HOUSE OF ASSEMBLY

Thursday 22 April 1993

The SPEAKER (Hon. N.T. Peterson) took the Chair at 10.30 a.m. and read prayers.

SELECT COMMITTEE ON HEALTH ADMINISTRATION

The Hon. M.J. EVANS (Minister of Health, Family and Community Services): I move:

That the time for bringing up the committee's report be extended until the first day of the next session and that the committee have leave to act during the recess.

Motion carried.

YOUNG OFFENDERS BILL

Adjourned debate on second reading.

(Continued from 21 April. Page 2996.)

Mr BRINDAL (Hayward): Like other members of the Opposition my position is similar to that expressed by the shadow Minister. I want to put on record my concern about the clause of the Bill which relates to parental responsibility. Last night I heard the member for Light speaking about this clause; I do not want to fully reiterate all the points that were made by the member for Light and by other members on this side of the House, but I do think that this matter must constantly be drawn to the attention of the Minister at the table. It involves a series of fundamental issues. At one level it involves the onus of proof and whether there should be a reverse onus of proof while at another level it involves whether a parent can be held to be responsible for the actions of their children. This is something that concerns me.

The Hon. T.R. Groom: Why does it work in New Zealand?

Mr BRINDAL: The Minister of Primary Industries, who rose to fame through various tactics, including juvenile justice, interjects and asks why it works in New Zealand. I do not know that it works in New Zealand. Unlike the Minister who is noted to be an expert on all things I claim only to have some experience in teaching.

The Hon. J.P. Trainer: You've a lot to be modest about.

Mr BRINDAL: Sir, if I have a lot to be modest about, equally has he, and I know what a modest and self-effacing person the Government Whip is. To return to the Bill, in approximately 20 years of teaching, one does have experience with a variety of children in a variety of situations. Members opposite would know that most of the schools in which I taught were not the Rose Parks, the Colonel Light Gardens or eastern suburbs schools. They were schools which were generally disadvantaged schools and part of the disadvantaged schools program, and in many cases were isolated country schools. In these schools, as members opposite would know, there are many fine children, children who match the calibre of any school in this State. There are also children who have horrendous problems, because many of the socioeconomic problems of this State are found in the sorts of schools in which I taught.

What happened time after time, and I think what happens in family after family—and if members opposite are honest, some of them can relate experiences in their own families—is that there might be two or three children and the parents try to treat them all the same, they try to do the right thing, but at some stage in a child's life for some reason they will rebel or, because of peer pressure or other factors, go through a very difficult period. In that time in their life, children, especially juveniles, get very confused and can be very erratic. I can foresee the situation in which a child old enough to have a degree of rational thought decides that he is so ticked off with dad and mum that he wants to get them and therefore will do something to cause them severe pain and financial hardship. To burn down a school or something like that I think would cause a parent absolute severe pain and hardship.

The matter relates not only to the pain that is caused to the parent but to the socioeconomic factors that might then be foisted upon the offender's brothers and sisters and other members of the family. If you severely penalise the parents, in financial terms especially, this in fact puts the brothers and sisters of the offender in a situation less than it should be. I cannot see that that is right. I hope that the Minister opposite who is dealing with this Bill is a bit more reasonable than the Minister who promulgated it, because the one I think listens and reasons while the other tends to adopt a stance and will not be dissuaded therefrom. What really worries me about this Bill is this problem: can we blame parents for what their child does? I concede that no parent can abdicate responsibility for their child. Every parent must be partially responsible, but at the core of this Bill is: how much responsibility can a parent be expected to bear? What is reasonable?

In the Bill as it comes into this place, I note that the Government is saying, 'We have uncontrollable children and therefore the Crown should not be liable; we have the worst and therefore we cannot be held to be liable, because when we get them they are out of control.' The Government, unlike parents, has the complete resources of the State at its disposal. It has the finest academies and universities, along with the entire Family and Community Services apparatus, and some very good and professional people.

If they cannot control so-called 'uncontrollable children' nobody can and, if the Crown therefore will not accept responsibility—if it is beyond the Crown's capacity to deal with this sort of person with all the resources of the State at its disposal—how much less is it possible for a parent to control all aspects of these children's behaviour? I know the Minister will say, 'Well, that is the point: we have the let-out that a parent can reasonably prove that their child was uncontrollable and that they had done everything that could have been expected and, having failed, it was not their fault but the child's.' I put to the Minister that that is a fairly unnatural position to ask or to expect any parent to take. What the Minister is basically saying is that if my child burns down a school I then have the option of escaping

any penalty by going into the court and saying, 'My child is uncontrollable.'

I am not a parent, so I do not speak with any authority on this, but many people opposite and on this side are parents, and they would know, as I sense, that it would be very difficult for any parent, no matter how bad a child is, to have to go public and virtually disown their child and say, 'We could not; it was beyond our capacity to do anything about them.' I would also add that in terms of long-term relationships I know many kids who have gone through very rough periods when they were growing up, and some of them, thank goodness, grew up to be very fine people. There is an old tenet, and I am sure the member for Baudin would agree, that everyone is entitled to a few mistakes along the road of life. The point is that, as long as you learn from mistakes and do not make them again, that is part of being human. I do not think children are much different.

The danger of this law is that it pits parent against child, or has that potential. It might be a mistake; the child might go through it, but in suffering the ultimate trauma of being rejected by their parents and family, one thing that might never be repaired is the relationship between the parents and the family and possibly that child's life. I would say that on top of the mistake there is the trauma of being disowned. One would compound the other and have serious effects on the long-term development of the child.

I will not delay the House any longer. I do not consider that clause 51 is a Party political matter; I consider it as a matter of very serious debate, because it is about what we think of families and what families are about and how much responsibility families can be expected to bear for their children. I agree when members opposite say that we cannot let parents walk away from them; they have responsibility and they should take it. I agree with that, but so have we all: so should the State and the Government. We all have some responsibility.

In conclusion, I would like to draw members' attention to a judgment, and I hope the Minister is aware of this. If he is not, I will give him a copy. A judgment has already been given by their honours in the Supreme Court which indicates how difficult it would be to define a 'reasonable parent' or the actions of a reasonable parent.

Members interjecting:

The SPEAKER: Order!

Mr BRINDAL: There is clear evidence that in the Supreme Court of South Australia—which is the jurisdiction in which the Minister opposite wants us to act and which is the jurisdiction in which we must act—they are already saying there will be problems. Unlike the honourable member who was interjecting, I do not pretend to know all the answers, but I do offer a debate. I think it is a serious problem; we must address it, and I trust that the integrity of many of the members opposite is such that they will not be dissuaded by the bleating of one Minister and that they will make up their own minds on this issue. I think there is much in the Bill that is to be commended.

Mr Ferguson interjecting:

The SPEAKER: Order!

Mr BRINDAL: I must express my disappointment in the member for Henley Beach: I thought he was capable of more independent thinking than that. Nevertheless, I will continue to try. I think there is much in the Bill to commend it. The Select Committee on Juvenile Justice is to be commended for the thorough and painstaking work it did, for the evidence it took throughout South Australia and generally for this package. Because I do not believe in certain provisions does not mean that I do not commend committee members for their work or for many aspects of the package. However, I make a plea that the House seriously examine clause 51 because I think it is seriously flawed.

Mr HAMILTON (Albert Park): It gives me great pleasure to support this Bill. I have listened to the contributions of some of the members opposite and clearly a number of them have not taken the time to read the Bill, and they have not taken the time to read the final report of the Select Committee on Juvenile Justice. That has come through time and again. It concerns me that members who have not read the report of the select committee and have done very little homework on this matter stand up here so they can be recorded in *Hansard* as speaking to the Bill. I think it is worth noting the committee's recommendations. The major recommendations are:

> A system of formal police cautioning; the existing system of children's aid panels and screening panels be abolished; a system of family group conferences be established under the control of the senior judge of the youth court.

And I emphasise this:

> Greater victim involvement.

Again I emphasise the following:

> Parental liability for damages caused by the criminal acts of their children; wider sentencing options and increased penalties; truancy to be a care and protection matter and, where truancy is coupled with an offence, the matter will be dealt with in conjunction with those offences; the Children's Court to be renamed the youth court and various procedural changes be introduced at this level including procedures to facilitate greater victim and offender involvement; and that the Children's Protection and Young Offenders Act be repealed and replaced by two separate Acts, one entitled the Children's Protection Act to apply to care and protection issues to be administered by the Minister of Health, Family and Community Services and the second entitled the Youth Offenders Act to apply to justice matters and be administered by the Attorney-General.

Those are the major recommendations of this report. Since I entered this Parliament I have expressed concern about the problems of juvenile crime and juvenile justice in this State. Coming from a regimented family, I was a great believer in the discipline that was imparted to me by my parents at a very early age. I am not saying that I am a model for society; far from it. Nevertheless, I believe that in the formative years of a child's life the parents have the major responsibility to instil in that child what is appropriate in regard to what the parents believe is acceptable in the community. I believe very strongly that in the main those children reflect the input from their parents. I will come back to that later.

