HOUSE OF ASSEMBLY

Wednesday 28 March 1990

The SPEAKER (Hon. N.T. Peterson) took the Chair at 2 p.m. and read prayers.

PETITION: WILPENA TOURIST DEVELOPMENT

A petition signed by 383 residents of South Australia praying that the House urge the Government to reconsider the proposed Wilpena tourist development was presented by Mr Such.

Petition received.

QUESTION TIME

SOUTH AUSTRALIAN TIMBER CORPORATION

Mr D.S. BAKER (Leader of the Opposition): I direct my question to the Minister of Forests. Is the Government considering selling or closing down the South Australian Timber Corporation's mill at Greymouth in New Zealand?

The Hon. J.H.C. KLUNDER: The sale or otherwise of any of Satco's subsidiaries, or parts thereof, will always be considered by me as a viable option at any time.

WORKCOVER

Mr ATKINSON (Spence): Can the Minister of Labour advise the House of any Liberal Party documented view supporting an increase in WorkCover's maximum levy rate?

The Hon. R.J. GREGORY: Yes, I can and I will. I will quote from the Liberal Action Plan for the 1989 State election campaign in relation to its industrial relations and employment policy. Page 15 of that document refers to workers compensation and rehabilitation. It states that a Liberal Government would 'vigorously tackle cross-subsidisation, which is severely disadvantaging low-risk and safety-conscious companies'. That action is highly commendable and the problem is currently being addressed by this Government. The only way to tackle that problem is to have high-risk companies pay a greater levy, closer to the cost they inflict on the fund. The proposed increase in the maximum levy rate from 4.5 per cent to 7.5 per cent will allow rates for some low-risk industries to be lowered. For the Opposition to oppose a lift in the maximum rate is hypocritical. Failure to introduce the higher maximum rate would see a levy rate increase for low-risk industries, and that would worsen the cross-subsidisation problem, not erase it.

Mr. S.J. BAKER: On a point of order, Mr Speaker, I believe that we have the Workers Rehabilitation and Compensation Act Amendment Bill before the House, and the Minister is debating that particular Bill.

The SPEAKER: I take the point of the point of order and ask the Minister to be very careful in the words that he uses in responding to the question.

The Hon. R.J. GREGORY: In opposing that change in the levy rate, the Opposition would be letting off—

Mr S.J. BAKER: On a further point of order. The Minister is continuing in the same vein. He is assuming that we are going to—

The SPEAKER: Order! I ask the Minister, with consideration to the Bill that is before the House, not to refer to anything that is in that Bill.

The Hon. R.J. GREGORY: I thank you for your advice and guidance, Mr Speaker. I can now understand the sensitivity of members opposite. They gave a commitment last year, as a political Party seeking election to Government, to undertake a certain course of action in respect of levy rates. Their actions to date since then indicate that they have one approach to matters when they are in Opposition and seeking Government and, as soon as they have lost that opportunity to seek Government, their attitude changes entirely. We have seen it in this issue. Prior to the election they wanted to reduce cross-subsidisation. I can remember the member for Mitcham making clear what they were going to do. Now they do not want to do it. I suggest that we shall see many of these somersaults on their part. What was good for South Australia before the election is suddenly no good.

SOUTH AUSTRALIAN TIMBER CORPORATION

Mr S.J. BAKER (Deputy Leader of the Opposition): My question is to the Minister of Forests. Has the South Australian Government had any discussions since the beginning of the year with the New Zealand Government or any of its agencies about the future of Satco's operations at Greymouth and, if so, what has been the outcome of those discussions?

The Hon. J.H.C. KLUNDER: From time to time we discuss the future of any of Satco's operations. I have in the past in this House indicated that my first preference would be to make the organisation viable and profitable. As I reported—

Members interjecting:

The SPEAKER: Order!

The Hon. J.H.C. KLUNDER: As I reported to the House last year, the IPL (New Zealand), Greymouth, mill is operating on a profitable basis—but that is only operating profit. Certainly we have—

Members interjecting:

The SPEAKER: Order!

The Hon. J.H.C. KLUNDER: If members are unable to understand the language I am using, I suggest they go away and ask for advice on it, but I am telling them what the situation is. Certainly, from time to time all of Satco's operations come under review. I understood that it was part of my job as Minister to make sure that it was looked at. From time to time I talk to various people about Satco, its profitability and its operations, and whether or not certain parts of it ought to continue under the umbrella of the Government or whether we should do something else about it. However, I am not going to share that information on an individual basis with anybody else. That is part of the commercial confidentiality of any organisation.

If members had as much knowledge about the operation of the private sector as is claimed, they would know very well that the managing director of any private sector organisation, or the chairman of its board, would not answer questions on what is going to happen to particular parts of that organisation. Consequently, if honourable members opposite want the Government to be in this arena with one arm tied behind its back, they are being very silly about it. This is an organisation that I am trying to make as profitable as possible, and I will take whatever steps are necessary to make sure that it becomes as profitable as possible.

STATE SCHOOLS

Mr McKEE (Gilles): Will the Minister of Education inform the House what the Education Department is doing

to ensure parents have confidence in South Australia's State schools? An article in last Thursday's *News* claims that some parents are enrolling their children in non-government schools because they perceive a lack of discipline and standards in Government schools. The article quotes figures provided by Mr Partington of the Australian Council for Educational Standards.

The Hon. G.J. CRAFTER: I thank the honourable member for his question because it does raise an important issue and it is important that the facts of this matter are put on the public record. Even the author of that statement last week would have been surprised by the headline that appeared in the press entitled, 'Private school deluge'. Unfortunately, the reality is that, for one reason or another, some people in our community wish to divide the Government and non-government sectors of education. The great strength of the education system in this State is indeed the cooperation that each sector receives from the other and the support they can give each other across, for example, curriculum, professional development and a whole range of areas of education.

Some very innovative and exciting developments have occurred whereby the education sectors cooperate in this State and indeed give an example to the rest of this country. The catchcry that there is a lack of discipline in schools is simply not evident on the facts. Education Department surveys very clearly show that there is a great deal of parental satisfaction in respect of schools and teachers in the schools. No-one denies that there are not particular instances and problems but, in general, there is a high level of satisfaction, and indeed the people who are most critical of our schools and policies—for example, the discipline policy—are those who do not have children at school but are one step or more removed from schools. I always invite those people to visit schools and see what goes on for themselves rather than hear it from someone else.

The reality with respect to the numbers of students in our schools and comparisons between growth in the sectors is, I believe, very much misunderstood in the community because of statements such as those reported in the press last week. Of all the mainland States, South Australia has the largest Government sector of education per capita. That has existed in this State for a very long period. So it is possible to play with statistics to show trends which really do not exist or are completely out of context.

It is interesting to plot the transfer of students in respect of the growth of one sector as against the growth of the other sector over the past decade or so, because the greatest transfer of students from the Government sector to the non-government sector occurred between 1979 and 1982 when the current Opposition was in Government. In fact, there was an increase in the population of non-government schools equivalent to 2 000 students for each of those years.

Since 1983 the growth in non-government schools, which has been consistent with trends in other States, has continued, but with lower increases than prior to 1982, of just under 1 600 students a year. The reason why students transfer—and not only from Government to non-government schools because also there is a substantial drift of students from non-government to Government schools, particularly in the senior secondary years—I admit has not been well researched in this State or in this country. It is likely that one of the factors that has accentuated that trend in recent years has been the increase in the availability of low fee-paying schools, and that has proved quite popular with a sector of the community. The real issue, I believe, is that parents and students are more discerning with respect to the quality of education. They are prepared to travel further to obtain that quality, the breadth of curriculum offered and the standards they desire. In this State enormous attention has been paid in recent years to ensuring that high quality education is available.

Indeed, I refer to the establishment of the Education Review Unit, modelled on Her Majesty's inspectorate system applying in Great Britain. We are the first State to develop a sound measure of literacy standards through a new literacy audit system which does not rely on short-term or quick fix standardised testing procedures which unfortunately have been attractive in the United States and in New South Wales. We have received international acclaim for our curriculum materials and we are currently exporting them nationally and internationally.

We have established Australia's most advanced school discipline policy and put substantial additional resources into working with students who have severe behavioural problems. South Australia has established the Orphanage Curriculum and Teachers Centre, another new and leading institution of its type in this country. I could cite other examples, but members can see that the unfortunate press coverage of last week really does no justice at all, not only to the author but also to the fine education system that exists in this State in both Government and non-government schools.

The SPEAKER: Before calling on the next question, I ask Ministers to consider the use of ministerial statements for long and involved answers.

Members interjecting:

The SPEAKER: Order!

SOUTH AUSTRALIAN TIMBER CORPORATION

The Hon. H. ALLISON (Mount Gambier): Will the Premier confirm information that the Opposition has received from a source within the South Australian Timber Corporation that the Government has received commercial advice that it should act immediately to either sell or close the Greymouth operation in New Zealand (and I bear in mind that the Minister a moment ago said that he was restoring its profitability)? If so, what loss would the Government sustain from taking either course of action? Has the Government made a final decision and, if not, when will it do so?

The Hon. J.C. BANNON: The Minister just indicated that the matter is still under consideration. It is an important decision to make because we want to ensure that the best possible financial outcome is arrived at consistent with the overall viability of Satco. The fact is that the IPL(NZ) operation is showing an operating profit, as the Minister said. It is a very different picture than when this issue was raised previously. Of course, it does have a major capital requirement to service. The reasons why the enterprise was undertaken have been made clear on dozens of occasions in this place, and anyone concerned with the future of our timber industry, anyone concerned about the impact of the destruction of forests after the Ash Wednesday bushfires in 1983, and anyone concerned with employment in the South-East, would be fully supportive of what the Government did.

The Hon. H. Allison interjecting:

The SPEAKER: Order! The member for Mount Gambier has asked his question.

Members interjecting:

The SPEAKER: Order! The Deputy Leader is out of order.

WHOOPING COUGH

Mrs HUTCHISON (Stuart): Will the Minister of Health tell the House whether there are any moves to ensure that parents in South Australia have their children immunised against whooping cough? Recent press reports in the media have stated that there is an Australia-wide epidemic. It has also been stated, that on average, 15 cases are reported every month and that that number had jumped to 140 cases in December. These figures are reported to have come from the Department of Community Services and Health.

The Hon. D.J. HOPGOOD: The figures go on further to say, as I recall, that possibly one-third of the notifications come from this State. That is startling for a State that has only one-tenth of the national population. So far as we can ascertain, that reflects not the actual incidence of whooping cough in the population but the fact that we have a far more efficient system of notification in this State than the average. In fact, I understand that in New South Wales under-reporting is a major problem.

At this stage we do not think that it is necessary to change the present procedure. From memory, the present procedure involves infants having three triple antigen immunisations prior to their first birthday. This represents something like a 90 per cent coverage of that age group. Compulsory voting does not do much better than 90 per cent anyhow, so we do not really think that compulsory immunisation against whooping cough would necessarily raise the figure very much above that current 90 per cent. The situation is being monitored. I thank the honourable member for drawing my attention to it. Immunisation effects tend to wane after about the age of five to seven years, and it is not uncommon for adults who have had the immunisation as infants to suffer from whooping cough.

OCCUPATIONAL HEALTH AND SAFETY

Mr INGERSON (Bragg): Will the Minister of Labour investigate the occupational health and safety practices in the Department of Correctional Services? I have in my possession two documents that suggest that the Department of Correctional Services does not have the same commitment to Occupational Health and Safety practices as the Government seeks to impose on the private sector. I refer first to a memorandum dated 8 December last year signed by Mr M.J. Copley, the Chief Occupational Health and Safety Officer in the department.

In that memorandum Mr Copley refers to an 'alarming trend' of workers compensation in the department, with the number of claims likely to increase by a further 100 this financial year. He complains that, until his appointment to the position in April 1989, no officer of the department was directly responsible for the introduction, development and implementation of occupational health and safety programs required by Government legislation.

Even now, no formal job specification for his position has been endorsed. Further, Mr Copley states:

> All developmental work to date has been initiated by officers within the section with very little acknowledgment, support or guidance from departmental management.

Mr Copley wrote this memorandum to reply to a direction he had received, dated 1 December last year, from the Director, Support Services in the department, Mr Goulter. Mr Goulter directed that Mr Copley provide a written explanation to charges that he had disregarded a brief and 'may have been less than professional' in his duty as a senior departmental manager.

Mr Goulter's charges arose from an inspection of occupational health and safety practices that Mr Copley had undertaken at the Port Augusta Gaol. As a result of that inspection, Mr Copley recommended action to significantly improve occupational health and safety practices. Mr Goulter's charges were made because Mr Copley communicated his recommendations to management and union representatives at Port Augusta.

I have been informed that the department's hierarchy did not want line management and employees to be aware of serious deficiencies in occupational health and safety practices. It has been put to me that this case exposes double standards by the Government in that, while it constantly condemns safety practices in the private sector, it does not apply the same standards to its own operations.

The Hon. R.J. GREGORY: I will certainly have the allegations raised by the member for Bragg investigated. I want to make the position very clear about the Government's attitude to occupational health and safety. Some years ago the Premier and the then Acting Minister of Labour (Hon. Frank Blevins) addressed a meeting of chief executive officers of the Government and outlined to them the role that they had to undertake in occupational health and safety. It was made very clear to them what their responsibilities were and what the consequences would be to them if they failed to undertake the appropriate occupational health and safety measures in their departments.

I am sure that departmental officers do the job as thoroughly and as well as occurs anywhere else. Government officers are aware that they are not exempt from the application of the laws of this State. As has been explained in this House before, where there is serious injury or death, prosecutions, if appropriate, will be undertaken. In other cases the application of the occupational health and safety laws is on the basis of an advisory notice from inspectors where they use their knowledge and skill to assist the employers in improving occupational health and safety activities within the factories. Indeed, inspectors are doing that every day.

The fines that are being levied in the courts at present indicate the seriousness with which the courts view those offences and the vigour with which the Government prosecutes.

WORKERS COMPENSATION

Mr HERON (Peake): Can the Minister of Labour advise the House of the cost of workers compensation for business in South Australia prior to the introduction of WorkCover in comparison with costs under WorkCover?

The Hon. R.J. GREGORY: This is an important matter, given the current focus that is being placed on WorkCover. Of course, it is proposed that the maximum levy rate go to 7.5 per cent. Prior to WorkCover being introduced, compensation costs varied widely. I want to advise the House of some examples—

Mr INGERSON: On a point of order, Mr Speaker, this question relates to information that will be debated under the Bill next week.

Members interjecting:

The SPEAKER: Order! I will take advice on this matter. I ask the Minister to resume his seat until I check. In the meantime, I call for the next question.

REMM GROUP

The Hon. B.C. EASTICK (Light): Is the Minister of Labour still coordinating discussions between parties

involved in the Remm project and, if so, is he in a position to say whether the Australian Building and Construction Workers' Federation is being cooperative in its approach, whether the Remm group remains in a financial position to meet its bills and whether a delay in completion of the project will cause a significant escalation in its cost?

I have in my possession the minutes of two meetings that were held last year involving union officials, representatives of major contractors to the project, Remm, the State Bank and the Government. The Minister chaired the first meeting, which discussed a range of issues including the financial viability of Remm, the progress of work, the payment of contractors and union conditions for work on the project.

At this first meeting, held on 20 April last year, the Minister is minuted as offering the services of an officer in his department if any industrial problems arise between the parties. It is because of this offer that I ask the Minister to say whether the Building and Construction Workers' Federation is being cooperative, or whether the Remm group is justified in its statement which is reported in this morning's *Advertiser* that there is poor productivity on site caused by this union's work bans and limitations.

The minutes also record a comment by a representative of the State Bank, Mr P. Mullins, that the bank is overseeing payments to contractors and that 'Remm is not going into liquidation or leaving town'. In view of the State Bank's oversight of the payment of Remm's bills, it is expected that the Minister can elaborate on the current financial position of the project and say whether current disputes delaying work will cause a significant escalation in the completed cost.

The Hon. R.J. GREGORY: I thank the member for Light for his question. I assume that he, having a studious involvement in current affairs in South Australia, in particular in industrial affairs, would be aware that for the past fortnight the Australian Building and Construction Workers' Federation and Remm have been using the offices of the Industrial Commission to settle a dispute in relation to work. Indeed, they have been having public hearings. I would have thought that, because the honourable member is so interested in this matter, he would go along and listen to what is happening there.

I cannot comment on the financial ability of Remm. I have never professed to do that and I do not intend to do so; I doubt very much whether the State Bank would attempt to do that. As far as the finishing time of the project is concerned, I have no idea when that will be. Only the people involved in the construction can say.

Members interjecting:

The Hon. R.J. GREGORY: Mr Speaker, does the member for Bragg have the opportunity to ask a supplementary question?

The SPEAKER: No supplementary questions are allowed under Standing Orders. The Minister will answer the question.

The Hon. R.J. GREGORY: I have no idea when this project will be finished and I would need to take advice on that from the principal contractor. If the member for Light wants to know, I suggest that he contact Remm and ask.

An honourable member interjecting:

The SPEAKER: The member for Light is out of order.

FRUIT FLY INSPECTORS

The Hon. J.P. TRAINER (Walsh): Is the Minister of Agriculture aware of reports of a person pretending to be a fruit fly inspector in the the suburb of Glandore and, if so, what advice will the Minister provide to householders in this area?

The Hon. LYNN ARNOLD: I thank the honourable member for his question. I am aware of reports of a fake fruit fly inspector operating in the area of Glandore. It is important for people to understand the way in which the department operates with respect to fruit fly inspections and operations. All legitimate staff involved in the fruit fly eradication team carry identification cards. They also wear either green or blue overalls which bear an embroidered Department of Agriculture logo. All officers involved in baiting procedures carry a knapsack. In this particular incident, an officer posed—

Members interjecting:

The Hon. LYNN ARNOLD: Some members seem to find this funny, but if someone is attempting to *(a)* undermine the efficacy of the fruit fly campaign and *(b)* put householders at risk by trying to gain access to their houses, posing as a fruit fly inspector, I would say that this is a serious matter. The situation in Glandore is that a man posed as a local council employee baiting for fruit fly and attempted to gain entry to a property; indeed, I understand that he attempted to gain entry to the house. I have already mentioned that officers taking part in this campaign wear a uniform and carry identification.

The other three points that need to be made are: first, local council staff have no involvement in the fruit fly campaign; the campaign is strictly maintained by Department of Agriculture fruit fly officers. Secondly, these officers carry identification. Thirdly, these officers do not attempt to gain access to houses, only to property. So, anyone who asks to gain access to a house, who cannot show identification and who is not wearing a Department of Agriculture uniform, is not a genuine fruit fly inspector. Accordingly, advice should be forwarded immediately to the department. Anyone who is in doubt should refuse entry to any person posing to be an officer. The present situation is that—

Members interjecting:

The Hon. LYNN ARNOLD: Someone else finds this a funny situation: I suggest that it is not. The member for Adelaide seems to find it very humorous, but perhaps that is because he does not have an outbreak in his area at the moment.

The SPEAKER: Order!

The Hon. LYNN ARNOLD: There are three outbreak eradication areas. One is focused on Glandore but affects also the areas of Black Forest and Clarence Park. Another one—and this may be in the electorate of Adelaide and, therefore, should concern the honourable member—is focused on Manningham and affects the areas of Greenacres and Broadview. The third eradication area is focused on Somerton Park which also affects the areas of Glengowrie and Glenelg. These fruit fly officers undertake a very important campaign. The cooperation of householders is appreciated and the community of South Australia is not served well by these people posing as inspection officers.

FEDERAL GOVERNMENT

The Hon. E.R. GOLDSWORTHY (Kavel): Does the Premier share the concern of Senator Peter Walsh that the Hawke Government if re-elected may lack the courage to tackle the deteriorating economic situation and to confront pressure groups?

The Hon. J.C. BANNON: I do not share those views if that is the way they have been expressed. I believe that the present Government has shown considerable resolution in

tackling the economic problems of Australia. In fact, it has done this in the face of irresponsibility by the Coalition in its desperation attempt to be elected to Government. Fortunately, the majority of voters at the election decided that the Federal Government, despite having taken those hard decisions, was justified in having a further term of office. I admire the former Deputy Leader's cheek in asking this question. He has always been prepared to have a go and we miss him from the front bench.

It is a little audacious in the light of the verdict of last Saturday and in the light of the way in which the election campaign was conducted to ask such a question. The answer is quite clear: the Government—any Government (and this applies to State Governments as well as to Federal Governments)—must retain a balance between environmental and other concerns as they must also concentrate on economic development and growth. Hard decisions will need to be taken. The Hawke Labor Government has demonstrated its willingness to do so and, thank goodness, we did not get the fairy floss Prime Minister who was presenting himself as the alternative in Coalition last Saturday.

WORKCOVER

Members interjecting:

The SPEAKER: Order! In reference to the question asked by the member for Peake, it is the opinion of the Chair that the question can be answered without reference to the legislation. The Minister can respond, but I ask him to take note of the legislation that is before the House and to tread that careful path between what is and what is not allowable. The honourable Minister.

The Hon. R.J. GREGORY: Mr Speaker—

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: Before I was rudely interrupted—

Members interjecting:

The SPEAKER: Order! The Chair does not see a reflection, but it does see a reflection in the behaviour of members of the Opposition. I call honourable members to order and advise them to be careful about the course of action they take in the future.

The Hon. R.J. GREGORY: Prior to WorkCover, compensation costs varied widely. I want to give the House examples of just how much some employers in South Australia were paying. The figures I will detail are taken from the Insurance Council of Australia's advisory premium rates. Excluding stamp duty but including a 40 per cent administration charge that I have been advised was typical, these rates are indicative or form a benchmark around which insurers develop their charges. The premium for builders indicated by the council in July 1980 was 12.35 per cent of payroll. By August 1983, that had risen to 17.1 per cent. For butchers, including slaughtering, it went from 14.61 per cent in 1980 to 32.4 per cent, which is a significant increase. Rural industries seem to have been particularly hard hit, and this must have been a concern to members, particularly to those from the South-East and other rural areas of South Australia. The advisory rate for sawmilling was 27.5 per cent in 1980, and was up to 42.14 per cent in 1983. Timber getting went from 28.13 per cent in 1980 to 45.1 per cent in 1983.

