleman Report for two kindergartens. I thought that this was obviously a very easy exercise because the Coleman Report is very important. It is put out by the Government and, since it is handled by the Premier's Department, it would be a simple thing to get a copy. Being a member of Parliament, one would ring the Premier's Department and it would be simple. But what happened: I rang the Premier's Department and was advised to go down to the State Information Centre 'pay \$5 and you might get one'. That is the sort of treatment that a member of Parliament got.

So, instead of accepting that, I thought 'I will ring the Education Department because there is some sort of link between the two.' I rang the Education Department, and what happened then? I was told to go back to the Premier's Department because it was handling the Bill. This is what they call service to the community and to members of Parliament! We do have something called the Coleman Report, but who can get hold of it?

Having done that, I thought that the next smart thing to do was ring the Department for Community Welfare, because I knew that the Minister of Community Welfare, being alongside me at Norwood, would be a much better and more understanding Minister. At the Department for Community Welfare they said, 'Go back to the Premier's Department', so I went back to the Premier's Department and complained again. They said, 'If you like to go back to the Education Department, we will make sure that it posts one out to you.' After five telephone calls eventually I got a copy and I am waiting for the Bill. That is the sort of nonsense to which the Opposition and the community have been subjected by the Government in relation to this very important Bill.

I know that nobody on this side of the House has said that it is not important. However, it is important to recognise that there need to be changes and co-ordination in the child services area. Members on this side are saying that it is an administrative Bill and that it will increase the cost to the community of delivering services which are already being efficiently dispersed to the community. I believe that that is the most important thing.

**Mr Groom:** What's your policy?

**Mr Ashenden:** If you'd been here you would have heard.

**The SPEAKER:** Order! I ask the honourable member to resume his seat. I will not continue to tolerate this sniping across the Chamber, and in particular between the member for Todd and the member for Hartley. I call them both to order and warn them that I will take more appropriate and more severe action in future.

**Mr INGERSON:** I thank you for your protection, Sir. I quite enjoy the comments from the other side, because it does help continue the debate. They are usually so far off line that it helps one with one's general argument. However, I speak further about this same old problem: it is nice to tell us. It was getting on towards 8.30 on Tuesday, night when this Bill was thrown upon us. We have the simple problem that this Government does not like us or does not want to debate the issue.



That was the major thrust of the argument that I wanted to put before the House. However, there are some other little points that I now make. First, this is purely and simply a restructuring Bill. Instead of coming up with a lot of guidelines as to how we will remodel childhood services, we will merely administer them in a different form. We need to look at this very good book that was put out by the Kindergarten Union on philosophy, policies and practices, which has just been handed to me.

**An honourable member:** How could you get hold of that when you couldn't get hold of the Bill?

**Mr INGERSON:** That is one of the interesting points. Someone asked how I got hold of this yet I could not get hold of the Bill. At least it shows that there is some innovation and initiative on the Opposition side because suddenly this policy document has appeared, yet it took from June through to yesterday for the Government to come forward with a Bill on this very important area of childhood services.

I now refer to the purposes and goals of pre-schools in the Kindergarten Union. The purpose of pre-schooling is to promote the optimum development of each young child in the context of his or her family and the total environment, and here I think we need to consider the statement made by the member for Mawson when she said that it is only 1984. The Kindergarten Union has clearly pointed out that it is important that the family be involved, and that seems to run counter to the fact that it is 1984 and to the sort of comments that the member for Mawson made.

**Mr PETERSON (Semaphore):** Listening to the debate this evening—

*Members interjecting:*

**Mr PETERSON:** Thank you; that is very nice of you.

**The SPEAKER:** Order! Regardless of how nice the interjection was, the honourable member will ignore it. The honourable member for Semaphore.

**Mr PETERSON:** The main thrust of the concern in this debate seems to involve the kindergartens. My concern was raised following an article in the *Advertiser* expressing the concern of Mr P.B. Wells about the haste with which this legislation was being considered. Further concern was raised in two letters that I received allegedly from the Pre-school Teachers Association, one saying that it is good and the other saying that it is not. One was signed by Jan Wilson and Daphne Chynoweth opposing the legislation, and the other was signed by, I assume, the executive of the Pre-school Teachers Association in favour of it, and there is a problem here.

I have also had many telephone calls, and there must be a better organisation than the fifth column, because the telephone calls came from all over South Australia, urging support for the Bill. Of course, the problem is that most people who telephone are unidentifiable: one does not know who they are because they can call themselves anything.

*Mr Mathwin interjecting:*

**The SPEAKER:** Order! Personally, I would like to see the conversation stopped and the speech started. The member for Semaphore.

**Mr PETERSON:** I thought that I was speaking. My real concern—

**The SPEAKER:** Order! I am not putting any blame in that instance on the member for Semaphore. I merely asked him to ignore interjections.

**Mr PETERSON:** Yes, Sir. My real concern was raised when I was approached by directors and staff of kindergartens in my area whom I know and by a couple of kindergartens on the perimeter of my electorate. They complained that they had not had enough consultation about this legislation and they were not aware of what was in it. The diversity of opinions caused me some concern. Mention has been

made here about the lateness of the introduction of the Bill. I received the draft Bill on 25 November, and that really did not give me that much time to get into it.

However, there is a great deal of confusion among people in the kindergartens and it seems to me that there has been a lack of communication between the people negotiating at a certain level down to people in the kindergartens themselves who do not know what is going on. There was talk earlier about adequate consultation. There does not seem to have been that, and I know that I need a little more time to clarify this position for people in the kindergartens in my electorate. I need time to speak to them to clarify what the legislation is about and to ascertain their point of view. The Minister of Education said it was claimed that the first that the Kindergarten Union had heard about this was eight days ago. I agree with him that that is not so. Negotiations obviously have been going on, and I accept that consultation has been going on in that time, but the communication to the kindergartens has been very poor.

The staff and parents at the kindergartens do not know what is going on, and I think this fault has to be rectified before I can do anything about this legislation. I ask for a slight deferral of this Bill because I need time to take the comments made tonight to my—

*The Hon. Michael Wilson interjecting:*

**Mr PETERSON:** Do you want an hour, two weeks or three weeks? I do not know. I need time to take the comments that have been made here, the second reading speeches, the second reading explanation and the Bill itself to people in those kindergartens to help them understand the measure, because that is what is missing in this whole exercise. They need to know what is intended, and surely they have the right to have this clarification. The people who are the front runners in this matter in the kindergartens have a right to know. I understand from my discussions with the Minister that the structure will not change at that level, but they have the right to know, because it will change above them. I believe that it is my duty to give this information to them as correctly as I can.

The correct information will allow them to make the right decisions regarding this Bill. I will not speak any longer, but I sincerely request that the Premier consider a slight deferment to allow some time for me to talk to these people to clarify the situation and to let them know: that is their right.

**Mr OSWALD (Morphett):** I do not intend to speak at great length, either, this evening. I believe that the member for Torrens (the shadow Minister of Education) put a very compelling argument to the Parliament earlier today, and I refer readers of *Hansard* to that speech. It is an excellent speech, and it summarises the whole position put down by the Kindergarten Union and members on this side. However, I would like to say this: if the Government tries to force through this Bill in its present form without adequate consultation by the persons concerned—the Kindergarten Union—I intend to oppose it.

It has been put to me by kindergartens in my electorate and the Kindergarten Union itself that they need more time to consider the implications of this Bill. These thoughts were expressed a few moments ago by the member for Semaphore, and the statements that he made are quite right. It has also been put to me that the Kindergarten Union represents 80 years of experience accumulated and service to the community in this field, and I do not believe that it is wise of the Government to ignore the contribution that they have made over the years and any wishes that they may have for further consultation.

The Kindergarten Union has legitimate concerns in asking for more time. It wants to know the objectives of the new

office, the levels of funding, the Children's Services Office consultancy position and structure, and the final balance of representation between the parents and the education it provides. The kindergartens in my area are also concerned that only parts of the Coleman Report have been picked up and acted on. They are confused about its interpretation and the implementation of the other parts of the report.

Somewhere along the line we will find that the Kindergarten Union has been deceived. Either way, the Kindergarten Union will be the loser if the Bill is forced through over the next two days in this place. I have some concerns in that the Bill sets up a new bureaucracy in which the new administrative positions do not necessarily require expertise in either child care or pre-schooling. That position has been put to me by several deputations to my office from long-standing and former directors of the Kindergarten Union, and that alone should start ringing warning bells for members of this House.

Kindergartens in my area are appalled at the lack of consultation that has taken place over this Bill. They want more time to consider it, and that is a perfectly reasonable request. Their clear message to me was that they do not oppose the Bill *per se*, because there are sections of the Bill with which they agree in principle but, because there are sections with which they cannot agree or on which they want further consultation with the Government, they have said to us in this place, 'Put it aside until February or March which will give us time to clarify the Government's direction.'

The Liberal Party's position on this Bill is quite clear. It has been carefully spelt out by the member for Torrens and, for the sake of those constituents in my district who will read the *Hansard*, I would like to re-emphasise the four directions that we have put down as policy on this matter. I was a little concerned that the Minister of Education in his contribution maintained that we had no policy on the Bill: that is just not so. The Liberal Party has stated its policy on this very vital question of where it is going. We accept for the benefit of our children that child care services and pre-school services should be brought together. There is no doubt about that; we accept that as a matter of policy. We accept that child care services should be brought under the control of the Minister of Education, along with the Education Department, child/parent centres and the Kindergarten Union.

We also accept that the Kindergarten Union should not be disestablished but that it should be made directly accountable to the Minister. We accept, too, that a representative co-ordination unit, which is not statutory, should be established directly responsible to the Minister to bring about the close co-operation needed between child care and early childhood education. They are four very clear positive policy directions, and they should not be considered incompatible by anyone in this House. However, it does not alter the fact that the kindergartens have a perfect right to query those other sections of the Coleman Report which have not been picked up and which will have a direct bearing on their future administration.

I would like to go a little closer to the impact that forcing this legislation will have on kindergartens in my electorate. I refer to a letter that I received from the staff and committee of the Baden Pattinson Kindergarten at Glenelg North. It is an open letter dated 30 November, addressed to me as the member for the district, and it states:

We are writing on behalf of the Baden Pattinson Kindergarten at Glenelg North regarding the future of services provided at our centre. We perceive that there is a real danger of kindergartens losing their supporting advisory and specialist staff and services, as a result of the formation of the Childhood Services Office and its associated draft Bill. These people are qualified in the areas of childhood development, special education, psychology, speech therapy, social work and medicine. They work in conjunction

with kindergarten staff, both individually and as team members in assessing and planning for children's education, and providing help and treatment for children and families with specific difficulties and problems.

Kindergartens are, by nature, small community centres with a small team of teachers. Because our aims are for the education and development of younger children (aged 0-5 years) parents are naturally included in the process. We share with them their children and consequently some of their problems. Due to this factor of size, there are limitations to how this support of families and children can occur at the centre itself. We need the services and advice that these advisory and special services of the Kindergarten Union provide. In fact, without this support we would be unable to function according to the high demands and expectations of the community!

The regional advisers and special services team know the staff of the centre professionally, and indeed, through regular contact, personally; and their response to our problems has always been immediate and professionally effective. Their familiarity with local problems, agencies and resources has been a great asset to the centre. This accessibility extends to the Executive Director, Dr Ebbeck, who is always available for consultation, advice and guidance to individual centres. We have had many cases in the past, and at the present have eleven referred cases of children and families who need the consistent and qualified help that they provide.

It seems a pity that this support agency which has evolved and developed with the Kindergarten Union over the last few decades has not had the consideration it so obviously deserves in the new Childhood Services Office. It is imperative that these services remain as professional and accessible as they now are. Failure to maintain these services and standards may result in kindergartens being unable to provide the quality of education and care that have been recognised by those using the centres. In other words, it may be a detrimental step to the children and families of this State.

I will not read on as I have covered the main areas of their concern. It is signed on behalf of members of the staff and committee of that kindergarten. That is a major area of concern to kindergartens in my electorate, and they are vitally concerned that those sorts of services should not stop. It is an area that is available to the kindergartens, and under this new scheme they are fearful that those services will stop and that other services will terminate. There is this feeling abroad of great uncertainty as to where they are going if the Labor Party forces this Bill through.

I would like to reiterate the message I received loud and clear from people in my electorate: while initially they support the Bill in principle, they are concerned and they want time to go into those other objectives that lie in the grey area, such as how the proposal will be funded, how the consultative process will work, how the CSO consultative structure will operate and what the final balance of representation will be between parents and the educative process. They are areas of concern and, as the member for Semaphore rightly pointed out, the kindergartens, the Union and those persons concerned who have had a lifetime of experience in this field must be given more time to adequately analyse the balance of the report to see how it will affect them and to then have an input into the future direction that the CSO will take. I ask the Government and the Minister in charge of this Bill to allow the Kindergarten Union at least that: to come back after the new year and re-examine its position so that we can see the Bill in a slightly different form when we can once again address ourselves to it and say whether we support it.

**Mr BECKER (Hanson):** I believe that there should be a moratorium of at least 12 months before implementing any legislation relating to children's services in this State. By calling for a moratorium of 12 months, I do not want to unnecessarily delay the complete implementation of the Bill, but this is such an important area, because it involves young people and the preparation of their future within our community. Because of the complexity of the whole issue—and this has been borne out by the review of children's services in South Australia—the Government has nothing to lose by

delaying the legislation for 12 months. To try to ramrod this legislation through not only this House but the Parliament and to try and get it operational by the first term of 1985 is foolish: that is where errors will occur. To bring legislation forward on an experimental basis and then for it to have to come back to the Parliament to be altered because of errors made is too disruptive.

It must be confusing to all of those who are involved in the many excellent children's services in South Australia. I am concerned that this legislation was introduced only yesterday, that the Parliament sat until 3 o'clock this morning, and that we are expected to complete debate on the Bill this evening. Little opportunity has been provided to most of us to contact the kindergartens in our areas and other organisations providing children's services and/or the clients to ascertain their opinions in relation to the Bill and the Premier's second reading explanation. It is necessary for those involved to study the Premier's speech and to assess the ramifications of the proposed legislation. I think any reasonable person would agree that that is a fair request. I am concerned that back-bench members and members of the community, taxpayers of this State, have had little opportunity to properly grasp the ramifications of this legislation.

The worst impact of the legislation of course is the cost: we have no idea how much it will cost. No financial impact statement is provided whatsoever, and we are not aware of what provisions have been made in the Budget to cover any contingencies that may arise from this legislation. There are problems already in the operation of the Kindergarten Union, and we know that for 1985 there will be some immense problems arising. I do not want to bring in individual kindergartens at this stage of the debate. The Minister of Education would be aware of my having written to him and of having presented a petition in this House in relation to aid for the West Beach Kindergarten. The Minister was good enough to send one of his officers to my office to meet with the President of the kindergarten and the parents of children attending the kindergarten and to discuss the issue. On Monday afternoon I was present when Dr Ebbeck, Regional Co-ordinator of the Kindergarten Union and the parents of children at the West Beach Kindergarten met and discussed the issue of aid. Dr Ebbeck made it very clear that we may have very little chance of saving that position in the short term although there may be the opportunity of having the position reinstated. I am not satisfied with his explanation at all.

What alarms me is that, of the 310 kindergartens in South Australia, about 120 kindergartens are in a similar situation and that next year there will be either some cut backs in staff or a curtailment of a third of the kindergartens in South Australia. If the Government brings in the new legislation that we have before us the financial impact of this organisation on the Government's budget could mean that there will be further cut backs. If there is a surplus of funds then for goodness sake let us release that money and put it into areas of need. A cut back of aid for the West Beach Kindergarten will put a tremendous amount of pressure on that kindergarten. It means that no matter how it is restructured the Kindergarten Union will not be able to carry out its policy of trying to provide one teacher for every 11.5 pre-schoolers. Currently the intention is to have one teacher per 11.5 pre-schoolers. The aim is to have one teacher for every 10 children, and in some cases there is one teacher for every 18. This of course highlights the difficulties that the Minister already has, and I do not want appreciation of these difficulties lost in the wash up during the reorientation caused by this new legislation.

As far as West Beach is concerned, there are other problems, and these relate to the huge caravan park, the large

number of flats, and the transient population with its inherent difficulties. Many of the young children come from disrupted family situations, and when such children are placed at the West Beach Kindergarten they are given excellent care and attention. To achieve this the staff must give more of their time to settle a child and to ease family situations. So, there are special needs at West Beach. Then, of course, there are special needs as far as disabled children are concerned. It alarms me that in the whole of the Kindergarten Union budget only \$20 000 has been set aside this year for the special needs of children. For \$20 000 if one was lucky one would get two or three hours a year of concentrated attention on one child.

*The Hon. Lynn Arnold interjecting:*

**The SPEAKER:** Order! I ask the Minister to come to order, and remind the House that the member for Hanson has the floor.

**Mr BECKER:** We were not made aware of the additional \$150 000, and it was explained to us that currently there was the sum of \$20 000. So there is a communication problem within the organisation. I hope that such matters will not be lost during the re-establishment of the structure involved in looking after pre-school children.

Another area that concerns me is the need for child care services in the western suburbs which sadly lack those facilities. Those in the Henley and Grange council area are disadvantaged and child care service facilities are definitely needed. That may not be the number one priority of the present Government, and there is no doubt that the expansion of the northern and southern suburbs means that we in the inner metropolitan area, which is undergoing a redevelopment phase and which has an increasing population, are missing out. I am calling for a moratorium because the special needs of the western suburbs must be attended to now. We cannot wait, and we should not have to do so. I know that the member for Henley Beach will support me in not allowing the needs of that area to fall down or to be put aside whilst a new organisation is being restructured. I fear that that might happen although I am not saying that it will happen. Again, I appeal to the Premier and to the Ministers of Community Welfare and Education to give this matter consideration.