It is the responsibility of parents to give their children all the love and attention possible and to assist them in every way they can. It is a sad indictment in our

community to find that there are many parents who profess to care about their children, but when it comes to the bottom line they would rather be down the pub, they would rather be out somewhere else; and they do not take the time to see their children play sport or get involved in their children's schools or kindergartens or those facets of a child's life during those formative years of growing up when discipline is instilled and the child is looking for guidance from their parents.

That is one of the major reasons why I support all the recommendations but particularly the recommendation regarding parental liability for damages caused as a result of the criminal acts of their children. For too long parents have been opting out of their responsibilities in society. I believe that the discipline of a child and the direction that child takes is instilled largely by the parent or parents. If the parents do not have the wit or the desire to instil that discipline, they should be held responsible.

An honourable member: Regardless of race.

Mr HAMILTON: Just let me finish; you can have your go later. There are exceptions to that. I support early intervention programs in schools and other areas, because some parents do not have the parenting skills.

Let me put an illustration to the House. Last year and the year before whilst in Western Australia—and members will recall my referring to this issue, particularly in the truancy and graffiti areas—I had occasion to talk to a senior police officer in that State. He told me about a 13-year-old girl who had had a child and whose parents had allowed her to keep the baby. I am not saying that is wrong. But he pointed out that, if that young woman did not have the parenting skills to bring up the child, by the time that baby was 13 years of age and the parent was 26, what sort of discipline would be invoked, and what sort of parenting skills and what sort of capacity would that mother have to look after her child? It is a self-perpetuating problem that society has to come to grips with.

I support the concept of police officers in the schooling system, particularly in the high schools, and I hope that the Government will take it on board. Children in Western Australia can go to a police officer, talk to them about his or her particular problems and seek guidance, where they might not receive it from councillors or for some other reason. I am happy to provide members with a copy of the video taped interviews that I had with the Western Australian police officers. The system of involving the police with those children, particularly at schools, is very important indeed, because the children do strike up a rapport with the police officers. In my opinion, police should not be seen only as people who hand out fines and come down with a hard fist on offenders: they should be seen as part and parcel of our community. I am advised that the system works very well. When those students leave the schools, many years later they still telephone the police officers looking for assistance. That is something we should be looking at here in South Australia.

I am aware that there are people who say, 'Kevin, there is a cost involved.' In my opinion, the larger cost is the tragedy of these kids who, in the main, have not been given that love, assistance and guidance in their earlier years. I believe that the cost of putting children through courts, the cost of having police officers, the cost of detention centres and centres for juvenile offenders would be far more than the cost of other programs. I wonder whether any assessment has ever been carried out of the large costs, particularly the recurrent costs, associated with juvenile crime.

When this committee was set up in 1991, it is fair to say that it was set up amid some controversy, and I supported it strongly, as is well known in my Caucus room. I was disappointed that I was not asked to serve on that committee, despite the amount of work I had put in in this area. I have argued intensely about this matter, and I can pull out many press statements and contributions I have made in this House on this issue. Be that as it may, I was not given that opportunity. Nevertheless, when the time came for submissions to be made to the public hearings, I certainly made my contribution at Albert Park.

Mr Venning interjecting:

Mr HAMILTON: I can assure the honourable member opposite that, if that were the case—if I were in Opposition—I would not be a shadow Minister. I will serve my electorate while not acting in the capacity as Minister or shadow Minister. One of the statements made by members opposite—and it is a theme that is running throughout their contributions—is that parents should not be held responsible or fined for the activities of their children. From cases I have seen in my electorate office over the years, it is apparent that juveniles will flout the law when they know that they can get off with a proverbial bag of lollies. They steal cars, wreck and burn them, they smash up people's homes, and so on.

In many cases, the parents have not instilled discipline into their child. They say, 'He didn't mean to do it.' I would challenge members opposite to go to the victims of crime and say that to them, because I know the sort of response they will get. The response will be, 'What would you do if it happened to you—if your house were smashed up; if your personal belongings were strewn all over the place; if irreplaceable objects were damaged and lost forever; if a car that was lovingly restored over many years were taken out, wrecked and burnt?' One should tell that to the victim and see how he or she responds. From my experience in this Parliament, I know the very strong feelings of people in my electorate. That is not to say that we do not assist in early intervention programs in the schools. There must be a balance. But the parents have the major responsibility; that is the bottom line. The bottom line starts with the child from the time they are born, and the discipline should commence from then.

We must address the problems of unemployment; we must talk to those children in the community who cannot get a job. I believe that, if the community does not provide, some of those juveniles will take, and society will pay a higher price in that regard. In relation to education, a young woman contacted my office and said that her husband had been picked up for the second time for driving without a licence.

I advised her that he was going down a very dangerous path because if he injured or killed someone he could end up in gaol. She said, 'His problem is that he feels inferior. He does not have the capacity to pass the

driving test and he is fearful of authority.' If we do not address the problems of education, unemployment and a whole range of other facets when the child is being brought up, society will pay a hell of a price. There is no simplistic answer to juvenile crime, but I believe we must address those problems.

The next area on which I wish to comment relates to victims and their right to confront the perpetrators of the crime. In many cases the offenders do not understand or comprehend the damage and injury they have caused. I understand from the member for Hartley that on one occasion the parent of a juvenile offender ordered him to hand over his car to the person whose car had been smashed. I am advised that in many cases parents are more demanding of their children in terms of reparation than the courts. The opportunity for the victims of crime and offenders to come together is very important. It will help them to understand one another. I believe it is important for offenders to be confronted by the person they have injured or whose car or home they have wrecked, and that proposal is worthy of support.

The member for Henley Beach and I had the opportunity in Western Australia to talk to people about the impact of truancy. For many reasons students do not attend school. In Western Australia, particularly in the city of Gosnells, with their crime mapping program the police have been able to detect easily where the crimes are being committed. They can determine whether the schools are in session or on vacation because the pattern of crime changes dramatically. It goes from the schools to the shopping centres. The police there have reasonably wide powers. For example, if they find little Kevin Hamilton wandering around the streets when school is supposed to be in session, they will say, 'What are you doing here?' They can then take him back to the school. If a youngster keeps reoffending, they can take him to a parent's place of employment. That is a dramatic situation. I do not have to worry about that, because my children are over 21. That has created considerable furore among some parents. Again, I say that the responsibility goes back to the parent. If the parent is offended, that is tough.

Again, we come back to the victims of crime. Truancy has been a major problem, and it is still a problem, but I believe the Government is addressing it. If we can ascertain the reasons why those children play truant—and there could be a range of reasons—I believe we can reduce the incidence of break and enter. It has been recorded that the program implemented in the city of Gosnells, in Western Australia, was instrumental in reducing the incidence of day-time break and entry by over 50 per cent. I support the Bill.

Mrs KOTZ (Newland): As a member of the Select Committee on Juvenile Justice I am extremely pleased to support the Bill. I would first like to thank many of the people who were involved with the select committee and provided much of the background research that was very necessary to complement the taking of evidence by the committee over a period of 15 months. In particular I would like to recognise the efforts of Ms Joy Wundersitz, who was the research officer to that select committee, and Ms Rennie Gay, the Secretary.

I did mention in noting the report when it was first tabled that I also wanted to acknowledge the members of *Hansard* who in many instances accompanied the select committee to different parts of the country, in some instances under extreme circumstances, and assisted in taking the evidence that was necessary for the select committee to peruse.

It is extremely pleasing to stand in this place and support what I believe is a further historic step forward for South Australia by the introduction of these important provisions embodied in the Youth Offenders Bill. The Bill attempts to set up a structure to improve the present system by altering the approach to the treatment of juvenile offenders, including changes to overall attitudes in the areas of rehabilitation, penalties and the perception of deterrents.

I believe that members of the public of South Australia have been extremely vocal over the past few years and have indicated many times their total dissatisfaction with the justice system and more particularly their perception of the lack of justice within that system. In receiving evidence from the numerous witnesses across the broad spectrum of our society most invariably spoke of a system which gave the wrong messages to the young people of this State. The word 'deterrent' appeared to be almost phased out of the juvenile justice system. I believe that it is fair to say that the feeling of the community has been strongly stated: that just and fair penalties must apply and must be seen to have a deterrent effect, rather than what is now seen by the community as being non-effective penalties. We have heard members in this place and members of the community describe the 'slap on the wrist, here is a bag of lollies, pat on the head' technique which did not recognise that wrongs were being done and justice needed to be applied.

The juvenile justice system for many years in this State has moved towards and concentrated on the welfare aspect, with greater emphasis in this area in recent years, but with little or no consideration given to the justice aspect or, in fact, little notice given to the victims of criminal injustice. I believe that these changes being mooted to our juvenile justice system seek to rectify all these aspects, because the very direct message from the community that we must heed has been the one straightforwardly put to the effect, 'We have had enough. We've had enough of graffiti; we've had enough of vandalism; we've had enough of assaults; we've had enough of break and enter into our homes; we've had enough of shop theft.'