That was the system prior to WorkCover, where the maximum levy rate at present is 4.5 per cent and is likely to move to just 7.5 per cent. The old rates were advisory and businesses were often charged more or less than these figures. It has been estimated that, if the old workers compensation system was still in place, the average premium rate could now be as high as 6.24 per cent of payroll. WorkCover is planning to move to an average rate of 3.8 per cent of remuneration—a slightly broader base than payroll, but still very much lower than 6.24 per cent.

Much has also been made by the Opposition of the administration costs of WorkCover. All WorkCover's administration costs are 13 per cent of the current levy, and WorkCover is working to cut that figure further. I have been advised that under the old system insurers were typically charging a 40 per cent administration fee, and that did not include the costs of reviewing cases that WorkCover has to bear. Simply, WorkCover's administration charges are less than a third of those of the old system. For many employers WorkCover is cheaper and more effective than the system that it replaced, and that is something that people should not lose sight of.

KINDERGYM PROGRAM

Mr QUIRKE (Playford): Does the Minister of Recreation and Sport support the objectives of the Kindergym program and, if so, what assistance has been provided for the Kindergym Association of South Australia? I am aware that this week is Kindergym Awareness Week, and the association is celebrating its 10th birthday. I believe that many regional celebrations are occurring inviting the public to participate and become aware of the need for Kindergym.

The Hon. M.K. MAYES: I thank the member for Playford for his question and interest in this area. The short answer to the first question is 'Yes, very much so.' I think that a longer answer to the second part of the question is warranted in regard to what is being done by the Government and the achievements of Kindergym. For example, at the launch the other day I was joined by the Opposition Whip and various distinguished South Australians to celebrate the 10th anniversary of the commencement of Kindergym in South Australia. It commenced, of all places, in Unley.

Honourable members: Surprise, surprise!

The Hon. M.K. MAYES: Surprise, exactly. As with all things that come from Unley, it passed all of the early expectations. There are now about 60 Kindergym associations and affiliates—

An honourable member: In Unley?

The Hon. M.K. MAYES: No, they are spread throughout the State. They cater for thousands of young South Australians who are learning not only free play but also improving their motor skills, their interaction with other children and enjoying, what we would call in a very safe environment, learning the skills of just walking and of play in a fuller sense. The funding program that we offer through the department to those Kindergyms throughout South Australia amounts to $26 500 for the full program which goes towards administration and support. In addition, we also helped over the past 12 months with $15 000 to assist that program.

As regards the events which are occurring (and the honourable member referred to those), 13 metropolitan locations and 17 country centres will celebrate Kindergym Awareness Week. We can see the success which has spread throughout the community, with the support of the community as a whole for Kindergym. It is a marvellous program. I am sure that many of us have had children or grandchildren involved in it. I think it is important that we continue to support such a worthwhile organisation, because

it offers so much to our children, particularly in the ages 0 to 5. From any Government's point of view, it is an extremely good value dollar investment in the future of our children.

Mr PETER DUNCAN

The Hon. D.C. WOTTON (Heysen): Because of the widespread speculation that a South Australian member of the Federal Ministry, Mr Peter Duncan, will be dumped in the event that the Hawke Government is returned, is the Premier lobbying the Prime Minister on behalf of his close friend and former Cabinet colleague?

Members interjecting:

The SPEAKER: Order! I rule the question out of order. It has nothing to do with the responsibilities of the Premier.

DISPOSAL OF OFFAL

The Hon. T.H. HEMMINGS (Napier): Will the Minister of Agriculture advise the House whether he has received any inquiries concerning the disposal of inedible offal? I understand that, from 23 March 1990, Master Butchers Limited ceased to collect inedible offal from 24 slaughterhouses.

The Hon. LYNN ARNOLD: I appreciate the question from the member for Napier. I know he has a slaughterhouse in his electorate at Angle Vale operated by Mr Mangiola, and I also know that the member for Goyder has raised this matter in this place and has expressed concern to me privately as well about this issue. So, it is appropriate that I draw members' attention to what is happening. Master Butchers Limited did notify 24 of its clients that from 23 March it would no longer collect inedible offal. The slaughterhouses involved are located on Yorke Peninsula, the Mid North, the Hills and Noarlunga. One reason put forward by MBL for this move related to the financial question.

MBL indicated that it lost $116 000 on that run last year. In addition, the company faced some environmental problems that it had to address, and it had to respond to concerns that it should use only fresh material—that is, offal less than 24 hours old—and that it should reduce the cooking times of the offal. However, that is possible only if the slaughterhouses have the paunch contents cleared prior to delivery to the offal collection. Otherwise the cooking times have to be longer. That is why MBL gave this advice to its clients.

Following some meetings that took place on this matter, nine clients from Yorke Peninsula decided to make their own arrangements and followed the practice presently followed by slaughterhouses on Eyre Peninsula whereby they have their own disposal either by local burning or by burial. Another three clients, namely the abattoirs at Lobethal, Strathalbyn and Hahndorf, were taken back into MBL's remaining collection and that left 12 operators who produced some 50 to 60 tonnes of offal per week without a collection service. Those involved and the person who did the collection engaged a solicitor and approaches have been made to Samcor and to me.

I advise that Samcor gave very serious consideration to the issues raised by the group, but Samcor informed me on Monday that it would be uneconomic for it to perform that service for ex-MBL clients. The advice is that the transport cost would be $900 per week and that there would be a loss of $50 per tonne of product. That loss of product is because MBL uses a rendering process different to Samcor's. Samcor runs a continuous rendering process and the addition of poor quality offal, remembering the travel times involved and the fact that paunch contents may not have been removed, results in downgraded product, hence the lesser return per tonne. MBL, for its part, ran a batch rendering process and thus could separate poor quality product from high quality product and therefore did not suffer the price limitation.

As a result, Samcor, unless it were to receive some other financial assistance to do so, cannot provide a collection service. Ingham's does have a rendering plant, and apparently discussions are taking place with those who are involved with chicken offal. That, of course, does not affect offal from stock. The other possibility is the burial of offal at Wingfield, and I understand that that is also being considered. A longer-term proposal has been suggested whereby an operator with a digester coming onstream in Keith could be used but, of course, it would involve cost impediments.

The situation is not a good one. I do not know of an easy solution. If Samcor were to run this service, it would have to receive a significant amount of support in the order of $2 000 or $3 000 per week. There is no reason why the taxpayer should be expected to pay for that service, so it would have to come through in the pricing system in respect of the product that the slaughterhouses produce. At this stage we are not able to offer any more positive support for the slaughterhouses affected in this way. They will have to approach it as a commercial activity with a commercial cost. MBL has withdrawn, partly on commercial grounds, and Samcor is not able to take it up because of commercial imperatives. Unless the slaughterhouses are able to meet that financial shortfall, they will have to go to either local burying or burning of offal products. I indicate that the Government, of course, is not in the game of subsidising this sort of operation because it should be treated as a commercial activity.

PORT LINCOLN SEWAGE TREATMENT WORKS

Mr BLACKER (Flinders): Can the Minister of Water Resources advise the House of the progress being made with the preliminary study into the proposed sewage treatment works for Port Lincoln and, if so, can the Minister also advise whether any program of development has been agreed to? Late last year the Minister agreed to preliminary investigatory work for a sewage treatment plant for Port Lincoln. Since then there has been a meeting of departmental staff and community leaders advising of the options being examined. Several constituents have since inquired about the current status of these investigations, hence the question.

The Hon. S.M. LENEHAN: I thank the honourable member for his question and his ongoing interest in this matter. He certainly has been a great champion of his local area in respect of the establishment of a sewage treatment plant for Port Lincoln. The honourable member is quite correct: it was on 7 September last year that I announced that the Government and I as Minister would spend some $300 000 to design a concept for a Port Lincoln sewage treatment plant and that this design would incorporate both primary and secondary treatment, as well as the reduction of nitrogen.

It was decided at that time that, while phosphorus would not be included in the reduction program initially, it could be added later. A preliminary concept design based on the disposal of reclaimed water to sea, as the honourable member says, is currently being developed, and I can tell him

that this proposal will be completed by the end of June. Based on the preliminary investigations thus far and as I think I mentioned in the debate on the Marine Environment Protection Bill, we would be looking at somewhere between $3 million and $4 million. At this stage it seems that about $3.3 million will be needed for this project.

Once the concept design is finalised, a more accurate cost estimate can then be determined, following which consideration will be given to funding arrangements and a construction program. I remind the honourable member that this project will come within the legal requirements of the Marine Environment Protection Act, so it will obviously be within that timeframe that was agreed to in this House last week.

STUDENT ENROLMENTS

Mr HOLLOWAY (Mitchell): Can the Minister of Employment and Further Education inform the House whether he has an estimate of student enrolments for higher education institutions in South Australia? There has been talk by many people in Australia, including the Prime Minister, Mr Hawke, of the need for Australia to become the clever country. South Australia is fast gaining a reputation as the high tech State of Australia, and it is widely recognised that, to build upon this reputation, it is necessary to increase the number of students gaining access to tertiary education.

The Hon. M.D. RANN: I thank the honourable member for his question. South Australia already has the highest education participation rate in Australia. We have a strong TAFE system and universities which, although small by national standards, at least until the proposed mergers take place, are Australia's per capita leaders in key research performance measures, as has been recognised nationally. Therefore, I am delighted to announce today that the early estimates from our higher education institutions of what student enrolments will be as of 31 March are exceptionally good.

Total student load in South Australia has increased by about 12 per cent, and this trend has been followed across all institutions. Just as importantly, the number of students from 1989 re-enrolling in 1990 is up significantly. Part-time commencements appear to have increased by about 11 per cent. Commencements at higher degree level are up, especially at Flinders University (and, of course, the honourable member is on the Council of the University of Flinders) and at SACAE. There is continuing strong demand for business and economics at all institutions, particularly at undergraduate level.

Evidence suggests that there were twice as many first preferences for economics at Flinders as in 1989, and there was also high demand for the new commerce course at Adelaide University. Early estimates for full fee paying students have also been provided, although they are not comparable with figures for last year because the 1990 figures include holders of overseas aid scholarships. It is anticipated that there will be a total of 682 full fee paying students this year. Of course, we have already announced that we intend to triple the number of overseas full fee paying students within three years.

YOUTH VIOLENCE

Mr BRINDAL (Hayward): Has the Minister of Emergency Services had time to recall his 'on the run' briefing so that he can answer the question put to him last week by the member for Bright about the establishment of a special task force to combat the alarming increase in gang violence in the city? In his question, my colleague alluded to the problem facing young people in some of our city precincts. I have now been contacted by an adult male constituent who has informed me that he is being harassed, verbally abused and spat on by a group of youths in Rundle Mall at lunch times. This has occurred twice in the past three weeks.

My informant took some pains to point out to me that others were being treated similarly. Indeed, one of the local traders told him that the same group caused him trouble virtually every day. This group consists of about eight youths whose appearance suggests that they are still under school leaving age. Yesterday my informant rang the Bank Street police station and was told that the station was understaffed and that the police also had to have lunch. I can give the Minister the name and address of my informant to enable further investigation.

The Hon. J.H.C. KLUNDER: I would be obliged if the honourable member could give me that information, because it makes particular incidents a lot easier to check. As to whether or not I have had a briefing, when I gave the answer to the last question I indicated that I would obtain a report. That report is now in the pipeline; it is being prepared and the honourable member will get it.

IRRIGATION

Mr FERGUSON (Henley Beach): Will the Minister of Water Resources inform the House whether her department is considering handing over to growers the responsibility for irrigation watering systems? It was reported in the *Financial Review* of Tuesday 6 March 1990 that the South Australian Government has appointed a consultant, Kinhill Engineers, to mount a strategy on how to best rehabilitate its irrigation areas through self-management, and that the Engineering and Water Supply Department is focusing the mind of irrigators on self-management as a more permanent solution to their problems.

The Hon. S.M. LENEHAN: Quite some time ago I announced the study relating to the exploration of options concerning rehabilitation and management of the Government highland irrigation area on the Murray River in South Australia. The study is being carried out for the Engineering and Water Supply Department and the Riverland Development Council by the consultants, Kinhill Engineers and Touche Ross Services, both of Adelaide, and Tilley Murphy Hughes and Co. of Berri. A steering committee consisting of representatives of growers and the two funding organisations is managing the study.

I do not intend to take the time of the House to go through the whole history of the rehabilitation program in the highland irrigation area because I am sure that most members are aware of it. I will just pick up where the study is at the moment. This study is aimed at developing proposals for restarting the rehabilitation program. Something like 40 per cent of that area remains unrehabilitated in the Riverland, and that has to be included to enable the completion of this program.

It is widely seen, I believe both by the community and certainly by individuals in the Riverland, as being important that all growers in the Government highland irrigation area who have benefited from rehabilitation, or who will benefit, contribute to the costs of rehabilitation. Otherwise, the burden of these costs—and I understand it is in excess of $25

million—would not be spread equitably and the burden on some would be much too high.

Where growers are subject to cost pressures and lower returns for crops, while being faced with contributions towards the costs of rehabilitation (should that proceed) grower representatives on this study have been most anxious to explore all avenues of controlling costs and to ensure that growers have a say in their own destiny.

Grower representatives and the Riverland Development Council therefore requested that studies on how to finance the rehabilitation program should also explore the options of continued Government management as well as the option of self-management. I can only assume that the article in the *Financial Review* was picking up the brief that was given in connection with this review. The report in the *Financial Review*, in referring to this study, indicated that it would provide growers and the Government with information on both options for management. When the study is completed, as is planned within the next two months, it will provide an informed basis for consideration by the Government and the growers on whether rehabilitation should proceed and, if it should proceed, under what arrangements.

The study is, therefore, likely to provide information which is vitally important to the future of the horticultural irrigation industry in South Australia. So, the answer to the question is that I cannot give a definitive statement at this time until the study has been completed and recommendations have been made to the Government and the growers.

LAND TAX

Dr ARMITAGE (Adelaide): Will the Treasurer confirm that more than 20 property owners have already responded to their 1989-90 land tax bills by paying only the previous year's amount plus 7.4 per cent for inflation, and will he say what action the Government intends to take against them?

The Hon. J.C. BANNON: I cannot confirm that, but if the honourable member is suggesting that he knows of constituents who have not paid the land tax appropriately levied on them as landowners, I hope that he would be using all his good offices to urge that they do so, otherwise they will be in breach of the law and penalties relate to that. Of course, I remind the House that the time for payment was extended as a result of the discussions that we had with the various parties earlier this year. The 1990-91 land tax arrangements are currently undergoing intensive review. However, in relation to this year's bills, I am not aware of the fact that people may be paying in accordance with the method that the honourable member suggests. I would certainly urge him, as a responsible member of Parliament, to make sure that if that is the case they do pay the proper amount.

AGED AND INFIRM PERSONS' PROPERTY ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. In the Title—After '1940' insert '; and to make a related amendment to the Mental Health Act 1977'.

No. 2. Page 2, line 33 (clause 9)—After 'court' insert 'and a copy of the notice must be served on the former manager of the protected estate in accordance with the Rules of Court.'

No. 3. Page 3—After line 8 insert new clause 12 as follows:

Amendment of Mental Health Act 1977

12. The Mental Health Act 1977 is amended by striking out subsection (3) of section 28.

Amendment No. 1:

The Hon. G.J. CRAFTER: I move:

That the Legislative Council's amendment No. 1 be disagreed to.

Amendments Nos 1 and 3, which are interrelated, refer to matters outside this Bill, and I commented on this fact when the matter was previously before us. The Opposition has taken the opportunity of this Bill's introduction to radically change the essence of the administration of this Act by eliminating the role now played by the Public Trustee. The Government is reviewing the law in this State relating to guardianship. When that review is concluded, that will be the appropriate time to give consideration to matters of concern to the Opposition, rather than proceeding now without the guidance of a thorough review. For those reasons this matter is rejected at this time.

Mr OSWALD: The Opposition believes that amendment No. 1 should be agreed to.

Motion carried.

Amendment No. 2:

The Hon. G.J. CRAFTER: I move:

That the Legislative Council's amendment No. 2 be agreed to.

Although there may be some administrative problems associated with this proposal, the Government undertakes in time to review those administrative arrangements to see whether that is the most satisfactory course of action to take.

Motion carried.

Amendment No. 3:

The Hon. G.J. CRAFTER: I move:

That the Legislative Council's amendment No. 3 be disagreed to.

Mr OSWALD: The Opposition urges the Committee to agree with this amendment, and I refer to the remarks I made during the second reading debate. At some time or another I imagine that all members have been approached by constituents involved in the administration of estates or in looking after their relatives in respect of whom guardianship orders have been made. On a number of occasions, husbands or wives of persons in relation to whom an order has been made by the Guardianship Board have complained to me—and, I am sure, to others—about the fact that their responsibilities have been taken away from them by an appointment under the Public Trustee.

This amendment seeks to provide that a person or agency other than the Public Trustee—and I emphasise this fact—can be appointed trustee. We believe that this Bill is a good vehicle by which the present problem can be solved. We seek to amend the Mental Health Act so as to provide for the appointment of an administrator, to remove the priority given to the Public Trustee and to allow the Guardianship Board to exercise discretion as to who should be appointed to manage a protected estate, in the same way as the Supreme Court exercises discretion under the Aged and Infirm Persons' Property Act.

The Opposition believes that this proposal has merit and is worthy of support. At present, the administrator appointed under the Mental Health Act may be only the Public Trustee—and I hope that members have this fact clear in their mind—unless a special reason exists for appointing someone else. Members may care to be reminded of certain aspects of the review which took place last May.

The point was made last year that, very often, it was a problem, and that was acknowledged in the report. It pointed out that, among other things, while special guidelines were given to the Guardianship Board, there were no proper, effective or formal guidelines under which it was determined whether or not there were special reasons. It was a sort of onus of proof that anyone other than the Public Trustee could be appointed only if it had been established that there were special reasons. The purpose of this amendment is to take out the onus of proof and leave it to the discretion of the Guardianship Board as to whom it appoints, whether that be the Public Trustee or someone else.

It was mentioned in the review last May that, in the case of large and complex estates, the Public Trustee was probably the most suitable person to handle the case. I guess that most members present this afternoon would not disagree with that. It is certainly something with which I am comfortable in relation to large estates. However, in the review, it was pointed out that many people had complained about the administration of the Public Trustee, that it was inefficient and did not meet the needs of clients or care givers. It is interesting that the Public Trustee admitted that, and he said that it was because of inadequate training and staffing.

The report made particular mention of the spouse of a person in respect of whom an administrator was appointed under the Mental Health Act. Very often, the spouse has been administering the affairs of the other person under a power of attorney or otherwise, or a *de facto* has been administering his or her affairs. Those people often feel frustrated, hurt and angry. Certainly, many constituents have come to me—and I am sure they have gone to other members—in relation to this matter. They have come forward because they have been looking after a person and are concerned about his or her affairs; an order has been made under the Mental Health Act; an administrator has been appointed and they no longer have any rights or powers; the situation becomes impersonal and is taken out of their hands. That last point sums up the reality in relation to these small estates. I see no reason why the Government cannot accommodate it; I cannot see any reason why the Government should be intransigent about it. It is a problem that we have all encountered in our electorate offices. It is an opportunity, once and for all, to tidy up this matter. It is a matter that should be compatible with the view of all members, and I ask the Committee to support the motion.

The Committee divided on the motion:

Ayes (23)—Messrs L.M.F. Arnold, Atkinson, Bannon, Blevins, Crafter (teller), De Laine, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan, Messrs McKee, Mayes, Peterson, Quirke, Rann and Trainer.

Noes (23)—Messrs Allison, Armitage, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, Blacker and Brindal, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn and Ingerson, Mrs Kotz, Messrs Lewis, Matthew, Meier, Olsen, Oswald (teller), Such and Wotton.

The CHAIRMAN: There are 23 Ayes and 23 Noes. There being an equality of votes, I give my casting vote for the Ayes. The motion is therefore carried and the amendment is disagreed to.

Motion thus carried.

STRATA TITLES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 March. Page 884.)

The Hon. G.J. CRAFTER (Minister of Education): When this matter was adjourned last evening, I was explaining to the House that the Bill comes about as a result of consultations that the Government has had with the Standing Committee of Conveyancers in this State, the Real Estate Institute, the Law Society, the Institute of Strata Administrators and other interested parties who have made representations to Government agencies with respect to the administration of the strata title law in this State. It is as a result of those representations that the Bill comes before us in its current form, being substantially a matter of fine tuning of the provisions in the Strata Titles Act.

The Bill, when it comes into law, will no doubt receive close scrunity by those many people in this State who occupy or own strata title premises. Clearly, the Government undertakes to keep this matter under review because of ever changing land use situations and the ever changing conflict arising from them. It is recognised that a great deal of stress can be caused to the lives of those residents of strata title homes where it has been found that there is no relief in the law at present. Hopefully, this measure will bring relief to people in a number of important situations. The Government will continue to review this area of the law as a matter of course.

I also note that the Attorney-General in another place has said that, in order that the public can obtain up-to-date copies of the Strata Titles Act, the Government intends to produce a new consolidation of the Act as soon as possible after the passage of these amendments. Hopefully, that will help to ensure that those who seek relief through this measure will have the opportunity to study the provisions in this measure and in the whole Act at an early date. That will also simplify the explanation of the law that is found in the Act, and in the amending Acts that have followed.

The Opposition has indicated some concern about the use of technical terms and the difficulty that lay people have in understanding provisions in measures such as this. There seems to be no simple way in which these matters, which are the daily language of people working in this area, can be explained in an easier way and yet provide the precision required by law. However, we must always be vigilant to ensure that, even if not expressed in terms that will be understood by the ordinary citizen, we should make every attempt to explain the thrust behind these measures to the community by way of leaflets and statements to the press and through various professional associations. To a large extent that is occurring in the State. The work of the Consumer Affairs Department is very good in this regard.