I refer to another problem in relation to the occasional care centre at Camden Park. It provides an excellent service and is a wonderful support to parents in that community by providing occasional care and child care, and in some cases there is a need for day care facilities. The centre operates from 7.30 a.m. to at least 9.30 p.m., and this necessitates two shifts. There is a tremendous amount of pressure within the community for centres to meet these needs. This is all related to and covered by this legislation, and it all adds to the complexity of the issue. This is why I think it makes it extremely difficult for those of us who have just received the Bill and the Premier's second reading explanation to come to grips with the ramifications of this legislation and to adequately support the needs existing in our community. This is why I make the appeal that I would rather see this matter progress slowly, although positively. I think that can be and should be done.

The main objective set out in the Coleman Report I believe can be achievable, but will not be achieved overnight. I would rather see it done in a far more positive manner than is being attempted in this Bill. It is a complex piece of legislation, trying to cover too much in one document at one time. It is totally unfair to the whole Parliamentary system for us to be asked to give consideration to it in such a brief period.

Mention has been made (and the Minister of Education also mentioned it) of the excellent service provided by kindergartens in South Australia. I was delighted to hear a

young parent, who has just arrived from the United Kingdom and who has a child at the West Beach Kindergarten (and she had quite some experience with kindergartens in England), say that the kindergarten at West Beach and one in another suburb where she resided were the best she had seen anywhere in her travels. She felt that the service and care provided by these pre-school facilities in South Australia are something of which we can all be very proud. I thought that that was quite a compliment paid to us by someone who has been in Australia for only eight months but who will be a permanent resident. It is a compliment to me to know that we have been compared with and rate better than the services provided in the United Kingdom. It gives full credit to the Kindergarten Union, the Board, and more importantly, the staff at those kindergartens.

My association goes back some 25 years and I do not think I have ever had a complaint against a kindergarten in any of my electorates. For that reason, like everyone else, I am very mindful that we do not want to disrupt or interfere with this situation of our kindergartens, but we want to know the situation. A tremendous need exists and great pressure will be placed on the Government, for the provision of in-depth services in relation to child care or occasional care services (or whatever one wishes to call them) in the western suburbs.

I was most interested to take on board some of the comments made by the Premier in introducing this legislation, particularly when he was talking on kindergartens and the excellent foundation on which to build the future. I have made the statement before that already the Parliament and Governments in the past have mortgaged children's futures in regard to State finances and public debt. Let us not further burden young children today by not providing worthwhile facilities for them. The role of the community must be preserved, and I get the drift from this legislation that it will be. Most of our kindergartens are really community centres. A strong tie exists between the parents, the staff and the community at large with the support through volunteers, fund-raising efforts and providing of facilities for kindergartens as with day care and occasional care centres. We want to ensure that that community involvement and support are maintained.

We certainly do not want to see a large bureaucracy established in the construction of this new organisation because, if the community feels or sees that there is going to be a large bureaucracy component, volunteers will fall away. They cannot be replaced. There is always the danger (and there is the greater skill—and the Director will be made aware of it) that the Director will have to co-ordinate community involvement at all levels. I was concerned at the approach being adopted in regard to the advertising of various positions. I am pleased to see that there will be no retrenchments. I hope that those who will be involved in this organisation and the melding of the various groups that come under children's services will not be disadvantaged as are others in the private enterprise field.

We have seen the amalgamation of several banks, to mention one issue, and we find that within a few months there is a tremendous falling away of staff. Staff are disadvantaged, they leave and generally the best ones leave. The service suffers for some time while there is a transition of the establishment of a new organisation. I appeal to the Minister and those responsible to ensure that sufficient time is provided for the gradual integration of the staff who will be responsible for co-ordinating the services.

I also make clear the Liberal Party's attitude. The Minister of Education earlier picked up a snide cynical remark of mine on our policy and attitude in relation to this legislation. I will quote for his benefit a statement issued by the shadow Minister of Education, the member for Torrens, who

addressed this matter extremely well this afternoon. He stated:

The Liberal Party believes:

1. That the Bill only half implements the recommendations of the Coleman Report which states *inter alia*:

That a single State ministerial department be created to plan, resource, administer and regulate all early childhood education and care services, out-of-school-hours and vacation care services, neighbourhood houses, play-groups and toy library services; to ensure co-ordinated planning with other agencies of the State; and to co-operate with the Commonwealth Government agencies with interests in these matters. The new department should be answerable to one Minister, who should be a member of the Human Services Sub-committee of Cabinet. The central section of the department, which will function on a regional basis, would comprise a relatively small number of personnel (with most positions transferable from the present sponsoring bodies), and could be largely financed by the current expenditure required to provide the present array of administrative and support systems.

2. That the Kindergarten Union will be the real loser in the transition.

3. That the new office represents a complex bureaucracy.

4. That the new administrative positions recently advertised at the very least should require expertise in either child care or pre-school.

5. That the structure contained in the Bill for consultation and advisory councils does not mirror the present successful grass roots involvement of parents in the Kindergarten Union.

For the above reasons, the Liberal Party will oppose the legislation in Parliament.

We have been informed by virtually all bodies concerned that proper consultation has not taken place since the content of the actual Bill has been known. The Liberal Party, in opposing the legislation, states that its policy on this vital question is:

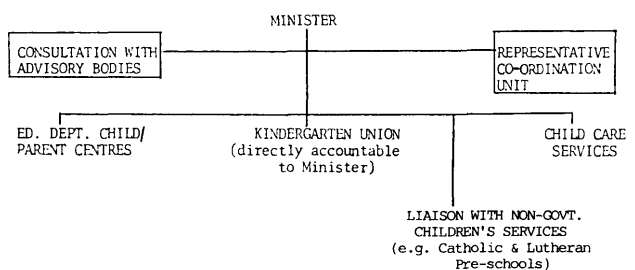
(a) That we accept for the benefit of our children, child care services and pre-school services should be brought together.

(b) That child care services be brought under the control of the Minister of Education along with the Education Department child/parent centres and the Kindergarten Union.

(c) That the Kindergarten Union not be disestablished but be made directly accountable to the Minister.

(d) That a Representative Co-ordination Unit (non statutory) be established directly responsible to the Minister to bring about the close co-operation needed between child care and early childhood education.

This would give the following structure:



As previously stated, the Liberal Party believes very strongly that child care services and pre-school services should be co-ordinated in this State. We also believe that child care services themselves are in urgent need of co-ordination, but regard the Labor Government's proposals as cumbersome and potentially very expensive without achieving in full the above objectives.

The other point in the legislation that was not spelt out but is covered in the Minister's speech, is the need for co-operation and co-ordination of the support given by the Commonwealth Government as far as childhood services or child care centres are concerned. Here, again, I believe the Government of the day could be disadvantaged with the attitude of the Federal Government, where the Minister responsible for funding is inclined to make announcements on where child care centres will go. One could be cynical

by suggesting that sometimes decisions are made for political rather than for practical reasons.

I hope that that is not the case, that the funding is made available on a needs basis and on the need to ensure that throughout the whole of the metropolitan area and country facilities are available within reasonable distance—access that can be gained by using public transport. The people who need these services would have to rely in most cases on public transport. One often finds that that is not the case. When one has a State Government having to rely heavily on support from the Federal Government on occasions it does disadvantage the Minister. I sincerely hope that this will not occur under this legislation, and that we will have a strong Minister to ensure that the priorities that this State sets will be met. Therefore, as I close my remarks, I appeal to the Premier and his Government to bring about a moratorium of 12 months before we really get down to implementing the proposed legislation.

**Mr MEIER (Goyder):** In speaking to this Bill, I wish to preface my remarks by stating that I am very disappointed that we have reached the last week of sitting, a time when I believe that Opposition members were quite happy to come back for another week of sitting to ensure that legislation was dealt with sensibly and appropriately, yet we see here this evening on our daily programme that we have a lot of business to get through this evening, and it looks as though it is to be steamrolled through. I expressed some concern last evening and early this morning. Most members would recall that we sat through until a quarter to three in the morning, a time when people are not at their prime for debating. Last evening we were dealing with the Equal Opportunity Bill, a most important Bill for this State. I do not believe that many people really realise the extent to which it will affect our community, yet the Government could not care less. It decided that we would continue sitting, regardless. Of course, through sheer stubbornness, it had its way and managed to win the votes in this House, but I think it is a different matter in another place. We will see what the appropriate meetings of the two sides will produce in the next day or two.

We have another important Bill here tonight. It has been pointed out by both sides that there has been a lot of correspondence and communication from people who are concerned that the right legislation is passed and that mistakes are not made. We heard the Minister of Education say earlier that apparently very many kindergartens have expressed views favourable to this legislation; likewise, many kindergartens have apparently expressed concern. He was good enough to acknowledge the fact that concern has been expressed.

When one thinks back to the promise of this Government that there would be appropriate consultation and that it would not allow legislation to pass unless that type of consultation had occurred and that people were satisfied and knew what they were getting into, it is disturbing for one to find that, despite the fact that many kindergartens have expressed concern, the Government is nevertheless prepared to go ahead and bulldoze this legislation through in the last two days of sitting.

It seems interesting to note that neither the Minister of Education nor the Minister of Community Welfare is handling this Bill. Rather, they have gone to the neutral person, the Premier. I wonder whether this will come under the Premier's jurisdiction from now on, so that he will be not only Premier and Treasurer but also Minister in charge of children's services. I doubt that that will be the case, but perhaps there is a reason for that. Perhaps the two Ministers could not agree on all matters, although I question whether that is the right reason.

The Minister has provided me with various items of correspondence, one of which came about as a result of an approach from me to him in relation to a letter that I had received from the Two Wells kindergarten. In his reply to me, the Minister pointed out various aspects. Unfortunately, the letter is not dated, but it refers to a letter of 9 August, so it was some time after that. In fact, I would suggest that it would probably be well into September and maybe even October. The Minister says in that letter:

Thank you for your letter of 9 August to which you attached a letter from the Two Wells Kindergarten Management Committee.

The Minister then goes on:

I wish to assure you of the importance which the Government attaches to this very significant move and that it will not take place without considerable consultation with the parties concerned. It is certainly not the intention of Government to devalue the splendid work, which is being undertaken in the pre-school area and which was acknowledged in the Coleman Report as being a service of which this State can be proud.

The Minister was endeavouring to give the Two Wells kindergarten every assurance that things would be all right. The member for Mount Gambier used the words 'trust me'. I think we remember a recent election speech where similar words were used by the Prime Minister, who is lucky to be a Prime Minister. We do not know that he will continue to be a Prime Minister, because the Caucus has not resolved that question. I think he will be lucky to continue as Prime Minister, but be that as it may. The 'trust me' slogan is wearing very thin, as it is in relation to this Bill.

Earlier this evening the Minister of Education said how important it was to pass this legislation before the end of the year so that suitable provision could be made for children's services in this State, yet we find a document (and I believe this document was provided for me, if not by the Minister, by the Minister's Department) which says 'Child Services-Background' and on page 3 the following appears:

Kindergarten services have achieved high standards in South Australia over the last decade. The Kindergarten Union is now a large organisation almost totally funded by Government. Great credit is due to the union for the development of these services.

Plenty of praise has been heaped on the Kindergarten Union, and I believe rightly so. It is a body which can stand proud in Australia and probably in the world. Yet it seems that, for some reason, the Government is determined that the new Children's Services Bill must go through, that without it we are going to virtually put pre-school services and education at great risk.

That is absolute nonsense, because it has been going so well in the past. If we consider that statement with another one in the same paper from which I quoted, we see that at page 4 the following statement is made:

The Commonwealth has the principal funding responsibility for child care services and this must be sustained.

That is very nice to hear, because at least it means that other taxes will not be raised in this State perhaps to offset any Commonwealth funding. I suppose I can only agree that the Commonwealth part must be sustained. We have seen the Government make excuses for so many increases in taxes so far: it is a pity that it did not learn how to spend its money properly.

Again, as my earlier remarks indicated, the Government does not know how to run the House, as we have clearly seen. Some weeks ago we were getting up at reasonable hours, and in fact breaking early. Now we are going to ridiculous hours. If any business was run that way it would have gone broke a long time ago. Unfortunately, in this situation we have to wait for an election, which is some 12 months away. Hopefully, people will realise how inefficiently this Government performs, and at least put in an efficient Government. The document continues:

The Commonwealth has the principal funding responsibility... The State is concerned to achieve the most practical arrangement for employment of child care staff. The State Government will, nevertheless, work towards developing common support services for child care staff, such as development and training services and will monitor industrial issues.

Here it is clearly stated. These are the background aims for childhood services and for the Children's Services Bill. It is clearly stated that the State Government will work towards developing common support services. In other words, it will be a slower process. Even if the Bill is passed it will not automatically function at full efficiency; it will take time. Again, that puts to rest any argument from the Government that this Bill has to be passed in the next day or two: it does not. Things will function quite satisfactorily well into 1985, and that would give everyone an opportunity to appraise or reappraise what this Bill entails.

Various bits of correspondence have been read out, particularly from members on this side of the House. I, too, would like to refer to the correspondence from the Pre-School Teachers Association meeting held on 26 November and to note that it seems as though the draft Bill was given to them at relatively short notice. Obviously, it was given not only to the Pre-School Teachers Association but also to many other kindergartens in the State, which have received relatively short notice. I think it is something like two weeks between when they received it and when we have had to debate it.

Most people would appreciate that kindergartens and their management committees do not like to call urgent meetings when things have been known about for many months—in fact, for the better part of a year. Yet, it seems that, if kindergartens wanted to respond to the Government (to whichever Minister it might be, and we do not seem to really know that) they should have had ample opportunity. However, we find that members (and I think the member for Semaphore and members on the Opposition side have said this) that they have been contacted in the last day or two by people in or connected with kindergartens who have not had a chance to appraise what the Bill is all about.

That is more reason, therefore, for ensuring that appropriate time is given, especially as the Government said before coming to office that it would ensure that adequate consultation and discussion ensued. So much for adequate discussion! It was certainly very disturbing to see in the 2 December issue of the *Advertiser* concern being expressed by the Kindergarten Union president (Mr P.B. Wells). The article reads, in part:

Mr P.B. Wells said yesterday its Board and members, including all kindergarten committees, parents and staff, could not give unequivocal support for a Children's Services Office to be established by the Childhood Services Bill unless they had more time to consider proposals.

Here is even the Union President expressing the clear fact that the Union is not clear what it is all about and that it wants more time. The article also states:

Mr Wells said the Board had been asked to grapple with too many unknowns and decide whether to support the draft legislation. He had told Mr Bannon that more time was needed to consider the proposed legislation. The union had a number of concerns,

He goes on to list the various concerns. I know that extracts from the article have been read previously. So, here is another clear case of which the Government should take notice. It should at least acknowledge that the community is uncertain about the Bill, but all indications so far show that the Government could not care less.

**Mr ASHENDEN:** Mr Acting Speaker, I draw your attention to the state of the House.

*A quorum having been formed:*

**Mr MEIER:** I thank my colleague for drawing your attention, Sir, to the state of the House. It is rather disturbing when we have such important legislation as we had last

night and again tonight, yet the Government does not seem interested or has better things to do. This shows the typical way in which it treats the people.

**Mr Mayes:** It might be something to do with the speaker who is on his feet.

**Mr MEIER:** Who is attempting to govern in this State, anyway? Now that we have a few people back in the Chamber, they are quite happy to interject. I remind the House—

*Members interjecting:*

**The ACTING SPEAKER (Mr Ferguson):** I ask the speaker not to draw interjections and to address the Chair.

**Mr MEIER:** Thank you for drawing my attention to that matter, Mr Acting Speaker. However, it is pleasing that the Government seems to be taking a little more interest in this matter, anyway. The main points about the Bill need to be kept clearly in mind. Certainly the Minister endeavoured to put up a smoke screen and to say that we are concentrating on only one side of the Bill. I think he recognises full well that we see the true situation as it applies to this matter.

Basically the Bill seeks to incorporate child care centres, babysitting agencies, private family day care and registered children's services centres in the Children's Services Office. From that point of view it is pleasing to note that a greater centralisation of functions will occur. We already have many areas such as that. I propose to quote two classic examples, namely, TAFE colleges versus the Community Youth Support Scheme (CYSS) which are operating throughout our State and are receiving support budgets, one being Commonwealth funded and one State funded, by and large. Yet, they are duplicating services, which has caused me some concern.

I realise that there are individual services, too, so that is a very positive point. I refer again to the childhood services background material and to point 8 of that paper, which reads:

An initial priority for the Children's Services Office will be child care services.

I will be interested to hear to what extent rural areas will be better served with child care services. I am quite happy to acknowledge that that type of service is needed, but from my living in the country it seems to be sadly lacking, and perhaps in his reply the Premier, or whichever Minister is handling the legislation, will endeavour to throw some more light on that subject. Maybe the answer will be that if it is going to be a slow process it will have to develop in time. If that is the answer, so much for rushing it through tonight. Furthermore, the Bill licenses child care centres, baby sitting agencies and family day care agencies. We are certainly seeing the bureaucracy come in a little more. It sets up powers of inspection and entry in connection with all the above and provides for cancellation of licences and for appeals to the Minister. That is acknowledged in a lot of other legislation as well.

The Bill also sets up the Children's Services Consultative Committee and a series of regional advisory committees. On that point, it worries me if we are setting up these new bodies whether full thought has been given to the problems involved, and I cite two examples. The first is the revamping of the education system in South Australia and the change that has taken place in regionalisation, whereas before we had many regional centres and now we have two main country regions and four city regions. The area of Goyder was previously served from Clare, which is just outside Goyder but relatively central to the area because the peninsula is a very awkward area to centralise, anyway. Now we are served as the central office from Whyalla, and I know that the Minister would be quick to point out that Clare is still a sub centre and Kadina activity is also increasing all the time.

I acknowledge that, but it surprised me when, at the time this was not only being talked about but going ahead, I said to various persons in the secondary school system, 'What do you think about the new proposals?' that there were no negative comments. Personally, I thought that it might not work as well as the system we have and I have had some negative comments on that since it has been implemented. I acknowledge that it is possibly teething problems, but time will tell. We will make full judgment perhaps after 12 months of actual servicing.