Unfortunately, the statistics show that all of these areas are predominantly the problems of the young. In addressing this Bill I believe the member for Fisher prefaced his remarks by saying that we should recall that the majority of young people in this State are in fact not in the class of juvenile offenders; they are upright young citizens. I think it is a matter of stating the obvious when that comment is made. Unfortunately, we have to address the other aspects that affect our youth in this State and those who are offending. Although we are talking about a minority of youth, which statistically has been put around the 4 per cent mark, in effect we are also talking about the victims who are multiple in numbers even though the numbers of young offenders are in the minority. The victims of these offences are growing

statistically in greater number than this State has ever seen in its history. That is one of the areas I want to put on record.

One of the greatest concerns which not only set this Juvenile Justice Select Committee into operation but which also concerns the courts and the judges was the fact that we recognised that there was a failing in the system and that something needed to be done. The most recent statistics, relating to 1991, indicate not only details of offences relating to youth under 18 but also a great increase in the number of youth offending under 14 years of age. It was not so many years ago that you could pick up a record of statistics on crimes committed in this State and you would not see numbers recorded of children aged 10, 11 and 12. There was an occasional one or two, but over the past few years the numbers of children in the 10, 11, 12, 13 and 14 years of age group is quite staggering.

When you look at offences against the person involving some of the more serious types of crime, including murder, attempted murder, conspiracy to murder, assault occasioning grievous bodily harm and other assaults, all of those categories in the under 14 age range revealed 104 young males and 26 young females involved in such offences. That may be the minority but we are talking about over 100 young children under 14 who are now committing the type of offences of which once upon a time we considered only adults capable. When we examine the 14 to 17 years range in that same category of crime, we are looking at 729 young male offenders and 163 young females. Through all the different statistics, whether it be in the robbery and extortion area, sexual offences or fraud offences, juvenile statistics have increased to the point where any concerned and responsible adult must in fact take notice and ask why.

It has been noted that there are many complex reasons and many complex problems across the board that will affect any changes that need to be made. At this point we are looking at one of the aspects in the juvenile justice system that should have a great effect if in fact the resources to implement the type of initiatives that are inherent in the Young Offenders Bill are allowed to be implemented.

During the time that we spent in New Zealand it was of great value to talk to the New Zealand authorities who had implemented the family group conference situation to deal with young offenders. Looking through some of the notes that I took during the time I was there I came across my own personal recollections of being invited to sit in on a family group conference. In itself that was a compliment to the select committee of this Parliament because I believe we were the first individuals actually invited to sit in on a family group conference, which have been kept very private in New Zealand. I would also record my appreciation of the facilities allowed through the New Zealand authorities and their assistance.

My main impression from attending a family group conference is that it put into perspective exactly what it meant for a victim and offender to be placed in the same room under the same situation and to see what circumstances would evolve and whether in fact there was any true benefit in having this compilation of people trying to solve their problems. After having observed the conference for several hours, with all the people involved, including the victim and the offender, working through the conflict and the resolution of the conflict, there was a great deal of emotion, from beginning to end.

The conference that I observed involved a 16-year-old who stole the car of a family man with two children. It was very interesting to see the victim stand in that room, with the offender and his family and supporters, and place his feelings on the record of how he felt on the night of the offence. As recorded in my notes and as I remember that conference, the victim spoke about his feelings on the night of the theft and the damage that was caused to his vehicle. All he could think of was catching the thieves and, in his words, 'bashing up' whoever were the offenders. He took with him an iron bar when he chased the offenders, perhaps in an attempt to carry out that thought. He considered that the offender was lucky that the police caught up with him first, because the victim said that he did not think he would have stopped to think before striking out.

On the night of the incident, three youths had stolen a car from the driveway of a house and, on their way out of the driveway, had bashed into another car belonging to the victim. He in turn tried to chase the offenders in his car. He also stated that it was probably quite lucky that he ended up chasing the wrong car, because he did not know what his reactions would be if he caught up with the offenders. The point was that this was the victim telling the offender, face to face, exactly how he felt. He also explained very clearly how his family had felt and their reactions immediately after. In fact, the offence caused his children to suffer nightmares, which in turn caused him great heartache.

Rather than using rehabilitation as provided in previous Acts, the success of this new system places accountability for individual action on the offender. It encourages reconciliation with the victim. The youth justice aspects of the legislation encourage families to support their children and to be involved in the recommendations to correct their children, while holding the offender accountable for his or her actions. As a major part of this area of the legislation, the police and the victim of the offence are also involved importantly in decisions taken relating to the young offender.

In New Zealand in 1990-91, the Victoria University of Wellington conducted a study to evaluate the system that had been implemented there. Some of its findings were related in a paper produced late in 1991. About 700 young people who became involved with the police or the Ministry of Transport in five different districts of the country were followed up. Most of these young people, nearly 500, were warned by the police who sometimes also arranged an informal sanction with their family. The remaining young people, over 200, participated in a family group conference to discuss what should be done, and 70 also went before the Youth Court. So, 70 out of 500 young offenders ended up appearing before a court. All the offences were handled through outside areas and family group conferences, and the formal or informal cautioning system that is now contained in the Youth Offenders Bill.

The report pointed out that, during the holding of those conferences, 95 per cent agreed with the decisions.

It was also found that, where families had been encouraged to support the young offender, some of the families did not always want other relatives involved, but it was definitely found that, when the wider family attended, the results were often very positive, particularly when the offences were more serious or offending had continued over a period of time. In these cases, 94 per cent of family group conferences resulted in apologies and some form of penalty.

The report also pointed out that the family group conferences often made arrangements to meet the needs of young people and to strengthen families by funding programs for job training, alcohol counselling, defensive driving etc., but often needs were not adequately met and families needed more support than they received, such as parenting advice. A great many areas need to be discussed in respect of this Bill, but I will leave it at that and raise the other matters during the Committee stage.

Mr LEWIS (Murray-Mallee): My own view is that, in general, the legislation is desirable, and I trust that the measure has swift passage. There are aspects of it that are disturbing to me personally. I have no great quarrel with the kinds of things that have been said in the contributions, especially those most recently of the members for Albert Park and Newland. I detect a note of general consensus on the desirability of the measure. Clearly, that is a reflection of the view held in the wider community. We note that more power is to be given to the police who can, through this measure (should it become law—and we hope it does), issue either a formal or informal caution. There is to be no official record of an informal caution. However, with the formal caution, the young offender may be required to enter into an undertaking to pay compensation to the victim, to do up to 75 hours of community service, or be required to enter into an undertaking to apologise to the victim and anything else that may be appropriate in the circumstances of the case.

The member for Newland has waxed eloquent about that, and has explained precisely my own view of it. She described her experience of seeing first-hand one such process of apologising to the victim, where the perpetrator of the crime was confronted by the aggrieved person, against whom the crime was committed. That is very desirable—the more of it the better. It is not good enough for us to go on handing out the so-called bags of lollies.

One comment I would make is that police officers will be entrusted with this wider power, and I believe that should entail a special group of officers who have undertaken additional training. We have already set that precedent in our Police Force with the Star Force officers and so on, and I do not see any difficulty with the inclusion of a special course of training for the establishment of a special task force of officers who have qualifications to deal with these matters. I hope that can ultimately be incorporated. It is not canvassed in the Bill, but it is appropriate to cover it in the debate before it becomes law, pointing the way for the police to give more serious and detailed consideration to their function as an overall arm of law enforcement.

There is another aspect of it, too; namely, that there might be some young people who dispute that a police officer's accusation is accurate but who will nonetheless go along with the penalty that is imposed, because they feel it is less likely to cause them a hassle; they will just accept it and go along with it. That is a bit of a worry for me, especially if we do not have some training of the police officers who ultimately deal with these matters and who are posted in areas where this kind of criminal activity is more prevalent.

It is a pity that the Bill does not provide for the parents or guardians to be informed when the young offender has been arrested, and I believe that clause 13 ought to be tidied up in that respect. They ought to be present during the interview and interrogation. If the custodial parents are not present—along very much the same lines as the members for Albert Park and Newland were telling us—when the young offender is being interviewed and interrogated, that detracts from the effectiveness of the changes we are making.

There is no doubt an increase in the community work that can be required of an offender is an appropriate additional penalty option that must be available to the courts. However, it is a pity that under this program certain work cannot be undertaken, because the UTLC (the United Trades and Labor Council) argues that it takes away work from paid employees. That is drivel; the work would probably not be done in any event, because of lack of money or other resources. There is no doubt that many of the kinds of things needing attention and work on them at present is being ignored because of this foolish insistence on the part of the United Trades and Labor Council.

I have already mentioned in this place the necessity for us to clean up weeds and rabbits and other feral animals on public land around the metropolitan area, and that is something which could be undertaken by community service orders, especially for young people, but at present it is not undertaken by anybody. Moreover, there is no reason at all why we could not use community service orders to help in the restoration of dilapidated and derelict buildings of particular significance and heritage—part of the community's history, if you like. At present they are not being properly restored, regardless of whether they are on private or public land; it does not matter, in my judgment. Whether they are to be found on freehold or leasehold land in pastoral areas does not matter either. If we restore them they will be there forever and they will be a very important asset in ecotourism, because they will illustrate the way in which early European occupation and development of this country's economy (whilst it was still a province before Federation and subsequently) was undertaken by the people who went into those localities.