I believe that professional people working in this area also go to some lengths to explain to their clients the nature and effect of the law in all its intricacies. It is not a matter of writing legislation in simple form, although we should not shy away from attempting to do that. I acknowledge the work that Parliamentary Counsel does in trying to prepare our legislation in a form that can be easily understood by a wide cross-section of the community. Nevertheless, there will always be a need for the use of technical terms and for measures to be drafted in a way that will bring about precision of the law, which is most important in the enactment of legislation in areas such as this. I commend the measure to the House.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

Mr INGERSON: With your indulgence, Mr Chairman, and that of the Minister, clauses 3 to 10 are very technical, and last night we asked for clarification. I wonder whether

the Minister, in one broad sweep, could cover those technical matters and give a clarifying statement on the clauses relating to encumbrances, footings and associated structures and easements. It is a matter of clarification as far as I am concerned. Is that possible?

The CHAIRMAN: I am sure that the Committee will want to proceed in accordance with the Standing Orders, but I am sure also that, if the Minister does not stray too far from the clause, the Chair will not be required to pull him up.

The Hon. G.J. CRAFTER: The honourable member's request is not usual. There would be some explanation of the legal definition of the terms expressed in the legislation. I guess that requires some study of the text in this area, the case law and consultation with legal advisers and there can be differing views on the interpretation that can be placed on legislation. With your indulgence, Mr Chairman, I will go through those clauses, and the explanation that I give will perhaps cover the general concerns of the honourable member.

Clause 3 inserts two new definitions into the principal Act. It is intended to clarify that a reference in the Act to a fence includes a reference to a gate and to include a definition of 'statutory encumbrance' in connection with the operation of proposed new section 8 (7). Clause 4 amends section 5 of the principal Act to provide that, for the purposes of the Act, the common property of a strata corporation includes any structure on the site committed to the care of the corporation as part of the common property.

Clause 5 amends section 7 of the principal Act in two respects. First, it is intended to clarify that a reference in subsection (6) *(b)* (ii) to the protrusion of footings includes any structure of a prescribed nature over the footings. Secondly, it is necessary to amend section 7 in conjunction with the proposed insertion of new section 17a. Clearly, those amendments have come out of specific examples which have been referred to the Government where there has been a lack of clear definition previously to those practical situations that have arisen.

In clause 6 we find that there is a revision of subsections (5) and (6) of section 8 of the principal Act. Subsection (5) presently allows a strata plan to provide for the discharge of an easement over the relevant land with the consent of the registered proprietor of the dominant tenement. The new provision will allow an easement to which the relevant land is the dominant tenement to be discharged. The Registrar-General will also be empowered, subject to obtaining the proper consents, to discharge an easement on his own initiative.

Subsection (6) is to be replaced by two new subsections. New subsection (6) clarifies that an encumbrance not registered on the certificate for the common property comprised in a deposited plan will be taken to be discharged to the extent that it is not so registered. New subsection (7) ensures the preservation of a statutory encumbrance, as defined, that exists in relation to the land comprised in a deposited plan. Once again, these have come out of representations made to the Government about difficulties associated with these practical situations and the lack of precision in the Act previously.

Clause 7 proposes various amendments to section 12 of the principal Act; subsection (2) *(b)* is to be amended to provide that the consent of a person with an encumbrance registered over common property must be obtained where the common property is to be affected by an amendment. New subsections (3a) and (4a) will allow an amendment, although only in limited circumstances, even though part of a building on the site may cause an encroachment on other land. The provisions are similar to subsections (6) and (7) of section 7 of the Act. New subsections (5) and (5a) will facilitate the operation of certain encumbrances where an amendment provides for the transfer of part of a unit to common property or another unit or for the transfer of common property to a unit.

Clause 8 amends section 14 of the principal Act by including under subsection (7) a reference to the City of Adelaide Development Control Act 1976 and the principles of development control under that Act. Clause 9 amends section 16 of the principal Act to provide that an application for the amalgamation of two or more strata plans must be accompanied by a certificate certifying the correctness of the schedule of unit entitlements. That is an extension of consumer rights.

Clause 10 amends section 17 of the principal Act. Subsection (7) prescribes the rules that are to apply in relation to the land comprised in a strata plan where the plan is cancelled. It is proposed to include a provision that will allow an easement that was discharged when the plan was originally deposited in the Land Titles Registration Office to be revived at the request of the registered proprietors of the dominant and servient tenements.

I believe that that explanation clarifies the reasons why those provisions are proposed. Clearly, it was as a result of very practical situations which have been brought to the attention of the Government and which are to be covered under the Act.

Mr INGERSON: I am disappointed with the Minister, because even I could have read the explanation again, which is exactly what he has done. The purpose of my asking the question was not to hear the explanation of the clauses but to obtain a clarification. Whilst it is nice for the Minister to use a whole series of glossy words, it is reasonable for us to ask the Government why the provisions have been introduced. Surely it is not unreasonable for us to ask. There must have been problems, and surely it is reasonable that we ask what they were. As I said last night, there is a lot of difficulty in this area of strata titles and, having been Chairman, I am very much aware of the problems. Surely it is not unreasonable that we obtain some examples. That is what I meant in asking for clarification. I asked for the Minister's cooperation in this regard because only three or four different areas require clarification with examples.

The Hon. G.J. CRAFTER: The honourable member asks for something that simply cannot be given. I would have thought that a request to go back to the original representations received by the Government was unusual. As I said in my second reading speech and in the explanation of the clauses, the Government has received representations from various bodies that have an interest in this area of the law requesting that these amendments be made. Each one of them explains in itself the reason why we are amending the Act. That is simply understood by reading the explanation of the clauses. Perhaps I can go back through it again and explain that in a number of these areas practical problems have arisen. It does not really help the Committee that that factual situation that has arisen, obviously through the client of a land broker or a solicitor or through representations to the Office of Fair Trading that have resulted in that practical example being further considered by the law officers and by the relevant public servants with responsibility for the administration of this legislation.

They have recommended amendments to the Government in the present form. Indeed, to dwell on individual cases may not be advisable either, because these now have general application. If the honourable member wants to argue in terms of the factual situations that are the basis

for consideration of general law reform, that is probably a rocky road on which to travel because, as I said, these now have general application and have been considered as such in the context of their suitability right across the application of this law in this State. All I can say to the honourable member is that each one of these comes out of those representations received by the Government from various agencies.

Mr INGERSON: That is an unreasonable answer. I know that members opposite would not accept such a broad argument and it is unreasonable that we are not told why these changes are necessary. When a Minister brings before the House a whole range of amendments and says that that has been done for clarification, surely this Parliament has the right to know the reasons behind it and what caused the problems. The Opposition has no dispute with the Minister and at this stage we do not propose to amend any of these clauses. I purely and simply want to know why we are being asked to agree to these amendments. I am not asking the Minister to give me absolutely concrete arguments as to why these amendments should be made, but to ask for examples is reasonable, because this Parliament is being asked to accept a statement from the Minister that these are technical changes and that we should accept them. I know of one member opposite in particular who would not accept that and, if he were subject to this sort of treatment, I am quite sure that he would argue very strongly for a better explanation.

The Hon. G.J. CRAFTER: I am not quite sure to what extent the honourable member wants me to go. I would have thought the facts were explained to members. The first amendment that I refer to in the explanation of the clauses in the second reading explanation refers to the definition of 'gate'. That has been added to the definition of 'fence'. Where there is a gate that is included in a fence which forms part of the common property, the gate is included as part of the fence of that common property. That is clarified by this amendment. It comes out of a very simple complaint by someone who has not been able to find relief and there has been an argument as to whether or not the gate formed part of the fence of the common property. That, I would have thought, was the simple explanation for that. I do not have before me the names and addresses of the parties to that complaint and I do not believe that that information is sought by the Committee anyway in giving this matter its attention. Clearly, there has been a lack of precision in definition in this area, and that has been addressed in this amendment as in the other amendments.

Clause passed.

Clauses 4 to 22 passed.

Clause 23—'Information to be furnished.'

Mrs KOTZ: At line 28 the clause seeks to ensure that current policies of insurance must be provided to owners, prospective purchasers or mortgagees of a unit. I welcome that provision. I wish to draw to the Minister's attention that the regulations relating to the provision of these documents prescribes a fee, which limits cost recovery of these documents to $15 for a non-owner and $5 for an owner. My concern relates to the photocopying of the at times substantive documents that insurance policies can be. Given the current cost of photocopying, that would incur greater cost than the current prescribed fee.

I also make the point that although regulation 12 (3) provides that the strata corporation may as it thinks fit reduce or waive any fees under subregulation (2), proposed new subsection (2) of section 41 provides:

> A strata corporation must not charge more than the prescribed fee in respect of a service provided in pursuance of an application under this section.
>
> Penalty: $500.

Effectively, the amendment restricts the prescribed fee to a maximum level. Therefore, although the strata corporation may reduce or waive any fees, if the costs incurred are greater, the strata corporation would be denied the means of cost recovery by way of this proposed new subsection. Any attempt to do so would result in a penalty of $500. Surely, this must pose the question, 'Who then would pay?' Would it be the unit holders other than the unit holder seeking the statutory right of the provision of information, the unit holders generally or a non-owner who makes that particular request?

The Hon. G.J. CRAFTER: It is true that fees for providing copies of insurance policies and such like are established by regulation, and the current fees that can be charged are $15 for a non-owner and $5 for an owner. Clearly, they were set at that level so that there would not be a pernicious charging for what is regarded, as the honourable member has suggested, as the right of persons in the circumstances described in the amendments. The Government has undertaken—and the Attorney-General has commented on this in another place—to consult with interested parties as to what changes, if any, need to be made to the fees that can be charged in these circumstances. It may well be that there is a need to adjust the fees charged, and that can be done by way of regulation. Of course, consultation with interested groups is required before that matter is dealt with. The honourable member asked who pays and in what circumstances. I understand that the Attorney in another place has undertaken to review that matter, to have it dealt with by regulation and to have it clarified when the issue of charges is dealt with.

Clause passed.

Remaining clauses (24 to 28) and title passed.

Bill read a third time and passed.

CRIMES (CONFISCATION OF PROFITS) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 March. Page 535.)

Mr INGERSON (Bragg): This Bill amends the Crimes (Confiscation of Profits) Act 1986, which came into effect in March 1987. It seeks to extend the definition of 'property' to include any interest in any real or personal property and to provide for the whole of any property to be forfeited where a third party has an interest (for example, a joint tenant) and the property cannot be severed or realised separately from that interest. Upon sale it is proposed that the third party interest be paid out.

The Bill also expands the definition of 'proceeds' of an offence to include property derived directly or indirectly from the commission of an offence where the property is converted to another form in one or more transactions. It also provides for forfeiture of property received by a person where the recipient knows of its origin or receives it in circumstances that should raise a reasonable suspicion as to its origin from criminal activity.

It provides that a person who commits or is a party to the commission of an offence and who obtains any benefit through publication or prospective publication of material concerning his or her exploits or opinions or the circumstances of the offence or in any other way exploits the notoriety of the offence will be liable to forfeit that benefit or its equivalent value.

The Bill reverses the onus of proof in serious drug offences to provide that all property is to be forfeited except property that the court is satisfied was not the proceeds of offences against the law of South Australia or any other law. It provides for the appointment of an administrator to administer forfeited and restrained property. The salary is proposed to be paid from the proceeds of confiscated assets. It also gives law enforcement officers wider powers to gain access to documents necessary to follow the money trail and the transfer of 'tainted' property. It further provides for monitoring orders to be issued by the Supreme Court requiring a financial institution to report on transactions affecting an account or accounts. Finally, it recognises forfeiture and restraining orders made by courts in other States under corresponding laws.

The Opposition notes several areas of concern, some of which have been resolved in another place. Our concerns are as follows. The administrator is to be employed by the Attorney-General. In my view that person ought to be an officer of the court, such as the Sheriff, and that part of the salary attributable to the work of the administrator should be payable from the proceeds of confiscation, not necessarily the whole salary.

It is my opinion that all offences under the Companies (South Australia) Code, the Companies (Takeovers) Code and the Securities Industry Code should be prescribed offences. This seems to include minor offences such as failing to lodge annual returns.

It is hoped that the Minister will clarify this matter, as it is of major concern. The Offenders Aid and Rehabilitation Services Organisation draws attention to the hardship caused to innocent parties, such as spouses and children, where property is jointly held and is to be sold by a court under a forfeiture order. We need to have adequate protection for innocent third parties in these circumstances. This Bill is directed to a person who participates in—or is an accessory before or after the fact of—the commission of an offence, and not to a person convicted of such an offence. Any forfeiture legislation should be directed towards those convicted rather than those who are suspected of having committed an offence. I ask the Minister to clarify this provision.

The Legal Services Commission has complained that it is using its funds, as it is required to do, to provide legal aid to persons such as Moyes, whose assets are frozen or forfeited, and that no provision is made for reimbursement to the commission for that legal aid. I believe that this should be specifically allowed by an order of a court. The provisions dealing with forfeiture of proceeds from the publication or prospective publication of material relating to an offence could cause hardship, particularly because there is no time frame within which that is to occur; nor is there reference to a proportionate forfeiture in circumstances where part of the publication relates to an offence and other parts relate to other activities.

OARS raises this point, saying that the provisions do not allow for any exceptions. It states that its literature is full of examples of people who have been convicted of an offence and whose experiences and life stories, for various reasons, are an inspiration to others. It gives the following examples: Jesus of Nazareth, the Apostle Paul, Socrates, John Bunyan, Carly Chessman, Alexander Solzhenitsyn, Charles Colson, and so on. In South Australia we have people like Barry Goode, Lindy Chamberlain, Ray Thyer, Harry Miller, Derryn Hinch, and so on. Each of these people has some positive moral lesson for society and should not be prevented from receiving a benefit from publishing their point of view.

Further, the Crown is to be entitled to recover from the Criminal Injuries Compensation Fund any costs awarded against it in proceedings under the Crimes (Confiscation of Assets) Act. It seems to me that, if proceedings are taken by the Crown and costs are awarded against it, those costs ought to come from general revenue and not from the Criminal Injuries Compensation Fund. In principle, we support the Bill but at the relevant time I will move amendments which I hope the Government will accept.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its indication of support for this measure, although I note that it intends to move a series of amendments similar to those that were moved in another place. This Bill, as the honourable member said, is designed to improve the operation and scope of the current law with respect to the confiscation of profits obtained as a result of criminal activity in this State. The assets that are received in these circumstances are applied to a number of Government initiatives—programs developed out of our concern to provide support for the victims of crime in this community.

Indeed, the State Government has undertaken the very substantial development of legal and administrative programs of support for the victims of crime. The Attorney-General has been very closely involved in this matter and has represented this State and country at international forums with respect to victimology. He has played a very important role in the development of law reform and other approaches to support the victims of crime in this country. I think the last five or so years will be seen as very important years in the balancing of the criminal law in this country. South Australia very clearly leads this country in the provision of law reform in this area.

We will see emerging a much greater understanding of the effects of crime in our community—the human dimension to criminal activity. Laws will provide an avenue for the courts to take into account, much more than they have ever done in the past, the effect of the crime on individuals and on the broader community and to bring into the sentencing process the mechanisms whereby the loss and hurt suffered by victims can be taken into account in the sentencing process and in the handing down of penalties generally.

In that way I believe a very strong deterrent factor will be built into our criminal law, and that will help to inculcate in our community a much deeper understanding of the effects of criminal behaviour on individuals in our community and on our community as a whole. Indeed, the monetary cost of criminal activity has to be met. Traditionally, I guess it has been met by the country as a whole which has to pay for the social security, medical and other financial supports that are necessary to provide reparation and support to victims of crime.

Nowadays I think there is a much stronger belief in the community that those who perpetrate crimes should contribute in a much greater way to the well-being of our community, particularly to those individuals who have suffered. This Bill brings about a number of important changes to the law with respect to our ability, as a community, to confiscate property or goods that have been obtained as a result of criminal activities. The law was found wanting in a number of areas. So, this Bill provides that clearer focus and direction. I notice that the debate in the other place went into some detail about these matters, so I will not repeat the explanations now, bearing in mind also that similar amendments will be introduced in this place for reconsideration. I commend the Bill to the House.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

Mr INGERSON: I move:

Page 1, lines 18 to 21—Leave out paragraph *(a)*.

In essence, this amendment proposes to involve the Sheriff, rather than an administrator, as such. We believe that the administrator should be a person of the court, and I ask the Minister to support the amendment.

The Hon. G.J. CRAFTER: This provision involves the administration of this measure, but also it is designed to ensure that there is not a conflict of duties involving the officers required to administer this provision. The Attorney-General has given that explanation in some detail in another place. I do not propose to go over those arguments again, except to say that the Government benefits from having had this matter closely scrutinised by its advisers, particularly the Crown Prosecutor. I believe the advice of those officers does carry considerable weight in the circumstances, and that that advice should not be ignored.

Amendment negatived.

The Hon. G.J. CRAFTER: I move:

Page 2, lines 32 and 33—Leave out subparagraphs (vii) and (viii) and substitute the following subparagraphs:

(vii) a provision of the Companies (Acquisition of Shares) (South Australia) Code;

(viii) a provision of the Securities Industry (South Australia) Code:

This is a drafting amendment. The Acts referred to in subparagraphs (vii) and (viii) were wrongly described in the Bill, and this now clarifies that error.

Amendment carried; clause as amended passed.

Clause 4—'Liability to forfeiture.'

Mr INGERSON: I move:

Page 4—Line 17—After 'that person is' insert ', subject to subsection (2a),'.

After line 18 insert—

(2a) Subsection (2) is subject to the following qualifications:

(a) no forfeiture may be imposed if the publications or commercial exploitation occurs more than 10 years after the commission of the offences;

(b) if it appears to the court before which the question of forfeiture arises that the benefit in respect of which forfeiture is sought is only partially attributable to—

(i) publication of material concerning the circumstances of the offence;

or

(ii) notoriety achieved through commission of the offence,

the extent of the forfeiture must not exceed the proportion of the benefit that is so attributable.

We consider that the substantive provision in this clause should not apply if publication or commercial exploitation occurs more than 10 years after the commission of the offence. There is a reasonable amount of argument to suggest that that period is sufficiently long, and we would ask the Minister to agree to the amendment on that basis.

The Hon. G.J. CRAFTER: The Opposition intends to confine this provision and confine it, the Government would suggest, far too narrowly. I noticed in the debate in another place that the Hon. Mr Griffin said that he was not fussed whether it was 10, 15 or 20 years and, in some circumstances, it could extend back to 20, 30 or 40 years. Clearly some indecision exists here as to what is the appropriate period, if any, which should apply.

The Government's clear intention is that those who do not deserve to profit may well be the ones who do profit if this definition was construed as narrowly as the Opposition proposed in the amendment. In another place, the Attorney-General gave an example of how a person who had a non-parole period of 20 years, having committed a heinous crime, might emerge from gaol and profit greatly from his or her story. That person may not even have been convicted of the crime until more than 10 years after its commission, which would make the situation even worse. So, it is suggested that the provision currently in the Bill is more appropriate, although it is a broader definition; it meets the aim of the legislation which is to encompass, as broadly as we can but as appopriately as we can within the framework of the law, all people who are seen as to be likely to profit in this way and who clearly should not.

Amendments negatived; clause passed.

Clause 5—'Forfeiture orders.'

Mr INGERSON: I move:

Page 5—

After line 12—Insert subsection as follows:

Lines 6 to 12—Leave out subsection (2a) and insert:

(2a) Where a person is liable to forfeit an interest in property but there is another interest in the same property that is not, apart from this subsection, liable to forfeiture (an 'untainted interest') the court may, if it thinks fit—

(a) order that the property be forfeited in its entirety but that the owner of an untainted interest be paid a specified amount out of the proceeds of realisation of the property or a specified proportion of the net proceeds of realisation;

or

(b) order that the interest vested in the owner of an untainted interest and that the property be charged with an obligation binding that owner to pay to the Crown, on sale of the property, an amount representing the value of the interest so vested (to be fixed by or in accordance with the order).

In this amendment, in essence we are saying that some parties to these confiscations of profit are innocent and have no interest at all, nor can it be deemed reasonable for them to have known what was going on. This amendment recognises such people in a way that will enable them, through the court, to realise their interest in the property in question or in any specific portion of it. Further, the innocent owner of an untainted interest will be able to receive the proceeds of his or her investment. We believe that the amendment covers an important civil liberty argument, and it is one that we believe the Government ought to recognise.

The Hon. G.J. CRAFTER: Clearly, one must balance the rights of innocent persons who are in some way connected with another person who has been involved in criminal activity and concerning whom, as a result, there is property which comes under the ambit of this legislation. Innocent persons do not lose anything; they get the whole of what it is they are entitled to under this provision. The concern with the Opposition's amendment is that there could be a requirement, for example, to hold onto real estate for a period of up to 20 years, and that there would be a substantial diminution in the value of that property if it were allowed to run down. That is not the thrust of this legislation and, clearly, that is not in the interest of the community, nor in the interests of the innocent party. So, I oppose the amendment for those valid reasons.

Mr INGERSON: The Minister's comments do not recognise the Opposition's concern. I would be interested if the Minister would expand his argument, because it seems to me that the clause is inadequate as it stands. We are really saying that there are a lot of untainted interests on which the court can make a decision, and we think that those

interests could be realised from the property in question and passed on in this way to the individuals concerned. Will the Minister give a broader explanation and perhaps reconsider his stance on this issue?

The Hon. G.J. CRAFTER: This matter was debated at some length in another place. Not only were the actual effects of the legislation debated but also the philosophy behind this measure. To a large extent, the argument advanced by the honourable member is of a philosophical nature. It relates to whether we should subdue the rights of the community as a whole to recover property and to maximise its gains from the confiscation of profits and apply those gains to the purposes of the Bill, or whether we should place in a paramount position the rights of innocent third parties in this situation.

As I said to the Committee earlier, innocent persons do not lose any of their rights under the measure currently before us, but the community could lose a lot if the Opposition amendment is accepted. The consequences of that have, I believe, been debated in full in the other place. I do not believe that the matter can be resolved by debate which looks at individual situations because, as I said, there is an underlying philosophical attitude that one gives to either of those respective interests.