**Mr Lewis:** Any positive comments?

**Mr MEIER:** No, I have not heard any positive comments and in that regard I hope that due thought and consideration has been given to setting up the regional advisory committees and, in particular, the Children's Services Consultative Committee, so that they are spreading their services in such a way that they will serve the State adequately and it will not provide a service inferior to that which is currently operating.

The second example of where it is not working well involves the new college of TAFE—formed from the Yorke Peninsula College, the Northern College, and the Port Pirie College—yet to be named. There is a question whether or not it will provide better services, but I hope to take that up at a later stage and I will not go into it in any more detail here. As has been pointed out, the main opposition to the Bill is probably coming from local Kindergarten Union management committees and directors who fear that the education component will be reduced and that the inclusion of child care will soak up any additional funding. I hope that that has been considered by the Government, and I do not think that it would hurt to allow this matter to be re-examined, because we have seen a greater emphasis put on higher education.

We have heard it from the Minister of Education, espousing the fact that more people need a better education—a higher education—and the number of people who actually have higher education in this State is very low. We have heard from the Federal Minister, Mr Barry Jones, that, if one compares our standard of education with Japan's and the number of people who are receiving higher education, it leaves us not just a very poor second but I do not know how far down the line we are. If there is any inference that the education given at kindergarten level will be decreased—or certainly not increased—I think that we need to look at the matter further. Factor after factor comes forward to indicate that this Bill has to be looked at in greater detail before this Parliament is given the responsibility of either agreeing or disagreeing with its passage.

As the shadow Minister clearly enunciated earlier in the debate, there are so many small areas that have to be tidied up that we cannot support the Bill. It is not a matter of our perhaps providing amendments here and there: it is a matter of saying, 'It is out until people have had time to reconsider it. Then we will bring it back to Parliament.'

**Mr Lewis:** They haven't given it a fair first consideration.

**Mr MEIER:** The member for Mallee is unfortunately largely correct. The Government must take note of the overwhelming evidence against pushing the Bill through in the next day or two. It is also interesting to note that if this legislation is passed children will no longer go to a kindy but to a Children's Services Centre. I guess that, if that becomes the new term, at least kindergarten children or pre-schoolers will learn a triple worded title much earlier than they would normally have.

**Mr Lewis:** That's where they get a grease and oil change.

**Mr MEIER:** I like that term, although perhaps it is digressing a little. I can understand the Kindergarten Union's concern—an organisation that has shown itself to be such a positive force in our community. As was pointed out by

the members for Glenelg and Mount Gambier, the Kindergarten Union's philosophies, policies and practices are ones that we should put forward as model features. From my reading of the Bill these philosophies, policies and practices are not recognised. If that is the case—and maybe the Minister who replies can direct me on that—we are going backwards. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

### EQUAL OPPORTUNITY BILL

The Legislative Council intimated that it had disagreed to the House of Assembly's amendments.

Consideration in Committee.

**The Hon. G.J. CRAFTER:** I move:

That the House of Assembly insist on its amendments.

Motion carried.

### CO-OPERATIVES ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

**The Hon. G.J. CRAFTER (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

The Co-operatives Act, 1983, has not been proclaimed to come into operation pending the completion of the drafting of regulations. The Government is concerned that this legislation should come into operation as soon as possible. It will regulate an area of business which is of considerable economic importance to the State. Moreover, the Act repeals the Industrial and Provident Societies Act, 1923, which is now totally inconsistent with modern body corporate legislation and commercial practice.

When drafting the regulations the Corporate Affairs Commission formed the view that some minor technical amendments to the Act would allow clearer and more concise regulations. The Bill also contains several provisions notably a new definition of special resolution, which make for an appropriate uniformity with other body corporate legislation.

The provisions of the Bill are non-contentious, and will enhance the legislation previously enacted. Prior to the passing of the Act in 1983, and in the course of drafting the regulations thereunder, the Corporate Affairs Commission has been in regular consultation with representatives of the co-operative movement. This Bill and the Commission's approach to the drafting of the necessary regulations has their support.

Clause 1 is formal. Clause 2 amends section 4 of the principal Act in two respects. The first amendment relates to the definition of "special resolution" and will provide that such a resolution must be passed by a majority of not less than three-quarters of the members present at the meeting where it is proposed or voting by proxy. The present formula is inconsistent with that contained in the Companies (South Australia) Code and does not allow for voting by proxy. The second amendment is inserted to ensure that where a provision of the Code is to apply to this Act with such modifications as may be necessary for the particular purpose, it will be possible to provide such additions or exclusions

to that provision as may also be necessary. Clause 3 inserts an additional transitional provision in section 6 that is to apply in relation to the accounts and audit provisions of the principal Act. The Government considers that it is reasonable to allow existing societies a period to adjust to the new Part V and accordingly it is intended to provide that that Part not apply until the commencement of the financial year of the co-operative next after the one that is applying at the commencement of the new Act. The provisions of the repealed Act relating to accounts and audit will continue to apply during the transitional period.

Clause 4 amends the requirement of the Commission to provide an annual report so that it will be consistent with the requirement contained in the Companies (Administration) Act, 1982 (as amended by the Companies (Administration) Act Amendment Act, 1984). Clause 5 corrects a slight flaw in section 13 of the principal Act. At various places throughout the Act references are made to either "co-operatives" or "registered co-operatives". The references in section 13 should be to "registered co-operatives" as it is not intended that the powers conferred by this section be exercisable in relation to bodies that are not registered under the Act.

Clause 6 proposes an amendment to section 15 of the principal Act to enable the Commission to reject the name of a co-operative that it considers to be undesirable. A similar power is available in relation to the registration of business names. Clause 7 provides for the enactment of new section 16. As section 16 presently stands, it provides that liabilities of a registered co-operative do not attach to, and are not enforceable against, a member or officer of the co-operative. However, this is simply stating the existing law as the decision in *Salomon v Salomon* made it clear that in the area of corporate bodies a creditor deals with the body alone. A co-operative, in the absence of strong evidence to the contrary, will accordingly be taken to be contracting as principal and not as agent for some or all of its members. It is submitted that if section 16 is to take into account correctly the separate legal personality of a registered co-operative, it should concern itself with the liability of members to the co-operative rather than to a creditor. The new provision attempts to do this.

Clause 8 and 9 effect similar amendments to sections 17 and 19 of the principal Act that are consistent with the amendment effected to section 15 under clause 6. Clause 10 corrects references in section 20 of the principal Act so that the section will only apply to registered co-operatives. Clause 11 amends section 24 of the principal Act to enable a member of a registered co-operative to restrain the co-operative from carrying out an *ultra vires* transaction. As presently cast, the section only allows a member to obtain an injunction restraining the entering into of a transaction that is *ultra vires*. Clause 12 relates to section 28 of the principal Act. As the section is presently cast, it precludes a director who has a direct or indirect interest in a contract or proposed contract before the committee of management from taking part in any deliberations of the committee with respect to that contract. This provision is inconsistent with the Code in that under that Act a director who has declared his interest may take part in the deliberations, but may not vote. It is therefore proposed to remove the restriction on taking part in such deliberations (subject to complying with the other provisions as to disclosure).

Clause 13 amends section 29 of the principal Act so as to clarify that a person of or over the age of 72 years may be appointed as a director of a registered co-operative provided that the procedures set out in section 226 of the Code are complied with (as appropriately modified for the purposes of the principal Act). Clause 14 amends section 31 of the principal Act to facilitate the effective application of pro-

visions of the Code under that section. The amendment is required as, during the course of preparing regulations that could apply under section 31, it has become apparent that the provision, as presently drafted, presents the Government with a massive task in transposing the relevant "Code" provisions. It is therefore intended to effect an amendment that will provide for consistency with other provisions in the Act which similarly apply Code provisions and which will assist in the proper administration of the Act. The result will be that the relevant provisions of the Code will be able to apply without much alteration at all by regulations. Clause 15 effects two amendments to section 37 of the principal Act that are consistent with amendments explained in relation to earlier clauses. Clause 16 amends section 59 of the principal Act in a manner that is similar to that effect to section 31 under clause 14 of the Bill. Clause 17 amends section 61 of the principal Act to provide consistency with other amendments and to link up to the proposed new section 16 in relation to the liability of members to contribute towards the costs, charges and expenses of a registered co-operative in the event that it is wound up. Clause 18 inserts a new section in the principal Act to require a registered co-operative to appoint a secretary. The Act contemplates the appointment of a secretary, but does not make provision for this to occur, and it appears to be prudent to require a co-operative to have the position of secretary constantly occupied. The proposed section is cast in a manner that is similar to section 236 of the Code.

Clause 19 amends section 69 of the principal Act to provide consistency with other amendments effected by this Bill in relation to the application of provisions of the Code and to facilitate the operation of the section. Clause 20 relates to proxy voting. Clause 21 provides for a new section that will make it an offence to represent falsely that a body is a co-operative registered under this Act. Clause 22 provides for a new section 76 that again is intended to provide consistency in relation to the application of provisions of the Code and to facilitate the operation of the section.

**The Hon. MICHAEL WILSON** secured the adjournment of the debate.

#### CHILDREN'S SERVICES BILL

Adjourned debate on second reading (resumed on motion).  
(Continued from page 2226.)

**Mr MEIER:** My next point concerns the aspect of staffing. Sufficient consideration has not been given as to whether all members of staff would be suitably qualified, as they are through the Kindergarten Union at present. Again, it would be interesting to hear whether the Government has any comment to make on that point. Many appointments which are now being advertised do not require any particular expertise in child care or education. Where will those people fit into the system? The member for Todd pointed out earlier that a teacher in his electorate thinks that she may lose up to \$10 000 per annum in pay.

**Mr Ashenden:** She will—she doesn't think it.

**Mr MEIER:** She will lose it. If that is true, it is a further reason to ensure that this Bill is left until next year.

**Mr Lewis:** I wonder if she was consulted.

**Mr MEIER:** I wonder if she was consulted. For the concern of all people in South Australia, particularly the young ones (three to four years old), for teachers concerned and for the many parents, we have a moral duty not to push this Bill through. It would be a classic case of mucked up legislation if it is allowed to go through. There is time. Things are working exceptionally well in the Kindergarten



Union at present and the child care facilities will continue in a similar way for the next six months whether it is incorporated under this Act or not. I hope the Government can see some sense in the many arguments that have been brought forward in relation to this matter.

In conclusion, I hope that any new amalgamation under one body will not lead to another bureaucratic giant, an unwieldy monster that will cost the taxpayer more and more. We have seen efficiency so far in the systems that we have and if we are to do anything that would be less efficient then we are going in the wrong direction. Certainly, aspects of this Bill would have to go forward sooner or later. Some amalgamation will be beneficial but it seems that insufficient time, insufficient discussion and insufficient insight have occurred so far. For the sake of all children in South Australia, their parents and other people in responsible positions, let us ensure that we give it due consideration and much more time before it is brought back to the House.

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

**Mr BLACKER (Flinders):** I would like to place on record my concern at the lack of time that has been given to Opposition members to consider this Bill and, more particularly, to consult with their constituents. I think I should put on record the circumstance as it occurred in my instance so that it can be checked back at any time. I received a letter from the Minister of Education dated 21 November. It was received at my office on Friday 23 November. I was not in my office on that occasion because I have a large electorate to service. I received the letter on Monday 26 November. Had I immediately sat down to consult every one of the kindergartens or groups in my electorate associated with this legislation, there is no way in the world that those persons could receive my mail, consider it the very same day and respond (assuming that they would have a committee meeting that night) the next day, to get any sort of correspondence back to me.

So, there is no way in the world that I can stand in this House and speak with any authority from the members or the constituents in my electorate to a Bill as complex as this and it concerns me, because every one of us would have a very deep concern for the future of our children. A Bill which is so involved and complex and which has such far-reaching effects on the children of this State is something that requires the utmost consideration by every member, and it concerns me that we have not been afforded the time to be able to do that.

I listened with interest to the Minister of Education's explanation that there were a few extenuating circumstances which meant that Opposition members could not have the time for consideration that they would have liked: one of those was the Federal election. Whilst I can have some sympathies with that and the fact that this House was not sitting for two weeks prior to the Federal election, it is no excuse that the Government should be able to force upon members of the Opposition Bills of this nature and expect *carte blanche* support for them to be given.

From my brief perusal of the Bill, there are many factors about it which I believe need strong support. However, I also believe that none of us—and I think that I can include Government members—can actually speak with any authority on this Bill. I was extremely concerned to hear the member for Mount Gambier explain to this House that some four months ago back-bench members of the Government were circularised with a view to selling this Bill out in the community. If that is in fact true and those persons have had prior knowledge of this Bill, and the Opposition members have only had a knowledge of the complexities of this over the past week or 10 days, then I think the Gov-

ernment is to be condemned and this measure should be thrown out and at least given the proper time for consideration by all concerned. It is not a fair crack of the whip, and it is just not on. The Government needs to have that element of its actions exposed to the general public, that it is trying to get something through now, whether it be under the lap or otherwise, we do not know, but the fact that it should treat any piece of legislation in this way is to my mind totally wrong.

I received the Bill, with a supporting letter dated 21 November, on 26 November. I understand that the Bill was sent to the Kindergarten Union with a supporting letter dated 16 November, and that was received by the Kindergarten Union on 20 November. So, the organisation that should be most closely involved in this received the final draft of the Bill less than a fortnight ago. In itself that is reason for members of this House to be concerned. I think some of the points raised by the Kindergarten Union in a letter to the Premier, dated 3 December, a letter that obviously he would have only just received, need to be brought to the attention of the House. In the letter to the Premier Mrs M.T. Webb, Vice President of the Kindergarten Union of South Australia, stated:

The board draws attention to the statement in your letter of 3 September that 'the maximum possible opportunity for discussion will be provided'. Further you have assured us that 'there will be on-going discussion and we will ensure that the basis of the legislation is fully understood and supported prior to its introduction into Parliament'.

It has been pointed out on many occasions that that has not been the case. The letter continues:

The board believes that neither of these two conditions has been met and would further make the point that had the Steering Committee had the benefit of someone with direct experience in early childhood education, many groups would not find themselves in the position in which they now are, of having to give hasty consideration to a legislative proposal that is complex and requires time for thoughtful analysis.

The Kindergarten Union gets no pleasure at all about being adversely critical of the manner of the implementation of the overall thrust (the Coleman recommendations) with which we generally agree and continue to support. However, I wish to remind you that full support of the passage of the draft legislation also includes the repealing of the Kindergarten Union Act which, in effect, causes the cessation of 80 years of experience in the delivery of pre-school and other early childhood services in this State in its present form. The Union's board must be convinced that what is to replace the Kindergarten Union, as established by its Act, is not only no less than what we presently have, but also provides the opportunity for the development necessary to any agency providing children's services.

I have referred to only part of the letter. It also includes a series of suggested amendments to the Bill. I think those issues should be treated serious and honestly, but I have not had the time to analyse those amendments and to check them out against the Bill and the second reading explanation provided in Parliament yesterday. When the Minister wrote to me, as he would have written to the Leader of the Opposition and perhaps the member for Semaphore, I think he should have enclosed a copy of the second reading explanation as well as a copy of the Bill. Without the second reading explanation the contents of the Bill were subject to one's interpretation, and it required a lot of homework to attempt to analyse the proposed legislation. The Vice President of the Kindergarten Union of South Australia referred to the loss of the name 'kindergarten'. One could argue the implications of this, and it is a matter of concern to people because traditionally pre-school children have gone to 'kindergarten'. That term is widely accepted by the community, although a variation of that terminology is now proposed.

From my brief perusal of the Bill there is an underlying factor that concerns me, namely, the lessening of reference to the family and the increasing reference to individuals.

As such, some people could interpret the Bill as being to a degree anti-family. I would hope that my assessment in this regard is not correct, but I fear that that could be an offshoot of the Bill that the Government intends to push through in the belief that it is improving services.

Other aspects of the Bill need attention, and I refer to those matters relating to the control, management and licensing of day care centres and baby sitting agencies. We do not have a lot of problems in those areas, but occasionally serious problems occur and people then ask why the Government has not done something to prevent its occurring. I would hope that within the scope of this Bill sufficient latitude will be given to the appropriate Government agencies to provide services, hopefully without unnecessary regulation, but certainly with enough control to regulate indiscriminate activities of that minority of people who give some of these agencies a bad name. The majority of agencies should receive the utmost praise for the work that they do and should not have criticism or scorn laden upon them.

In conclusion I stress again my bitter disappointment about the way in which the Premier and the Government have introduced the Bill. Because of the time constraints I have been unable to outline to Parliament the views of the kindergartens and the child care agencies in my electorate. This is a disadvantage and I feel that in effect I have had to fly by the seat of my pants, and I have had to use my basic judgment and local knowledge of the matter in adjudging the Bill. I am disappointed that the Government has acted in this way and I trust that, if the Government uses its numbers to push the Bill through, ultimately some good will come from the legislation and that the anticipated benefits that the Government believes are there will in fact prove to be a reality.

**Mr S.G. EVANS (Fisher):** I will not take up a lot of the time of the House. I want to put on record my thoughts because within the electorate I represent I think I have more kindergartens than any other electorate of the State. Of the 14 kindergartens within my electorate 13 of them are tied to the Union. Five kindergartens are on the fringe of my area; there is one subsidised child care centre and there are some that are privately operated. There are no child/parent centres in the area but I know of their method of operation. Further, there are some play groups which are on the fringe of what we are talking about now. There is a serious shortage of kindergartens in the area, although I appreciate that a new one will be built at Flagstaff Oval early next year on the border of the Fisher and Brighton electorates. Also, there is a serious shortage of child care centres and other facilities for play groups, etc. I have represented the area for nearly 17 years and although the 14 kindergartens in the area have not been there for all that time, I would have to say that of all the organisations in my electorate, the Kindergarten Union kindergartens as well as the other kindergarten have given me less cause for concern as a member of Parliament than have any of the other institutions, such as schools, that I represent.