The buildings are an integral part of history. To restore them seems to be a sensible thing to do: it is constructive, positive, creates an asset in the community and gives the individual involved in the work a sense of pride and achievement in having saved something from ultimate decay, instead of otherwise committing a crime contrary to that—destructive of someone else's assets and property, be they public or private. In doing that community service work, Mr Speaker, I know you would agree that they would derive great benefit from the work experience and the skills and personal confidence they would acquire during the process.

I am a bit disturbed by this proposal to make the parents guilty of negligence unless they can prove they were not innocent; that is the reverse onus of proof provision. I am very strongly opposed to that. I believe that, if parents are to be liable for the damage their children have caused, in those circumstances they need to be accused and the litigant must prove that they were negligent, rather than have the parents regarded as negligent and liable unless they can prove otherwise. At present the Bill regards the parents as being negligent and liable—that is the assumption—unless they can prove that they were not. It should be the other way around.

I also worry that some parents who are birth parents, for instance, the father, in a dissolved marriage partnership, could be more prosperous. Let me say as an aside that I am not ruling out the fact that a mother as the non-custodial parent might be more prosperous than the father who is the custodial parent, but the converse is usually the case and, where the child as a young person has committed an offence, damaged someone's property and not been in the custody of the parent who is, however, wealthy enough to be an easy mark for a tort, it is not fair to expect that they should accept liability for damage and pay the victim—the person aggrieved—in those circumstances. I really worry about that.

I also do not approve of the notion that the Crown, the Department for Family and Community Services, should be exempt from such an action. That creates more than one class of children and possibly three. The children of a father or mother who is not the custodial parent but who is wealthy enough to be sued are one class of child. Then, there is another class of child whose parents are so poor that they will never be the subject of a recovery action, nevertheless, the young person or child may have committed nonetheless exactly the same injury and/or caused the same problem to the victim. Then, the third category is the young person who has committed the offence in exactly the same way but who is under the care and control of the Crown—the Minister.

So, we have three categories of children all committing identical acts of damage and criminality and all being treated differently by the courts and society. That is really crazy; it is bizarre. Indeed, we even contemplate forming a fourth category where those classes of children I have just referred to are further duplicated in another set of individuals who are not Anglo-Saxon or European in their racial and cultural origin and affiliation. At the present time, the legislation provides that they will be treated differently. That is really very stupid and is something to which I am strongly opposed. I will not delay the House by further pursuing my grievance about that muddled thinking from the addled brain of some idiot who thinks that it is appropriate to treat one offender differently from another just because they have different skin colour or claim to have different cultural mores. That is crazy.

One of the things not covered in the Bill that I would like to have seen covered is the removal of the right to a driver's licence from any individual who has committed crimes of damaging property. I approve of that approach of putting a blanket penalty on an individual, denying them access to a privilege. Whether or not they have been committed in offences involving motor vehicles does not really matter; we should just say, 'You have misbehaved and you will not be able to have a driver's licence or, if you ever get one before you are 21 years old, you will be allowed to use it only to get to and from employment. If you use it in any other way, you will be committing an offence.' That is the kind of thing I had in mind.

I further want to place on record my view that parents without parenting skills are people who need to be castigated, as the member for Albert Park said. I am also of the view that we should make it possible for our courts to make a court order which garnishees the salary and wages of the individual who commits these heinous crimes of damaging individuals and their property, the State's property, and causing grievous bodily harm and serious injury to people and families by their actions. The court should also be able to decide whether such payment as has been taken by garnisheeing their wages or welfare payments has been sufficient to compensate; there should be restitution to society for the damage caused by that individual, spread over several years—time payment for the damage if you like, whether it be arson, injury, theft or damage.

I conclude by drawing attention to the problem that has been identified in the petitions I have presented to the House in recent times about young people who have taken control as drivers of stolen cars that they did not steal, or claim that they did not steal, but who nonetheless have not only damaged those cars but smashed into houses and ruined people's dwellings or driven into other motorists and damaged their car and injured them or, as occurred a few months ago, driven into another vehicle and killed a taxi driver. Those young people need to be treated far more seriously as adults in the courts: there is no doubt about that. Their avoiding arrest by speeding away in a car that has been stolen, whether or not they stole it, should be made an offence as well. At present, it is not: there is no offence for that.

As the member for Albert Park said, unemployment is a great contributor to the cause of this problem. The solution to that is to get rid of the real wage overhang and not to hand out more welfare and bags of lollies. At present, the people in Australia who have jobs are paid more than those jobs are worth. Those who are on above average weekly earnings, particularly those who are on more than double average weekly earnings, ought to take a pay cut to leave enough money in the hands of the employer—whether that be the Government or the private sector—to create more jobs. That is the solution to the problem of unemployment—to get rid of the real wage overhang in this country. We will then go a long way down the track to solving the problem. We would have the same amount of money distributed every week in Australia but less of it distributed through the tax mechanism, because more of it could go into the wage packets of those who would then have real jobs, their self-esteem would increase and they would not be so angry and destructive.

Mr MATTHEW (Bright): This Bill is one of three Bills that arise from the House of Assembly's Select Committee on Juvenile Justice. I am pleased to note that it contains substantive changes to the law relating to young offenders. I welcome the introduction of this Bill; it is long overdue. For many years South Australians

have been subjected to crimes committed by juveniles, and little hope has been offered by this Government for any change to the plight of our community.

By way of example, I refer briefly to some major areas of juvenile crime. I turn first to juvenile crime as a whole and note that, from 30 June 1988 to 30 June 1992 (the period for which Government figures are most recently available), juvenile crime as a whole increased by 32 per cent in just four year. I note that the number of motor vehicle theft offences increased by 7 per cent in that most recent 1991-92 financial year and has increased by a staggering 40 per cent in the past four years. In fact, a total of 1 057 motor vehicle offences were identified as involving juveniles during the 1991-92 financial year. That is almost three motor vehicle offences per day involving juveniles—a most alarming figure.

It is even more alarming when one looks at the age of the juveniles involved as they have appeared before our courts system. During 1991-92, 130 juveniles appearing before our courts were aged 14 years or under, and six of those juveniles were aged just 10 years. That clearly shows that those young children—and they are young children at that age—are not being supervised adequately by their parents, parent or responsible guardian, and that is something about which all members of Parliament should be greatly alarmed. I am pleased that this Bill finally addresses that issue in part.

Regarding other areas of crime such as assault, I note that the level of juvenile assaults against police rose 37 per cent in 12 months. That is an alarming indication that juveniles, as well as having no respect for the community, have no respect at all for those in authority, such as our police officers. The number of offences of assault occasioning actual bodily harm increased by 11 per cent in that 12 month period and by 69 per cent over the four years. In fact, there were 135 instances of assault occasioning actual bodily harm attributed to juveniles in the 1991-92 financial year. This compares with 122 in the previous financial year, 80 in 1988 and just 39 in 1979.

Drugs is an alarming area of crime in our community, and dependency upon drugs and drug related crimes lead to many other crimes. I note that there have been major increases in the number of drug offences involving juveniles, including a 20 per cent increase in possession for use of cannabis or resin in the past 12 months and a 64 per cent increase over the past four years of the statistical period I referred to. There has also been an 82 per cent increase in the level of offences involving the selling of cannabis and/or resin in 12 months and a 204 per cent increase in that crime over the four years from 1988 to 1992. I note that the number of total break and enter offences involving juveniles increased by 7.5 per cent in 1991-92 to 1 890 such offences. That represents a 24 per cent increase in the past four years. That is just a brief insight into some of the alarming statistics involving spiralling juvenile crime in our community, crime that has been let go largely unchecked by this present Government.

It is also alarming to look at statistics relating to adult criminals in South Australian gaols. The latest available Government statistics suggest that 72 per cent of prisoners presently serving in adult prisons have had previous convictions in our Children's Court. That figure beyond any other demonstrates that the current juvenile justice system is failing, and failing quite badly, to deter juvenile criminals from continuing to commit crime as they enter adulthood. The Liberal Party has already publicly announced a number of measures that it will take in government to combat juvenile crime. I encourage all members of the Government to look closely at those measure that we have prepared, and I encourage them to watch with interest as we introduce those measures in the coming Liberal Government.

I am pleased that today we finally have an opportunity, after neglect of this problem by the current Government, to debate meaningful legislation in this House in order that at least some of these problems can be tackled by legislation as it is put into effect. I have received considerable representation on this Bill from my electorate over the past few years as my constituents have expressed concern as a result of crime occurring around them. Indeed, it is with some irony, as I stand in this House today, that I am able to say that just last night or this morning, time not known, I became a victim of crime yet again. The campaign caravan that I use was badly graffitied some time between 6 o'clock last night when my secretary last saw it and this morning.