The Committee divided on the amendment:

Ayes (23)—Messrs Allison, Armitage, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, Blacker and Brindal, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn and Ingerson (teller), Mrs Kotz, Messrs Lewis, Matthew, Meier, Olsen, Oswald, Such and Wotton.

Noes (23)—Messrs L.M.F. Arnold, Atkinson, Bannon, Blevins, Crafter (teller), De Laine, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan, Messrs McKee, Mayes, Peterson, Quirke, Rann and Trainer.

The CHAIRMAN: There are 23 Ayes and 23 Noes. There being an equality of votes, I give my casting vote to the Noes. The amendment therefore is not agreed to.

Amendment thus negatived.

Mr INGERSON: I move:

Page 5—After line 29 insert—

(8) A court by which a forfeiture is imposed may order that a specified amount be applied out of the forfeited property, or the proceeds of realisation of that property, towards meeting the costs of legal representation of the person against whom the forfeiture was imposed.

The Hon. G.J. CRAFTER: The Government opposes this amendment. Representations received by the Government from the Legal Services Commission have been incorporated into the Bill before us and, once again, I believe that the advice received from the commission should not be overruled by the Opposition's amendment. If one takes the view that an illegally obtained asset should not be the property of an offender and, in fact, is not legitimately the property of an offender, it is difficult to see why that illegally obtained asset should be used to cover the costs of an offender when dealing with an application for forfeiture.

One would anticipate that if the offender had other assets he would be able to pay for legal advice out of those assets and not the assets he has illegally obtained. On the other hand, if the offender is impoverished following confiscation of his assets, it is suggested that the normal processes of Legal Aid should apply and it would then be a matter for the Government, as part of its Legal Aid service, to accommodate the situation and ensure that the Legal Services Commission provides aid. It is for those quite practical reasons and, indeed, in response to representations that the Government has received from the Legal Services Commission that the amendment is opposed.

Amendment negatived.

Mr INGERSON: I will not proceed with the remaining amendments in my name as they are all either consequential or have been dealt with in some form or other.

Clause passed.

Remaining clauses (6 to 11) and title passed.

Bill read a third time and passed.

MINISTERIAL STATEMENT: ABORIGINAL COMMUNITY GOVERNMENT

The Hon. M.D. RANN (Minister of Aboriginal Affairs): I seek leave to make a statement.

Leave granted.

The Hon. M.D. RANN: In association with my colleague the Minister of Local Government, I am pleased to table the report entitled 'Community Government', prepared by Don Dunstan. Don Dunstan was appointed as a part-time adviser to the Government in June 1988. His brief was to consult with Aboriginal communities in the Aboriginal Lands Trust areas, the Maralinga and Pitjantjatjara land, on concepts of community government, to review the operation of local government legislation affecting Aboriginal communities in Queensland and the Northern Territory and to report back to the State Government on the various options and alternative strategies we could pursue in South Australia following consultation with Aboriginal communities and local government. Mr Dunstan also directed his attention to whether Aboriginal communities could gain access to Local Government Grants Commission funding, recognising that the commission's methodology for grants determination may not adequately take into account the unique circumstances which apply to Aboriginal communities.

The Dunstan report is a painstaking and complex analysis of the problems and opportunities facing Aboriginal families. The first Australians, Aboriginal people, are still the last Australians on every social index—whether it be employment, health, housing, education, crime or longevity. Equally, Mr Dunstan recognises that there can be no quick fixes and that solutions to these problems are not always contingent on more funds. But he rightly calls for a more coordinated and flexible approach to enable Aboriginal communities to take more responsibility for improving their position. I want to place on record the Government's appreciation of the work undertaken by Don Dunstan. His commitment to Aboriginal affairs remains unequalled by any Australian politician and, as a result, there could be no person more qualified to undertake this study.

The release of the Dunstan report has been delayed by the introduction of Commonwealth legislation establishing the Aboriginal and Torres Strait Islander Commission (ATSIC), which began operations on 5 March. There is obviously a considerable lead-up to the passage of that legislation and the implementation of the ATSIC provisions. ATSIC replaces the former Commonwealth Department of Aboriginal Affairs and the Aboriginal Development Commission, and establishes elected representative structures at community, regional and national levels. Because of the obvious potential for overlap and conflict it was necessary to cross-reference the Dunstan report and ATSIC provisions.

This process has begun but will now need to be undertaken in the context of opinions of Aboriginal communities and local government on the Dunstan report and I have therefore today sent copies to Aboriginal communities and

the Local Government Association for comment by the end of May this year. There will be no commitment to implementing any option until Aboriginal groups, who could be affected by any changes to community government structures, have had the opportunity to express their views on this report, ATSIC administration and the operation of the Aboriginal Lands Trust.

Mr Dunstan proposes a series of options including: the incorporation of Aboriginal communities as separate local government bodies through special legislation and facilitate access to various local government funds; regional strategies such as reconstituting the Aboriginal Lands Trust and Maralinga Tjarutja as the local governing body along the lines of the Outback Areas Trust; incorporating some Aboriginal communities within the relevant mainstream Local Government Authority; or maintaining the *status quo*. Mr Dunstan stresses that his report—its findings and its options—must be treated as a discussion document and that extensive consultation with all communities and local government should occur before final recommendations are made. Dunstan also argues for flexibility, allowing communities to opt for a course to obtain local government services in a manner and at a pace that they see as best suited to their needs and aspirations.

However, other issues raised in Mr Dunstan's findings are being addressed with urgency. Following my discussions with Mr Dunstan the current review of the Aboriginal Lands Trust has been asked to look at ways of making the trust more proactive in giving support to economic development and community employment initiatives in Lands Trust communities in order to break the cycle of welfare dependence. In his report Mr Dunstan refers to the better standards of health in Lands Trust communities compared with the remote lands, except—and it is an important exception—for alcoholism and alcohol related health problems. Legislation is now before this Parliament that will give Lands Trust communities the legally enforceable right to ban or control alcohol use, with similar provisions to those currently applying on the Pitjantjatjara lands.

Mr Dunstan also examines the positive steps local, State and Federal Governments can take in order to improve the employment prospects of Aboriginal people. On Friday, I will be announcing a major Government strategy designed to take up this challenge from Mr Dunstan. The Dunstan report will challenge all of us—including Aboriginal communities and local government—to examine strategies for improving opportunities for Aboriginal people to participate in decisions that affect their lives. I look forward to a constructive and mature response. Mr Speaker, in association with the Minister of Local Government, I have much pleasure in tabling this report for the information of the House.

RETIREMENT VILLAGES ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 1 March. Page 536.)

Mr INGERSON (Bragg): I rise on behalf of the Opposition to support this legislation in principle. The legislation primarily deals with a review of the Act that was set up in 1987 and the operation of which began on 30 June 1987. The Bill seeks to do the following: introduce a requirement that a disclosure statement be given to a prospective resident by the authority administering the retirement village; the statement would be described in regulations and deal with financial matters. This is an area of major concern in most retirement villages. I have two excellent villages in my electorate and complaints are continually coming from both of them about the disclosure of financial matters—in particular, in relation to the regulation of the finances of the whole village. This always seems to be a matter of concern to everyone in the village and it is an issue that, hopefully, this provision of the Bill will help to address.

One of the major issues is the flow of information that should occur from management through to the residents of the village. Whilst in this place we can always set down regulations on the way that things should occur, the human problem of communication between management and resident is a major issue. In the areas in which I have been specifically involved, there is no doubt there are faults on both sides. Understanding of these peculiar formulae that some of the retirement villages set up to organise their funding is where the problem begins and ends. In most instances, people go into retirement villages in good faith; they believe that they understand the financial arrangements; it is only as they get down the track, when something goes wrong or they need to have a particular area elaborated, they find that they have a totally different understanding from the real world. This whole area of communication between management and resident cannot be covered by regulation, but, through Government literature, we should clearly set this out for the benefit of all residents going in.

The second part, the resident's contract, will be taken to include a warranty that information in the disclosure statement is correct. I suppose that is a problem that we have with all contracts. People disclose certain matters and make certain statements in good faith, only to find down the track that in many instances they cannot be followed through. One of the major concerns in this area is the flow on from the retirement village to the next stage of health, which is usually a nursing home or some other offshoot of a nursing home. In many instances, people have entered retirement villages believing that there was a next step in the procedure and agreement, only to find that it is not there for some time in the future because of some financial reason of the management. This whole problem of disclosure of information goes back to the point that I made initially: communication between management and client resident.

The cooling off period is also to be extended from 10 to 15 business days. I note that the Government did not expose this for public comment, but we do not have any significant objection to it, although I point out that 15 business days is in fact three weeks. To ask banks and other financial institutions to have a cooling off period of 15 days is at the very extreme for any cooling off period. In other areas of commerce there is nowhere near that cooling off period. It is very close to the extreme limit for any cooling off period. It seems to me that in three weeks people should have ample time to make up their minds. As I said, this extension is at the extreme. It is of concern to me personally, because I think that 15 days is a long time. However, we will not attempt to amend that. I express that concern to the Minister in the hope that he will tell us in his second reading reply why the Government has proposed that period of time.

The Commissioner of Consumer Affairs rather than the Department of Corporate Affairs will assume the responsibility for administration of the Act. Why the change from one division to another? It seems to me that either department could do it. There must be some reason, and perhaps the Minister will explain that.

The charge in favour of residents is clarified and made retrospective to 30 June 1987 to ensure that the charge ranks before any first registered mortgage. It is in this area

that we have had representation from the Australian Bankers' Association. Unfortunately, this representation was not available to us in the other place. The association has expressed serious concern about this matter. In effect, it has suggested that, as a financier, it should be in the first position. It has expressed serious concern about the changes that this amendment will effect. Will the Minister explain fully to the Parliament the reason for the introduction of this provision and why it has been specifically made retrospective to 30 June 1987?

Our consultation on this issue has been very wide. As all members will know, the retirement village is a new concept, and with any new concept there are many initial problems. Whilst I strongly support the whole concept, there are many areas of concern; but, as I have said, we have discussed it broadly and there does not appear to be any great opposition to these amendments. The main concern relates to explanation, and hopefully the Minister will deal with that.

In my brief summation of the Bill I have outlined some doubt about the disclosure statement and the extension of the cooling off period. There is a question as to whether it will make any difference to prospective residents, many of whom, when confronted with a long disclosure statement and other documents, will be confused and are unlikely to be compelled to withdraw from a proposed transaction. If there is one thing that we should ask the Minister to try to do through regulation, it is to put in a prescribed agreement that is fairly simple. This is a problem that we get in this place. We deal with legislation every day and we require simple language in the parliamentary process, but, as we showed last night, we are having some difficulty in getting to that point. However, we should ensure that legislation is simple and easy to understand, with just sufficient requirement to ensure that a document will stand up legally and consequently within our courts system.

On behalf of the Opposition, I support this Bill. I hope that the Minister, in his second reading reply, will consider and answer the questions that I have raised.

Mr FERGUSON (Henley Beach): I welcome the new legislation. I echo the thoughts of the member for Bragg in respect of the new form 6 that will apparently be provided to prospective residents of retirement villages. I do hope that the document is in plain, clear and simple language. I agree with the honourable member that the current situation is that prospective buyers of licences in retirement villages are now confronted with documents that are very difficult to understand. Most members of Parliament at one time or another have been asked to peruse these documents; they are written in legalese and they are very difficult to understand, even for a parliamentarian. I echo the comments of the member for Bragg on that issue.

Prior to this legislation being introduced, the Commissioner for the Ageing was asked to examine the issue of retirement villages. His annual report of 1988-89 stated that complaints by the minority of disaffected residents of retirement villages fall under five main headings:

a. Contracts being extremely cumbersome, convoluted and confusing.
b. Promises of additional facilities, extra maintenance, care and the like not being honoured by the proprietors.
c. The management style of the villages was not to the liking of the residents, who were often confused by an apparent conflict of roles.
d. An inability of many residents to adjust to the regimentation found in many villages, especially when they came from an independent lifestyle.
e. Many retirees bought into a village expecting 24 hour care which was then not forthcoming.
f. Difficulties and slow payment when retirees decided to leave the villages, for a variety of personal and other reasons.

That is a pretty fair summary of the sort of complaints that I have received as a local member from people who have bought licences in retirement villages. I have no problems at all with the 15 business days grace that is allowed a person who is considering purchasing a licence. That time allows them to change their mind. In fact, I do not think that 15 days is long enough. I would extend the period even further, because we are dealing with people who are retired. In fact, the rules of retirement villages prevent anyone from entering a retirement village unless they are 55 years of age or older. We are dealing with people who sometimes have difficulties of a mental nature and who are incapable of interpreting documents and dealing with the sales pitch that is put to them in any event. I would say that three weeks is, in some instances, not long enough for these people to consider their contract.

I support the legislation but it does not go far enough. I would depart from the proposition that all that is required is that everything must be revealed to a person before a contract with a retirement village is valid, because there are a couple of faults with the present system that I believe need attention. One of them relates to the fact that a person may wish to move from a village because it has not been to his or her liking, and often that is for a variety of reasons. One person put to me that they had come from a large family home which they had to sell in order to provide the capital to move into a retirement village, and they found the living style in that village too confining and claustrophobic. In fact, the unit they moved into was too small. During their lives those people had been used to moving around the family house and, when they found themselves in this new situation, they found it very depressing, confining and claustrophobic, so they decided to get out. Often when people decide to move out of a village, they do so in haste and because they just cannot stand the situation in which they find themselves any longer. They are left with the problem referred to in the annual report of the Commissioner for the Ageing which states (and I repeat):

> Difficulties and slow payment when retirees decided to leave the villages, for a variety of personal and other reasons.

The terms of the contract for a licence in a retirement village give the management of these villages the sole right to dispose of that licence; at the same time, the contract obliges the person concerned to continue his or her normal payments. So it is not unusual for a person who has decided to get out of a village because he or she could not stand it any longer to be in a situation where their capital is diminishing week by week, often to the extent of $120 a week or more.

I believe that sooner or later the Parliament has to intervene in this situation and allow the sale of licences by any vendor, any licensed land agent, so that the long delays that are now occurring when someone leaves a village, with their capital diminishing all the time, will cease. There are problems where some organisations running these retirement villages actually have a waiting list and then approach the people who are on that waiting list before they offer the unit or the licence to anyone else. So there is often a long delay while that organisation approaches those prospective buyers on the list who wish to enter into the village. While people consider whether they can obtain the required finance, whether they want to sell their family home, whether they can get a loan, whether their families will support them if and when they enter the village, which are all questions that have to be answered, the capital of those people who have

already invested in the village is diminishing. There is an unfair and long delay.

I would go further with the regulation of retirement villages. Also, I believe it is time that Parliament looked at the way in which advice is received by prospective buyers of licences in the village, and I refer to the cases that are often put to me especially by people who wish to move out of a village. I acknowledge that full disclosure has been made to them, but I ask them the question, 'Did you read the documents presented to you in the first place?' The answer is, 'Well, I had a casual glance at them but I did not understand them.' My next question is, 'Did you have a solicitor look at those documents?' As I mentioned earlier this afternoon, the only people who can interpret these documents are solicitors because of the legalese in which they are written.

The answer to the question usually is that the document was referred to a solicitor recommended by the village administration in which the person intended to reside. Further, these people have been encouraged to use such solicitors because they were provided at what might be called a cut-price rate, a flat charge of $25 being made to prospective customers of the retirement village. Often the questions asked by the solicitor are: 'Did you read the document?' The answer is 'Yes'. The next question is: 'Did you understand the document?' The answer is 'Yes'. Then they say, 'Will you please sign this contract?'

I often ask people why they would not refer the documents to their own solicitors, and they answer that the cost involved would probably be about $300 or $400 as opposed to the $25 being offered by the owner of the retirement village. I then ask, 'How much money are you investing in this venture?' Often they are spending between $90 000 and $98 000. I then say, 'An expenditure of $300 for advice is nothing against an initial investment of about $98 000.' All I get is a shrug of the shoulders.

I believe that Parliament ought to consider bringing in legislation to ensure that the legal advice tendered to these people is not in any way connected with the people who own, run or control the retirement village. I realise that in making that suggestion I will be expecting people to pay more money for the advice they receive, but that extra expense is justified in the long term.

Certainly, I do not want to leave the House with the impression that everyone who enters a retirement village is dissatisfied. In fact, the vast majority of people who move into a retirement village are satisfied. I would expect that 95 per cent or more of people entering retirement villages are completely satisfied with their lot, but there is a group of people who, for one reason or another, are not satisfied, and I believe that they need the protection of Parliament in the same way that we give consumer protection to people in other areas.

I refer, for example, to the consumer protection that the House has given to the purchaser of a motor car, where the initial investment of between $5 000 and $20 000 is low by comparison. The House gives consumers protection when they make an investment of that magnitude, yet people who invest up to $100 000 in a retirement village through buying a licence or real estate do not have such protection available to them. Bearing in mind the enunciated policy of full disclosure, I will continue in whatever capacity I have to try to convince those people who are the decision-makers that we ought to go further in arresting concern in respect of retirement villages.

Mr BECKER (Hanson): Now we see the difference between the socialist Government and private enterprise. The honourable member who has just sat down wants to further regulate this industry and this section of the community, whilst his own Party wants to deregulate wherever it can. Every time we regulate something, we add to the cost. This legislation really tries to cover up what occurred previously. My first impression on studying the legislation is that the Bill is a great con. It is the Labor Party trying to say to the people of South Australia that it will protect and look after them, but this Bill will not achieve much indeed.

However, it could well bring about the death knell of retirement villages as we know them. Certainly, it could slow down that industry. To understand the true picture I refer to the Minister's second reading explanation (*Hansard*, page 535, 1 March 1990), as follows:

> To ensure a proper balance between all parties involved in the retirement village industry—

he is talking about a task force set up to look at the 1987 legislation—

> the task force was chaired by the Commissioner for the Ageing, and was comprised of three other Government officials and four non-government people. The other Government officials were comprised of the Commissioner for Public and Consumer Affairs, a representative of the Commissioner for Corporate Affairs and a representative of the Crown Law Department. The South Australian Council for the Ageing (SACOTA) nominated a resident from a 'church' administered village and another resident from a commercially administered village. The retirement village operators were represented by a representative from the Voluntary Care Association and a representative from Cooperative Retirement Services Pty Ltd. The composition of the task force was announced on 28 November 1988.

Herein lies the crux of the issue: the Government was cleverly able to compromise every section of the industry before it started the task force inquiry. I am led to believe that, because of the tainted nature of retirement villages in the past, because of the actions of some small incompetent operators, this legislation has been introduced. The task force established at the time compromised the industry, which had no option but to go along with what the Government wanted and follow the Government's lead. The Government knew what it wanted; it was trying to embody it in legislation, and at the same time it was trying to get everyone to agree to go along. It said, 'To hell with the cost and the ramifications for the future. This is what we will do.' The task force looked at the area of disclosure of information (form 6). The second reading explanation states:

> The form of the document would be set out in the retirement villages regulations as form 6. The form 6 is a disclosure statement only and essentially warns the prospective resident, prior to signing a contract, about various provisions in the contract such as:
> (*a*) the services they will receive for the money they pay to the administering authority;
> (*b*) the circumstances in which they will receive a refund and the amount of the refund; and
> (*c*) the nature of their tenure in the retirement village.

And it continues with considerably more detail. I am told that that disclosure statement, under this legislation, will take up 15 pages. Fancy asking a prospective buyer of a retirement village to read a 15 page document before signing the contract! Who could understand 15 pages that are prepared by an accountant and vetted by a solicitor to conform with this legislation? It will not help prospective buyers one bit.

I have several very good retirement villages in my electorate. I had a tremendous amount of experience with one of them, but I suspect that the Commissioner for the Ageing stuck his snout in there. This is probably part of the problem, and I have no respect for him at all. I think he interferes with what private enterprise is trying to do for the aged people in this community. I saw a retirement village built from the paddocks upwards by an entrepreneur

who thought there was a quick dollar in the industry but found out there was not. His concept for building the retirement units and apartments around an old historical home was excellent. It was beautifully located and the surroundings and everything involved was done well. However, the number of complaints from the first lot of residents was unbelievable. A trustee company was appointed to act on behalf of the developer/entrepreneur and the residents. I was caught in the middle because no-one was resolving any disputes and there was much law involved in the matters in dispute.

However, those disputes were resolved by the people concerned sitting down and conferring. The entrepreneur was told in very plain language that he had to rectify the mistakes. As you would know, Mr Acting Speaker, I do not muck around with private builders; I tell them straight out that if they want to be involved in shonky deals they will have to pull the work down and rectify it. Fortunately, for the residents, that village was taken over by Cooperative Retirement Services. Anyone who has had anything to do with retirement villages and has seen what Cooperative Retirement Services has had to put up with when taking over some villages and rectifying the problems can have nothing but admiration for the hard work and dedication of that firm.

I will not wear any criticism of Cooperative Retirement Services whatsoever because it has worked very hard. The other organisations involved in this field are Pioneer Homes, Capita, Southern Cross Homes and many small individual and church organisations. Cooperative Retirement Services brought out a person from North America who specialises in this field. It has 11 villages in South Australia and six in Queensland. It inherited many problems but, for the past 12 months, has not had one complaint and, if there were a complaint, everyone knows the procedures that would be set in train. I fear that this legislation will not provide protection and will add to the costs.

The retirement village with which I was involved began with a meeting set up by the entrepreneur in the local senior citizens' hall, and 400 people turned up at that meeting. I was asked to come along and support the proposal, and I reneged; but the local Mayor attended. The people attending that meeting thought that they could sell their homes for about $78 000, buy a retirement unit for $52 000 (their cost three years ago; today they are worth $93 000—a considerable appreciation) and that everything would be lovely.

I warned quite a few of them to be careful and to look closely at the construction of the units and their facilities. I explained that they would go from a brick three bedroom house on a quarter-acre block to a little brick-veneer unit a couple of paces wide in the backyard and the front yard and, if they were lucky, they might get a carport. So, many people hesitated, but some raced in and, as the member for Henley Beach said, found that cluster living was not for them.