I do not say that that is a reflection upon the schools—it is praise for the Kindergarten Union and the staff that it employs as well as the parent committees that work so hard to maintain the standard of the buildings, the grounds and facilities within their own kindergartens. The reflection I pass is on the Government controlled Education Department. I am talking about both philosophies here because in my 17 years I have seen both Parties, my own and the one in Government, in office and I have had more problems and concern in chasing things as a member of Parliament from the Education Department operated institutions than from the Kindergarten Union ones. We need to reflect on that when we start talking of taking away an institution as it

now stands and has stood for 80 years—with a flash of the pen overnight as we are being asked to do here tonight or tomorrow morning.

My main point is to record how much co-operation and benefit to the community the kindergartens have been and how much co-operation they have given to me as a member and how little work they have created for me. The officials of the Kindergarten Board would know that where there has been a shortage of kindergartens I have had to argue to get new ones built, because of a shortage of funds. That is not their fault but rather that of Government agencies, Federal or State, where there has been a shortage or transfer of staff from a kindergarten that was obviously going to be in a position of needing more staff or retaining the present staff because of potential future enrolments in the short term. I would accept that that is the position in most electorates and that we have had that sort of co-operation.

If we bring all organisations under the one umbrella as the Bill proposes, I fear that we will have more problems from the Kindergarten Union than ever before, let alone problems in child care centres or child/parent centres. I can understand why there is a strong view, in particular by bodies other than the Kindergarten Union establishments, to have this Bill introduced quickly: it does give them, in their view, an opportunity to achieve something greater. I do not think I hold any disrespect for them for that. It is great that they have the foresight to see the problem and realise that it may give them a better opportunity to provide better services to their section of the operation of child care.

As chairman of a child care centre and one who fought for it in the early days when the Government took away the building for other purposes when it was privately operated, I am aware that there is criticism of that centre because we employed a male director, who is entitled to a higher salary because of the qualifications he had, and not because he happened to be a male. I know that the feelings of that centre's committee were mixed, with some seeing the potential of what was advocated by Governments and the Coleman Report as being beneficial and others having a fear that, in the long term, the proposal the Government put before us would give any Government in the future the opportunity to take away the control of the local centre from the local people and start to use its philosophy, or any other philosophy it wants to promote in regard to child care down the line, on that local centre.

At the moment with local centres (I use the plural deliberately) parent committees and staff in the main decide the philosophy of the operation of that centre. Governments of today can promise that, if we put this Bill through, it will allow that to continue. However, the Premier, the Minister and the Government of the day do not govern next year or the year after once the legislation is in place. It is quite obvious that the Bill before us is very open ended. The Minister must admit that.

I have some grave doubts about a Government that brings in a proposition and informs one of the major bodies of it—the union that has been going for 80 years—by letter dated 16 November which the union receives on 20 November, and lets political Parties and Independents know on 26 November by letter dated 25 November. By the time the shadow Minister receives it and takes it to Party meetings, a couple of days have gone by. In that period there has been a weekend and we are now debating the issue. That is not really fair game. It is all right to say that the general philosophy of the Bill was discussed before, but the thing that counts is the article that will be enacted and will become law. You, Sir, being in the field of the law in practice know the ramifications of accepting things without having the time to do the right research. It is unfair and against all forms of democracy to say that we want to slam

through the legislation tonight because we are not prepared to sit next week or will not want to discuss it next year, or to say of the union, which has been going for 80 years, that we do not know where it is going in the future.

Referring briefly to my own area, of all those kindergartens (I had contact with some earlier on), most said that they did not want the proposed changes. I do not think the Kindergarten Union had time to look at a copy of the Bill or to send out a copy of the second reading speech to every kindergarten. The shadow Minister of Education made available his letter stating our policy quite clearly. I decided to take it around to my kindergartens this morning, even though Parliament did not finish until 3 a.m. and I did not get home until 3.30 a.m. I was out on the track early and went around to kindergartens handing out the Liberal Party's policy and saying that that was what we intended to do.

In the two days prior to that, I had a couple of telephone calls, one from a sincerely concerned young lass from the Flinders campus who said that she wanted us to push the Bill through quickly. Another person said that they wanted the Bill through quickly, while a third asked us to not put the Bill through. I went to them today, except the one at the campus which I had delivered as I could not get there. One who wanted the Bill through agreed with the Liberal Party policy in some areas and disagreed in others, but could understand our concern about the open endedness of the proposed law and expressed some real doubts about such open endedness. However, that person wanted us to put it through and correct errors later. That is a bad practice, as those of us who have been here for a while have learnt.

The Director who asked that it be held up until February half changed her mind this morning because of communications she had had yesterday. In all other cases the view was, 'Leave us as we are', or 'No comment'. There is no real anxiety about trying to push this matter through quickly except on the part of a few activists who see it as part of their philosophy to get it into operation. I refer not to political philosophy but philosophy on how child care should go in the future. I find that facilities in my electorate will go on just as well for another 12 months if we sort out this thing properly. I ask the Government to consider the matter seriously, put it aside, do some more negotiating and ensure that everyone has time to be informed. It should not be sent to the headquarters of the Kindergarten Union on 26 November with the hope that all kindergarten committees and other people will have had the opportunity of reviewing it before 5 December. It is humanly impossible and against all forms of democracy. If somebody would sit down and do the research of how much the parent committees and general community have put into kindergartens in this State and child care and other centres that look after children through voluntary effort and community raised funds, it would run into millions of dollars.

Let us not set up a process which may destroy the people who work voluntarily in those areas, because that is happening in other areas where Government has taken over the volunteers. The community which supports those volunteers are beginning to say, 'The Government does it. Let it do it,' but we know that this Government is already saying that it cannot do any more in monetary terms, because it is short of cash. Do not forget the amount of work that the volunteers do and the millions of dollars that they have saved over the years and the hundreds of thousands of dollars that they are now saving the State each year. I ask that the Bill be put aside until there has been more liaison and there has been more of an opportunity to perhaps remove the concerns of the many people who work in that field and who will have to work under whatever legislation is eventually passed.

**Mr RODDA (Victoria):** I have only just seen this Bill. I did hear the member say that even with his 17 years experience he was still surprised at the size of the Bill. I have not had any communication from the kindergarten people in my district, but I have in the past had plenty of communication with them on other matters. I was looking for this Bill on the file, but the member for Mallee told me it was not yet on the file, so that does give me some cause for concern. I think I will be representing these people for another 12 months and I would be severely castigated if I did not say something about it.

The second reading explanation does look quite comprehensive. In my 20 years when a second reading speech has been of this dimension, it has not been peanuts. In the time I have had to look at it I am not in a position to say 'Yes' or 'No' about it, but I am concerned that I have not heard from people related to kindergartens in my district. I have heard from them on many other matters in the past. They are verbose in expressing concern about things that they think should be done and things which cut across their area. We are talking about the child in its formative years, just beyond the twinkle of the eye, to coin a phrase, and it is these formative years when children start mixing with their peers that are important.

I notice that the Bill mentions babysitting agencies, guardians, pre-school education and staff. The Bill also refers to the Children's Services Consultative Committee, the membership of which will come from far and wide. It is breaking new ground. I have had to be away from the House tonight, but, as there is so much concern about this Bill, which contains some 57 clauses, it will not be disposed of easily, especially as it has to go to another place. So, I am not really in a position at this stage to criticise the Bill, nor even to engage in strong debate about it. The people associated with kindergartens in my district are very interested in what they do and, if this does break new ground, it gives me a great deal of concern. I think that is all I can say without getting into trouble by making some strong proclamations about what appears to be in the Bill.

**The Hon. J.C. BANNON (Premier and Treasurer):** I do not want to speak at length, because I think a number of the points that I wish to make were well covered in the contribution made by the Minister of Education, who is also the Minister assisting in this area. However, I would like to pick up two points on what I see as the substance and the continuing thread running through all the speeches made by members opposite. One was, I thought—

**Mr Lewis:** Coomandook, and the other was Geranium.

**The Hon. J.C. BANNON:** The frivolity of the member has made a total farce of this, talking about left wing feminist Marxist plots, and so on. I would appreciate it if that member would calm down and think about the children who are the object of this whole Bill.

**Mr Lewis:** That is exactly what I am thinking about, and you know it.

**The Hon. J.C. BANNON:** All the bluster in the world will not disguise the fact that he made a deplorable contribution, which I did not think was fitting of him, because on other matters I think he has had constructive things to say. However, I was very disappointed with the whole attitude of the member for Mallee on this matter. The continuing thread running through the contributions has been the question of consultation. It was asked whether there had been sufficient consultation and sufficient notice of these provisions in the Bill. Members opposite are saying that there has not been.

**Mr Baker:** You check.

**The SPEAKER:** Order! I ask that the Premier be heard in silence.

**The Hon. J.C. BANNON:** The other noteworthy thread that was running through those contributions was a complete fixation about the role of kindergartens and the Kindergarten Union in this process, which I think distorts the whole purpose and demonstrates a basic misunderstanding of what this whole exercise is about. Kindergartens and the Kindergarten Union are an important component of what is happening here in children's services, but children's services is a vastly broader concept, and the needs and demands in the community for various child care provisions and a whole range of groups whether they be play groups or whatever (all of those things, in which parents are involved) are—

**Mr Ashenden:** Child/parent centres?

**The Hon. J.C. BANNON:** Yes.

**Mr Ashenden:** Why aren't they in there?

**The Hon. J.C. BANNON:** The reason why they are not drawn into this Bill at this stage was well covered by my colleague and in fact has been covered extensively in all the correspondence and documents surrounding this. We are talking about a very broad area indeed, and I think it has been a great pity that the contributions of most members opposite have simply ignored what in fact is the bulk of the concerns addressed in this Bill, namely, services to children. Members opposite concentrated simply on one sector.

Having said that, let me deal with a couple of points on that matter. The consultation has been extraordinarily comprehensive and a number of people have said (and it has been said here tonight) that they had not seen the Bill in time to enable them to give a considered response to it. The fact is that this Bill embodies, in the draftsman's language (indeed drafts have been couched in just such similar language going around for weeks and weeks now), all those principles and matters which have been the object of consultation and discussion.

Nothing in this document should surprise people in the field, because it has all been covered with them very extensively indeed. In fact, compared with other legislation in many other areas that has come before Parliament over the years, I would say that this Bill has been more thoroughly canvassed and discussed in terms of its objects, in terms of everything that is embodied here, than just about any other single measure.

I asked for some details of that consultative process, which has been going on in discussion and submission for over 18 months. When one looks through the list of meetings and various consultations in June, July, August, and so on, well before we reached the stage of final drafting of the provision, one sees meetings with the Kindergarten Union Board, the Kindergarten Union AGM, child care meetings, meetings with SAIT and the unions and meetings with consultants' groups, all of which are set out.

It really has been an extraordinarily thorough process and one which I believe has been appreciated in the field. If we are quoting from letters, I can state that there are many letters from all areas, including the Kindergarten Union, which indicate the appreciation that that process has drawn from the people involved in it. All those meetings have been directed to producing a Bill in a framework. This is an enabling Bill, remember: there is a lot of administrative and other detail that will be sorted out and developed once we have an Act of Parliament to authorise it.

All that has been within a framework and an atmosphere of looking at the needs of children, how they can best be served and co-ordinated and how services can be extended, developed and improved. There has been a marvellous attitude out there in the community to it, despite the inevitable fears that have been raised in some areas about its implications. It has been a very constructive process indeed,

and we have arrived, therefore I think, at a measure which has an enormous amount of support. It is a pity again that the contributions of members opposite have tended to concentrate very much on negative, sometimes nit-picking and certainly very sectional interests involved in this measure. As to the consultation process, one should remember all the elements of it. This seems to be the only concern of members opposite. They are not worried whether child care people or others have been consulted: they are only worried about whether the Kindergarten Union and the kindergarten element has been consulted. There is a consultants' group, a prominent and important member of which has been Dr Ebbeck, Director of the Kindergarten Union. That consultants' group comprises the team of experts, and they have been meeting regularly. The list of meetings I have in front of me begins on 31 August and goes through virtually weekly from then until the end of November. As I say, in terms of Kindergarten Union interests—

*The Hon. Lynn Arnold interjecting:*

**The Hon. J.C. BANNON:** These are just the formal weekly meetings of the committee. Dr Ebbeck was present at every one of those and took a very active and leading role in it, as one would expect him to do. Then there has been the Kindergarten Union's parents consultative group, which was formed after there were complaints to the overall steering committee that information given to the consultants was not reaching the parents. In other words, the complaint from the parent area was that information was being given, and that although there had been discussion among the expert consultants, they were not hearing enough about it.

So, provision was made to have a group whereby that communication could be established very thoroughly. Again, I have a list of meetings which have taken place regularly: 19 September, 22 October, and 13 and 28 November. Of course, that includes exchange of documents and material and informal contacts as well. Incidentally, the parents groups nominated these as their preferred meeting times. At no time was a request from the Kindergarten Union for meetings with the steering committee or the planning team refused. Every time a meeting has been requested it has been granted and held. Again, I think that indicates the extent of the consultation process and the satisfaction with it.

Then we look at the more formal major meetings with the Kindergarten Union groups. Again, I am concentrating on that area because that seems to be the only area of concern of members opposite. The Minister of Education attended the Kindergarten Union meeting on 28 June and went through a lot of principles and proposals that were being looked at. A steering committee and Kindergarten Union Board met in June.

The Kindergarten Union Council—again its State committee—had a meeting that the Minister of Education attended on 24 October. I was due to attend that meeting: we were both going to be present at it, but unfortunately I could not attend. It was the week that I was overseas dealing with the Grand Prix. However, prior to that meeting and the lead up to it I had an extensive session with the Chairman and representatives of the Kindergarten Union to go through the various matters that would be raised and the sort of questions they thought might be put and to what they felt we should address ourselves.

We went through that thoroughly. We discussed it, and I think there was general agreement about the satisfactory nature of the answers. That was reinforced by the Minister's attendance at that general meeting on 24 October. This is against a background where the Kindergarten Union Board had indicated quite clearly its support for what was going on.

Reference has been made in the course of this debate about the letter of 3 December. It was, as I said in my

response yesterday, very disappointing to get that letter, because it just did not make sense in terms of the lead and the discussions and attitudes that we had seen before. I must admit that that letter came on top of the final meeting which I attended only last week (28 November) of the Kindergarten Union General Council.

Again, I went through in considerable detail the provisions of the Bill, what was embodied in it, and some other arrangements stemming from it. There was a question time at which some useful questions were asked and I think answered fairly adequately. After that there was a discussion period, and, as I understand it, at that meeting there was a suggestion by one delegate (I do not know whether it was formally moved) that a motion be carried saying that the whole thing should be deferred.

That was not picked up or supported. There has been a general acceptance and understanding that in the interests of the children and of orderly administration we should have this thing operating from the beginning of the school year. Unfortunately, that is looking like a remote possibility, because of the attitude of many members opposite and reinforced by this last minute change of heart, as one might call it, of the Kindergarten Union board.

**The Hon. Lynn Arnold:** By certain members of the board anyway.

**The Hon. J.C. BANNON:** Or by certain members of the board, anyway, in their attitude to when we should implement it. That is a great pity, because I think it is important for the children, parents and proper devotion of resources to this area that we get these new arrangements in action. A lot of appointments are hanging on this legislation that they cannot go ahead until it is passed. There are a lot of administrative arrangements: consultative organisations to be set up at the regional level, all of which need the framework of this enabling Bill before they can be put into operation.

It is a great pity that members opposite are displaying the attitude that they are when one bears in mind what hangs on this Bill and what needs to be done. It really is setting it back by some months. As I say, I am very disappointed and I put on the record that I received the sort of letter that I did from the Kindergarten Union board this week. It seemed to cut across everything that it had been saying and doing and all the assurances that we had.

However, I do not believe, as my reply to the board demonstrates (I passed it to the member for Torrens this afternoon), that their objections are substantial because, when one analyses and looks at the points raised—and there was an earlier letter, too, raising a number of points—one will see that the Board is not so much concerned with this Bill and what it contains: it is concerned with what flows from it. I refer to administrative, consultative and staff arrangements, all of which will be properly dealt with and discussed in ongoing discussions with the board.

*Mr Mathwin interjecting:*

**The Hon. J.C. BANNON:** As I pointed out, we cannot proceed to those appointments. People have already applied and interviews have taken place. They cannot be appointed until we have positions to appoint them to, namely, when the Act is passed. The whole process has been set back. If the member for Glenelg looks at those letters, he will find that the objections being raised are not to do with the Bill or whether it should be delayed; they are to do with the consultative arrangements. Again, I think there has been a misunderstanding of it. I repeat that in this Bill there are 57 clauses, certainly, many of which come from existing Acts—either the Kindergarten Union Act or the Community Welfare Act. They have simply been transposed and put in there as part of the overall Bill.

Most of the clauses which are new or which provide some other arrangements have been subjected to intense consideration and scrutiny by the various bodies affected. As well as those meetings I have outlined, there was a series of country meetings at places such as Mount Gambier, Port Lincoln, Port Augusta, Berri and Maitland; there have been meetings with staff, regional advisers, and special services staff, as well as meetings with metropolitan kindergarten Regional Directors, and so on.

The Bill was sent to members of the Opposition well ahead of time. We did not wait for its introduction this week in the Parliament. The member for Torrens as the shadow Minister had the Bill sent to him, as did the members for Flinders and Semaphore, and Mr Milne as Leader of the Democrats. The Bill was sent to all of them immediately. I guess that what one does with that is up to the shadow Minister. In our case, as soon as the Bill was ready we called our back-bench committee together to go through it.