Mr Oswald interjecting:

Mr MATTHEW: The member for Morphett indicates that someone tried to burn down his office last week: they lit a fire at the back of his office. It is difficult for us to directly attribute those crimes to juveniles, of course, without knowing who the offenders are but, certainly in the case of the graffiti crime that has been committed against me, it is a fair guess that juveniles are likely to have been involved. When I give a statement to the police regarding that crime, I will be able to make known to them the three tags that were used—so there are likely to have been three offenders. My previous experience with the police is that they are very good at identifying the culprits from those tags.

About a year and a half ago I was again a victim of crime when my car was graffitied. I give full credit to the South Australian Police Force for the swift way in which it dealt with that offence. I like many others in our community are acutely aware of the large number of crime reports that are put to our police on a daily basis. On putting that report forward, I admit that I did not expect the offender to be caught, but was greatly pleased to note that the police were able to identify the culprit from the nature of the graffiti on my vehicle. That culprit was confronted by the police, and he admitted to his crime.

That event gave me an opportunity to see first hand ways in which the South Australian Police Force has already informally been using a type of family group conference of its own volition. In the case of my graffitied vehicle, the police confronting the offender spoke to the offender's parent, who insisted that the offender see me, admit to his crime and talk to me about the reasons for his doing so. I am pleased to say that in the year and a half that has elapsed since that crime occurred, the offender has gained a part-time job and paid for the damage to my vehicle; he failed the year he was undertaking at school but his parents insisted he repeat it, and the following year he obtained excellent

results. He has knuckled down to his studies very well and his parents are hopeful that he will gain entry to university given the results shown from this year's studies. Whether or not the fact that the police dealt with that offender in that way can be directly attributed to the juvenile's changed behaviour, I do not know, but his father certainly believes that the way in which the police dealt with him, the way in which I confronted him and the way in which his father has continued to deal with him has meant that this young lad has now gone on a straight path and will not offend again.

I think that the formalising of that procedure through this legislation by means of a family group can only be a step in the right direction. Indeed, it can only be a step in the right direction to make parents financially responsible for damage caused by their children. Many members would be aware that that was one of the aspects that I publicly announced I would include in a private member's Bill if the Government did not provide an indication that it would pursue the matter further. I was delighted to receive an indication, after making that statement and after the formation of the Select Committee on Juvenile Justice, that that matter would be brought before the Parliament. So, on that basis, I saw no reason to proceed with my private member's Bill, as those ingredients are part of this Bill.

However, I do have some concerns on that aspect about the Bill before us. While I note that, through this legislation, parents will be made financially responsible and accountable for the crimes of their children, I am disappointed that the Minister of Health, Family and Community Services is not being made responsible financially through this Bill for charges under the responsibility of that Minister through the department. That is certainly something that I believe needs to be done, as on a previous occasion when a similar ingredient to that before us now was before us in the form of another Bill—the Wrongs (Parents' Liability) Amendment Bill. Members would recall that on that occasion I supported the parental liability clause; I strongly supported parents being made financially liable for the crimes of their children, but on that occasion I expressed the same concerns—that the Minister will not be held accountable, as a parent will. I believe that is one flaw in the Bill which needs to be addressed, and I look forward to that issue being debated in Committee.

I am also pleased to report that, given formal discussions I have had with members of the Police Force involving various aspects of policing, this Bill presents a step forward in formalising some of those procedures that I have talked about. I am pleased to note other significant amendments to the existing juvenile justice system. There is no doubt that there are considerable concerns about the way juvenile justice is presently administered. For that reason I am pleased to see that children's aid panels and screening panels are to be abolished and that the Department for Family and Community Services will no longer have an automatic right of audience in the court. A lot of members in this place believe, and indeed many police have expressed the opinion publicly, that the Department for Family and Community Services has failed, and failed quite badly, in the manner in which it has dealt with juveniles under its responsibility through the existing system. I can recall one article that appeared in the Adelaide *Advertiser* some time ago in which Assistant Commissioner Bruce Gamble expressed strong concerns about the Department for Family and Community Services. He went so far as to say:

> ...unsuitable placement of children by FACS officers had resulted in children being left in homes with prostitutes, drug users and paedophiles. It should be clearly understood by FACS that a child at risk involves exposure to a whole range of circumstances and accordingly appropriate detection must be given...

Those are also people who are charges of the Minister of Health, Family and Community Services. I again come back to the point that that Minister is not held responsible under this Bill, and that change needs to be made.

The Hon. M.J. Evans interjecting:

Mr MATTHEW: The Minister says, 'Responsible not liable'. Liability has to come into it. I put to the Minister that, if a parent of a child who destroys someone's property or steals someone's car is to be liable financially for that crime because they have responsibility for the child at that time, similarly liability should rest with the department where a child is under the care of the Minister of Health, Family and Community Services.

There cannot be a differentiation on that point. Indeed, if it is already known by the department that that child has been an offender before in some cases, has the potential to offend or may be a disturbed individual, the department should be ever vigilant in its care of that juvenile, and it should be held liable for that child's action. I am sure that you, Mr Speaker, like many other members of this Parliament, have received a considerable number of representations from your constituents who have been victims of such crimes and such crimes that have been traced to juveniles.

I went out on patrol with officers from the Darlington Police Station, and I will close by relating this example because I believe it is an important one. During the stint that I was an observer in the patrol car, the police were called to an incident at which a juvenile was disrupting a youth group. That juvenile was physically and verbally assaulting other youths at the youth function, and they then started to destroy property. At the time the police arrived, they found a very drunk individual throwing his weight around and proceeded to take him into custody. I witnessed the police being spat at, kicked and verbally abused by a juvenile using language that certainly should not be repeated in this Chamber.

That juvenile was taken back to the police station. The police officers then had to call in the Department for Family and Community Services representative, and they proceeded to undertake their paperwork. The Family and Community Services representative interviewed this juvenile. I then went with the police officers later while they put petrol in their patrol car and, as we were leaving the police area, that juvenile, whom they had picked up before and who was causing the problem, waved goodbye to the police as he walked out on his way to freedom.

That is what is happening at present. There is no attempt to make young people and their parents accountable, and certainly the Department for Family and Community Services must be held accountable and liable

for charges under its responsibility, for we all know it has made frustrated attempts over the past few years to deal appropriately with juveniles. I welcome this Bill; I look forward to its implementation but, as I said, a number of areas of debate will take place during the Committee stage when we make some necessary amendments.

Mr OSWALD (Morphett): I support this Bill. It is the culmination of many years work on the part of many people to bring a new direction to juvenile justice and its application to this State. Something must be said for the juvenile justice system in this State because, over the years, it has been picked up and used overseas. Two and a half years ago I was in the United States and Canada, and they were very interested in what we were doing here. In fact, I had the opportunity of delivering in San Francisco a paper that was written by Sue Vardon on our system here, and quite a large audience came along because they knew it was a South Australian paper. When I asked further questions, I found that both in Vancouver and in San Francisco they had implemented systems based on previous South Australian juvenile justice systems. I thought that was rather a compliment to South Australia that we are looked upon as an initiator in this field, and I would hope that, after this legislation passes both Houses and becomes law, it will be looked upon as landmark legislation not only in other States in this Commonwealth but also overseas.

One of the difficulties we had on both sides of Parliament in setting up the select committee was the selection of members to sit on the committee. This is undoubtedly one of the most interesting select committees established by the Parliament, and it gave members an opportunity to have a practical input into a new sense of direction for the community on a subject which is of great concern to the community. Just looking around the Chamber now, there are members on our side of the House who would have done a particularly good job in assessing the situation, deciding what needed to be done and then coming up with conclusions. Looking across into the Government ranks here this morning, I can see members who I am sure would also have made a major contribution but who were unfortunate enough not to be able to be on the committee. Over the years, the member for Albert Park has had quite a lot to say in this area of juvenile justice, and I am sure he would have made a major and practical contribution. It is a pity that he was unable to get on the select committee, and likewise with the other colleagues opposite.

At the end of the day, we came up with a very viable and useful alternative. There was almost unanimous bipartisan agreement on most issues. We had some active debate on some matters where we had a few minor philosophical differences of opinion, but at the end of the day what came out of the select committee is something which we will look on over the next 15 or 20 years as a new base for a new system based on one which in the past failed and failed dismally.

It is quite obvious that something had to happen. When we started taking evidence, it was interesting to note in the community the very obvious lack of knowledge regarding the present system. The lack of knowledge on the part of members of Parliament and the community had a lot to do with why that system—and we are now replacing it—got out of control. The bureaucracy and the legal fraternity are running a system out there that we did not understand much about.

When the police arrest or report a juvenile, we found that the matter does not immediately go to court, as many people assume: it goes before these screening and aid panels and eventually ends up in the Children's Court. When seeking evidence prior to the select committee, I asked, 'What are the penalties in the Children's Court?' and, after I had heard those penalties, I asked the question why juvenile crime was out of control, why it was escalating and why people were continuing to reoffend with seeming immunity from the consequences of their behaviour. I will run through eight of the penalties that are available to the judge, because they are quite interesting: he could order a detention from two months to two years; he could make a suspended detention order and insert community services orders for up to 90 hours; he could impose bonds with conditions; he could order children to attend youth project centres; he could order children to live with particular families; he could order them to pay compensation and restitution; he could suspend drivers' licences; and he could impose penalties up to $1 000. With those options available, the members of the committee asked the question, 'If we have those penalties there, why are things going radically wrong?'