Apart from complaints about the Housing Trust, the largest number of complaints I have received in my 20 years as a member of this Parliament have come from people living in home units—three, four or five people living on what we call the normal quarter-acre block. One can imagine the number of personality clashes that arise in a retirement village of 50 to 80 units—and there are a lot. People fall out, and they fall out in ways that cannot be understood. Some individuals pick every fault from the ceiling to the floor. I think that in one unit alone there were 112 complaints—that person picked every little thing from the plaster and paint to the electrical fittings because he was obsessed with the thought that he was being cheated.

When we have reputable organisations, such as Cooperative Retirement Services, which is supported by a trustee company and the resources of that organisation, I fear the reasons for this legislation. I would not wish on any aged resident a 15-page financial disclosure. That is ludicrous, unnecessary and time-consuming; and it is expensive to produce for the operators of retirement villages.

Other clauses refer to control by the Department for Public and Consumer Affairs. I assume, that we are transferring it to the Commissioner for Consumer Affairs because in that way we can have access to the Residential Tenancies Tribunal—and that may be the key to handling any disputes. Of course, the Commissioner for Consumer Affairs has had experience in that area. However, I doubt whether that is necessary because if one wants to complain, one has to lodge a $200 bond with the tribunal. It is far better for the industry to resolve its complaints where it can be done with understanding and a proper attitude. I oppose the cooling off period of 15 business days; I have never heard of anything so silly in all my life. I did not support a cooling off period of 10 days when the Act was first established.

However, 15 days, plus weekends, becomes 21 days; that is a long time between contracts when selling and buying a unit, given that there is only a three-day cooling off period under the Real Property Act. Someone could sell a house, go through settlement, then sign up under this for 21 days, virtually move in if the unit was vacant, and then one could change one's mind. That could well happen. We will see these units stand vacant for a considerable period, particularly if it is a 21-day cooling off period.

No valid reason has been given to me as to why there should be this period of 21 days, and I do not think it is necessary. I believe it is a reflection on the people themselves. They say that they are moving into a retirement unit; they are conditioning themselves to it; they have lived in their own house for as long as they can; they may be disabled, as many of them are, mainly with arthritis; and they find that it is easier to move into a smaller unit. I assure the House that, in many respects, I would do all that I could to talk them out of it because I would rather people stay in their own home for as long as they can. Let us provide them with the health services and domicillary care and community services that we can and do provide at considerable cost.

People make up their mind that they want to go into a retirement village, so why dillydally with a 21-day cooling off period. I think it is wrong and, again, I feel it is unfair to the operators of these villages because this legislation is certainly anti-operator. An operator must be present; someone has to be the controlling officer.

The other major alternation is the charge in favour of residents. Section 9 of the principal Act is to be clarified and made retrospective to 30 June 1987 to ensure that the charge ranks before the first registered mortgage. I do not support retrospective legislation; I do not think it is necessary. Again, I fail to see why the Government wants to do this. On 1 March 1990, in *Hansard* page 536, the Minister said, in his second reading explanation:

> However, there is some legal opinion to the effect that the present provisions of section 9 (6) do not empower the Supreme Court with sufficient power to enforce the charge over any previously registered charges on a certificate of title. In order to overcome the possibility of this view being upheld in the Supreme Court it will be necessary to amend section 9 of the Retirement Villages Act 1987, in order to give full effect to Parliament's intention that the charge in favour of residents should rank before any first registered mortgages.

I believe this is extremely unusual and rare, and it sets a very dangerous precedent.

If one proposes to build a retirement village—whether they be the present chairman, or whatever, of a church group, trade union, community group or a cooperative organisation—how will that be done unless one has all the money? Generally what happens is that not all the cash is put up—some funds are borrowed to develop the project because the units are built before prospective clients have the opportunity to buy. How can finance be obtained from any lending institution if the first charge is in the name of the person who buys the licence? I am told that financiers will back right off—they will not touch it. So, a situation could be created where any activities to develop further units (retirement villages) for the aged in this State are stopped, and I have not even dealt with fully serviced apartments.

It takes anything from 18 months to three years before a retirement village becomes fully viable. So, there is a period where the developer, entrepreneur or organisation which builds the units can become financially viable. It can be somewhere between 18 months and three years, depending on the turnover and the prices that can be obtained for the units in the establishment stage. To put that barrier in front of a financial organisation just does not make sense. I am sure there must be another way to protect the interests of the person who buys the licence. I think the Government has been given bad information by Crown Law, and that would not be the first time. We have known that under the Public Accounts Committee on many occasions. I would not take advice from the Crown Law Department, just as I would not take advice from a solicitor in my Party.

I believe that this legislation needs a lot more thought, and that it should be thrown out. It should be referred back to the original committee, the industry and the residents, that is, if they could understand it entirely. I believe that the Government should rethink the legislation, because it will be expensive in the long term to operate and it will not achieve a damn thing. All we are doing is regulating something when we should be deregulating it.

Mr HOLLOWAY (Mitchell): I rise to welcome this legislation, and I certainly have a much more positive attitude towards it than the member for Hanson. The operation of retirement villages is a matter of growing importance as our population ages and, of course, as the number of villages grow. As some of these villages are very profitable, I think that there is a real risk that some less than scrupulous operators will be attracted into the industry. Therefore, I believe it is inevitable that we will have to look closely at the regulation of the industry. There are many villages where residents are happy with village life and do have an excellent rapport with the administration of those villages. However, there are also villages where the administration is not doing the right thing and where the residents feel that their complaints are not being satisfactorily addressed. In some instances, this may mean just a lack of communication, but in other cases there are some more substantial grounds for dispute. I would like to briefly refer to some of the problems that have been bought to my attention by constituents.

First, I refer to the arbitrary increases in weekly maintenance payments, which in some cases were doubled and even trebled without consultation with residents. Secondly, there is the question of deferred maintenance. This is a charge of 1 per cent per annum of occupancy deducted from the refund to the resident at the date of termination. In some villages, this fee does not apply, while in others the fee is already in existence. It is claimed that deferred maintenance fees cover the cost of replacing expensive items such as roads, roofing, plumbing and so on, but many residents feel that since they do not own the building—they only have a licence—they should not be liable for the cost of replacing capital items. They believe that the replacement of capital cost items should be reflected in the sale price of the unit and should be regarded as a preprofit cost to be deducted from the percentage retained by the administration; that is, the up to 25 per cent deduction from a resident's refund on resale of the unit. Any maintenance fee should be exactly that—a fee to cover the cost of maintenance, not replacement.

Thirdly, there is the convoluted contracts of sale which has been referred to by other members. A fourth concern is the claim by residents that they feel trapped into staying in retirement homes because of the poor return on the resale of units. In some retirement villages the maintenance fee must continue to be paid by the outgoing resident until such time as a new resident is installed in the unit. This continuance of the maintenance fee is still payable even when the resident has left the village, and it was up to 20 months in one instance. This situation places a considerable financial strain on the residents, particularly when they are currently paying for other accommodation. I think the member for Henley Beach more than adequately covered that point.

A fifth problem is the unmet promises by village operators, including the promises to develop more onsite facilities, such as hostel accommodation, which never materialise. Hopefully, this is where the form 6 statement in the legislation before us today will be of some help in at least warning prospective residents of the problems they may face. A letter from a constituent points out this problem very well; it states:

> As a licence holder in a resident-funded retirement estate, I wish to bring the following facts to your notice.
>
> 1. There is a considerable amount of advertising by owners and developers of senior citizen villages—in newspapers, television, radio, colourful brochures, magazines and video films, etc. promising:
>   a. On-going care
>   b. Security
>   c. Peace of Mind
>   d. Respite care
>   e. Nursing home/s
>   f. Full social life
>   g. Maintenance
>   h. Beautiful landscaped gardens, etc.
> 2. All these promises appear to apply to people living in 'independent living units' within the complex. They are misleading and do not occur in a considerable number of villages. I consider this to be false advertising and very misleading. Considering that thousands of senior citizens have already invested or are considering doing so, this advertising is unethical and immoral.
> 3. As a result of the above, word is getting about that all is not as it should be in many retirement villages, particularly from the reports we are getting that 'independent living units' are exactly that and carry no right of expectation of on-going care, etc. This leaves a very large number of senior citizens who are not frail enough to enter nursing homes . . . but cannot manage on their own without some support. They now have nowhere to go and with no money or very little money left because of the fall in equity of their loan and the fact that people will no longer wish to enter villages which fail to provide what was especially advertised and promised.
>
> I am one of these people and I am very concerned for my future which I thought had been catered for. Life in many villages now is fraught with appalling uncertainty for the future.

This letter highlights the problems faced by many residents of retirement villages and the way they feel about the situation in which they are placed. The Minister for the Aged pointed out that the form 6 legislation which we are looking at today addresses those people entering the system at present rather than the problems that those already in the system claim they are facing. However, in his second reading expla-

nation, the Minister indicated that a third stage of reform in this area is under way. This will involve a very careful analysis of processes within the industry and will focus on providing better protection for residents and prospective residents of retirement villages.

The Minister also said that the third stage is the subject of a study which is being conducted by the Commissioner for the Ageing and the Commissioner for Consumer Affairs. In the course of this study the Commissioners will consult with interested parties and any submissions by members of the community regarding amendments to the Retirement Villages Act will be considered by the Government.

I look forward to the outcome of this third stage of reform and to debating these issues later in the year, and I trust that the problems that I and other members—particularly the member for Henley Beach—have raised will be looked at in this process. I support the legislation as a step in the right direction to correct the very real abuses faced by retirement village residents.

Mr S.J. BAKER (Deputy Leader of the Opposition): I will be very brief in my contribution because I believe that a number of the important issues facing residents of retirement villages have already been canvassed by my colleagues and members on the other side of the House. I do not have a retirement village in my electorate, but there is one nearby and I receive complaints from the residents about the way they believe it is being managed. There is a great fear amongst older people about their future security. In fact, the sort of security and the promise of security that most of us would like to believe occurs in these circumstances does not happen. Special rules apply to the disadvantage of residents. I know that the Bill takes a short step in this direction, but often these rules are made by management on the basis of commercial viability or the commercial considerations of the project without full consultation with the residents concerned.

I will not go into all the issues that have been raised that are pertinent to this debate, but the one thing that people crave is the freedom that they previously enjoyed along with the ultimate security of, if circumstances should change, retaining the investment they have placed in the retirement village and being able to seek alternative accommodation. Such alternative accommodation may be in the area of nursing or hostel accommodation if they become infirm or, if they become disillusioned, they may wish to take up their previous style of living which may have been the quarter acre block referred to by my colleague the member for Hanson.

There was much interest in the village close to my electorate when it was first proposed because it was seen by residents as a means of living together happily ever after on the basis that they had a number of things going for them, such as not having a large garden to maintain. Also, they would have people of similar age and interests around them and most of the residents would come from reasonably close by so that they could retain their friendships in the surrounding areas. This village was seen by some as a sort of haven, but it has not quite worked out that way for a variety of reasons which have been explained to the House by other members.

Importantly, part of the deal for the retirement village was the promise to those people who wished to spend the rest of their days in that village that, if they became infirm, alternative accommodation would be provided. I mentioned previously the fact that people wished to be able to go into hostel arrangements and, ultimately, nursing homes should the need arise. These residents went into this village on the basis that these conditions would prevail, but this has not occurred. There has been a breach of promise by the original proponents of the village and the people who have taken up residence do not have the long-term security that they believe had been promised.

The other aspect, as I mentioned previously, is that management makes decisions which are not necessarily based on anything but commercial considerations. That is not a bad thing in many enterprises; in fact, it is a very sound reason for running a business. However, when talking about retirement villages today a very human aspect should be considered in the way that people live together. The Opposition does not believe that the efforts made by the Government to date have answered some of the concerns and questions raised with most members of this House.

I am sure that almost every member of this House has had some form of representation from people living in a retirement village, whether it be because they are the member for the area affected or because they have a relative who has taken up residence in a retirement village. The same stories keep coming back as have been outlined by the members for Henley Beach and Hanson.

This Bill does not address the basic dilemma of the financial arrangements that people enter into quite willingly and feeling that they have an element of security. However, ultimately, it is to their disadvantage if they do not have the capacity to obtain alternative accommodation. Many residents do not have this decision making ability which they believe is important.

I think that most residents would agree to the payment of a fair price for maintenance which is necessary on gardens and the residences themselves. However, I can cite a case where in the space of two years the yearly figure for maintenance has risen from $500 to $1 200. A number of these residents are pensioners who find this an enormous impost—their capacity to pay is very limited It is the fear of not knowing where they go from a retirement village or not knowing what they do if they decide that they do not like the accommodation which has motivated a number of representations to local members.

We have been asking the Government for some time to address some questions and they are partly addressed in the legislation before us today. However, they really do not come to grips with the psychology that prevails in retirement villages; with the questions of security for older people in the way that we would like them to be addressed; or with the real management problems that arise when persons in companies make decisions on behalf of people who have quite different aspirations to those of the person making the decision. Whilst the Opposition supports the Bill, we still have some way to go and I hope that, in the next 12 months, we see this problem addressed even more constructively than it is in the Bill before us today.

The Hon. G.J. CRAFTER (Minister of Education): I thank all members who have, very constructively, contributed to this second reading debate. This is the second of a number of phases in which the Government is engaged in an attempt to improve the legislation in this State dealing with retirement villages and, in particular, rights of residents of retirement villages or licence holders of corporations that own retirement villages. Clearly, there is a strong division of view, particularly within the Opposition, as to whether the Government should intervene in this area or whether it should be left as a substantially deregulated area. At this stage, it is very much a substantially deregulated area. It was traditionally covered by the Companies Act and, latterly, the Companies Code. Indeed, that is why it is currently

administered by the Corporate Affairs Commission and why the Bill seeks to transfer it to the area of consumer affairs, where the Government and I believe it is more appropriately placed.

In their contributions, all members clearly indicated that this is a matter of protecting the rights of citizens of this State who are consumers of services provided by retirement villages. There is a very real concern, which was clearly expressed this afternoon, about the rights of persons who expend often very substantial sums of money in investing in retirement village units and who then find that they have purchased a right the legal nature of which they were not fully aware or, indeed, of which their family was not fully aware. That is why there is now provision in this Bill before us to have some fundamental rights established with respect to those people who purchase access to retirement villages.

The member for Hanson has done a great disservice to those bodies that served on the committee set up by the Cabinet to consider these measures because, indeed, I understand that some of the measures before us result from the representations of some of the non-government members of that committee. Indeed, the South Australian Council on the Ageing (SACOTA) played a very important role in advancing a number of these measures, as did other members of that committee who are actively involved in the retirement village industry. It is known that Cooperative Retirement Services Pty Ltd, which administers a number of retirement villages of its own and on behalf of others, was a very strong advocate of the development of the concept of the form 6 procedure before us. I understand that it is currently using that procedure on a voluntary basis. Therefore, it is not true to say that those groups have been compromised by the Government as a result of participating in that working party. In fact, I believe it is a very useful tool for a responsible Government to use, that is, to have those groups contribute and to then accept their views and to bring them into this place so that they can be enacted in legislation.

As a number of members have said, there is concern amongst responsible providers to ensure that there is ethical activity in this area and that an odour is not building up around the industry that brings it into disrepute. We are dealing with people who often are aged, who suffer one disability or another and who rely upon the support and advice of others, particularly members of their family, other people of goodwill in the community and professional people who can advise them. That is why a 15-day cooling off period is provided. That was strongly requested by many people who have had unfortunate experiences in this area. Of course, it was very strongly advocated on their behalf by SACOTA. I would have thought that the experience in this State with respect to the cooling off period under the Land and Business Agents Act, which has proved to be very successful and very much appreciated by the community and which has resulted in not only greater status for the real estate industry and its practices but also fewer people having to go to court to engage in costly litigation to overcome difficulties during the contractual period for the purchase of real estate, would encourage support of this measure.

It must be accepted that the purchase of a home is the biggest financial transaction that most people make during their lifetime. It is a major decision that many people in our community take in the retirement period of their life. The cost of entering into retirement village accommodation, in many instances, is not insubstantial: it is often very expensive indeed to buy into some of those units at the upper end of the market. It also means that one is purchasing the right of access to hostel accommodation that is often not yet established and to a range of other services provided under the prospectus of those selling access to retirement villages. That is why the form 6 provisions are so important and this embodies those provisions in a contractual situation.

It is something that is available, in many respects, to other purchasers of property and it was covered to a much greater extent when that matter arose under the Companies Code. It does not now so, to some extent, this fills the void that has existed for some years. The transfer of this legislation to the area of consumer affairs was raised by the member for Bragg. It is simply a matter of transferring ministerial responsibility. It also involves a transfer of functions and it is regarded as being much more appropriately placed in the consumer affairs area; it fits in with the work of officers in that department rather than the work of officers in the company law area and officers of the Corporate Affairs Commission. That is the reason for this change.

The debate has also included a number of subjects that are not covered in the measures before us. Like other members, I have had representations from residents of retirement villages who are very concerned about a number of issues. I had a representation last week from a group of residents who have corresponded with the board of management of a retirement village for nine months and who have not received written or verbal responses to their representations. They do not have representation on the board as residents directly or as persons in their stead. That matter obviously in the fullness of time needs to be considered as well. What are the rights of residents to be represented on the boards of management?

There is also the question of access and the right of access to hostel accommodation. That is of great concern to many residents. The reason why they buy into a retirement village is that they know that in later stages of their life they will require hostel accommodation. When that hostel accommodation is not built, and in some cases there is no provision in terms of the ownership of land for that to occur, it raises very serious questions about the rights of those residents to gain access to that service and it also raises questions of misrepresentation.

There is further concern about the role of local government bodies where they are either the proprietors or joint owners of retirement villages and will reap the substantial profits which are available to those who invest in retirement villages. Not in the near future but in the long term substantial profits will accrue to investors in this area. That is why many of these villages are being established. Where local government is a partner, questions have been raised with me about its planning decisions, that is, the ability of local government to approve the density of the development with respect to the erection of a retirement village or even with respect to the purchase of land where it is done through another Government agency as the previous owner.

Many issues are raised and I would believe that all of them are capable of resolution. Some may require further amendments to the legislation; others can be done by the industry itself through codes of practice which may be established in the fullness of time or, indeed, by attention by other authorities, for example, relevant local government authorities. This area is obviously of concern in the community. It has come about as a result of the changing nature of families and of the structure of our community, plus the product of the ageing nature of the population in this State.

For all those reasons, it is appropriate that these measures should come before us, thoroughly canvassed as they have

been, with the strong support of those responsible sectors of the retirement village industry in South Australia.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Creation of residence rights.'

Mr BECKER: The information that I seek relates to section 6 of the principal Act, the disclosure statement, form 6, and the detailed information that is necessary to be disclosed on that document. I do not object to certain financial statements or disclosures, because nobody else would argue more than I would on open government or information being provided to anybody, the consumer in particular.

Is the Minister aware that the information sought will run to 15 pages? I can remember early in my career as a bank manager having to sit down and read to a new client all the clauses in a mortgage document, explain them and then answer questions. If ever there was a wonderful penalty to put on anybody, that was the greatest exercise of all time. I wonder what the task force had in mind with form 6 and whether the Minister is aware of the work that is being created.

The Hon. G.J. CRAFTER: This matter has been gone into very carefully. There is a document which runs to 15 pages, but it is written simply and it is in large type. I can show the honourable member a draft copy if that would help him to understand its nature. This is something that has been sought for a long time in this area—a simply written document that can be worked through by all sections of the community, obviously in conjunction with their families and advisers. They can simply address each of the important questions which must be addressed at the time of entering into a transaction of this type.

Mr BECKER: I agree. Let us get rid of the shysters in the industry, and there have been a few over the years. They have caused the problems and we are trying to rectify them by legislation. Someone has to pay the cost, and that is what worries me. The consumer always pays. No matter how large the type, 15 pages of information still worries me. The vast majority of the people with whom we are dealing are quite well versed in handling this type of transaction, but others are not. I have seen it on many occasions where the family tends to push mum or dad into a retirement village. They say to their parents. 'Sell up and go in there, no worries, we will look after you'. It may be a fully serviced apartment.

As the member for Henley Beach knows, we get complaints about fully serviced apartments. In the retirement village to which I refer, the cost started at $60 a week, then it became $85 a week, then $115, and now it is about $120, which is more than the pension. Therefore, it makes it difficult for people who are on pensions; they put all their money into a fully serviced apartment and then find that they have nothing to live on. The family says, 'No worries, we will look after you. We will pay $20 a week towards the cost of the maintenance.' But that lasts for about six months. Time and again I saw that happen in my previous occupation, just as I am seeing it now. That is one of the reasons for my concern.

Subsection (4) relates to the limit of 15 business days. The Minister has not explained why it is necessary to have a 15-day cooling off period. We have a 10-day cooling off period, which is bad enough, but 15 days becomes 21 days when one includes the six days of the weekends. Why is it necessary to provide so long a period?

The Hon. G. J. CRAFTER: For the very reasons that the honourable member has explained: the difficulties that many aged people have in getting clear and objective advice on matters of this kind. I understand that one can pay in excess of $200 000 to gain access to some retirement villages. When one hears that someone may pay in excess of the pension in terms of a working charge for living in a retirement village, one can see that the sums of money and the impact on one's life can be very substantial. I should have thought that families would have an interest in the future estate that they may inherit and in seeing that estate preserved rather than dissipated by foolish decisions which may be made by elderly parents without their taking proper advice. The cost to the individuals to whom the honourable member referred may be grater than they currently pay, but the cost to the whole community, I suggest, would be substantial if we have litigation in this area and breakdowns of contractural arrangements plus the harm and distress which may be cuased in the community.

The cost of that can be very substantial. Now is the time, in the transaction stage, to work out these difficulties and to create a climate in which all the issues are canvassed with prospective purchasers and are fully addressed and then a conscious decision is made. That cannot be done, I would suggest, in the time provided in a normal real estate transaction and the period established here has been chosen by the Government on the best advice available to it. The honourable member has heard the interjections in the Chamber this afternoon suggesting that the period is too short; whilst other members say it is too long. I would have thought that it is better to err on the side of caution in this area, given its stage in the contractual process, rather than provide for a period which people find is not appropriate in the circumstances. I reiterate that the Government has taken this decision on the strong advice of those in the community who speak on behalf of the people about whom we are concerned in this measure.