**Mr Ashenden:** You gave them a copy.

**The Hon. J.C. BANNON:** Yes, we gave them a copy: that is right. The member for Torrens had no embargo whatsoever placed on what he did with that Bill. On the contrary: the intention in giving him the Bill was not that he keep it to himself on a confidential basis. The intention was that he use it to circulate or use it in whatever way he liked among his members to allow their consideration beforehand. As the Government did with its committee, so the member for Torrens was—

**Mr Lewis:** With what resources?

**The Hon. J.C. BANNON:** With the resources of a photocopier, and I assure the member for Mallee that if the member for Torrens had said, 'I can't make copies of this. Can I get some extra copies to distribute it to other members?' it would have been granted immediately. The honourable member knew very well that it was not embargoed; it was not confidential, it was for his use, and if members of the Opposition had not seen it it seems pretty rough to blame the Government for haste, considering the time involved. I think it is certainly very tough indeed to penalise the children concerned because the Opposition believes that it has not had enough time to look at the Bill. That is most unreasonable, and I guess that it really shows that—and I have been criticised for consultation in other areas by members of the Opposition—in some areas the more that one attempts to consult, the more meetings one holds and the more one tries to disseminate information, the more individuals keep finding fault, attacking and claiming that they have not had enough time.

Let me refer to the undertakings I gave on the Bill. We have had the consultations that I have discussed. I do not think that there is any point in going into it in much greater detail. I hope that I have demonstrated, first, that there has been widespread and adequate consultation. The Bill and its provisions are absolutely no surprise, and ample time was afforded to Opposition members to study it if they wished. Secondly, the Kindergarten Union has been involved at every stage of the process and has no cause for complaint because—and let me make this important point—as I understand it (and I hope I am right in this), the concerns that most members opposite are raising with the exception for the member for Torrens, who is looking at the broader question, relate to individual kindergartens. We have had letters read and heard discussions on the reaction from individual kindergartens.

This Bill does not affect the operations of those individual kindergartens. On the contrary: we see this whole arrangement as strengthening and reinforcing those kindergartens and the resources to which they have access, and that has been accepted by the staff, the Kindergarten Union Board and others involved. So, I can assure members that the

concerns being raised by local kindergartens about 'What will happen to us? How will this change? Are we being pushed out of involvement?' are absolutely unwarranted, and I hope that members will go back to those kindergartens and make that point. They have nothing to fear. On the contrary: this measure provides great opportunities for their on-going operation; so, if the Opposition's demand for delay is based around the fact that it believes that the local kindergartens will in some way be adversely affected, I can assure them totally that they are not, and that has been made very clear throughout this process.

I simply ask what more can be done. If the consequences of the Opposition's delaying tactics here or in another place are that we cannot get anywhere early in the year, it will be a major blow to the expectations of all those involved in the delivery of children's services, their parents, community organisations and children. I would like to firmly put on the record that, if this almost universally acclaimed way of tackling consistently the overall and well recognised problems in children's services delivery is rejected and unduly delayed, be it on the heads of those responsible.

I appeal to the Opposition to adopt a constructive attitude, to recognise the preparation that has gone into the Bill and to assist us in implementing something which I believe is not political. Whatever the member for Mallee has said, this is not an ideological exercise by any means, and to say that impugnes the professional reputations of many people in the field, including Dr Ebbeck, Dr Weaver, Mrs Osmond, Mrs Kennedy, Mrs Peacock and all those involved in the group that has put the proposals together.

**Mr Lewis:** I didn't name them.

**The Hon. J.C. BANNON:** No, but I am naming them, because those are the sorts of people you are impugning, and I reject utterly that that is the situation. These are professionals who have been called on. They are users of the services, parents and others, and all their expertise has been summed together in this exercise. It is by no means ideological: it is community based, and I would hope that members opposite would recognise that and support it.

The House divided on the second reading:

Ayes (21)—Mrs Appleby, Messrs L.M.F. Arnold, Bannon (teller), M.J. Brown, Crafter, M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Payne, Peterson, Plunkett, Trainer, and Whitten.

Noes (19)—Mrs Adamson, Messrs Allison, Ashenden, Baker, Becker, Blacker, Chapman, Eastick, S.G. Evans, Goldsworthy, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson (teller), and Wotton.

Majority of 3 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

**The Hon. MICHAEL WILSON:** Clause 3 provides:

'kindergarten' means an establishment at which pre-school education is provided for children.

I understand that there are four kindergartens of the Kindergarten Union in this State which provide child care facilities as well. It seems that that definition is extraordinarily narrow. Is it intended that in future the kindergartens, as defined there, will only offer pre-school education?

**The Hon. J.C. BANNON:** The answer is 'No', it is not a restrictive definition, nor is it intended to be. It is intended to identify the principal focus of a kindergarten, which I think everyone would concede is the provision of pre-school education. It certainly does not say, nor is it intended to say, that there is not a wider range of activities or services that kindergartens could provide; they are not in any way prohibited from doing that.

**The Hon. MICHAEL WILSON:** We talk about the principal purpose of an institution. It seems to be quite strange that it is so limiting. However, I will leave that because, as I have said, we do not intend to amend the Bill. The definition of 'children's services centre' is as follows:

(a) a kindergarten;

(b) a licensed child care centre that operates on a non-profit basis and is assisted by public funding;

or

(c) any other prescribed establishment:

I presume that the purpose of including 'any other prescribed establishment' is to allow the Government at some future stage to regulate for the introduction of child parent centres into the CSO.

**The Hon. J.C. BANNON:** Yes, it can pick up a range of children's services, perhaps some of which are not in contemplation at the moment, either. It is like much of the Act, an enabling Act, and therefore the definition is drawn in that way to allow for the prescription of particular services which could include that at an appropriate time.

**The Hon. MICHAEL WILSON:** What is the Government's intention at this stage? I am glad to see the Minister of Education sitting next to the Premier. Between the two of them I hope that we can get some answers. What is the Government's intention, say, over the next 12 to 24 months? As I am not sure of my facts the member for Mount Gambier may like to explore this further. Are private child minding centres already incorporated in this Bill, or will they be—

**The Hon. H. Allison:** The definition of 'child care centre' could embrace that.

**The Hon. MICHAEL WILSON:** I will let the Premier answer that. These centres are at present under the Education Act, the Community Welfare Act and possibly the Health Commission Act, and it seems that they are all being transferred into this one Children's Services Office under this definition. Does it mean that the regulations that apply under those Acts to those centres automatically transfer with this Bill, or does it have to be picked up with specific regulation for this particular legislation?

**The Hon. J.C. BANNON:** They would not automatically apply. However, in drawing regulations, there will be in many cases identical provisions. In other words, the regulatory framework that these services require in other Acts will be picked up in the regulations made accompanying this Act. In many cases they will be the same as exist now.

**Mr BAKER:** Under the ambit of clause 3 (a) 'baby-sitting agency', as I read it, could include family day care. I will read the clause carefully so that the Premier can differentiate between this and family day care providers. It states:

'baby-sitting agency' means any person or body of persons that—

(a) carries on a business in the course of which persons are employed for the purpose of caring for children, in their own homes, in the temporary absence of their guardians;

My second question concerns the difficulty with 'child' and 'children'. Although it is a technical point, 'child' means a person under the age of 18 years, yet most of the child care centres and most of the children's services centres which will be incorporated here would be dealing with people under six years of age. My question relates to the anomaly involved here as to what is a child. My third question relates to kindergartens and the need to determine when they become a children's services centre. One of the emotive issues raised with me by certain people who managed to see parts of this Bill because I made it available to them was the fact that it was suddenly no longer a kindergarten but a children's services centre.

That raised in their minds a whole range of unpalatable possibilities. It would be possible to define a kindergarten

as a separate entity, as that term is clearly understood by the community, as well as reference to children's services centres, or whatever. Kindergartens and children's services could have been catered for under the legislation.

**The Hon. J.C. BANNON:** I hope that the honourable member, who has some knowledge of legislation and how it is drawn, set to rest the minds of those people who expressed concern. If he was unable to do so, I would be happy to do that or to get someone to speak to them. This happens to be the way it is worded for the convenience of the Act. Children's services centres is a term used in other sections of the Act, as the honourable member would be aware, and included in that definition are kindergartens. But this does not mean (as I imagine the people raising this matter felt) that local kindergartens will suddenly be called children's services centres. On the contrary, there is a definition of kindergarten, which was questioned in fact by the member for Torrens a minute ago. He takes the opposite view. He felt that the definition was too restrictive. So, on the one hand, the honourable member's complainant felt that by suggesting that kindergartens go beyond pre-school education and become children's services centres there was something wrong, while on the other hand there is the argument as expressed by the member for Torrens that the definition has been drawn too narrowly. I think we satisfied the member for Torrens by pointing out that it was not restrictive. In fact, neither concern is valid. I hope that the honourable member will explain to his respondent that kindergartens will remain kindergartens, and they are so defined.

In relation to the broad distinction between the family day care agency and the baby-sitting agency, that relates to the fact that on the one hand we are talking about a service or a caring for children in their own home, as opposed to caring away from home, where children are cared for at a location separate from the home. That is the essential difference between those two agencies, as can be seen from the definition. On the question of the definition of 'child', the main focus obviously is on services for pre-school age children, but there are some services which in the scope of the new arrangements in fact cover older children, such as child care and out of school hours and vacation care programmes. The idea of having that wider definition of 'child' is to ensure that no-one is excluded. If it were stipulated that 'a child' means a person under the age of six or seven years, a 10 year old child who was involved somewhere would be excluded from the ambit of the Act, and that would not make sense. It is not intended that children's services will encompass teenage services, and so on: the focus is on pre-school age children, but that definition is to allow a little flexibility.

**Mr BAKER:** I accept the explanations provided by the Premier on those two points. In relation to concern about kindergartens I assured those people involved that probably the term 'kindergarten' would be retained although I could not be definitely sure because they were to be put under the heading of children's services centres. The Premier would understand the sensitivity of people to this issue and that people who deliver kindergarten or pre-school services do not want to be put into that class. I think this is bad legislation because in this instance it would have been quite simple to use the term kindergarten. I refer again to the matter of baby-sitting agencies. Reference to paragraph (a) in relation to the definition of baby-sitting agency and then to clause 33 indicates that family day care is related to this matter.

In relation to my reference to incompetence in the legislation, it appears to me as a layman that the reference in paragraph (a) could be the population of baby-sitting agencies and family day care could be a subset of that population,

because the definitions have a common element of caring for people in their own home in the temporary absence of their guardians. They are both in the Bill and there is no legal separation between those two bodies. I again ask the Premier to carefully read those provisions. If he would like to discuss the matter with Parliamentary Counsel I would be delighted. Reference to later clauses indicates that there are some real ramifications in terms of licensing approval which must be gone through if in fact this provision can include them. As a layman, I cannot separate family day care provision from the baby-sitting agency provision, which seems to be all encompassing.

**The Hon. J.C. BANNON:** I answered that question before. The distinction is (and this is evident in clause 33 and anywhere elsewhere the term is used) that family day care is care away from the home, and baby-sitting is something that occurs within the home. That is the distinction. Therefore, there is no confusion in the definitions or in relation to who they relate to. One is not a subset of the other. They are quite separate functions. The Minister of Education will also respond to this matter.

**The Hon. LYNN ARNOLD:** I refer briefly to the first point raised by the honourable member concerning the use of the name 'kindergarten'. There are two important points to remember: one is of course is that the relationship between the management committee and the individual pre-school can be the same as it is now. These are distinctions for the pre-school to make determinations as to what name they choose to go under. The honourable member expresses some alarm at the possibility of the change of name to a children's services centre and what that might mean. I simply make the point that in fact there is a Kindergarten Union branch within my own electorate that, when newly established, of its own motion chose to be called a children's centre because it wished to convey certain things. That is the sort of thing that we want to neither help nor hinder. This is a matter for the local management of pre-schools to make decisions about. I do not think it would be fair in the legislation to attempt to constrain or somehow distort by a name the purpose of the centres. Those decisions will be made by individual management committees.

**Mr MATHWIN:** The definition of 'pre-school education' seems a little meagre. The definition provides that:

'pre-school education' means the provision of courses of training and instruction to children who have not attained the age of six years.

That is all there is. The Minister would be aware of the definitions given in relation to pre-school education and the other enlightened comments that are in this document from the Kindergarten Union. I would have thought that the definition for this would have contained a little more substance. I think it should at least mention things such as programmes to promote social, emotional, intellectual and physical development.

**The Hon. J.C. BANNON:** The danger in extrapolating or adding to the definition would be that, the more comprehensive it is, the more it could begin to look as if it is excluding certain things. This simple definition I think was taken directly from the current Kindergarten Union Act. It is a simple definition: it does not exclude anything, and in fact embodied in that definition are the very things that the honourable member is talking about. That is reinforced by other provisions in the Act, and there is no question of constraining it. The definition must be as simple as possible, simply as a check against the meaning of the term wherever it is used throughout the Act.

**Mr MATHWIN:** Do I understand that it was a direct lift-out from the Kindergarten Union legislation? If that is correct, I am willing to accept it. I have not checked it, but I would be surprised if it is.

**The Hon. J.C. BANNON:** It is in the Education Act, not the Kindergarten Union Act. It is the definition supplied there and is the standard definition used in the Statutes.

**Mr BAKER:** I refer to baby-sitting agencies again (and I apologise to the Premier for my thickness at this time of night). Does the Minister envisage that the baby-sitting arrangements made in the majority of circumstances, where a friend or young adult from down the street is asked to look after the children, will be caught? There are a number of arrangements which do not take into account professional baby-sitting agencies but rather a whole range of other arrangements where people get pecuniary reward for sitting children in the absence of people at a social function, or whatever.

**The Hon. J.C. BANNON:** It refers to the carrying on of a business. The fact that one gets remuneration or some reward for baby-sitting—a casual arrangement where one rings up an individual—is not caught up in this. The agency is someone who has a business, as defined, which employs people and acts as the agent between the client and the person employed. It is of a different scale than domestic or ordinary arrangements which are not picked up at all.

Clause passed.

Clauses 4 and 5 passed.

Clause 6—'Incorporation of the Minister.'

**Mr MATHWIN:** Clause 6 is very dictatorial on the Minister's part. It provides:

(2) The Minister shall, in his corporate name and capacity, be capable of—

(a) suing and being sued;

(b) acquiring, holding, dealing with and disposing of real and personal property;

and

(c) acquiring or incurring any other rights or liabilities.

That is a powerful situation where the Minister has a takeover of property from the Kindergarten Union. Some of those properties will have been donated over many years by people, organisations or businesses in the community. A lot of kindergartens have held raffles, gala days and fetes to raise money specifically for a kindergarten.

**Mr Becker:** Some are on council land.

**Mr MATHWIN:** Yes, as my friend the member for Hanson says, some are on council land. Apart from that, people have worked on management or parent committees for many years raising money through various ways and means to acquire or buy properties, to have them gifted by a council on the understanding that they would then raise money for whatever other facilities they needed in that kindergarten, to build it and to pay for it.

There was a time not so long ago where any organisation, sporting body, kindergarten or the like had to raise their own money by their own means because councils in those days were not allowed to raise the loan for them in their name and hand it over to them. That was disallowed. It is only in recent times that local government has the machinery and the right in law to do that. If we look at the history of kindergartens in this State I am sure we would find that many have raised money through hard and diligent work of members of those kindergartens, both parents and staff.

In this clause the Minister is entitled to do anything he wishes with those buildings and that land. Land may have been acquired and gifted by a church, in some of the undeveloped areas, wherein local residents would wish to start off and begin the actions of having some child minding facilities on that land. We do not know who the Minister will be—whether it will be the Minister of Education (we have our suspicions, of course) or the Minister of Community Welfare. Blows have been dealt in Caucus over this matter and people have been bruised.

**The CHAIRMAN:** Order! The Chair has allowed the member for Glenelg to go to great lengths on this clause.

The Chair has grave doubts that he at any time dealt with the clause. The clause is a simple one and allows the Minister to acquire land, be sued or have holdings. It has nothing to do with what the Minister for Glenelg seems to be indulging in. I ask him to come back to the clause.

**Mr MATHWIN:** I feel very hurt at your definition of what I have been talking about, Mr Chairman.

**The CHAIRMAN:** Order!

**Mr MATHWIN:** I have stated that many kindergartens own real estate and personal property. Under this simple clause the Minister can write that off with the stroke of a pen. Some people without experience would not know of the hard work that has gone on over the years. I was explaining to the Committee how important that work has been in the past by people connected with kindergartens. I am perturbed that the Minister can be a dictator in this area. He has very great powers indeed in dealing with this issue and disposing of these assets, buildings and property now in the hands of kindergartens throughout the State. That is plain enough because it says the Minister can do so.

It goes on in subclause (2)(c) to provide that he can acquire or incur any other rights or liabilities. He has tremendous powers under this clause. As far as I am concerned, we on this side, if not members opposite, have every right to be concerned about the powers of the Minister under this clause.

**The CHAIRMAN:** The Chair is worried about how the Premier will link up his remarks on this clause but will allow him to do so.

**The Hon. J.C. BANNON:** I think I can solve or at least calm down the honourable member's worries. There is nothing to worry about. There is nothing sinister in this clause. The provisions confer corporate status on the Minister as they would have to do, because of the framework of the Act. Those same powers at the moment in relation to kindergartens reside with the Kindergarten Union Board, but each of the individual kindergartens that owns property and has done fund raising has control of its assets and property and will continue to do so as it always has. At such time as a kindergarten is dissolved or changes are made, under the present system that would revert to the Kindergarten Union and its control. Under this Bill it reverts to the Minister, who is exercising the authorities that are currently exercised by the Kindergarten Union in the same way, subject to all of the constraints of the Act. I point out that in the current Kindergarten Union Act the Kindergarten Union itself is constrained by having to get the Minister's consent if it wishes to dispose of property, for instance. So, all the safeguards that the member is talking about, and particularly the holding of property at the local level, are not affected by this clause at all; it is simply the clause which one will find in dozens and dozens of Bills where a Minister has some corporate responsibility and it confers on him corporate status.

Clause passed.