So, we started taking evidence and it became patently obvious early in the piece where some of the problems lay. The first problem came through very clearly—and it also was very obvious to the public—namely, that there was this growing perception that the penalties handed down by the court were too lenient and did not act as a deterrent. We had to analyse why they were perceived as too lenient and why they were not acting as a deterrent. We had to analyse why the kids were feeling no shame when they went before the court; why they were not being forced to accept some sort of responsibility for their actions; or why they should not feel that, if they carry out a certain act, there is a consequence to that behaviour. We wanted to know what was going on in those screening and aid panels and in the court process that meant that kids felt that there would not be any consequence to their actions. Why was it that children were walking out of that court after the court hearing and reoffending as though the system were a joke?

We then also looked at the penalties that were being imposed and found that those penalties bore little relationship to the nature of the offence, and I think that rang a few warning bells when we saw cases presented to us where children had stolen motor vehicles six times or more, were involved in other breaking and enterings, and bonds were being recommended. As soon as we heard that bonds were being recommended, we ask by whom. We found that the welfare process, involving FACS, was starting to determine the decision making process in the court.

Then we looked at the long delays in processing, delays that were taking between six and 12 months, and during that time the children were reoffending: they would have several reoffending charges pending despite the fact that they were waiting to have the first charge heard. Again, that gave us some indications of where to

concentrate. We sat in the court and noted the lack of involvement of the victims. The victim was not even part of the system. The child was there and the welfare department was looking after the child because it was their client, but there was a distinct lack of involvement for the victim. We believed that we had to do something about that.

Sitting in the court, one could see that the family was not involved. Those of us who were there, and others who were not able to get there, would have sensed very quickly that in order to get to the root of the problem the family must be drawn back and involved in the ultimate process.

One of the major problems, to which I alluded earlier, was the role of the Department for Family and Community Services in this interface between the court and the processing of children from the time that they are arrested, reported and went through the panels and the court process. We found that FACS had a responsibility to make recommendations to the court on the sentences that should be implemented. The magistrates felt that if they did not follow those recommendations it was pointless imposing sentences. We found that FACS had an input into the programs for offenders and also into the penalties that the courts were awarding. That was a very strong input by FACS.

We received evidence that showed that the sentencing discretion by the court was being constrained by the department's paperwork and the recommendations being put forward in that paperwork. Departmental officers denied it, but magistrates said that they felt constrained. At the end of the day, one had to believe the magistrates to the extent that they were telling us that they felt constrained, and they probably were. The magistrates alerted us to the fact that kids on bonds with supervision were not being supervised. The senior court judge told us at one stage that he was unaware that, if he imposed a bond with supervision, the supervision did not take place. The deficiency started to follow a general thread.

The Hon. B. C. Eastick interjecting:

Mr OSWALD: Indeed, they were not impressed. That came through several times during the evidence. In cases where it was considered that the child had been before the court on sufficient occasions to warrant the imposition of a detention order, magistrates told us that those detention orders were being overturned on appeal by FACS officers on the same day and the child was being released. That came through at the end of the evidence taking. It did not happen often, but it did happen. It has to happen to a few children only, to be let out, and they suddenly realise they can play off one magistrate against another. I have been told by more than two magistrates that they were playing one magistrate off against another. As a result, the word gets out as to what to do, which days to go in, depending on which magistrate is on duty and which days to have a case deferred.

The actual court appearance worried all of us. The child came in and was not involved. He stood there like a piece of wood. Even the senior court judge, after the inquiry had gone on, started to use the terminology himself. Legal aid solicitors and FACS officers would argue the case, the penalty would be handed down, and on the way out the legal aid officer would explain to the child what had happened. The child stood there with no feeling of consequence or shame and went out and the track record was to continue to reoffend.

I will not go further into the technical background to the select committee. We have discussed that at great length when other reports have been noted. However, I wanted to put on the record some of the concerns that were highlighted, because they led to the philosophy that we wanted to bring in; that is, that the system had failed because of certain factors that I have emphasised. One of the threads that came through was that the welfare system was driving the recommendations, and the police and the courts felt constrained about doing what they wanted to do because of the welfare model. Therefore, we had to look at alternatives, and we did.

The police cautioning system, which allows the police to start driving the system and to have a practical input, was appealing. We have eliminated the screening and aid panels and we have gone back to giving the police an active role in the juvenile justice system. We now have the formal and informal police cautioning, with which members are familiar.

We then moved to the family group conferencing, which we have all had the advantage of seeing in operation. It was important that we did go to New Zealand and sit in on them. The psyche of how those conferences are run has a lot to do with the situation. It is one thing to read it in formal papers that were being sent to us, but it was another to sit there and see the impact on the child coming in and sitting down with the conference leader, the coordinator, the victim being on the other side of the table, and with the parents, police and welfare officers present. For the first time that young offender suddenly had to confront the consequences of what he had done. That has an enormous impact on a child.

We hope that in time we will be proved right and that the result of that impact will be that the child will reconsider ever offending again. It is important with regard to these conferences that the police should have a power of veto, and we have put that provision in the Bill. That gets back to our initial concern that ultimately the police and the judiciary will drive the system. There are some excellent FACS workers in the courts and in the community who should be and are entitled to be at those family group conferences because of their professional background. They are there in the advisory role for which they are trained, as are the police and anyone who is invited under the umbrella of invited persons.

At the end of the day, if the family group conference fails, we are back to the youth court. If we give the child and the family an opportunity of getting that youngster back on the straight and narrow and that system fails, then we are back into the court. If they do not want to go through the family group conferencing system, the court system is available. If the court decides that it would be better for a child to confront the family group conferencing system, the judge can send that child to the family group conference to be dealt with. The system has flexibility, but there is a firm driving force running through it. The police and the judiciary now have an opportunity to exercise that function for which they have

been trained. We will await with great interest to see how they react to it.

The youth justice coordinator has a very important and key role in this whole system. The success of the conferencing to a large degree revolves around that person, and it is up to the Government and the powers that be to appoint the best people. I should imagine they will come from a range of occupations. They could be former social workers, policemen or prominent citizens who are well trained in this type of work and who want to work with young people who have offended with the object of getting them back on the straight and narrow.

I commend the Bill to the House. I appreciate the input from all those officers who worked with the committee and from those members of the public who attended and gave evidence. I should not acknowledge the Gallery, but Mr Peters attended just about every one of our inquiries and showed tremendous interest. His input, both written and oral, from his experience of working with young offenders and young people generally, was appreciated. It was a very productive select committee on which the members worked very hard. As I said in my initial remarks, I am sorry that other members did not have the opportunity to partake, but we can all get together now and support the Bill and make it work in our own way as members of Parliament out in the community.

The Hon. M.J. EVANS (Minister of Health, Family and Community Services): On this occasion I would particularly like to thank members who contributed to the debate last night and this morning. It has indeed been a very constructive process. The select committee ran for a considerable period, and it had the opportunity to take a great deal of evidence from the public and from local government and State Government agencies. It also had the opportunity to carefully go through that evidence, question the representatives of the departments and agencies and work through the draft legislation in considerable detail, as members of that committee would know, and rework it until members were satisfied.

There are some disadvantages to that process, and members have highlighted aspects about consultation with the community which are made more difficult in terms of actually circulating draft Bills and the like when these are in the possession of the House and in the possession of the select committee and therefore cannot be disclosed until the committee has reported to the Parliament. Although there is that negative aspect to it, if one looks at the process overall one sees the very positive and active way in which members of the public are able to present their views directly to the committee and directly to the legislators on both sides of the House. That allows them to have an input into the legislative process which they would not normally have, even though an alternative model might allow the circulation of draft copies of Bills, for example, but only to a limited range of people and certainly not to the general public. Therefore, I think the model that we have followed in this case to reform such a vital area of the law is very constructive and positive and reflects credit on all members of the House that the Parliament is able to work in such a positive and constructive fashion to address a topic which has certainly been of considerable concern to the community for some time.

I think one has to recognise that juvenile justice is one of those areas which does go in cycles. Clearly, over the past decade or so, the community has very legitimately expressed considerable concern about trends in juvenile crime and in relation to the seriousness of some of those issues. I think those concerns have been appropriately justified by incidents which we have seen in the media and on our television screens during news broadcasts; some of those have indeed been very serious. Indeed the recent trend in respect of motor vehicle offences and high speed chases is one which I am sure all members would regard very seriously.

I think we also have to look at the overall trend in these matters and examine the total number of offences and put this in some sort of context. I will just briefly quote a paragraph on page 18 of the select committee's report where the committee draws attention to a submission as follows:

> Only a small proportion of young people become involved in the juvenile justice system in South Australia. In fact in 1990-91 for every 1 000 juveniles in the population 31 were brought before a children's aid panel while 14 came before the Children's Court. In other words, in this particular year only 3.1 per cent of all youths in the State were dealt with by a panel and only 1.4 per cent came before the court.