Mr BECKER: I thank the Minister for his explanation. However, I disagree with him. The industry needs time to look at it; I am firmly of that opinion. Investigations I have made do not tie in with the statement made on the introduction of this legislation, nor does it tie in with what I am hearing now. I understand that certain people went along with this legislation because they felt there was no alternative, no-one ever having bothered to put the other side of the coin or give the industry an opportunity to look after itself. As I have said, the bad influences in the industry have almost gone, so that one should be able to buy, with confidence, into a retirement village. It is unrealistic to have a 15-page disclosure document and I also believe that a 15-day cooling off period is unrealistic, so I oppose the clause.

Clause passed.

Clause 6 passed.

Clause 7—'Contractual rights of resident.'

Mr BECKER: What legal advice did the Government or the task force take in relation to this charge—'The charge referred to . . . ranks in priority to any other mortgage'? As I said, in some cases the organisations that build these villages build the entire package and it is necessary for them to borrow some of the money before they have sold all the units. My information again is that it can take 18 months to three years before the village becomes financially viable. I am concerned that, with the large number of entrepreneurial companies encountering financial difficulties, the banking industry, including the merchant banks, will tighten up and will want registered first mortgage security. How will they be able to achieve that under this clause?

The Hon. G.J. CRAFTER: The thrust of this amendment is, in fact, to enforce the law as it currently stands. Doubt has been cast on the application of the law by legal advisers

in the Corporate Affairs Commission, in the Crown Law Department and, indeed, in private practice. All that advice has been taken into account. This clause simply reasserts, in a more focused way, the intention of the original legislation. There should be no difference in application from the law as it currently stands.

Clause passed.

Remaining clauses (8 to 12) and title passed.

Bill read a third time and passed.

RATES AND LAND TAX REMISSION ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's suggested amendment:

Pages 1 and 2 (clause 4)—Leave out the clause and insert new clause 4 as follows:

Substitution of s. 4

4. Section 4 of the principal Act is repealed and the following section is substituted:

Remission of rates

4. (1) The Governor may, by regulation—

(a) prescribe the criteria on which ratepayers are entitled to remission of rates under this Act;

and

(b) fix the amount of, or prescribe the method of determining the amount of, the remission to which a ratepayer is entitled in relation to rates of a kind specified in the regulations.

(2) A regulation may—

(a) leave a matter to be determined according to the discretion of the Minister for the purposes of the regulations;

and

(b) be brought into operation on a date specified in the regulations that is earlier than the date of its publication in the *Gazette.*

(3) A ratepayer who, in the opinion of the Minister, complies with the prescribed criteria is entitled to a remission of the amount fixed, or determined in accordance with the method prescribed, by the regulations in relation to rates of the kind payable by the ratepayer.

The Hon. S.M. LENEHAN: I move:

That the Legislative Council's suggested amendment be agreed to.

Mr OSWALD: The Opposition would like it on record that we are pleased that the Government has decided on this course of action and refer to the member for Murray-Mallee, who no doubt, will have a few words to say as well.

Mr LEWIS: It seems that commonsense has prevailed at last, and I commend the Minister for now accepting the position that was so reasonably put on the last occasion that we debated the provisions now proposed in this amendment coming to us from another place. It is a pity that the present system still makes charges based on property values quite unrelated to services and that no assistance whatever has been given to pensioners on the other provisions of the measure, involving council rates.

Motion carried.

REAL PROPERTY ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 2, line 32 (clause 11)—After 'this Act' insert '(excluding Division I)'.

No. 2. Page 7 (clause 37)—After line 20 insert the following paragraph:

(aa) by striking out 'If any person is guilty of any of the following offences, that is to say' and substituting 'A person who'.

No. 3. Page 7, line 22 (clause 37)—Leave out this line and insert—

(IV) without lawful authority and knowing that no such authority exists intentionally alters or causes to be altered—

No. 4. Page 7, line 32 (clause 37)—Leave out paragraph *(b)* and insert the following paragraph:

(b) by striking out 'such person shall be guilty of a misdemeanour, and shall incur a penalty not exceeding one thousand dollars, or may, at the discretion of the court before which the case may be tried, be imprisoned with or without hard labour for any period not exceeding three years.' and substituting 'is guilty of an indictable offence. Penalty: $40 000 or imprisonment for 10 years.'

The Hon. S.M. LENEHAN: I move:

That the Legislative Council's amendments be agreed to.

Motion carried.

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

CHILDREN'S PROTECTION AND YOUNG OFFENDERS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 March. Page 592.)

Mr INGERSON (Bragg): The Opposition supports the Bill and will later be moving amendments in the areas about which it is concerned. In principle, we recognise—and support—the direction that the Bill is taking. The Bill increases the maximum fine that the Children's Court can impose from the $500 fixed in 1979 to $1 000, and it increases the amount of compensation that can be required to be paid from $2 000 to $5 000.

Community service orders will be available to the court as a discrete sentencing option, as opposed to being available only where default is made in the payment of a fine or as part of a bond. The Opposition strongly supports that change. It is an area where we believe that this type of sentence can be more often used. It is the general use of these service orders that we think would help considerably with the problems that we have in our institutions.

The Bill also introduces the maximum number of hours of community work and limits that work to no more than eight hours a day or 24 hours in a week. When a young offender is to be dealt with as though he or she were an adult in an adult court under section 47, the court is open to members of the public and the prohibition on the publication of the report of those proceedings is now lifted.

Victims of crime have a right to know when a child has appeared before a children's aid panel. That is probably one of the more controversial clauses in the Bill because it introduces a concern that some young offenders may have about employment. The Opposition believes that the Government should recognise this concern and be careful in implementing this provision. Also, without incurring any liability, a person can refuse or fail to disclose an appearance before a children's aid panel and, as an example, I allude to the comments I have just made about the employee/employer relationship.

A decision by a Children's Court magistrate can be reviewed only by a judge of the Children's Court and an order of a judge of the Children's Court will no longer be able to be reconsidered but must be dealt with by way of an appeal to the Supreme Court. Except in respect of a sentence of life imprisonment, a non-parole period can be fixed where a young offender is to be transferred to an adult prison on attaining the age of 18 years, and remissions as a consequence can be earned.

The Bill also provides that children currently in a training centre where a non-parole period is fixed can earn remis-

sions from the commencement date of this Bill. The Opposition supports that move. Also, where a young offender is to be dealt with in an adult court, that court is now able to take into account the general deterrence of a penalty when sentencing a child as an adult. The prosecutor is required to furnish the court with particulars of an injury, loss or damage resulting from an offence. As a pharmacist and a parent, I have been interested in that area, and I note that the prosecutor will be required to make sure that any injury sustained by young people is well notified. I know this matter concerns many people in the community.

The Bill also provides a change in respect of children's aid panels dealing with an alleged drug offence. At present the panels consist of a police officer, a Department of Community Welfare worker and a person approved by the Minister of Health. It is proposed to remove the requirement for a person to be appointed by the Minister of Health, on the basis that Department of Community Welfare workers are receiving training in drug counselling through the Drug and Alcohol Services Council.

This will mean that drug offences will be treated no differently from other offences before children's aid panels. Other children's aid panels comprise a police officer and a person from the Department of Community Welfare, and the Opposition is concerned about that area We believe that, in the case of any drug offence, special consideration should be made in respect of that panel because, as all members will be aware, the drug problem in our community is a difficult one and we should have qualified people working on aid panels dealing with offences involving children. The Bill also provides that children's aid panels will comprise either a police officer or an Aboriginal police aide and a person from the Department of Community Welfare. Presently, Aboriginal police aides are not able to be members of such panels and we support the proposed change.

However, there are a number of other matters about which the Opposition is concerned. I have doubts about removing the third member of the children's aid panel in cases involving drugs and I have previously mentioned that. I am not satisfied in general that community welfare officers are adequately trained in that area, and it is my contention that experts should be involved. Further, a victim is entitled to be informed that a child has appeared before a children's aid panel, and our amendment provides that we should include the statement that the child concerned has appeared before a panel so that employers and employees are aware of that situation.

I have a concern about what is in fact a mandate to lie, because the Bill allows a person who has appeared before a children's aid panel to refuse or fail to disclose that appearance. On the other hand, I can understand the need for such an appearance not to prejudice a young person's future. I intend raising this issue and moving an amendment in Committee. Initially I noted that 60 hours of community work is involved but, as a result of an amendment moved in another place, that is increased to 90 hours.

The Hon. G.J. Crafter interjecting:

Mr INGERSON: I have just noted that. Attendance of a child at any education or recreation course approved by the Minister is to be taken as the performance of community service. There have been examples, particularly in the Northern Territory, where groups of individuals have been able to set up, with the Government's support, excellent training schemes for young people. They have been able to take young people out of difficult community areas, train them and bring them back to their community having a totally different attitude to life in the community and in general. We support the use of these training areas in the community work process. We are concerned, however, that community work, as defined in the Bill, has to take place during hours or in ways in which it would not ordinarily be performed by persons for fee or reward or for which funds are made available. It seems to me that that immediately removes the opportunity to use community service orders in the area of local government. That is a major concern and in Committee I will move amendments to put the Opposition's point of view.

Clause 21 deals with the reporting of proceedings in the Children's Court. We have constantly sought to broaden this provision so that the media can report proceedings without identifying the child concerned. It is my view that this provision should be considerably amended. I believe it is in the public interest that proceedings in the Children's Court are more readily made public so that the community can know whether some of the criticism of that court is accurate and, if there are any areas of concern as far as Parliament and the community are concerned, we can make the changes that I believe are required.

Last year and again this year the Bill was forwarded to a variety individuals and bodies, including the Legal Services Commission, the Law Society of South Australia, the High Schools Councils Association of South Australia, the Police Association, OARS, the South Australian Association of State School Organisations, the Independent Schools Board and lawyers. The only area of concern was expressed by the Legal Services Commission, which is opposed to introducing into the sentencing process for young offenders the principal of deterrence being a factor. It is with pleasure that I support the Bill, although in Committee I will be moving amendments.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its indication of support, although I note that it has amendments on file with respect to a number of the clauses that were the subject of debate in another place. The Bill comes before the House as a result of a good deal of work that was carried out by a working party established by the Attorney-General. In October 1988 the working party delivered an interim report on options in relation to penalties and compensation for damage to school property. Its final report was received in September last year.

The working party covered the ambit of the current legislation and brought forward a number of important amendments which are contained in this Bill. It is interesting that the previous Bill we debated dealt with the rights of aged persons in our community who purchase an interest in a retirement village in this State, and in the Bill we are dealing with young people in our community—both groups for whom we accept a special responsibility and for whom we provide support in a variety of circumstances.

Clearly, the supports that have been provided for young offenders in the past have, in some respects, been inadequate. In other respects, in the fullness of time, it has been shown that the provisions have been inappropriate or are no longer as effective as they were. I think it is true that in the area of criminal justice new sentencing approaches and new ways of administering justice and bringing down penalties are emerging that were not envisaged in the past; or, in the past, the community had no confidence in them. That is certainly changing quite rapidly. Indeed, it is now seen as appropriate in many circumstances.

I think that that is particularly true of young people, for example, in relation to the recommendations contained in this Bill with respect to young offenders being ordered to under take community service programs, particularly with

respect to damage caused to public property—and here in the area of schools I have a particular interest. We are also concerned about the extent of vandalism and damage generally that is caused to State Transport Authority properties. I believe that it is widely accepted in the community that an appropriate penalty should be provided for those young persons who are found to have engaged in anti-social behaviour and that they should be ordered to remedy the damage that they have caused. This Bill provides for that.

In fact, in another piece of legislation (also as a result of the recommendations of the working party) there are recommendations, and indeed the Government has introduced legislation, to sheet home, in certain circumstances, responsibility to the parents of young offenders. There is now considerable support in the community for that measure. It is interesting that in other States a similar approach is are being undertaken or considered.

As the member for Bragg outlined, the Bill covers a wide range of measures which include: options in relation to penalties and compensation for damage to public property; the composition of screening panels and children's aid panels; bail and a review of the bail system for young offenders; the need for a more open courts system and the ability of particularly the press but also for victims of crimes that are perpetrated by young offenders to have access to information relating to the administration of justice with respect to those offenders.

The Bill also includes the review of orders by the Children's Court, an appellate structure that applies within our juvenile courts system; the penalties, including the use of community service orders (to which I referred earlier); the adequacy of statistics in allowing the proper monitoring and evaluation of the juvenile criminal justice system in this State; and a variety of other measures. All of those matters have been attended to and are resolved in this Bill. I will not go into the precise details, because they were covered by the member for Bragg. I commend the Bill to members.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

Mr BRINDAL: Through inexperience I missed the opportunity to speak to the second reading of this Bill, so I will use this opportunity to ask the Minister a question.

The CHAIRMAN: Order! The honourable member is not allowed to make a second reading speech on clause 1.

Mr BRINDAL: I intend to ask a question, Sir. I believe that in a society that grows increasingly complex it is necessary to have increasingly complex laws. For this reason it has often been asserted that barristers and solicitors are among the most privileged in our society. However, when we deal with a Bill like this it pays to get back to basics. I recall a very fine speech by Zelling J. where he described the principles of sentencing. In fact, he talked about the reasons why each sentence of a court is different from every other sentence. He enunciated three special principles: retribution, rehabilitation and deterrence.

The CHAIRMAN: Order! The honourable member will have to relate his remarks reasonably closely to clause 1. Alternatively, as this is a substantial Bill, he may like to find other opportunities on more appropriate clauses to put this line of argument. Unless he is prepared to ask a question—

Mr BRINDAL: I am prepared to ask a question, Sir. In that regard I believe that in many ways this Bill should address those three principles. Therefore, does the Minister believe that the short title of the Bill adequately covers the three principles which should be inherent in sentencing—that is, those of retribution, rehabilitation and deterrence—and does it bring them into correct balance?

The Hon. G.J. CRAFTER: First, I think that Mr Justice Zelling referred to a fourth element in the sentencing process, that of reparation, which is also important. The honourable member, in his question on the short title, would be advised to study the whole Act rather than just this amending Bill, because the principal Act provides for a range of functions for the Children's Court with respect to the protection of children, particularly those who are in need of care in our community. Indeed, a great deal of the work in the jurisdiction is as a result of orders which are sought by the Minister of Community Welfare where children are at risk. Unfortunately, that is a phenomenon that is all too frequent in our community where children live in very dangerous and undesirable situations or, indeed, are abandoned in one way or another. That means that a judgment needs to be made by the Children's Court as to what is the best way in which a child can be cared for in the community. So, that area and allied sections of the Act provide for the very important function of protection of the well-being of children. However, it also deals with young offenders.

Unfortunately, it is too often the case that the environmental factors that surround a young person's life lead them into criminal activity. So, there is that difficult exercise of jurisdiction in the Children's Court of both the protection of a child and of giving that child an opportunity to accept a full and responsible place in society, yet deal with the offences that many of those young people have committed; or, simply, in its jurisdiction as another arm of the criminal justice system. That is the explanation for the title the Children's Protection and Young Offenders' Act, which I would suggest is an appropriate title in respect of the provisions of this legislation.

Mr BRINDAL: I will not test the indulgence of the Committee in respect of this matter. However, I did ask the Minister the question in terms of balance, and I did so quite deliberately because, as the Minister has advised, I have tried to study the principal Act as it is a matter which greatly concerns my electorate. I believe it is true to say that there is a feeling among my electorate, and among many others in the community, that even though the principles of rehabilitation and reparation are commendable, there has been some twisting of the balance and the problems which many people in our community perceive that we now have—especially in respect of young offenders—relate to an over-emphasis on rehabilitation and reparation and an under-emphasis on deterrence.

I intend to support the Bill and, of course, I support the amendments of members on this side of the Committee. I do so because I believe that the Bill leans further towards achieving a balance than did the principal legislation. I believe that the Bill seeks to achieve a better balance. Therefore, I ask the Minister to qualify his remarks. Does he believe that this Bill achieves a better balance than was the case in the original Act?

The Hon. G.J. CRAFTER: Naturally, I do. This Bill is not simply about the sentencing process but also the philosophy behind the legislation as well, which I would suggest has served this State well over the past 20 years since the Children's Court has been established basically in its current form. However, it is important in the sentencing process to look at those four elements and, as Mr Justice Zelling said, to get them in the right circumstances in each individual case because each one is different and each one has a right to be heard on the basis of the facts and not to be generalised in any way. Those elements of retribution, reparation, reha-

bilitation and deterrence are vital, and the proper weighting to each one must be based on the facts of each case.

As I said, we also must take heed of the philosophy of this measure. Of course the law must be obeyed, and those who do not obey it suffer the consequences of that disobedience. Also, we must take account of the circumstances which particularly bring young people into the realm of criminal activity and we must help build a path for those young people to take their full place in society as responsible adults in due course because if that is not attended to in those juvenile years, I believe they will have a bleak future, as will our community. In essence, I believe it is an indictment on our community that we do not have a criminal justice system that pays special heed to the needs of the young people in our community.

Clause passed.

Clauses 2 to 4 passed.

Clause 5—'Screening panel list.'

The CHAIRMAN: I draw the attention of the Committee to a clerical amendment to clause 5, in which a reference in line 30 to subsection (1) should be subsection (2).

Clause as amended passed.

Clause 6—'Constitution of screening panels.'

Mr INGERSON: In my second reading speech, I made specific reference to the fact that an expert on drugs is no longer available to screening panels when they deal with drug offences. The Government has totally misinterpreted this important area. Will the Minister explain to the Committee why the Government has removed a drug expert from any group, whether it be the Health Commission or from any other department, from the screening panels when the offence relates to drug use?

The Hon. G.J. CRAFTER: The Government has received advice on this matter from those involved in the field. In particular, the Children's Court Advisory Committee, and it is that committee's advice that this is a more appropriate course of action to take. That is not to say that those panels are denied the opportunity to receive advice from specialists in a variety of areas. However, I think it is also true to say now that those who constitute the panel, both as representatives of the Police Force and from the Department for Community Welfare, have had the opportunity in their training to receive much more information about drug and alcohol abuse and are able to make decisions and obtain specialist advice which can guide them in the decisions that they take, given the jurisdiction that is exercised by these panels.

So, I think it is important that members put this into the proper context in which that jurisdiction is exercised and the offences which are referred to panels. They should also take into account the ability of these panels to refer such matters to experts rather than having the experts sitting on the panel. This is regarded as a much more effective and efficient use of time and a better way in which to administer justice in these circumstances.

Mr INGERSON: It is unfortunate that the Government has taken this stance, because there is no doubt that the expertise available through the Health Commission and other bodies that are expert in the drugs area is being ignored. The Opposition believes that that is a tragedy and that in the future this will be clearly demonstrated because I and many others on this side of the House and members of the community do not believe that a sufficient number of officers of the Department for Community Welfare have the skills required to deal with specific problem areas relating to drugs.

Mr BRINDAL: Can the Minister explain whether the phrase 'an officer of the department' means that there will be specifically designated officers, as I presume there will be, and, if that is the case, what is the nature of their training that gives them special insight into the judicial process for children?

The Hon. G.J. CRAFTER: There are well established training programs not only within the undergraduate course for social workers but certainly in the post graduate and work experience areas for such officers to acquire knowledge of alcohol and drug related matters. Also, social workers have general experience. They are specially chosen to work on panels and thus build up substantial experience and understanding of these matters.

It is also very important that they have not only some knowledge of these matters but a substantial capacity to counsel and communicate with young people. One of the very effective elements of a panel is that it is not an adversary situation in a courtroom setting where words are guarded carefully: a much more open and frank discussion can be held in the knowledge that the representatives on the panel are there in a positive sense not only to bring about some modification of behaviour but to try to get to the root of the problems that have caused a young person to offend. So, it is a very skilful process and the wisdom and experience of many police officers has proved their effectiveness in a role, which was perhaps played in the time of our parents informally in the community. I refer particularly to rural communities where the sergeant in a country town would have the ability to communicate with young offenders, to give them advice and to impose a penalty. Although the penalty might not have been administered by the courts, it had the result of modifying behaviour effectively. Respect was earnt by police officers from parents and young people for the role that they played.

In a way, this role has been formalised and the expertise of the social worker has been brought in to assist in such situations. This is an effective approach, as is borne out by the statistics: few young people who appear before juvenile aid panels reappear before them. In fact, a high percentage of these young people offend only on one occasion. As I said earlier, the Drug and Alcohol Services Council officers are available to advise, consult and follow-up in a treatment capacity the small number of offenders who require intensive assistance. It is fortunate in our community that only a few of these young offenders are addicted to drugs, are alcoholics or require some form of specialist intervention by another authority.

Mr BRINDAL: The Minister referred, quite rightly, to the wisdom and experience required by officers of the department and he alluded to the skills that they need. I therefore ask the Minister again whether such officers will be designated specifically, and, if so, by whom? Will lists of the officers so designated be published, if so, where, and will they be available for public scrutiny?

The Hon. G.J. CRAFTER: I am always amazed by the Opposition's demands for bureaucracy to be multiplied in some circumstances yet in other circumstances for bureaucracy to be deregulated and reduced. There are checks and balances within the Community Welfare Act. These people are appointed under the authority of the Director-General of Community Welfare and their membership is widely known in the communities in which they serve. I do not think that anything further will be gained by putting lists of their names in shop windows or anywhere else, perhaps this could be counterproductive. However, a relatively effective process is provided in the current legislation, it has worked well in the past and I do not see any reason why it should not work well in the future.

Clause passed.

Clause 7 passed.

Clause 8—'Constitution of children's aid panels.'

Mr INGERSON: I move:

Page 2, lines 14 to 18—Leave out all words in these lines.

We have talked briefly about our concerns about this clause. The panel is to comprise a member of the Police Force and a person approved by the Minister. If we delete this requirement and revert to what is currently contained in the Act, a much better opportunity will be provided for a child to appear before a broader panel. As I said earlier, in the case of drug offences, people will be more able to understand the problems that may occur in relation to children's aid panels.

The Hon. G.J. CRAFTER: I have already canvassed these arguments in the debate on the short title, but I will briefly summarise them. This clause was suggested by the Children's Court Advisory Committee and has been well canvassed with various agencies. They recommend that the Government takes the proposed course of action.