Clause 7—'Objections of the Minister.'

**Mr BAKER:** I wanted to make a philosophical point, because this is a philosophical clause. It refers to 'the objects under this Act'. I think the Minister is well aware that in the Kindergarten Union Act a great deal of time has been taken to define what are believed to be the objects of the Union. I notice also in the Kindergarten Union document generated on its own behalf that it has set itself tasks to achieve. I believe it is a philosophical point, but that section does not really say a great deal. In fact, one could argue with some of the wording. For example, clause 7 (b) provides:

to ensure the development of an accessible range of children's services to meet the needs of all groups in the community;



If one were to really read the wording there is a small problem there, but I am not here to nit-pick on this point, because there is a difference between all groups and those that are relevant to children's services. I believe that we should be encompassing in this part of the Bill the things we want to achieve—the objectives and some of the things that we believe are the most important aspects in relation to the delivery of children's services. I think most people would agree with that proposition. There has been a split between the objects, and then we have the functions in clause 8. In one area there is a fairly scanty and I think deficient definition of the objects of how these children's services will be delivered, but on the other hand he has a fairly long and quite comprehensive list under clause 8, which relates to the functions of the Minister. I ask the Premier why that is so.

**The Hon. J.C. BANNON:** The objects are not scanty. They are in fact as they should be: fairly all embracing. They are a philosophical statement and, I would have thought, a very generally acceptable philosophical statement, drawing together all the threads of the objects of children's services, whether it be kindergarten services, child care, or whatever. For the purposes of drafting, the objects are set out in clause 7. The functions are set out in clause 8, which then elaborates on and make more explicit a number of the objects and the way in which the Minister can carry them out. I guess it is unusual to have these philosophical statements in Acts of Parliament, but in this area all of those involved in the delivery of services believe that it is an important thing to have, and the Government agrees with that view. I guess that the member does, too, because it shows the framework within which the services are to be delivered.

**Mr LEWIS:** Clause 7(c) states as follows:

To encourage the provision of children's services that do not discriminate against or in favour of any person—

Various grounds are mentioned and then the subclause goes on as follows:

except so far as it is necessary to do so for the purpose of assisting a child to overcome any disadvantage arising out of his . . . religion . . .

Could the Premier tell me what disadvantage he believes is likely to arise out of religion?

**The Hon. J.C. BANNON:** I have not thought through specific examples of that. The clause simply repeats the list of areas where there can be discrimination and disadvantage, but, in the case of disadvantage arising out of religion, there may be an instance where a particular service has rules of conduct, let us say, that make it impossible for a child of a particular faith to take full part in that organisation. I guess all this is saying is that there should be ways and means of overcoming that; that is all. Unless the member can think of some specific examples where he thinks this may cause a problem, I think it is important to leave it in there, in case there are such examples. As we all know, there can be discrimination on the grounds of religion.

**Mr LEWIS:** No, I will not chance my arm in that regard. It is the Premier's Bill, not mine. I simply put the view that is a little in conflict in many respects with subclause (b), which is to ensure that the multicultural nature of the communities is maintained. I suppose I can chance my arm in that respect. Let us take a look at the mainstream of Aboriginal culture. That tends, when it is pursued to the dogmatic extent of its original form, to be anything other than likely to cause or enable the child to develop without some extreme difficulty in relating to other subcultures and cultures. If the Premier then says that it is the obligation of the Minister under the Act to do one thing which is in conflict with another, that is a problem that he or she will have to wear, whoever the Minister is.

*Ms Lenehan interjecting:*

**Mr LEWIS:** It is not so humorous to me.

**The CHAIRMAN:** Order! I ask the member for Mallee to pay attention to clause 7.

**Mr LEWIS:** I do try.

**The CHAIRMAN:** The Chair appreciates that.

**Mr LEWIS:** The same hiatus or conflict that I have just cited as an example arises when one looks at 'nationality' in subclause (c) and takes it in the context of subclause (d) where it relates the multicultural and multilingual nature of bringing up a child from pre-school where the child is taught only one language that is rather esoteric in its use in our society. It would be a distinct disadvantage to that child if the Minister were to pursue that policy, given that the language will not be English. To allow pre-school education centres to exist in abstraction from mainstream Australian society in that way would, to my mind, be regrettable and very undesirable. I am worried about the implications relating to the conflicts of goals in relation to this clause. It is one of the aspects of the Bill which makes me wonder about the wit and wisdom of the people who suggested the inclusion of that sort of stuff in the drafting.

It smacks of paranoia about the nature of society in which the Bill is drafted that is wholly unrealistic and arises out of some inverted snobbery or other, I guess. It is difficult to understand what rational, reasonable academic reason there could be for such a clause with so many conflicting objects to be included in the Bill.

I do not know, either, what paragraph (d) means. I ask the Premier to explain to ensure that the multicultural and multilingual nature of the community is reflected in the planning and implementation of programmes and services for children and their families. Does the Minister under that clause have a responsibility also to take the parent or parents of the child under his wing and give them some counselling about the way in which their adherence to a particular religious faith, culture or subculture is desirable or undesirable, according to the subjective interpretation of one of the staff?

**The Hon. LYNN ARNOLD:** Of course, it needs to be borne in mind with respect to the multicultural and multilingual nature of the community the recognition that, because Australia is a multicultural and multilingual society, in trying to educate young people, we need to educate against an understanding of that makeup of that society. Also, of course the multicultural and multilingual nature is not simply targeted at those whose culture or language is other than what might be assumed to be the majority culture or language: it is in fact targeted at all children. I think that the work done within the Kindergarten Union, particularly under the incentive of the multicultural adviser, clearly shows that the programmes that she has been developing are targeted at all children within the Kindergarten Union, not just at those who come from cultures other than the majority culture, and similarly with the multilingual nature.

It is not uncommon for many kindergartens to experiment with some early linguistics in teaching and in other areas for all children in the kindergarten, just to give them an understanding that there are people in other parts of the world, and in Australia, who learn different languages from themselves. Two of my children who attend a day care centre are getting experience in the Italian language: it is part of a multicultural programme to help them to be aware that there are different first languages within this country.

There is a recognition that there can be sound educational value in certain circumstances in providing programmes in languages other than English at certain stages of education. We do that, of course, in many traditional Aboriginal schools (the pre-school components of those schools) in the North-West of South Australia, where the pre-school programme

as well as the first part of the primary school programme is run in the first language sense in Pitjantjatjara. I do not mean to exclude other examples, but we do it at such places as the Trinity Gardens child/parent centre, where there are bilingual programmes in Italian and Greek to offer children that kind of support in their own language in those critical early years of learning, so that, when they have established certain educational goals, they can feel more confident in entering into English as the main language with which they will always have to deal.

The multicultural and multilingual approach is important, first, because it targets the need for all children to understand the nature of the Australian society and, secondly, because of the particular needs of certain children with respect to both of those. Experience in the Kindergarten Union, in the Education Department and will other providers in this State clearly shows that there have been some positive results from those kinds of programmes.

**Mr OSWALD:** I refer to clause 7 (b). The Kindergarten Union provides a special advisory service to kindergartens. That advisory service provides qualified staff in the areas of childhood development, special education, psychology, speech therapy, social work and medicine. I ask the Minister whether he can give an assurance, in this respect, especially in the light of a question from one of my kindergartens, which says there is a real danger of kindergartens losing their supporting, advisory and specialist staff services as a result of the formation of the Childhood Services Office.

My kindergarten staff know that they have available to them this specialist staff and services. They apparently respond in a matter of an hour or so if the kindergarten rings and asks for the specialist staff and services. As the Minister would see from a quote from a letter to me, they are concerned that, if the Kindergarten Union loses those advisory support services because of this new Bill, the kindergartens will no longer be able to contact the Kindergarten Union and have those support services provided. We seek some reassurance from the Minister that under the rearrangement those support services will still be available to kindergartens.

**The Hon. LYNN ARNOLD:** They certainly will still be available. The Government has a clear commitment to improving, as far as financial resources have enabled us, the special services support for the pre-school arena of education. We committed ourselves before the last election to double that, which we have not yet fully done. In the 1983-84 Budget we increased it by a third, and in 1984-85 we increased the number in special services by another two or three positions (I forget the actual number). So, we have been progressing on that commitment. It is not our intention suddenly to say that this changes the whole ball game so we will take it all away again. It is certainly planned that all those resources stay in. We still want to get to the doubling, if resources enable us to do so, as we said before the last election we should be doing.

The other point relates to a matter raised by the member for Hanson earlier regarding another programme that we introduced. We recognise that there is a special services section of the Kindergarten Union that provides support (either centrally or regionally) to individual kindergartens. That was the sum of money about which I was talking when I interjected inappropriately on the member for Hanson. However, the other \$20 000 referred to is money that is actually made available to individual kindergartens who want to develop integration programmes or special education support programmes within their own kindergarten. It is certainly our intention that that funding continue. It has already been in place now for two Budgets.

The other thing that is quite important is that clearly we need to work out how special services can best be developed

from now on, not eroded or transferred from elsewhere. On 19 November a seminar was held of those involved in the special services arena, not only for pre-schooling, but with child care, CAFHS, and so on. Those people sat down to talk about what would be the best model for the development of special services right across the early childhood arena in future with the CSO coming into place.

We felt that the seminar model was critical because that would give the people doing the work we want to support a chance to talk about how they felt it could best be developed. There is no intention to take away the trends that have been developed. We know we have a creditable record in this area to date, and we want to maintain and extend it as resources enable us to do so.

**The Hon. MICHAEL WILSON:** I criticise the objects of the Minister somewhat because, when they are looked at in comparison with the objects of the Kindergarten Union, they do not seem to me to give the same attention to care as one would expect. I suppose if one looks at them at a quick glance they seem to be acceptable enough but, when one looks at the objects of the Kindergarten Union, one believes that they suffer by comparison. In saying what I am going to say and reading what I am going to read into *Hansard*, I do not want to be accused by the Premier of only concerning myself about the pre-school section of children's services, as he accused members of this House of doing just a little while ago.

I want to tell the Premier that this Party cares very much about child care and the situation is very simply this: under this Bill child care is being co-ordinated. At least that is happening. We believe that it could be done much more efficiently and without as much trauma in another way, and I will not canvass all that again. Under this Bill child care is at least being co-ordinated, and it is definitely very much in need of co-ordination. We accept that and we care about it. However, it is the Kindergarten Union that will be axed, and if anyone is going to speak up for the Kindergarten Union we are, because no-one else in this place will do so.

Surely, the Premier is not accusing us of paying undue attention to the Kindergarten Union, when that is the real loser in this legislation. I want to read into *Hansard* a suggested alteration of these objects which reflects the greater warmth and sensitivity of the Kindergarten Union's objectives. It will not take very long, but I think that it is worth while, and perhaps the Premier's officers may like to look at it. The objectives are as follows:

To promote the care and education of young children.

That is very similar to what is in the Bill. Further objectives are:

to establish, incorporate, license, administer and provide for pre-schools, child care centres and other early childhood resource establishments and to co-operate with other departments/agencies in these matters;

to encourage and assist community and non-government groups and agencies involved with delivering children's services;

to advise Government on the provision of early childhood services in South Australia and to plan for an orderly expansion and delivery of these services;

to negotiate with both State and Federal Governments in the provision of resources for early childhood services in South Australia;

to promote parental and other community involvements in early childhood services and to provide a forum for discussion of matters related to the development and care of young children; to conduct and support research into early childhood, and services for early childhood, and disseminate the results of this research throughout South Australia. Such research to include child and family development, pre-school and care services, other early childhood services, building design and materials.

to promote the highest possible standards in the qualifications of staff employed to provide pre-school education, care and other childhood services;

to plan for the effective—

and the member for Mallee might be interested in this—provision of services for children with disabilities, Aboriginal children, children from ethnic backgrounds and children from other minority and special needs groups.

I believe that as far as the member for Mallee is concerned that is a much more satisfactory definition. I have read those objectives because I think that it is important, if indeed the Children's Services Office is to get off the ground, that we instil into it this warmth and feeling for children and for care. I think it is important that the Premier realise that.

**The Hon. J.C. BANNON:** What the member for Torrens has read into the record is a formula that either the Kindergarten Union or some section of the community—the Kindergarten Union board—in a modified sense has put together. It is an amalgam, and I think that one will find just about every sentiment contained in that in clauses 7 and 8. They are separated here, and certainly the objects clause (clause 7) does not contain all those points. However, if one adds the functions clause (clause 8), one will find them there. For instance, it stresses the highest possible standard of services and the highest possible standard of expertise and qualifications.

I think that one will find every element. I cannot find a specific reference in either of those clauses to a research function, although it is certainly not precluded. That is about the only one that I could not find mentioned in some way; so, what we are talking about is how one formulates it. I think that this is as good as any, and I do not think that there is any great dispute about it. One can fiddle around with words and put two clauses together, but basically one will come up with the same sort of formula, and I think that those elements are there—care for children, standards, and so on—that any other alternative form of words would suggest.

**The Hon. MICHAEL WILSON:** Will the Minister or the Premier give us an assurance that the special services section of the Kindergarten Union will be retained in the Children's Services Office and not absorbed into special education in the Education Department, CAFHS, or some other organisation, and is it to remain regionalised as it is at present, although I understand that it will be under regions different from those which apply now? I know that the Minister answered some part of the question before, but I am concerned about the future of the special services section and how it will be placed.

**The Hon. LYNN ARNOLD:** It is the intention that there should be a special services section in the Children's Services Office and there will be regional representation. However, I have also made the comment about the total breadth of resources available. The seminar took place on 19 November. I have not become fully aware of the results and discussions between those who are closely involved in the field, but I know that a paper was presented to the Kindergarten Union Board and the Executive Director of the Kindergarten Union by someone doing an executive development programme. He studied special services and made a number of far-reaching recommendations, which he conveyed to the union and which the union thought worthy of further consideration.

Among those recommendations was the suggestion that certain kinds of services should not be offered within a body like the Kindergarten Union or the Children's Services Office but should be distanced to a body like CAFHS, while other kinds of services should be offered within a body such as the Kindergarten Union or Children's Services Office. I believe that these are the sorts of things that officers at that level in agencies are more able to know concerning the best kind of service delivery they are after.

However, it is clearly our intention that there should be regional representation in the Children's Services Office

with special services support but, if they themselves say that there are certain kinds of services that they want to see CAFHS deliver more than has been the case in the past, I do not necessarily believe that I have the expertise in those particular clinical areas to say that that is wrong. Clearly, these are things that have been talked about between clinical officers, advisory staff, kindergarten directors, parents, and the like. Therefore, I cannot give an unequivocal answer to that. Whether or not the Children's Services Office goes ahead with that sort of thing would still be the subject of debate between those in the field, and if there had never been Children's Services Office legislation it is clear, by the fact that this report had been presented to the Kindergarten Union, that the Kindergarten Union itself would have been investigating this area.

However, there will be a special services section in the Children's Services Office. It will be regionally represented, because that has proved itself well in terms of the present Kindergarten Union and the way the resources that we as a Government have put in have been regionalised. The question simply remains about some clinical areas as to whether or not they end up in the Children's Services Office or outside in areas like CAFHS.

Clause passed.

Clause 8—'Functions of the Minister.'

**The Hon. H. ALLISON:** I have been struggling to find a suitable clause against which to link a series of industrial questions to which I have been asked to obtain answers by people in the field. In view of the fact that the Minister and his successors in office are a body corporate and under clause 8 the functions of the Minister are to provide children's services, as the provider, he is probably the employer. I would therefore like to link these questions to the clause. Among the provision of services is the provision of staff and a range of other matters.

My first question relates to subsidised child care centres and these are the areas for which the Minister of Community Welfare would be more responsible under the existing legislation. Will the entire area of training, professional qualifications and awards be reviewed, and will there be improvements in those awards with some standardisation of conditions and salaries throughout the field of subsidised child care centres, and the like?

[Midnight]

**The Hon. J.C. BANNON:** That is essentially an industrial matter. There may well be over time consolidation of awards but it would have to be as a result of negotiation with the industrial organisations concerned. There are in fact ongoing negotiations at the moment taking place. Later in the Bill there is reference to recognition of industrial organisations and also the Minister's right to lay down the terms and conditions of employment. In fact, in practice, that is qualified by the existing industrial awards. Perhaps in time there would be some consolidation and standardisation of terms and conditions, but I do not think that will happen overnight. One of the advantages of the CSO is that one is able to look across the full spectrum and move towards that. That will be subject to negotiation with the unions. Ultimately it must get the sanction of the Conciliation and Arbitration Commission, and it is not a proper area to be covered specifically in this Bill.

**The Hon. H. ALLISON:** The reason that I dwell on this clause is that much of the support that the Minister has obtained from this area, the subsidised child care area, and all of those associated with the Minister of Community Welfare, lay in the fact that there is a wide variety of awards and in many cases absolutely no award. The majority of

people who are concerned about improving their lot in life believe that under one Minister there would be a greater degree of standardisation. They have their eyes set on the awards covering the child/parent centre staff, under the Education Department, the Kindergarten Union having a slightly lower award, and they believe that they would aspire to that. Therefore, the question relating to professional qualifications, the training which might be available or insisted upon and the upgrading of salaries are of paramount importance to a great number of people in that child care area.

The child care legislation provides for salary grants which are based on relevant nursing and teaching awards, but it does not subsidise long service entitlements or relief staff. Does the Minister envisage that when the CSO takes over there will be a substantial change and that subsidies will be made available?

**The Hon. J.C. BANNON:** The employees in the subsidised child care centres are paid for by the Commonwealth, and they are subject to the Commonwealth awards and agreements, so they are not affected by this Bill. It is true that that is something that they are pursuing and will probably continue to do so, but it will not be affected by these provisions, because they relate, for those terms and conditions, to the Commonwealth. As long as the Commonwealth continues to supply the funding, that is where their industrial energies, I guess, will be directed.