Historically, while the trend can fluctuate and the statistics go up and down I highlight the fact that it is but a small percentage of the youth population who comes in contact with the justice system. I say that not in any way to excuse or ameliorate that small percentage from the crimes which they have committed against society but really to praise the remaining 94 or 95 per cent of the young people in the State who have no contact with the justice system whatsoever. I think it is very important that, while we focus a lot of attention on the percentage who are involved, it is appropriate that we should recognise the overwhelming majority who never become involved with the justice system and place on the record our support for the way those young people are contributing to the community in which they live. I think we must look at this in that kind of context.

I think it is also very important to examine the way in which some of the statistics can be interpreted. It is important to note from the table on page 22 of the select committee's report—and I think the honourable member for Bright drew attention to this—that there are a number of areas where juveniles are over-represented in the statistics. I would particularly mention shop theft with 51 per cent; motor vehicle theft, 53 per cent; and break and enter, 48 per cent. Those are quite frightening statistics, but one then needs to look closely at the clear up rate for some of those offences. Unfortunately, with respect to break and enter, shop theft and motor vehicle theft the clear up rate is very low. It is of the order of 12 to 18 per cent, and sometimes less. Therefore, it is quite likely that juveniles are over-represented in that clear up area and, if there was a 100 per cent clear up rate—something I am sure members would seek to achieve but something which the police would find near impossible to achieve—one might find the juvenile percentage dropping quite significantly.

Juveniles, by their very nature and the crimes that they commit, are perhaps, one might say, less competent in the way they commit those crimes and are more likely to

be caught by the police than adults and therefore they do end up being over-represented in some of those areas. I say that just to draw attention to the fact that the statistics can be misunderstood, and it is important to look at them in context. The committee had a great deal of advice and experience in this matter over a long period, and I draw this to the attention of members because other members may not have had the opportunity to look at this matter so closely.

I generally thank the Opposition for its support of the legislation. I think the Deputy Leader made a very important point, and it was central indeed to my thinking and I believe that of the committee as a whole, that is, for every crime there should be some immediate consequence. I think that is a very important point which the Deputy Leader drew attention to, and certainly it features very much in the legislation. It is very important that where young people commit some offence against society the fact that that is the case is brought immediately to their attention and the fact that there are consequences for that offence should flow immediately from the action concerned. I think that is why the committee has recommended a system which encompasses a broad range of possible responses by the justice system. That can take the form of an informal caution, a formal caution, with or without consequences as the committee has described, a family group conference or a court appearance and ultimately detention for up to three years.

We have an enormous range of options for the police, for the family and for the courts to respond to offences by young people. That will ensure that an appropriate consequence can flow to all young offenders when they commit offences in the community. I think that the previous system has not permitted such a wide range of responses. The possible consequences of their actions have been fairly limited. Indeed, the previous Act had a limitation. I believe the minimum period of detention was some two months, so the courts were constrained in the way in which they could respond.

It is an essential part of this legislation, as the Deputy Leader said, that we must have some consequence in relation to all these actions. Because we are dealing with young people and many of the offences are indeed quite trivial, it is important that the response is at the less serious end; and also, because of the community's quite justified concern about some of the serious crimes which are being committed by juveniles, we have also strengthened the potential range of responses at the more serious end of the spectrum, increasing the maximum period of detention now to some three years—a very serious response indeed.

We also must look, because it is going to be a big part of the Committee debate I am sure, at the issue of parent liability. I think it is very instructive, as the Chairman of the committee has done on a number of occasions in public debate on this matter, to draw attention to the success in this area not only in continental Europe but also in New Zealand. New Zealand is an area from which we have drawn a number of aspects of our new Bill. I remind the House of the law in Europe, and in that regard I quote Article 1384 of the French Code Civil, as follows:

> The father, and the mother after the father's death, are responsible for the damage caused by their minor children residing with them. The aforesaid responsibility is imposed unless the father and mother can prove that they could not prevent the act which gives rise to that responsibility.

The New Zealand Children, Young Persons and their Families Act 1989 provides:

> ...any loss of or damage to property, through or by means of the offence, order the young person or, in the case of a young person who is under the age of 16, any parent or guardian of the young person, to pay to the person who has suffered the emotional harm or the loss of or damage to property such sum as it thinks fit by way of reparation.

There are differences in both of those laws and legal systems to those which apply in South Australia, and they are not always directly translatable into our situation here, but they do give rise to a presumption that the principle of parental liability is one that should be examined closely in South Australia. The committee had the opportunity to do that, and in that regard it is important to note the committee's recommendations. The Government has imposed additional qualifications on that liability, which I am sure we will discuss during the Committee stage. They are designed to ensure that that small percentage of parents who choose not to accept full responsibility for the young people who live with them are aware of the responsibility that they should bear for the loss or damage which their children can cause through their criminal acts. Where a parent is exercising the normal responsibility that one could expect of a parent, the Bill provides an appropriate defence for that parent against an application for compensation.

There are many other matters which are the subject of the Bill. It would not be appropriate for me to attempt to canvass all of those now. Other members have gone through them. Again I thank the Opposition for its support in principle for this legislation and comment again on the way it reflects favourably on the whole of the Parliament in terms of seeking out and dealing with such a controversial and complex issue in our community as juvenile justice. I believe that all those who have contributed to this process have done well to bring together the three Bills that we see before us. As members have commented, no system of juvenile justice—indeed, of justice generally—will ever be perfect. It will always need to evolve. Parliament will need to monitor this constantly. I am sure the community will keep each of us alert to the changes that may need to be made to this legislation over time. I am sure that the Bills now before the House will form a very good base over the next decade for juvenile justice administration. I certainly commend them to the House on that basis.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Objects and statutory policies.'

The Hon. M.J. EVANS: I move:

Page 1, line 18—Leave out 'human'.

I do this by way of a drafting matter. I think the clause reads better. Other members of the Committee have pointed out their preference for it to read this way. The intention of the clause is well conveyed by that amendment.

The Hon. D.C. WOTTON: The Opposition supports the amendment.

Amendment carried.

The Hon. D.C. WOTTON: During the second reading debate reference was been made to the contribution of Mr Grant Peters, who has shown a considerable commitment in following through in some detail the activities of the select committee. Mr Peters has written to all members of Parliament and has referred to a number of clauses. He refers particularly to clause 3(2)(b) and makes the point that there is already speculation that, even with the inclusion of this clause, it will still be very difficult to be successful in an appeal against a sentence considered manifestly inadequate, as has been the case in respect of section 7 of the existing Act. According to Mr Peters, inquiries indicate that it is impossible to appeal solely on the ground that the sentence is inadequate. He asks the question: has anyone sought legal opinion from the Director of Public Prosecutions in relation to this clause? I would appreciate a response from the Minister.

The Hon. M.J. EVANS: I agree that Mr Peters has certainly made a useful contribution to this debate. I know that the committee was aware of his attendance and interest in the proceedings. In relation to this clause, neither the member for Heysen nor Mr Peters was able to be present when the committee was debating these clauses. Much attention was paid to this particular set of directives which relate to the policy of the Parliament in the matters of what criteria are to be taken into account when the court is examining a young person's behaviour.

This is a very significant change that the committee has made to the present law. It has significantly strengthened those matters that need to be taken into account and has introduced the concept of general deterrents into the law, which is a very substantial shift in policy in relation to juvenile justice. Paragraphs (a), (b) and (c) are the compulsory statutory provisions whereby juveniles are made aware of their obligations under the law and the sanctions imposed are sufficiently severe so that the community and individual members of it are adequately protected. When we turn the page, we see the policies that should be taken into account as far as the circumstances of the individual cases allow. The fact that the committee has overwhelmingly strengthened those provisions will in turn strengthen the opportunities for appeals. They place far more emphasis on the justice model rather than the welfare model, to which members have drawn attention. The committee was of the view that they will strengthen the rights of victims and the community against the offender. That is certainly the intention.

One needs to consider the appeal provisions quite separately, and the appeal provisions have also been quite strongly enhanced by way of allowing a broad range of appeals and by removing the issue of rehearing's and recommittal which used to take place, to which the member for Morphett referred. I understand the concern being expressed in that matter, but I believe that the amendments we have made in clause 3 (formerly section 7 of the existing Act) provide a much stronger regime for the victim of the offence and will strengthen their case enormously.

Clause as amended passed.

Clause 4—'Interpretation.'

The Hon. B.C. EASTICK: I would like the Minister to assure the Committee that the definition of 'police officer', which appears on page 3, is wide enough to encompass police aides with respect to the very vital role that these people are currently playing in Aboriginal lands and now moving into the metropolitan area. One would gain the impression from evidence taken from these people and those who have trained them that they will play a continuing and increasingly important role in the effective monitoring and policing of these activities. I would like an assurance from the Minister so it is on the public record.

The Hon. M.J. EVANS: Yes, I am happy to give that assurance. My understanding is that it does include police aides. I support the honourable member's references to the valuable work that this group undertakes. Its role will continue to grow in this area. It is my understanding that they are more than appropriately included in this definition of 'police officer'.

Clause passed.

Clause 5 passed.

Clause 6—'Informal cautions.'