The primary purpose of the children's aid panel is to provide a forum to enable effective counselling of parents and children and effective warnings and undertakings to be given. The Children's Court Advisory Committee considers that the presence of two persons is sufficient, provided one is a member of the Police Force and the other is able to provide an adequate counselling perspective. I have explained in detail the skills that are required and why they are required to determine, if possible, the root cause of the misbehaviour and to see what can be done about remedying such anti-social behaviour. As I said, this process is effective because few young offenders reappear before panels.

The requirement for a third person on these panels is not as great now that DCW workers receive extensive training in drug counselling. As I said earlier, the Drug and Alcohol Services Council officers will remain available to consult and follow up in a treatment capacity that small number of offenders who unfortunately require that degree of intervention and help.

Amendment negatived; clause passed.

Clause 9—'Provisions relating to disclosure of appearance of child before a children's aid panel.'

Mr INGERSON: I move:

Page 2, line 29—After 'child' insert 'will be appearing or'.

If this amendment is carried, proposed new subsection (2) of section 40 will provide:

A person who suffers injury, loss or damage resulting from an offence alleged to have been committed by a child is entitled, upon request, to be informed of the fact that the child will be appearing or has appeared before a children's aid panel in respect of the alleged offence.

It is our belief that, if a person is entitled to know, upon request, that a child has appeared before an aid panel, the same should apply if a child is to appear before a panel; the person who requested that information should get it. The principal reason why people ask what has happened to the offence is that they have been a victim of the crime. People against whom the child offends are surely entitled to know that the child is to appear or has appeared before a panel. That is what this amendment is all about. As far as the Opposition is concerned, the right to know, which this clause provides the person who has been offended against, should be extended to include the right to know that the child is to appear before the panel. We strongly support this arrangement and we ask the Minister to consider it and agree to the amendment.

The Hon. G.J. CRAFTER: The Government opposes the measure. Indeed, it is a sharp contrast to the debate we have just listened to with respect to the composition of panels and their nature and, indeed, the important but sensitive work that they must do in terms of intervention in the life of young people. The Opposition is now asking for that to be a more adversarial and judicial proceeding and for it to be open to the victims to appear in those circumstances. Whilst one must weigh up the rights of the victim and the right of the general community to participate in the criminal justice process, one must also consider the young people at this stage of their life and the important role that the State plays in trying to remedy those behaviour patterns that manifest themselves in an appearance before a panel. It is for this reason that the Government has decided that the victims certainly will be informed of the decision taken by the panel but will not physically participate in that process. I believe that Members can understand the thinking behind that process and the reason why the Government has taken its decision, in the interests not only of those young people but of the community as a whole in those circumstances.

Mr INGERSON: That really is absolute nonsense, because the Minister is talking about the constitution of a panel. We said that experts should be on the panel, and the Minister is comparing that with the right of people to know. The two issues are wide apart. The reality is that we have argued that, if the child is appearing before the panel for a drug related offence, experts in that area should be on the panel. The Government has not accepted that. But the Minister now argues that we are saying that there should be a right to know after, as well as before, a child appears before the panel. The two cannot be compared. If we seriously believe that the victim has a right to know what has happened to the offender (and that is what this clause is all about—it is saying to the victim. 'You have a right to know when the child has been before the panel'), surely there is just as strong an argument that a victim should know that the child will appear before the panel. It seems to me that the Opposition's amendment is reasonable and it should be considered by the Government. To compare the two situations when one is talking about two totally different areas is nonsense.

The Hon. G.J. CRAFTER: I think the honourable member might have misunderstood the point that I was making. He may disagree with that. The reality is that a moment ago the Opposition was arguing that there should be people with expertise on the panel so that there could be full and frank discussion with the young person and intervention by people who have expertise in various areas. That would involve someone who is prepared to deal with the difficulty that that young person is experiencing in their life. Confidence would be built up between those parties in frank discussion, and a resolution or an agreement could be arrived at that the behaviour be modified and that some penalty be associated with it.

The young person would be made fully aware of the harm they had done to property or people in the community. Yet, that process has to be balanced against the open hearing situation, and there would undoubtedly be—and I think we have all experienced it—what can only be described as a very intimidating circumstance between a person who has been offended against and who feels great anger towards that young person given what has occurred as a result of that misbehaviour and the young offender. To then have that person sit in on the process—which is not a judicial process in that sense, but a different process in design altogether—would be in conflict. One has to decide whether one will opt for a judicial process—an open process—and deal with it in that way or for the panel arrangement. Indeed, that choice would be made by young people, because they would have the opportunity to admit their guilt and

appear before a panel or contest the charge, pleading innocence, and appear before a court.

I believe that, if many young people were confronted not only by a police officer and another member of the panel but also by the victim in that panel situation (and the panels often meet in intimate situations in an office) the effectiveness of the panel would be destroyed. Many young people would simply opt for the court arrangement. It is not a matter of denying the victim the right to know, because that is already provided for in the law. It is simply a question of who it is sitting around the panel table.

Mr INGERSON: This clause does not refer in any way to whether or not a victim is on the panel. I will read the proposed new subsection again and perhaps the Minister may understand what it is all about. It provides:

> A person who suffers injury, loss or damage resulting from an offence alleged to have been committed by a child is entitled, upon request, to be informed of the fact that the child . . .

The Opposition's amendment will include the words 'will be appearing or'. And it goes on:

> . . .has appeared before a children's aid panel in respect of the alleged offence.

We would simply like to ensure that the victim can find out whether or not the child has appeared or will appear.

There is no suggestion in our amendment, nor has there been, that we are attempting to get the victim involved in the panel. If the victim has a right to know that the child has appeared there, surely it is a simple step to say to the victim, and make his or her position much happier, that the child is going to appear before the panel. That is all we are saying. There is no involvement of the victim in the panel. That is clear from previous amendments and clauses. We support the view that there should not be any involvement of the victim in the panel. The clause is headed, 'Provisions relating to disclosure of appearance', and all it is saying is that the victim ought to be able to know whether the offender has appeared, or will be appearing, before the court. That is not unreasonable. I think that the Minister has misrepresented or misunderstood our argument. Will the Minister reconsider and perhaps agree to support the amendment?

The Hon. G.J. CRAFTER: I apologise to the Committee if I have over-emphasised the danger that I am raising. It is true that the victim would not be physically invited into the panel hearing. The real danger is that the victim would be at the door. In most juvenile panel cases one is dealing with children, and they are one-off offenders. There can be many heated situations. It is undesirable that we should change the nature of the system we have created which has served us so well and helped young people and their parents to have confidence in the process which has been established to modify anti-social behaviour in our community. I believe that to allow participation to that degree by those persons is undesirable. It is not a matter of providing information about the consequences of the judicial process in this form, because that is provided for in the Act. That information is available to the victims, but this further step that the Opposition wants is, I believe, most undesirable.

Mr SUCH: Can the Minister clarify whether, under clause 9 (2), the name of the child would remain confidential? I assume that is the case. Would the victim be told that child X had appeared before the panel?

The Hon. G.J. CRAFTER: Yes, the Act provides for that degree of confidentiality. However, one would find in practice that in many cases the victim is aware of the young offender, given the nature of the offences which come before juvenile aid panels.

Mr BRINDAL: I refer to the question asked by the member for Bragg. In doing so, I point out to all members that the Minister at the table is known for his intelligence and diligence on both sides of the Chamber and in the wider community.

An honourable member: Speak for yourself.

Mr BRINDAL: I believe that is a true statement. I believe in giving credit where it is due. Nevertheless, I am at a loss to understand why the Minister finds it so difficult to accept this amendment. The Minister has conceded, somewhat reluctantly, that there is no attempt on behalf of the Opposition to have a victim present at the panel. I put it to the Minister that neither is there any attempt by the Opposition to have a victim waiting at the door, down the street, in the garage, or anywhere else. I do not know where juvenile aid panels meet, and I am sure that most of the rest of our society are equally ignorant. All we seek to do is acknowledge, as I hope the Minister will, that the law can move very slowly. It is a cumbersome vehicle.

Victims—I believe this is the essence of the amendment—have the right to know that the law is taking its course. If they are informed that a child will appear before a juvenile aid panel, it matters not whether it is in six months or even a year—and the law can be that slow. It does not matter how long it is; they know that the law is taking its course. That is the nature of this amendment. I remind the Minister, as this is the appropriate season, that it is necessary to have a death before a resurrection. So, too, perhaps in this clause it is important that a victim have some knowledge that the process of law is taking place and that, in the end, the process of law may be fulfilled. That is the sole purpose of the amendment. Therefore, I ask the Minister, because I meant what I said about his reputation outside this place, seriously to consider the amendment.

The Hon. G.J. CRAFTER: The honourable member is making it very difficult for me. He has obviously brought into this Parliament new and effective approaches hitherto unseen by his colleagues. Having been a Minister with responsibility for community welfare, I concede that in the overall majority of cases my fears would be unrealised, but it is the small number of cases that cause me great concern. In that capacity I became aware of the lengths to which some people will go to seek information in order to cause harm, albeit in their own minds justified. But we are often dealing with people who are not in full possession of their faculties. We are dealing with young people—in many instances children of quite tender years—and we need to make sure that we do not leave the door slightly ajar to allow an unfortunate situation to occur. I accept the point that in the majority of cases people will not go to those extraordinary lengths to obtain the information and to pursue individuals. However, people who have been involved in community welfare know that there are enough of those people in the community to cause that concern and, indeed, to warrant the exclusion of provisions such as this.

Amendment negatived; clause passed.

Clause 10 passed.

Clause 11—'Sentencing powers of Children's Court.'

The CHAIRMAN: I draw the attention of the Committee to a clerical amendment which I, as Chairman, propose to make, namely, line 21, to strike out the word 'and' between subparagraphs *(b)* and *(c)*.

Clause as amended passed.

Clause 12—'Sentencing child as an adult.'

Mr INGERSON: I should like to bring up an issue that is very widespread in the community, namely, that when children offend the parents should be involved in some way in the recognition of the crime and, if there is any significant damage to property in particular, the parents should be involved, at least in part, in restitution.

There appears to be a total lack of information or concern about the role of parents in cases involving some of these children. As I have said, it is a major concern in the community. Can the Minister explain to the Committee why that particular area of concern has not been picked up anywhere in this Bill?

The Hon. G.J. CRAFTER: I am surprised that the honourable member is not aware of the history of this matter. There was indeed provision put into legislation in another place as a result of the recommendations of the working party which did, in fact, shift the responsibility to parents in certain circumstances for the action of the children who offended, and I commented on that in my second reading explanation. That, unfortunately, was defeated by the Opposition in another place.

Mr BRINDAL: I refer to a speech made previously in this place by the member for Fisher. In terms of this clause I ask the Minister whether he believes that this provision adequately covers the case which I know is a concern in many electorates and that is the differentiation between a child of 12 and a young offender of 17. I know there is great concern in the community that, in many ways, the aid panels have been seen, rightly or wrongly, treating 17-year-olds in exactly the same way as they treat 11 or 12-year-olds. I know the Minister will probably have read the speeches to which I have referred, and the matter of graffiti is one on which several members on both sides of the House have spoken.

The police have told me on many occasions that offenders will put away their spray cans on attaining their eighteenth birthday because they know they are treated one way before that time and another way afterwards. I know there is a very real concern in our community which hinges on the fact that a 17-year-old and an 11-year-old are treated no differently. Does this clause or any other clause in the Bill redress this situation?

The Hon. G.J. CRAFTER: This clause does not deal with that situation: it deals with the decision as to whether a matter will be heard in the Children's Court or in an adult court. This deals with serious offences. It is a decision that is taken in the circumstances of each particular case. There has been a practice in recent years that more and more of the serious offences are, in fact, determined in the adult courts for a variety of reasons, but this clause does not apply to situations to which the honourable member refers. What the Act does, of course, is provide an increased range of options for sentencing, and increases penalties; so there is an answer within the provisions of the Bill to some of the criticisms made by the community, many of these criticisms having been ill-informed. One of the reasons for that may have been that the community did not know exactly what was going on in the Children's Court and these amendments will help to remedy that situation as well.

Clause passed.

Clauses 13 and 14 passed.

Clause 15—'Insertion of Division IVA.'

Mr INGERSON: I do not intend to proceed with the first amendment standing in my name in respect of this clause. However, I will proceed with the second amendment. Accordingly, I move:

Page 6, lines 15 to 17—Leave out all words in these lines.

It seems to the Opposition that there are many occasions on which community service work could and should be done at local government level, and this paragraph would prevent that entirely. It is our concern that this amendment provides an opportunity for community service orders to be taken up.

The Hon. G.J. CRAFTER: I am not quite sure of the end result of the honourable member's amendment, whether it is designed to create some form of work camps or the like, but I would like to compare what is provided in the Bill with what occurs currently under the adult community service order scheme, the provision for which is identical to this. I would have thought that there has been a good deal of exploration as to what constitutes community service work in the adult scheme. As I move around the community and particularly around schools, children's services institutions and aged persons' homes and even see work done for the aged in our community, and the like, I would have thought that the community service order scheme has very substantial breadth. Most importantly, it has the acceptance of the community and is not perceived as intruding into other areas of commercial activity or causing industrial disputation.

All of those sectors need to be balanced and the Correctional Services Department has, through consultation with employers, with the trade unions and community groups, developed quite an effective scheme in this State. We should not depart from that in the juvenile area. This proposal really mirrors what is occurring in the adult area and we should not progress any further than that.

Mr BRINDAL: I believe the Minister unfairly belittles the purpose of this amendment by suggesting that we want—and I think he used the term labour 'camps'. The amendment seeks to look at areas that are currently precluded from community service work. The classic examples, as I believe the member for Albert Park will back up, are things such as railway stations and bus stops which are covered with graffiti and which are rarely repainted because the STA constantly states that funding is not available, yet these areas seem to be precluded from community service orders. These are areas which have bad graffiti and which at present never seem to get attention from the community service orders. By removing this paragraph that would hopefully be possible.

The intent of the amendment is not to deprive anyone of legitimate work but, when the STA has neither the money nor the manpower to continually paint stations, provided no-one is deprived of work and provided this work is not done on a regular maintenance basis, then requiring people who have been ordered to do community service work to make reparation for wilful damage which they have done seems to be reasonable.

I would also draw the Committee's attention to the fact that community service work, while laudable, is, from information I have received, not able to be taken on by a variety of organisations. There is a very limited number of groups, I believe, that can supervise community service work in case it comes into conflict with the needs of employees in various organisations such as the council. I believe this is an important amendment. I also believe this applies to people living in my electorate and other electorates who have their front fences, for instance, marked by graffiti.

There is a situation where it is obvious that work such as repainting would ordinarily be performed by a person for a fair reward. It is obvious, too, that if the house is insured funds are available. I see no reason why the youth who wilfully uses graffiti on a fence could and should not be made to repair the damage. Why should society, whether or not it is through the insurance companies, have to pay for the damage caused by that youth? Why can that youth not be made to repair his damage and be seen to do so? I do not understand the Minister's reasoning.

The Hon. G.J. CRAFTER: I would have thought that there are examples. Unfortunately, I do not have here offi-

cers who can advise me on the implications of the scheme, but I would have thought that there were examples where young people who have caused damage to public property have been ordered to have that property repaired, repainted, cleaned or whatever was appropriate in the circumstances.

The wording of this section for which funds are available is relevant because, in many of these cases, there are simply not funds available to do that work in the normal course of events. The cyclical painting program for schools, railway stations, bridges and the like is long, indeed. I do not have any specific examples but it is possible and it probably has been done; in fact, probably quite often such orders have been given and that work has been carried out with respect to public property.

Mr BRINDAL: The Minister speaks in probabilities and generalities, but I will speak in specifics. If the Minister would be kind enough to provide me with some of the examples that he is sure must exist, I will acknowledge the Minister's point. If he cannot, I believe that the record should reflect that fact.

Amendment negatived.

Mr SUCH: I refer to proposed new section 58d *(h)*, which is potentially a cop-out. Rather than receiving a penalty, someone can undertake an educational course and avoid the rigours of community service. Has the Minister considered the possibility of something akin to the wilderness camp which operates successfully in the Northern Territory as a rigorous alternative to some of these other forms of community service?

The Hon. G.J. CRAFTER: It is certainly not a cop-out. Many people in the community ask that there be more educational instruction for people who have had limited opportunities in the past to have before them in their life some of the fundamentals with respect to matters about which they should know: for example, road safety issues. Some of the lectures provided by the police in this area are sobering indeed; or with respect to drug and alcohol abuse and human relationship issues and the like. There are specific educational programs that the court can order a young person to attend as a penalty. They are entirely appropriate and in many respects they present an effective opportunity for young people to modify their behaviour as a result of that increased educational opportunity provided to them, albeit in a mandatory way.

As the honourable member suggested, there could be a much broader interpretation of the section and young people might embark on some other educational instruction that could also be beneficial to them. I recall that when I was Minister of Community Welfare a small group of young offenders went to a remote community in the north of this State and spent some time working and also undertaking a real educational program with dedicated officers of the department. That proved to be very beneficial for that group of young people.

The provision is capable of broad interpretation, and that is deliberate. It depends on not only the creativity of those vested with this responsibility in the public sector and by the courts but also the committed people who are willing to embark on the provision of these educational programs, because that is crucial to their very success.

Mr BRINDAL: Is the Minister contradicting some of his earlier statements with respect to the same clause? The Minister referred to the four aspects of sentencing and the need for expertise, balance and care on the panel making the assessment. I presume that the Minister would accept that the penalty or what the young offender needs to do in respect of rehabilitation would be set by the panel.

If the panel makes a balanced judgment about what is necessary for the young offender, and that balanced judgment includes a community service order, the young offender can diminish the community service order by increasing the rehabilitation component (and the Minister would agree that education is clearly part of the rehabilitative process). If the rehabilitative process is increased as part of the overall decision of the panel and the other aspects are diminished, surely this provision allows for the considered judgment of the panel to be somewhat distorted.

After the panel has carefully decided what is needed in terms of a balance of rehabilitation and community service, that balance can be changed by the offender or officers of the department merely accepting another form of rehabilitation in place of community service. I may be obtuse, but I do not believe that that makes much sense.

The Hon. G.J. CRAFTER: The honourable member is right: it does not make a lot of sense. The honourable member must be referring to something that is not in the Bill. Proposed new section 58d provides:

> Where a court imposes a sentence of community service upon a child the following provisions shall apply:

This matter is not dealt with by panels at all. In fact, it is dealt with by the court, and the provisions by which the court may bring down an order for community service are clearly herein defined. There is provision for the number of hours of community service to not exceed 90. When one considers a course of instruction extending for a maximum period of 90 hours, that is an extensive course, indeed. I do not believe that the fears the honourable member has expressed—if he was referring to a court rather than a panel—are realised in the reading of the section.

Clause passed.

New clause 15a—'Escape from custody.'

The Hon. G.J. CRAFTER: I move:

> Page 6, after clause 15—Insert new clause as follows:
> 15a. The following heading and section is inserted in Part IV of the principal Act after the heading to Division VI:
> Subdivision 1—Escape from custody
> 61a. (1) A detained child—
> *(a)* who escapes from a training centre of from any person who has the actual custody of the child pursuant to this Act:
> or
> *(b)* who is otherwise unlawfully at large,
> is guilty of an offence.
> Penalty: Six months detention in a training centre.
> (2) A term of detention to which a child is sentenced for an offence against this section must be served immediately and any other detention or imprisonment to which the child is liable is suspended while that term is being served.
> (3) If the child is in prison at the time at which a sentence imposed under this section is due to commence, the sentence must be served in prison.
> (4) A detained child is not, while unlawfully at large, serving his or her sentence of detention.
> (5) Section 51 does not apply in relation to an offence against this section.
> (6) In this section—
> 'detained child' means a child—
> *(a)* who is subject to detention in a training centre or other place (not being a prison) pursuant to an order of a court under this Part or Part IVA;
> or
> *(b)* who is in the custody of an escort pursuant to Division VIA of this Part.

I will move each new clause separately. The amendment inserts new section 61a, which provides that it is an offence for a detained child to escape from a training centre or from a person who has actual custody of the child under the Act or to be unlawfully at large. The maximum penalty for the offence is six months in a training centre and the

term of detention is to be served immediately, any other detention being suspended while the term is being served.

While the detained child is at large, the child is not serving his or her sentence of detention. Last month this amendment was foreshadowed in another place after the anomaly was drawn to the Government's attention that it is not an offence for a young offender to escape from detention. It has not been easy to discover the origins of the anomaly; suffice to say that it has not been an offence for a young offender to abscond from detention since the Community Welfare Act was enacted in 1972.

Whatever the origins of the anomaly, by introducing this measure the Government is correcting the anomaly and from now on young offenders who escape from detention will be liable to a further sentence of detention to be served in addition to the sentence of detention they were serving when they absconded. Members would be aware that this matter was raised by way of a question in another place and in answering that question the Attorney-General undertook to review the law in this area, and he has done so. It is seen as appropriate that the matter be attended to in the way that is currently before us.

Mr INGERSON: We support the amendment. We note that the Attorney-General, in answering a question from the Hon. Diana Laidlaw, recognised that an amendment was necessary. We support any Government that recognises that the Opposition's suggestions are good. In this particular case there is no doubt that there has been a lot of community concern, particularly in relation to the last young man who absconded when it was found that he had not in fact committed an offence. The Government has now moved to do something about it and we support this move. However, I place on record that this new section comes about because of the good work of my colleage, the Hon. Diana Laidlaw, in another place.

Mr BRINDAL: I also support the amendment but have a couple of questions to ask the Minister. Proposed new section 61a (2) provides:

> A term of detention to which a child is sentenced for an offence against this section must be served immediately and any other detention or imprisonment to which the child is liable is suspended while that term is being served.

What effect does this have on remissions and on the term being served? If a person absconds and then receives a sentence in connection with that, is it taken into account when calculating their remission, or does the remission begin from when they were first committed? Is the remission calculated from the time the person first enters the institution? If an offender is sentenced to, say, six months, is that sentence counted as part of the original sentence when it comes to calculating the remission, or is the remission suspended for the period of the sentence they actually serve in relation to the second offence of escaping?