The general point that the honourable member makes is a fair one. There probably are discrepancies in payment and there has been, by reason of practice or the way certain services have developed, some areas where there is low remuneration and others where high standards have been set which do not necessarily relate to qualifications or professional standards. It is a complex area, but it is one that is the proper subject of industrial negotiation and, on occasions, arbitration rather than in the framework of this Bill. This Bill will not change that but it will provide a better umbrella under which these things can be co-ordinated.

**The Hon. H. ALLISON:** The Premier's answer and lack of information highlights the very point which we were making in the earlier debate and which we thought we were making very responsibly: that is that, in spite of the Premier's reassurances to the Kindergarten Union, and reassurances that have been given elsewhere, the brief time that we have available to debate the Bill is really ample time to allow the Government to resolve problems associated with the legislation before implementation of the Bill in 1985, it is perfectly obvious that there is a whole range of issues on which people out in the field felt they had been given assurances and yet which have not even begun to be addressed by the Government. I can understand that they have not been addressed, because these are the very issues which have been quite contentious ones—problematical—for many years, and they are probably among the reasons why there has been a deferral of bringing all the subsidised child care areas under the one Minister. They have been left under the Community Welfare Ministry simply because they were quite differently treated from those within the Minister of Education's ambit.

We have been given assurances that the problems could quite easily be resolved, and it is obvious that they cannot. There are a number of issues, and they were referred to in the Coleman Report at pages 158 and 159, a report which has been to hand for quite some time and which might well have been begun to be addressed by the Premier's or the Minister of Education's Departments. It is obvious, from the degree of consultation that will follow as we go down those problems we raised, that there are a whole range of issues that have still not even been looked at. The real question is what advantage are the staff as well as the youngsters going to gain from the incorporation of the

subsidised child care centres and related bodies within this Children's Services Office.

It is relevant to the Minister, being the body corporate, having the duty of providing and having a need to achieve efficient use of available resources. If these bodies are all under the one CSO, the available resources are limited, and the expectations of staff in this subsidised child care area are very high. Whatever the Premier and the Minister may believe, the expectations out in the field are high. From what I have heard of the Premier's response to the first question which dealt with those covered under the child care legislation, it seems obvious that little negotiation has been set in train with the Federal Government and that the possibility of the expectations of those people not being met means that the Government will be spending less money. But if the expectations of those people in the community welfare area are met, then I can see the bills, salaries and working conditions for long service leave and everything else expanding at a quite dramatic rate. This is of tremendous importance to the Government. If it is going to bring everything under the ambit of the CSO and the expectations of those in the lower echelons of employment are that their salaries and working conditions generally will be improved, obviously substantial additional expense will be incurred.

That is one of the reasons why I believe the Minister should have another long look to ensure that he understands the implications contained in appendix G on pages 158 and 159 of the Coleman Report which literally point out that very substantial demands will be placed on the Premier or the Minister of Education if he is to provide and upgrade the status of those officers. This is a major area and an extremely important one, and it is obvious that anomalies exist between the large number of differently qualified staff placed in this field, most of whom have qualifications and expect some recognition therefor.

One of the major complaints in the field is that they are working for less than award rates. For example, there is a difference in the award rate under the Municipal Officers Award, the Social Workers Award and the Family Day Care Staff Award. Obviously, people want to obtain the highest possible salaries. So many anomalies are contained in this very early childhood area of employment that I believe the Government is buying into a very complex industrial issue which will not diminish with the entry of these subsidised child care centres, and the like, into the Children's Services Office. Most of the employees who have outlined their problems to me believe that this will be a solution to their underpayment and to their lack of subsidisation for long service leave, and so on.

**Mr BAKER:** I refer to an ancillary point in relation to the object 'to ensure that the expertise and qualifications of persons who provide children's services are of the highest possible standard'. A lot of discussion has occurred amongst child care deliverers (and this relates to the point made by the member for Mount Gambier) about the standards being referred to. What does the Premier envisage in relation to the standards to be aimed for in child care establishments? This is far less definable in this area: for example, in the kindergarten/pre-school area qualifications are laid down for the Director, the staff and for the aides themselves, whereas in the child care area a variety of arrangements are made, some due to economic considerations and others because of a position of advantage that may have occurred over time. What is the Premier's standpoint on the qualifications of persons working in the child care area?

**The Hon. J.C. BANNON:** My standpoint is that they should be of the highest possible standard, and of course this is relevant to the availability of courses, finance, and a number of elements. I do not quite understand the gravamen of the honourable member's question. The provision

referred to by the honourable member was added to the legislation in the light of comments made by the Kindergarten Union, which felt that some specific reference should be made to what one could generally term as excellence. In a sense, this is redundant, because obviously we would not try to develop centres with a view to having low or mediocre standards. Of course, we will strive for the highest possible standard, but there is no hard and fast definition for all cases and no set of qualifications to which one can point. They are evolving and developing. There is increasing professionalism. A cost will be associated with it, as the member for Mount Gambier pointed out, but this will be approached gradually and, I hope, sensibly.

**The Hon. H. ALLISON:** Industrial law in South Australia requires that employers comply with the relevant minimum award for the industry. The relevant minimum award in South Australia is the Child Care Centres Award, 1983. Marie Coleman argues that the Municipal Officers, South Australia, Salaries Award, 1981, is the relevant award for centres attached to local government. When the Children's Services Office is brought into effect, does the Premier intend to initiate the change from the lesser award to a more substantial award to ensure that the relevant award is adhered to?

**The Hon. J.C. BANNON:** No, there is no intention to do that. It depends on the Commonwealth, which is funding this area. It is not affected by the State.

**The Hon. MICHAEL WILSON:** Will the Premier provide to the Committee details of the proposed staffing establishment of both head office of the Children's Services Office and the regional offices?

**The Hon. J.C. BANNON:** No, I cannot do that: I do not have such information. I do not know that the matter has been finally determined as yet.

**The Hon. Michael Wilson:** You do not know?

**The Hon. J.C. BANNON:** No: I would be surprised if it has. I shall take advice on that. That is still being worked on at the moment. That is one of the things that will follow the passage of the Bill.

**The Hon. MICHAEL WILSON:** I must say I am quite amazed: I thought that at the very least the Premier would know whether the staffing had been established. However, he said that he was not sure whether or not it had been established, and he now tells us that it has not been. This is a very crucial point. I am sure that the Committee realises that, and I hope that the Premier does, too. The cost of setting up a new office is really something about which an estimate should be provided in the course of debating the legislation.

*The Hon. J.C. Bannon interjecting:*

**The Hon. MICHAEL WILSON:** If the Premier has an idea of the cost that will accrue in setting up the CSO, surely there must be a staffing number on which that cost is based. I would have thought that that was fairly elementary. My colleague the member for Mount Gambier reminds me that it has been said that it is more economical to set up the Children's Services Office than it is to retain the Kindergarten Union. I do not know how that could be known if it is not known what the staff establishment will be. I do not think this is an unreasonable question.

**Mr Baker:** You have already advertised positions; you must have some idea of staffing establishment.

**The Hon. MICHAEL WILSON:** I am sure that the Premier will want to reply to my comments. He was discussing with his Minister then the proposed cost of setting up the CSO: perhaps he will now give us that information.

**The Hon. J.C. BANNON:** We have provided \$150 000 in the Budget, as the member knows, as part of that establishment cost. Obviously, other administrative resources will be brought to bear on the Children's Services Office.

They have not been finally determined. All that I can say is that the necessary money will be provided. At this stage the final framework and structure have not been determined. It is certainly true that some of the key positions have been defined and advertised. In fact, the persons occupying those positions would, I hope, have some say in the structure below them. For that reason, it is important that it be not set too firmly. As the Minister of Education points out, that is what has happened with SSABSA and various other organisations. One of the problems involved with a delay in passing this legislation is that it would also delay the appointment on those positions which, in turn, will delay the finalisation of that structure. I suppose one could argue that in the short term that might save the Government money, but there is no question that financial benefits in terms of proper co-ordination can be identified in this exercise.

**Mr BAKER:** The Premier's answer surprises me because those people who have had anything to do with the public sector or private firms would understand that the structure of organisations is about bodies, people, salaries and a whole range of other things. When one is talking about structures, there must be some principle under which hierarchical or less than hierarchical structure will work and how many people will fit into the framework. If we are going to appoint three directors, we assume that one director and two assistant directors, or whatever, must have a role and function and a fairly good view of the resources required to carry out that function.

In most of the documents that I have ever seen put up for staffing rearrangements, it has been quite clear that one of the essential ingredients in any of the upper positions, if they have been reclassified or if a new office is being set up, is that there has to be a clear statement as to what the final content of the office will be. That is standard practice within the public sector. It is a little less formal in the private sector, but the principles still adheres there. We will not make an assistant director with one staff member, for example. Some rules of thumb are carried out in the public sector.

The Premier says that we can have key positions—10 positions. I would not think he could decide on any position other than that of the director until he has some view of the needs and resources required. It may evolve further over time, but, as a starting point, as the office gears itself up to carry out the tasks that are written into this Act, I would expect the Premier to have a clear understanding of his ultimate staff needs and costs. It is fascinating to hear that he has departed from all these accepted practices.

**The Hon. LYNN ARNOLD:** I do not know what the member means by 'departed from accepted practices'. On a number of occasions, when there was a decided field for a corporate policy or structure in terms of a policy and what was being sought after, the detail took some further developments before one could flesh out a structure. The Premier mentioned the Senior Secondary Assessment Board, which was a case in point. This Parliament legislated for the establishment of that authority. I know for a fact that, if any member had asked me when the legislation was going through, to detail the structure of the Senior Secondary Assessment Board of South Australia, I would have had to say that I could not give that information.

The chief executive officer who has now been appointed we believed was a critical person to then determine the best way of providing what the Parliament was seeking from that piece of legislation. This legislation is proposing a corporate identity. It is proposing a set of objectives to meet the needs of children's services, and we are proposing that there will be a chief executive officer with some senior positions supporting him. The further development of that

must come as there is further awareness of what needs to be done in the field in pre-school, child care, vacation care, after school care, and so on. We can definitely say that there will be six regions within the new CSO, but the needs of each region need to be talked about.

The lengths gone to by the steering committee in discussing with a number of people, including the consultancy group, how each level or region should be staffed have been very impressive. There have been a number of diagrams identifying positions not only at the central level but also at the regional level, and each one of those has been discussed with the consultancy group. It has come back and said that this is wrong or that is right. That is why we are not able to say here today that the definitive answer that meets the expectations of those within the various fields of endeavour which the CSO will be looking after can be provided now. However, we can say that there will be a regional approach to the problem and a co-ordinated approach for different services.

There will be a central office supporting the regions, and it will have, amongst others, a chief executive officer and various directors below that, but the fleshing out of that will come with further development. I do not believe that we have or indeed ought to be able, at the time of passing legislation, before a chief executive officer is put in place (and that cannot happen until the legislation is put in place), to give the fine detail of all the other positions that will take place within this organisation.

The other point to be considered is the staffing that exists in bodies presently in place that will be taken into the CSO—most notably the Kindergarten Union. Clearly, that will have an impact on the final staffing of the CSO, because many people presently within the Kindergarten Union will be clearly within the CSO, and that will affect the kind of structure that is developed.

One might say that, if we had started from scratch and there had been no Kindergarten Union, the kind of corporate structure that may have been built up may have been entirely different from what will actually be the case, given the fact that it will take into account the existence of the Kindergarten Union and its central structure of support staff and the regional staff structure that presently exists.

**Mr BAKER:** I have heard some gobbledegook in my time. I can adhere to the principle that, if one wants to appoint a director and wants some staff (and this happens) to assist through the process of getting the office established by the most efficient means, remembering that one has commitments to the Kindergarten Union, one would not be advertising for more than one position but would be seconding people and not tying oneself down to anything. That is why we have raised the matter. We are going through the process of placing 10 people.

If SSABSA is any indication of what will happen in this area, we have a gigantic problem on our hands. If anyone had read the SSABSA document and understood the possible strategies for assessment at the senior secondary level, they would understand that the bureaucracy that could be created under at least one of those options could be absolutely mammoth. We never envisaged that when the Bill first went through, and perhaps we should have tested it out in a more stringent fashion. If the operation had been to appoint one director or an acting person to set the process in train and to get the office set up, I could understand it, but to me it is total anathema that we have so many positions advertised, remembering that we have commitments to the Kindergarten Union and to child care. The Government is willing to make 10 appointments but the Minister is not willing to tell us what is the end point of the system. To us it is an important question.

It could well be that the Minister's model development could be far in excess of what the State can afford and that the resultant impacts on budgets could be seen in future years. We do not necessarily say that we trust the Minister in this matter. He should be able to indicate to the Parliament the position so that at Budget time we can test the accuracy of his vision and how useful his deliberations were, as well as how efficient his organisation has been.

I leave that point now, and I know that it will not receive a response. The Government has taken us part way along the track, but it does not know where the track is leading: are we at the start, halfway down or at the end of the track? I believe we are at the beginning of the track. Therefore, the position should not be cemented unless the Premier has a firm idea of where we are going.

Clause passed.

Clause 9—'Delegation.'

**Mr MATHWIN:** What does the Premier have in mind in relation to 'any other person'? It appears to me to be a most dangerous provision. I suppose it is reasonable that the Minister may delegate to the Director, but to include 'any other person' is very wide indeed and causes me some concern.

**The Hon. J.C. BANNON:** In the course of his fairly long sojourn in this place the honourable member would have come across this clause thousands of times. It is not dangerous or unusual: it is a standard clause. In Public Service departments there are particular levels of delegations of authority. For example, in terms of monetary payout, certain amounts can be authorised without reference, and the amount rises with the status of each officer until one reaches an amount for which even the permanent head does not have delegated authority and which must go to the Minister. The same sort of provision applies in this area. It is a standard delegation clause in order to improve administration.

**Mr MATHWIN:** I raise this matter because we must remember that, under this Bill and a previous clause we have passed, the Minister is allowed to acquire and dispose of property, real estate and personal property of kindergartens, and so on. Under the existing legislation the Kindergarten Union is able to do that, but it must obtain permission from a number of organisations including the Childhood Services Council, the Education Department, the Department for Community Welfare and any other organisation or body with which collaboration is desirable in the interests of promoting the objectives of the Kindergarten Union. In this Bill the Minister himself has been given direct power to acquire and dispose of property. I am concerned that the Minister is able to delegate this power to 'any other person'.

**The Hon. LYNN ARNOLD:** The honourable member asked about delegation powers, linking that with the disposal of property, and he feared that there was inadequate control in the legislation compared with what occurs in the Kindergarten Union legislation and the other avenues from which the Union must seek approval. One of the bodies mentioned by the honourable member, the Childhood Services Council, no longer exists. That is one of the difficulties in including other authorities, because they can simply change in law and go out of existence. The point is made that the kind of corporate identity established with the Minister in the legislation is standard. Many areas of Government hold property. There are established guidelines on the value of money that is involved before it can be delegated to various officers within a department. Those delegation limits would be the same for the CSO as they would be for other areas.

At one officer level there is a \$50 delegation limit, and that rises, according to an officer's status, until one reaches the Cabinet stage. Clearly, that affects real property as well, because there are not too many blocks of land at \$50.

Therefore, effectively, the Minister will be involved in the disposal of assets in terms of having to give authority to do that. The delegation clause is protected not only by the fact that it is established in other areas but also because of the established limits that have been effectively laid down by Cabinet on advice from the Public Service Board, Treasury, and so on, as to what are appropriate levels at which to delegate these authorities. The Bill establishes in a later clause a consultative mechanism, the purpose of which is to require that the Minister consult with or be advised by that consultative structure. There is a central consultative committee and regional consultative committees. Those advisory boards are really the equivalent of the Kindergarten Union's having to seek advice from a number of other areas when disposing of assets. That ensures the same sort of guarantees and protections that exist at present with the Kindergarten Union.

Clause passed.

Clauses 10 and 11 passed.

Clause 12—'Staff.'

**The Hon. MICHAEL WILSON:** I refer to using the provisions of other Acts. We know that the Public Service Act does not apply, except in the case of superannuation. As far as the Minister of Education and the South Australian Health Commission are concerned, I suggest that the ability to have access to staff in those areas is important. However, it is a fairly wide Ministerial power. No doubt in this Bill the Minister has rather enormous powers: in fact, wider than one would normally find in another Bill of this type. That may be for various reasons, to cut red tape, and so on, but there is no doubt that the Minister has wide powers in this area. Why is that necessary? Is it just because of the transfer of staff to form the new office that may be needed? Why is it necessary to have the ability to tap into the other two departments?

**The Hon. J.C. BANNON:** It bears on a point made by the member for Mitcham a little while ago that it could well be useful to have persons seconded into the Children's Services Office and the flexibility to carry with them their conditions of service. I think there is general agreement that mobility is fairly desirable between several areas that relate to children's services, and this enables that mobility and secondment to take place. It is not usual. That is true, because there are not so many situations where this is seen as appropriate, although there is increasing use within the public sector generally of secondment powers.

**The Hon. MICHAEL WILSON:** Clause 12(1) really gives the Minister absolute control, because he is empowered here to appoint such officers and employees as he thinks necessary or desirable to assist him in carrying out his functions under this Act on such terms and conditions as he may determine. That really is an extraordinary power. I would like the Premier to tell the House why there is no mention of industrial awards or tribunals in that clause and why it is couched in those terms.

**The Hon. J.C. BANNON:** It is not an extraordinary power in the Public Service: in fact, it is in a number of other Acts. It is a convenient way of overcoming problems that may arise in the absence of particular industrial awards or agreements. In other words, the industrial awards and agreements prevail. Employers are obliged to comply with them, but occasionally one may get a situation where some groups of staff do not have direct award coverage. That may be because an award has not been established in that area.

Let us say that there are one or two special categories of employment that have not been introduced in an award, or that there is a hiatus between the expiry of an award and a new one: it is an enabling clause, but it does not mean in practice, where that sort of clause applies, that Ministers go

around setting individual terms and conditions for employees. It is an enabling clause to ensure that at all times there is a set of terms and conditions in a situation where an award may not apply.