The Hon. G.J. CRAFTER: It is a complex matter. Any member who has dealt with the sentencing process in the adult area will be aware of the debates in this Parliament over that matter. Remissions apply only in adult correctional institutions and what carries over into the adult sphere is then taken into account. New section 58 (4) provides:

> *(a)* Part VII (remission) applies to a child who is serving a sentence of imprisonment for a term exceeding three months, or a number of sentences under which the child is liable to imprisonment for more than three months, with the following modifications:

And then follow the modifications that occur in that regard. What this clearly does is interpose that mandatory sentence in that process, and that clearly flows on when the child becomes an adult. That is then taken into account in remissions which apply in the adult jurisdiction.

Mr BRINDAL: Proposed new section 61a (3) provides:

> If the child is in prison at the time at which a sentence imposed under this section is due to commence, the sentence must be served in prison.

The principal Act contains no definition of the word 'prison'. I note that the Attorney-General in another place said that training centres are not prisons but if this amendment introduces into the Act the word 'prison', might that not be interpreted by the courts to mean something other than what the Minister intended. If, for instance, a youth escapes and is detained in a holding cell, which I believe would be a prison and not a training centre, does that mean that when the youth or child is sentenced under this provision they must then spend six months in a prison?

One of the great strengths of this Act that was put forward by the Government and accepted by the Opposition is that children and young offenders should not be placed with hardened criminals. If this clause can be accidentally interpeted by the courts in such a way as to inadvertently leave young offenders in prison for six months, I hope the Minister will think carefully about its wording.

The Hon. G.J. CRAFTER: These provisions are designed to accommodate the situation where a young person turns 18 years of age and is transferred to an adult prison and the effect that that has on the sentence and indeed on the continuity of the sentence, which is the issue that has caused this matter to arise. I refer the honourable member to section 58 of the principal Act which covers the matter of imprisonment of children which I think clarifies the concerns he raises.

Mr BRINDAL: If the child is in prison, he can no longer be a child and should not be referred to as such. I find this confusing. I believe that the proposed new section is capable of the interpretation I gave it. Therefore, I ask the Minister to seek advice on the matter.

The Hon. G.J. CRAFTER: If a child is sentenced as an adult, he is treated as a child in that sentencing process. Section 58 of the Act provides:

> (1) Subject to subsection (2), a child who has been sentenced to imprisonment by an adult court will serve that sentence in prison.
>
> (2) An adult court that has sentenced a child to imprisonment may, by order, direct that the child be detained in a training centre for such period of the sentence as the court thinks fit, but not extending beyond the time at which the child attains the age of 18 years.
>
> (3) Where an order is made under subsection (2) in respect of a child—
>
> *(a)* the court must not, at the time of imposing sentence or at any other time while the child is detained in a training centre, fix a non-parole period in respect of the sentence of imprisonment;
>
> and
>
> *(b)* this Act applies in relation to the child while in a training centre to the exclusion of the *Correctional Services Act 1982* as if the child had been sentenced to detention in a training centre.

New clause inserted.

New clause 15b—'Leave of absence.'

The Hon. G.J. CRAFTER: I move:

> Page 6, after new clause 15a—Insert new clause as follows:
>
> 15b. The following section is inserted after section 63 of the principal Act:
>
> Leave of absence
>
> 63a. (1) The Director-General may, by written order, grant a child detained in a training centre leave of absence from the training centre—
>
> *(a)* for the medical or psychiatric examination, assessment or treatment of the child;
>
> *(b)* for the attendance of the child at an educational or training course;

(c) for the participation of the child in any form of recreation, entertainment or community service;
(d) for such compassionate purpose as the Director-General thinks fit;
(e) for any purpose related to criminal investigation; or
(f) for such other purpose as the Director-General thinks fit.

(2) Leave of absence under this section may be subject to such conditions as the Director-General thinks fit, including, where the Director-General thinks it is appropriate, a condition that the child will be in the custody of and supervised by one or more officers of the department authorised by the Minister for the purpose.

(3) The Director-General may, by written order, revoke any leave of absence granted under this section, or vary or revoke any of the conditions to which it is subject.

(4) Where a child is still at large after the revocation or expiry of leave of absence, the child may be apprehended without warrant by a member of the Police Force or an officer of the department authorised by the Minister for the purpose.

(5) A child who is still at large after the expiry of leave of absence will be taken to be unlawfully at large.

The need for this new section became apparent when we were considering new section 61a, to which the Committee has just agreed. Section 64 of the Act provides that the Training Centre Review Board may authorise the Director-General to grant a child, subject to any conditions that the board thinks proper, periods of leave from a training centre during which the child will not be subject to the supervision of the Director-General. This section does not cover a child's absence from a training centre to be taken in the custody of a person for medical or dental treatment or to attend a relative's funeral or such like. Formal provision needs to be made for such absences from the training centre, not the least so that absconding while on such leave is caught by the new offence provision. A similar provision is contained in the Correctional Services Act.

Mr INGERSON: The Opposition supports the new clause. However, there is some concern, particularly in relation to paragraph (1). It may make this whole area a little bit soft and loose. It is our intention to look at this clause further and consider support in another place.

New clause inserted.

Remaining clauses (16 to 22) and title passed.

Bill read a third time and passed.

ABORIGINAL LANDS TRUST ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

The Hon. G.J. CRAFTER (Minister of Education): I move:

That the House do now adjourn.

Mr SUCH (Fisher): Tonight, I would like to refer to schizophrenia. It is a topic that is often ignored in our society yet that illness has consequences for many people and imposes great costs on the community both in financial terms and in other respects. One of the baffling things about schizophrenia is that it occurs in all societies, having no regard for economic or social conditions, race or culture. It affects about one in every 100 people at some time in their lives. One of the saddest aspects of schizophrenia is that nearly three-quarters of the people affected are so affected in the prime of their life.

I guess that many members in this House would have had constituents approach them with problems relating to schizophrenia. Schizophrenia is regarded as a brain disease similar to Alzheimer's or multiple sclerosis. It is not one mental illness but rather a group of related conditions. Nor is it, as is often assumed, a case of split personality but rather a split within the mind itself. A malfunction occurs in the part of the brain that controls our thoughts, perceptions, emotions and actions, with resulting chaos in the transmission of messages from one brain cell to another. At this stage, no-one knows the cause or causes of schizophrenia. Sophisticated medical technology indicates biochemical disturbances and, for some people, changes in the actual structure of the brain.

People can have bizarre delusions and believe that they are controlled by outside forces, or that their thoughts are being broadcast, or that people are plotting to kill them. They might believe their body is inhabited by someone else. Their thinking can become scrambled, speeded up, or slowed down. There are obviously variations in respect of the effect of schizophrenia upon people, and I do not want to get into the detailed medical aspects of it, mainly because I am not qualified to do so.

I wish tonight to focus upon the costs to the community and the need for research into schizophrenia. The costs to the community are enormous. It has been estimated—and these figures are based on evidence supplied to me by Dr David Copolov, the Director of the Mental Health Research Institute of Victoria—that the cost to the community of this illness, both direct and indirect, is approximately $1.5 billion per annum. That is a large sum of money.

In addition, there are all the other immeasurables, such as the human cost to families, a combination, as described by one person closely associated with this illness, of loneliness beyond endurance, family devastation, neglect and social stigma. Obviously, we cannot put a dollar value on these things, nor would I seek to do so. But in monetary terms the cost to the community is at least $1.5 billion a year. These figures are based on a study undertaken in the 1970s by Professor Gavin Andrews of the University of New South Wales with the figures being updated to current 1990 values.

The cost in monetary terms is enormous, yet if we look at what is spent on research into the causes and treatment of schizophrenia we find that in Australia the total amount spent on research, estimated by Dr Copolov and including grants by, for example, the National Health and Medical Research Council, is about $350 000 to $370 000. In other words, there is an enormous cost to the community in monetary terms as well as in human and emotional terms, yet as a community we spend a minute amount on research: just under $400 000 a year. Dr Copolov cited the example that for one cancer patient in the United States $100 was spent on research whereas for every schizophrenic patient about $7 was spent. It is also estimated that in Australia for every schizophrenic patient approximately $2-$3 is being spent on research. So, there is a basis in logic for the community to spend more on this illness, which involves great heartache as well as enormous monetary cost. Such people are unable to participate fully in the community and there is an enormous loss in the workplace and in society generally because of this debilitating illness.

In respect of counselling and other treatments, as a society we also skimp. As I have indicated, the amount spent on research should be increased dramatically. Support for schizophrenic sufferers and their families should also be increased. For this reason I am pleased to acknowledge the existence of the Schizophrenia Fellowship of South Aus-

tralia, which was formed in 1983 by concerned relatives and others in response to the problems of people with schizophrenia and their families. This organisation has a drop-in centre which provides counselling for schizophrenics and their families. During the period October 1988 to September 1989 the drop-in centre was used by 5 557 people. I have been provided with a breakdown of the people who used this facility; I will not go into detail but there was a significant number.

The Schizophrenia Fellowship provides educational talks to groups in the community such as police cadets, social work students, medical students, social security personnel and so on. It provides public awareness programs for service clubs such as Rotary, Lions, Zonta, etc., and church groups. It holds an annual awareness week each May and participates in Mental Health Week. It coordinates and supports 48 volunteers and it does a lot of other things. During the financial year 1989-90 this organisation received $23 000 from the State Health Commission. This amount was supposed to carry the salaries of four part-time workers, services such as those I have indicated, and printing and administration costs.

In South Australia about 16 000 people suffer from schizophrenia. In a letter from the promotions officer of the Schizophrenia Fellowship it was indicated that at present funding is totally inadequate in respect of the number of people affected, the severity of illness and the range of services required to enable a person with schizophrenia to live in the community. The Schizophrenia Fellowship has identified the following areas of need as requiring immediate funding: ongoing assessment services, 24-hour emergency care, crisis intervention, a range of supported accommodation options, respite and relief services to support the consumer and the carer, and community education programs to educate consumers and carers. The lesson is that as a community we must take this illness more seriously.

The DEPUTY SPEAKER: Order! The honourable member's time has expired. The member for Henley Beach.

Mr FERGUSON (Henley Beach): In this grievance debate I wish to refer to the problem of litter in the stormwater drainage system and on Adelaide beaches.The three sources of pollution in St Vincent Gulf, in and around my electorate, are the Patawolonga River, the Torrens River and the upper reaches of the Port River, all of which act as stormwater run-off drains, in which the stormwater is gathered from most of the surrounding areas in Woodville and the City of Henley and Grange and eventually finds its way into those three sources. Water is also gathered in large tanks along Military Road and from time to time is pumped onto the sand and eventually into the sea along the Henley and Grange beachfront.

The stormwater is polluted with litter, which consists of practically everything that one can think of: cans, bottles, plastic bags, fuel containers, detergent bottles, paper and cardboard drink containers. I have also seen residents disposing of lawn clippings, for example, by putting them down the drainage holes in the guttering near their residence. I do not think they realise the problems this will cause to the disposal system. Eventually it causes pollution in St Vincent Gulf.

In 1975, sections 748a to 748d of the Local Government Act were amended to give local government the opportunity to impose $20 expiation fees, or on-the-spot fines as they are known, on people who littered the streets. We have seen on-the-spot fines work in other countries. Singapore is an example where massive fines have worked very well; that city is incredibily clean as far as the litter problem is concerned.

It is my observation that councils are not using the power that was given to them under the Local Government Act to impose expiation fees for littering. One of the problems, I suppose, is that littering, as an environmental issue, has dropped down the public's list of concerns. Recent surveys by the Keep South Australia Beautiful Council suggest that, as an environmental issue, litter has dropped to about number 9 or 10 on the list of concerns of the general public. Other issues, such as the greenhouse effect, have now gone to the top of the list and have pushed down littering as an issue of environmental concern for the general public.

The problem of littering is very much a concern of mine, however, as the local member in the area of Henley and Grange. I suppose the greatest problem relates to the upper reaches of the Port River where litter is turning the local area into a dump. The problem itself is actually a local government matter, and it is divided equally between the Henley and Grange and the Woodville councils. nonetheless, over the years my office has received a constant stream of complaints as far as this area is concerned. Both councils, of course have the ability under section 748a to 748d of the Local Government Act to impose expiation fees for any person who is deliberately littering. The on-the-spot fines are currently set at $20 although, if the fine is not paid and the case goes to court, a magistrate may impose a larger fine of up to $500.

I believe that there is a case for amending the Local Government Act to increase these fines. There is also a case for amending the Local Government Act to assist councils in other ways regarding the issuing of expiation fines for littering. But merely increasing the size of the fines in order to prevent littering is of no use if people in local government are not prepared to use the powers that are available to them. The Parliamentary research service has very kindly researched this matter for me and has contacted the following councils: Brighton, Glenelg, Henley and Grange, Marion, Muno Para, Noarlunga, Port Adelaide, West Torrens and Woodville, and the local department's Chief Advisory Officer, Mr Geoff Botton has also been contacted about this matter.

The reaction to the question of the use of expiation fines for littering has been very varied. Some councils said they rarely used the provisions. Noarlunga's City Manager said that they rarely issued expiation fines for littering, when compared to police issuing expiation notices for other offences, and Henley and Grange Deputy Town Clerk said that fines had been issued only two or three times in as many years. Glenelg has issued half a dozen notices since Christmas; Marion issued fines about once a week; Woodville about once a month; and Munno Para just said it uses the provisions 'a lot'.

The general opinion is that littering is not the problem that it used to be, but that an increase in the fines from $20 to $50 would bring them into line with the expiation fines for dog control offences and offences under the Clean Air Act. Councils have stated that the real problem with litter seems to be the burden of proof. If a person is seen to be littering, a council inspector can ask that person to remove the rubbish, and if the person refuses to cooperate the inspector may issue an expiation notice. But it seems that people who are sufficiently uncooperative as to refuse in the first place are often uncooperative in giving their correct name and address.

It is especially hard to ask someone in bathers for any identification. A spokesman for the Henley and Grange council stated that about one-third of expiation notices are

issued in a false name and address. The problem as he sees it is that council inspectors do not have the power to require people to prove their identity. Personally, I am in favour of giving council inspectors powers under section 83 (1) of the Act to be able to insist on identification. At the moment this Act provides:

An authorised person may—

(a) require a person who is reasonably suspected by the authorised person of having committed a breach of this Act to state his or her full name and address;.

According to council spokesmen, it would help if inspectors had much more power and if the Act required the person to give proof of his or her full name and address, so that notices would be issued in the correct names. The reason why this is important is that an expiation notice is really a notice to say that legal proceedings have started but a person can stop them by paying a fine. If councils are genuine in issuing expiation notices, they must be prepared to back them up by going to court, and many councils do. This is not possible if a person has given a false name and address.

The next question to answer is whether people who are sufficiently uncooperative as to give a false name and address would, if asked to give proof of their identity, suddenly become cooperative? The Act as it now stands does recognise a situation where a person is uncooperative. Section 83 (2) prescribes a maximum penalty of $1 000 for any person who—

(a) obstructs an authorised person in the exercise of power conferred by this section; or

(b) refuses or fails to comply with a requirement of an authorised person under this section.

So, it is quite possible for an inspector to let the uncooperative litterer know that, if he or she has given a false name and address (or refuses to give one at all), he or she is certainly risking a much larger fine when finally caught. Certainly in councils where inspectors are well trained and well aware of the Act's provisions, an inspector would tell the litterer that he or she risks a maximum fine of $1 000. However, it may be that training of some local council inspectors is not what it could be. I am sure that some councils train their inspectors very well, but other councils do not. It may be that the emphasis on training which is coming through the current round of talks on the 4 per cent wage increase will allow the Local Government Association and/or individual councils to require more consistent training of their inspectors. Training is council's responsibility. Changing the Act to require proof of identity, and increasing the expiation fine to $50 through the regulations, may not make a great deal of difference in reality but could serve to show that the Government wants councils to emphasise this area of their duties.

Mr BECKER (Hanson): I would like to raise several issues tonight. One is an issue that concerns me greatly and it should concern all workers, not only in this State but throughout the nation. We are gradually being forced to accept the principle of superannuation or retirement benefits for all workers. I fully support that; it is a great idea. Part of wage deals and agreements is that employers will pay and, hopefully, that eventually all workers—irrespective of the industry or profession in which they are employed—will be able to opt for a beneficial retirement plan.

What worries me about the establishment of superannuation schemes is that a certain percentage of the money belongs to no-one. Many years ago we proved this in the bank for which I worked. We did an investigation on our own superannuation fund and found that 50 per cent of the money in the fund did not belong to anyone. Through retirement, illness and premature death, the employees' contribution, which was matched by the employer, remained in the fund if there was no surviving partner to receive that benefit—and it had to be a spouse. If the person was not married and passed away, all of the money stayed in the fund and no credit was given to any surviving partner.

The trade union movement does not seem to be attacking this problem and does not seem able to understand the issue fully. I recently asked the Minister of Local Government a question on notice about an incident at the West Beach Trust which, of course, is in my electorate. The West Beach Trust has been running a staff superannuation scheme for many years. It had an arrangement with a life assurance company that the trust would pay its contribution, the employees would pay in their contribution and the life assurance company would handle the superannuation scheme.

I am now told that the current Chairman of the West Beach Trust—being a good socialist—decided that he would cancel that superannuation scheme and transfer the benefits to the State Superannuation Fund, where the workers would be better off. He did not bother to negotiate with the life assurance company as to whether or not he could get a better deal; the funds were transferred straight to the State Superannuation Fund. That is fair enough; that is the West Beach Trust's prerogative. However, on the cancellation of the staff superannuation scheme with the life assurance company, there was a surplus of about $271 000 and that sum was claimed by the trust. Whilst the trust can argue that that money was part of its contribution, it was also part of the employees' contributions. The answer I received from the Minister stated:

Superannution arrangements for staff of the West Beach Trust were changed after the Board of the Trust accepted a recommendation of the trustees of the West Beach Trust Superannuation Fund that the staff would benefit considerably by becoming contributors to the State Superannution Scheme.

As a result of the decision to wind up the West Beach Trust Superannuation Fund and transfer to the State superannuation scheme, the South Australian Superannutaion Fund advised that after the transfer payment they required, there was a surplus of $271 870.23. The responsibility for accumulating and disposing of this sum clearly lay with the trustees of the West Beach Trust Superannuation Fund who unanimously agreed to transfer it to the West Beach Trust.

Normally, under superannuation schemes, the trustees are the employers. Occasionally, they might allow an employee or a union representative on the board, but one would have to fight like hell to get a union representative appointed.

Generally, it is the bosses who are on these boards. Therefore, it is London to a brick as to what would happen here, even if there were an employee representative on the trust, because he would have been told what to do by the trust members. The Minister's reply continues:

After further consideration, the Board of the Trust resolved without dissent—

that is the normal tactic of the West Beach Trust—

to apply it to reducing the Trust's indebtedness to the South Australian Government Financing Authority.

In other words, there was money that rightfully belonged to the employees of the West Beach Trust. Many former employees had left and some may have passed away, and their contributions and credits remained in the superannuation fund. The trust claimed the surplus amount and used that money to pay off its debts. I do not object to it reducing its loans and interest borrowings, but I challenge—and I want the Government to do something about it and I want the Minister of Labour to investigate the issue—whether the trustees of any superannuation fund have the right to take the surplus money and give it back to the employer and whether the employer has the right to pay off his debts with it.

Imagine what would happen to Elders IXL, South Australian Brewing Company, Santos and BHP, some of the biggest employers in the State, if they decided to carry out an actuarial investigation into their superannuation funds and said, 'There is a surplus of $10 million, $15 million or $20 million. We will take that, thank you very much, and pay off our debts with it, give a bonus to the shareholders or keep the money ourselves.' The workers in this State would have every right to complain, yet the unions do not seem to be doing anything about it. I wonder whether they understand what is really happening when it comes to superannuation schemes and protecting the rights of workers. The role of the unions is to look after the interests of the workers.

I hope, and I shall follow this up, that if the Minister in this State cannot do anything about it, at least something can be done nationally. As far as commercial employers are concerned, I want superannuation funds to be protected. If there is a certain amount of money in a fund after a given number of years, extra credits should be given to the employees or the money should be allowed to build up so that it can be guaranteed.

So much can happen to superannuation funds. We are about to see it in this country where the economy is not going as well as we would like. It is starting to slow, to bite, and it is having an impact in the community. The Federal Treasurer will tell us that there has been a need for restraint. There is no doubt that he will bring in a supplementary budget or, when he brings down his next budget, it will be a very difficult budget indeed. All Australians know that tough times are about to come and that, as far as the economy is concerned, they will have to make some decisions. Trying to predict what is going on is like having to go to the dentist. Everybody can understand going to the dentist: there might be some pain. The same decision is being made about the economy. Everybody knows that there will be some pain in trying to rectify the situation, but nobody wants to make the decisions to correct what is going to happen.

Much has been said and printed about the Marineland dolphins saga. What has happened has been an absolute tragedy. The Friends of the Dolphins, a responsible and creditable organisation, conducted a survey on 18 March at Colley Reserve, Glenelg. It received a total of 337 ballot papers. The first question was:

> Do you support the Marineland animals being kept in South Australia?

A total of 316 said 'Yes' and six said 'No'; that is, 97 per cent said 'Yes' and 3 per cent said 'No'. The second question was:

> Do you object to not having a say on the development of public land?

Some 316 (97 per cent) said 'Yes' and five (3 per cent) said 'No'. The third question was:

> Do you demand Mr Bannon to support the taxpayers of South Australia and build a marine sanctuary?

Some 306 (94 per cent) said 'Yes' and 10 (6 per cent) said 'No'. The final question was:

> Would you be prepared to vote against the Labor Government on 24 March if we don't get an answer?

Some 289 (89 per cent) said 'Yes', and 17 (11 per cent) said 'No'. A majority of members of the public are concerned about the welfare of those animals. It is a tragedy that they have to be moved, but it will be an even greater tragedy if any of them die or have to be put down while being transported to another State. Is it not ironic in the history of this State?

Motion carried.

At 9.35 p.m. the House adjourned until Thursday 29 March at 11 a.m.