**The Hon. H. ALLISON:** That was an interesting response, because I draw to the Premier's attention the problems caused by the non-indexation policy in child care. They are particularly acute where there is no State award at all as, for example, for employees in play groups, or if the State award chosen by the service does not refer to child care centres—directors of centres and teachers—or where similar qualifications attract indexed Commonwealth subsidies for services receiving a subsidy under other Commonwealth programmes and where the Commonwealth subsidy, for example in family day care, has no real link to costs of provisions. The whole matter of indexation should not really be passed back to the Commonwealth, as the Premier did explain in answer to an earlier question, because the Minister himself under the terms of clause 12 has the discretion to remove those anomalies to make indexation available.

Is it the Premier's intention to do precisely that? Where there is no State award and where there is an indexation policy, will the Premier decide to index and bring them more in line with other employers within the CSO?

**The Hon. J.C. BANNON:** No, it is an enabling clause. Obviously, the terms and conditions of Commonwealth funded employees are governed by those funding agreements. The Minister will not intervene and establish a special set of terms and conditions in that instance. I am not sure what brief the honourable member has. He has asked some other questions around this area, and I guess I will respond in a similar way throughout. Obviously, there will have to be industrial negotiations, achievement of awards and agreements with the Commonwealth. Negotiations and discussions have been continued by my colleague the Minister of Community Welfare in this area. However, the enabling Bill itself does not affect that position: that is something between the industrial organisation and the various employers themselves.

**Mr OSWALD:** I am having a little difficulty in understanding subclause (5). The Premier may have answered my question earlier in relation to another clause. Can the Minister explain who is the Minister in the Bill? Is the Minister going to be the Premier or is the Minister referred to in the Bill the Minister of Community Welfare or the Minister of Education? Who is the Minister in personality?

**The Hon. J.C. BANNON:** This has been explained many times. I am the Minister in charge of this area, because of the overall co-ordinating role and the importance we place on getting this established and off to a flying start. Whether or not the Premier of the day remains the Minister in charge of this area, that has not been finally determined, but it is not a case of saying, 'It is the Minister of Education.' In this instance he is the Minister assisting, or the Minister of Community Welfare by designation. It could be the Minister of Public Works or the Minister of Fisheries. This portfolio is obviously unlikely to be in those areas because there is not much correlation there. However, the concept of human services Ministries would be one of them, such as health, community welfare or education. Which individual holds one or more of those portfolios depends on the Ministerial allocations of the day. However, the short answer is that in the establishment stage I would certainly remain the Minister.

**The Hon. H. ALLISON:** State policy in South Australia requires that staff whose employment depends on annual Commonwealth grants should be on annual contracts. In the family day care schemes that are currently operated by the Department for Community Welfare all staff positions are filled on three-monthly contracts, yet the Commonwealth grant is invariably an ongoing one and of indefinite duration.

Since the Minister, as we see in clause 12 (1), does have the power to employ such officers and employees as he thinks necessary or desirable, etc., under the terms and conditions as he may determine, will he remove the anomaly and extend the three-monthly contracts to match continual Commonwealth funding, or does he intend that the anomaly remain?

**The Hon. J.C. BANNON:** I am not sure what relevance the question has to the Bill. Like industrial conditions referred to earlier and the concept of Commonwealth funding and its adequacy, it is recognised that there are anomalies and problems. Obviously, the member for Mount Gambier is sympathetic to the claims being made in this area, in some cases probably with good reason. However, that is a matter of industrial conditions that will be negotiated over time: it is not the subject of this Bill.

**The Hon. Michael Wilson:** But it is spelt out in the Coleman Report.

**The Hon. J.C. BANNON:** Yes, but this is an aspect of it. This is not the Coleman Report: this is a Bill establishing the Children's Services Office.

**The Hon. H. ALLISON:** I believe it is extremely relevant because the support which the early childhood area has that is currently under the responsibility of the Minister of Community Welfare is looking towards this unification of childhood services to re-establish some commonality with regard to working conditions, salaries, training and qualifications generally. If, as we have had from the Premier repeatedly in response to the problems raised by Marie Coleman, an indication that so far it is simply an industrial matter that has not really been addressed or it is a Commonwealth responsibility, obviously the support which the early childhood section has given to the Premier and the Minister could be misplaced support.

Their expectations may be considerably higher than the Premier and the Minister will obviously allow, and in that case I believe that it is extremely relevant that these issues should be addressed by the Minister in charge so that the people in the field know precisely where they stand. That is the whole reason why I placed all these questions before the Premier. The people in the early childhood area are literally hanging on his responses. If he says, 'This is an industrial negotiation this year, next year, sometime, never,' the people will be disappointed.

**Mr MATHWIN:** I ask the Premier what is the significance of subclauses (4), (5), and (6). Subclause (4) provides:

The Minister may, with the approval of the Minister administering any Department in the Public Service of the State, upon terms and conditions mutually arranged, make use of the services of any officer, or use any facilities or equipment, of that Department.

Subclause (5) provides:

The Minister may, with the approval of the Minister of Education...

Subclause (6) provides:

The Minister may, with the approval of the South Australian Health Commission, on terms and conditions...

What about the Minister of Community Welfare? He does not even rate a mention in this situation. What is the significance of the fact that the Minister of Community Welfare has been left out of this area?

**The Hon. J.C. BANNON:** The Minister of Community Welfare has not been left out. He is under subclause (4) because his Department is a Public Service Department. The Education Department is not under the Public Service Act, nor is the Health Commission, so the Minister of Community Welfare and any other Minister are under subclause (4).

**Mr BECKER:** The information that I seek from the Premier relates to subclause (1), which states:

The Minister may appoint such officers and employees as he thinks necessary or desirable to assist him to carry out his functions under this Act on such terms and conditions as he may determine.

I am concerned about the following statement made by the Premier when introducing this Bill:

The vast majority of the Union's staff will be transferred directly to employment under this new Act, on their current terms and conditions. This will apply to all local level service delivery staff. Some of the more senior positions within the new Children's Services Office have been or will be openly advertised, and this may result in a limited number of people not being able to be placed satisfactorily in the new structure, or being appointed against a substantive position which is nominally at a lower level.

What is meant by that statement and how does the Government propose to establish the structure that will affect opportunities? To me it means that the classification structure will be such that some senior staff could very well lose out. What is envisaged by that statement?

**The Hon. J.C. BANNON:** Under the constitution of the new office there will, as evidenced by that statement, be positions that are advertised. In fact, I think that the whole creation of the Children's Services Office provide greater opportunities for those in the field. If they have the ability, the desire to succeed, the qualifications, and so on there are opportunities open for them. There is a guarantee of employment for everyone and I would have thought that it was self-explanatory. When one creates a new structure it is a very healthy thing to require a reassessment of who will be at the top of the structure in policy terms, and I think that that is welcomed by operatives in the field.

**Mr BECKER:** In merging several services does it mean that you will cut down a number of senior positions? In other words, will there be rationalisation and can the Premier advise the Committee the number of senior positions that will be created in the Children's Services Office?

**The Hon. J.C. BANNON:** There will be some contraction and that is part of the efficiency that one can create in that instance, but the review that has been done suggests that we should be able, in reducing central services, to put more resources into the regions. There will be some transfer of functions there so that the regions are better able to be served as well.

**Mr BECKER:** Can the Premier give the Committee some idea of the number of positions that exist currently and the number of new positions, indicating whether there is an actual rationalisation? Can he give some idea whether it may be 50 to 45, or whatever it is?

**The Hon. J.C. BANNON:** No, I cannot. I think that we covered this question earlier when we were talking about the structure. Ten senior positions have been advertised. The structure below them has not been finally determined, pending the appointments in those positions because, as I said earlier, we believe that it is useful to have some input from the people who will run the organisation after their appointment before the organisational structure is set hard; so, I am afraid that I cannot give numbers or a breakdown at this stage.

That will evolve once we have the Act established and the persons appointed to their positions. The Minister of Education advises me that the present Kindergarten Union central organisation has about 80 persons. The central organisation required by the Children's Services Office will be about 40 person; so, that is the sort of order of change from the central office, but that does not mean that there will be 40 positions that will no longer exist anywhere. Again, that gives the opportunity to provide some increased resources to the regions.

**The CHAIRMAN:** Order! The honourable member has used his time.

**Mr BECKER:** What about subclause (6)?



**The CHAIRMAN:** The Chair can only find that the honourable member is having a very good try at getting over the problem, but the Chair will not accept it. Better luck next time!

Clause passed.

Clauses 13 and 14 passed.

Progress reported; Committee to sit again.

### EQUAL OPPORTUNITY BILL

The Legislative Council requested a conference, at which it would be represented by five managers, on the House of Assembly's amendments to which it had disagreed.

The House of Assembly agreed to a conference, to be held in the House of Assembly conference room at 10.30 a.m. on 6 December, at which it would be represented by Messrs Allison, Crafter, Gregory, Ms Lenehan, and Mr Meier.

### COMPANIES (APPLICATION OF LAWS) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 November. Page 1907.)

**The Hon. H. ALLISON (Mount Gambier):** The Opposition supports this legislation.

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

### BUILDING SOCIETIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 November. Page 1959.)

**The Hon. H. ALLISON (Mount Gambier):** I support this legislation.

**Mr BAKER (Mitcham):** Whilst the changes certainly make the operation of the building societies far more in tune with the needs of today, I make the point that, since the 1960s, building societies have provided an element of housing finance which was not available through the savings banks area.

**Mr Becker:** But how safe—

**Mr BAKER:** A building society has never failed in South Australia. Building societies have provided an avenue of finance for many years in this State and have been able to make available finance which has saved a large number of people from entering into high mortgage finance arrangements through finance companies. Many members of the House probably had to buy their house using a loan from the Savings Bank, or whatever other bank was available at the time, as well as a substantial or otherwise loan from a finance company at very high premium rates of interest. Building societies entered the market as viable lending institutions and changed that situation.

The amendments make the building societies in many ways more equivalent to banks in the way that they can deal in shares and other forms of finance. I am not sure that what we are doing is totally appropriate because I believe that some of the money which is available for housing today and which keeps other areas of housing finance competitive in the private market will be removed. What we could have is the spectre of building societies that use all their funds which are on loan to them to invest rather than to provide moneys for building houses in this State and that will fluctuate as the market demands.

We have had a very good financial avenue for housing through this medium. Whilst it is necessary in some ways to free up the alternative areas of placement of finance I believe that the ultimate outcome could well be to the detriment of home builders and home buyers in South Australia. The building societies themselves are no longer the building societies that we knew in the past. I hope that if they do not fulfil their function some other financial institution will pick up in the area that they have served quite valuably in this State and elsewhere for many years.

**The Hon. G.J. CRAFTER (Minister of Community Welfare):** I thank the Opposition for its support of this measure.

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

### CO-OPERATIVES ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).  
(Continued from page 2227.)

**The Hon. H. ALLISON (Mount Gambier):** The Opposition supports this legislation.

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

### PLANNING ACT AMENDMENT BILL (No. 4)

Received from the Legislative Council and read a first time.

*[Sitting suspended from 1.11 to 1.40 a.m.]*

### EQUAL OPPORTUNITY BILL

**The Hon. G.J. CRAFTER (Minister of Community Welfare):** I move:

That Standing Orders be so far suspended as to enable the conference with the Legislative Council to be held during the adjournment of the House and the managers to report the result thereof forthwith at the next sitting of the House.

Motion carried.

### PLANNING ACT AMENDMENT BILL (No. 4)

Second reading.

**The Hon. D.J. HOPGOOD (Minister for Environment and Planning):** 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

Members will recall that this is not the first occasion on which the provisions of subsection 56 (1) have been brought to the attention of this House. Members will also recall that in May this year they were asked to consider and vote upon an amendment to section 56, the purpose of which was to suspend the operation of placitum (a) of subsection 56 (1) of the Planning Act. That amendment now appears in subsection (3) of section 56. Honourable members will recall that that amendment became necessary as the result of a judgment delivered by His Honour Judge Ward in the Dorrestijn case, that is the case involving scrub clearance on Kangaroo Island. That case involved an interpretation of placitum 56 (1) (a) of the Planning Act.

The South Australian Planning Commission appealed to

the Full Court of the Supreme Court against that decision, and in April last year when this House was asked to first consider the suspension of that placitum, we were awaiting the judgment of the Full Court. Accordingly the amendment was not to operate until declared to do so by proclamation, and the Government gave to this House an undertaking that the amendment would not operate until the final decision in the Dorrestijn case became known.

The Government has honoured that undertaking. Members will recall that the South Australian Planning Commission won the Dorrestijn case in the Full Court. However, Mr Dorrestijn appealed to the High Court, which appeal was heard in Canberra in August this year. After the hearing of that appeal it became apparent that the 'sunset' clause provisions suspending 56 (1) (a) would be inadequate in that they would expire before the judgment of the High Court was handed down.

Accordingly, last month this House agreed to an amendment varying the 'sunset' provision from 1 November 1984 to 1 May 1985. On 29 November 1984, the High Court delivered its judgment in the case. The High Court decided, three judges to two, to reverse the decision of the South Australian Full Court. Accordingly, a special Executive Council meeting was held on that day, at which meeting His Excellency the Governor made a proclamation bringing subsection 3 of section 56 into operation. In other words, His Excellency suspended the operation of placitum 56 (1) (a) of the Planning Act, and members will appreciate that that suspension will now last until 1 May next year.

Honourable members will also recall that section 56 (1) (a) was suspended in order to bring developments not involving changes of land use under the normal provisions of the Planning Act. The amendment necessarily extended beyond developments simply involving the clearance of scrub.

It was, I think, accepted by the House that the consequences of the Dorrestijn judgment were such that it was necessary to introduce holding legislation whilst the matter was further considered. The purpose of this Bill is to ensure that that holding legislation already accepted both in this House and in another place remains effective and implements the intentions of honourable members expressed when the amendment was agreed to.

The Bill is necessary because the High Court, when considering the proper interpretation to be placed on section 56 (1) (a), made certain comments with respect to the proper operation of section 56 (1) (b). The views of the High Court with respect to the interpretation to be placed on section 56 (1) (b) are such as to substantially detract from the fair and the effective operation of the Planning Act. What the High Court said in effect is this—the purpose of section 56 (1) (b) is to preserve the rights which a person has under the development plan at a given time, notwithstanding any subsequent changes to the development plan brought about by a supplementary development plan approved by Government and this Parliament, pursuant to section 41 of the Planning Act.

In other words, the High Court regarded a use which is permitted in a development plan as being an authorisation of that use for the purpose of section 56 (1) (b). The court based this conclusion on the wording of subsection 47 (3), which permits the undertaking of a development permitted by the development plan without planning consent. This, the High Court said, was an authorisation of that development and thus protected by section 56 (1) (b).

In other words, where a supplementary development plan changes land use controls in such a way that what was a permitted use becomes either subject to consent or totally prohibited, persons owning land immediately prior to that change are permitted to undertake that development without any planning consent, notwithstanding that those changes have been approved by the Joint Committee on Subordinate

Legislation of this Parliament, pursuant to subsection 41 (12) of the Planning Act.

The Government's concern on this matter is substantially increased by reason of the fact that there is no time limit on these rights. Let me give a simple example. Assume that the development plan as it stood when the Planning Act came into force in November 1982 designated a rubbish tip as a permitted use with respect to a particular piece of land in, say, a special industry zone; the view of the High Court is that such a use is authorised by the Planning Act. Let us assume that in July 1984 a supplementary development plan changed the development plan by designating that land and its surroundings to be residential, and, when so doing, declared a rubbish tip to be a prohibited use. What the High Court has said is that notwithstanding the change in the development plan, the right to use that land as a rubbish tip continues, so that 10 or 15 years later the owner of that land may commence to use that land as a rubbish tip, without having to even apply for planning consent, let alone get it.

The judgment of the High Court is fairly vague on some of the ramifications flowing from its opinion; for example, it has not addressed the question of whether or not such rights disappear if there is a change in land ownership. Be that as it may, the judgment is of substantial concern to the Government because it puts in legal doubt many of the planning controls presently thought to be in operation in this state, planning controls designed to protect the public interest, and to guide future urban and rural development.

I think it appropriate to point out that Mr Justice Brennan, who delivered one of the minority judgments in the High Court, considered some of the consequences that would flow if section 56 (1) (a) is to be construed in the manner in which it was ultimately construed. He said, with respect to such interpretation, that 'if 56 (1) (a) was so construed it would authorise the division of land into allotments, the demolition of an item of State heritage or the erection of buildings—to mention some of the acts defined as 'development'—provided that the act in question was involved in using the land for an unchanged purpose. Such a construction would emasculate the planning regime which the Act creates.' As I said earlier, members will recall that this House has passed legislation seeking to avoid that situation arising.

Problems of a similar nature have now arisen under placitum 56 (1) (b), and the purpose of this Bill is to seek to avoid those problems. What the Government is asking this House to do is to apply now the same principles which it applied in April this year when it initially agreed to the suspension of placitum 56 (1) (a).

While the Government would prefer to settle once and for all the provisions of section 56 of the Act, it is clear that it would be most unwise to leave unresolved until the new year the further difficulty which has now arisen.

The planning and environment protection system which operates for the benefit of South Australians must not be put in jeopardy in the intervening period. For that reason, the Government proposes to extend the provisions of the 'sunset' clause to apply not only to section 56 (1) (a) but also to section 56 (1) (b) for the same period as the Parliament has already agreed upon, namely, until 1 May 1985.

Clause 1 is formal. Clause 2 amends section 56 of the Principal Act. The effect of the amendment will be that paragraph (b) of subsection (1) will be suspended until 1 May, 1985. I commend the Bill to the House.

**The Hon. D.C. WOTTON** secured the adjournment of the debate.

#### ADJOURNMENT

At 1.43 a.m. the House adjourned until Thursday 6 December at 2 p.m.