The Hon. D.C. WOTTON: Concern has been expressed by Mr Peters who asks that, if all informal cautions are not recorded, what precautions can be taken to ensure the that, for example, the recidivist larcenist is detected? He makes the point that many juvenile offenders to whom he has spoken have indicated one of the reasons for committing larceny offences was to obtain goods and convert them to cash for the purchase of drugs. The letter states:

> As the items stolen for this purpose are primarily expensive sunglasses and designer clothes which individually may have a retail value of less than $100 (an amount I understand is currently being used in the Bank Street exercise) then it is not very difficult to see these offenders going from shop to shop, district to district continually committing crime with informal cautions being issued on every occasion. In any case, what accountability is there within the system to monitor the informal caution if they are not being recorded?

The Hon. M.J. EVANS: I understand the matter that is being raised. If we look at the Bank Street issue first, we see that they are formal cautions under the present system. Under the present system that is being used by the police in this exercise—the Bank Street model—they are formal cautions and are appropriately recorded. However, I would not expect that an informal caution would be used in the case of a larceny, for example, unless the item was very small indeed. So, we have to keep in mind that the police will have the option of formal and informal cautions. So, where the issue was more serious, they would opt for a formal caution and, where it was of an extremely minor nature. they would use the informal caution option.

The other point to keep in mind is that, whatever Parliament may say in this context, the police officer on duty on the street on the day will always have the option of what amounts to an informal caution. A police officer is never and under our system can never be obliged to report and charge every person whom they ever see and who might possibly have committed an offence. That would make for an unworkable system of justice, and the

first line of approach is that the police officer has the discretion at the time as to how he or she proceeds under any system of law. It is much better that the Parliament acknowledges the need for that informal caution process in very minor instances and acknowledges that in the Act, so that the proper structure of proceeding from informal caution to formal caution to family conference to the court system and so on is well understood in the community.

I am certainly able to assure the House that the Police Force in South Australia would issue an informal caution only where the matter was of a very minor nature. Police officers come to know the circumstances of their district and would be aware of those young people who have received several informal cautions, because they themselves may well have administered them. So, the perspective of the system needs to be well noted. I am sure that the informal cautioning process needs to be acknowledged in this legislation, because it will occur, regardless, and it is much better that the Parliament acknowledge it and set out the proper structure for it.

Mrs KOTZ: This is an area where I also have a concern with regard to the non-recording of informal cautioning. I believe that the overall philosophy that underlies the legislation is early intervention. I believe that it is an accepted premise across the board that, the earlier the intervention, the more opportunity there is to divert young people from moving into a pattern of criminal conduct. I am totally in favour of the intention to extend the powers to members of the Police Force to deal with minor offences at this level. It was the contention of members of the committee and members of the public who gave evidence on this matter that immediate and effective action needs to be taken as soon as possible after an offence has been committed, particularly in regard to first time offenders. A relevant criticism of the existing system has been the length of time taken between the offence being committed and the court hearing or a panel session—the time before some action related to justice is actually taken.

The one concern I have in this area is the failure to recognise the necessity of keeping any record on this informal caution area relating predominantly to first time offenders. Members of the Police Force have indicated concern that young offenders already move around from district to district (and I believe that was part of the comments Mr Grant Peters made to members of Parliament). Where action is taken by any individual members of the Police Force to caution and then release young offenders in one district and where the name and address of the offender is not recorded in some central mechanism, the alleged first time offender may indeed be a second, third or many time offender—in other words, a recidivist.

The good intention upon which the philosophy of this legislation is based and which is meant to divert the first time minor offender from further offending will be a good intention only. One of the major problems at present, where there is not the benefit of a record of breaches of the law, is that young offenders already bent on breaking the law are aware that they have a good chance to beat the system, if and when they are apprehended, if they commit crimes in different areas. Members of the Police Force are at a disadvantage in not having previous information to determine whether the apprehended offender is a first offender justly deserving an informal caution or whether they are dealing with a recidivist offender, where a formal caution procedure should be the appropriate measure.

The Hon. M.J. EVANS: I think the member for Newland is putting too much emphasis on the nature of this informal caution. The reality is that the Police Force in this State will not provide informal cautions for offences of significance. That is the reality. I am sure she knows the Police Force of this State as well as I do, and the reality is that members of the force will give an informal caution only where the situation is entirely appropriate for an informal caution. If we record informal cautions, the difficulty we have is that they then become formal cautions. The officer then falls back to the position of saying, 'Well, I will not write this down as an informal formal caution, but am telling you that, if you do it again and I see you, I will.' So, we move back to the position of having informal unrecorded informal cautions and formal recorded informal cautions, and the whole thing then becomes a nightmare.

The reality is that police officers always will have, always have had and indeed must have a discretion on the street to make a decision about whether or not they charge and whether or not they issue a formal caution with consequences or a formal caution without consequences. In talking about this topic, what the member for Newland is seeking is a formal caution where no consequence is attached to that formal caution. Where an officer believes the offence is of more significance than that which warrants an informal caution, I am sure they would issue a formal caution, which involves the recording of the process formally but not attaching consequences to it, and therefore that would constitute a formal informal caution.

However, for any of us to believe that the Police Force can really operate on the basis that police must report every offence and every child who they think has even possibly committed an offence, and then seek to prove that when they may simply be wrong on an individual case, is not to understand the realistic day-to-day operation on the street. An officer may see something which leads them to believe that a juvenile has done something of a minor nature and he may just speak to him or her about that and, while he does not have the kind of evidence that would be necessary to proceed formally, no doubt the juvenile will learn something from that exchange and contact.

It would not be possible to put that in a formal record, because then it is subject to use in later court proceedings, being on that person's record. It is a formal matter, and there would be the ability to test its validity. The police would be severely limited. We would restrict their activities enormously in a way that I am sure no members would wish to do in the flexibility they have in Hindley Street or wherever. I think we must keep in mind that the police will be limited in the way in which they dispense these informal cautions, because obviously that is exactly what they are. Where the matter is of such significance that an officer of another jurisdiction would want to know about it, I am sure that the first officer who had contact would have made it a formal matter of record.

The House would be aware now that, when a police officer detects an adult who is driving perhaps just slightly over the speed limit, whose car number plate has nearly fallen off, or something like that, the officer may well just caution the person concerned without keeping a record, and that is the parallel of what we are talking about here. I think that kind of thing has to be left to the discretion of the Police Force. The police have certainly indicated that this is a process they can cope with well, and I think the Parliament should put that trust in our force.

Mrs KOTZ: The happenings on the street involving juvenile offenders are not nearly as cut and dried that it can be determined immediately what type of offence the juveniles might have been involved in. The types of minor offences the police detect may be only a part of what might have been a far greater crime. The Police Force has given evidence, and police officers have spoken to me personally, and their concern relates to this very area of minor crime where informal cautions are now proceeded with under the jurisdiction of the Police Force. In fact, there has been many an occasion where a juvenile has been given a caution for a minor offence and it has not been discovered until a later date that several cautions were given to this person; it was discovered only because of the movement of members of the Police Force into different districts, those officers coming across an offender they had cautioned in another district.

I also suggest to the Minister that our attempting to simplify the recording of informal cautions would be an absolute disaster as far as paperwork is concerned. The Minister would recall that the New Zealand system incorporates the recording of informal cautioning to a central body for the very reasons I am stipulating at the moment.

The Hon. M.J. EVANS: I am sure that the member for Newland and I are in agreement about these matters. I do not believe there is any philosophical difference, but I think we are becoming overly concerned about the detail of this matter. The moment an informal caution is recorded, it becomes a formal caution. That is the simple reality of it. The moment an informal caution is notified to a central authority, it becomes part of the public record; it becomes an official allegation of an offence by a young person, and it becomes part of a formal record. Therefore, it is a formal caution.

The committee was very clear in understanding that that is a perfectly proper outcome and that it encourages the police to proceed on that basis. Informal cautions are provided only as a minor, small-scale aspect to remind the police officers that they have that power and to say that it is something we acknowledge will happen no matter what we say. The only alternative to what the member for Newland is suggesting is that we require that, every time a police officer comes into contact with a young person, even if they only have a suspicion or concern, they must formally record it.

To put that obligation on the Police Force is not only a nightmare in terms of paperwork, although no doubt it would become onerous, but a concern in a legal sense. We then discourage the police from dealing in this way. It is up to them. If the police are expressing concerns to the member for Newland, the solution is in their hands: they are the people who will decide who receives an informal caution. It is the street-based police officer who makes that decision. All I am saying is that he will have the power to make that decision no matter what we say in this context. I suggest that we keep the nature of this informal caution to the level that it is just a minor conversation between a police officer and a young person. It is not meant to be used and will not, I am certain, be used with respect to serious offences.

Mrs KOTZ: I believe the Minister is oversimplifying my comments. I put on notice now that the Liberal Opposition will reconsider this area before the Bill is debated in another place.

Clause passed.

Clause 7 passed.

Clause 8—'Powers of police officer.'

The Hon. D.C. WOTTON: I move:

Page 5, after line 24—Insert:

(2a) Before requiring a youth to enter an undertaking under this section, the police officer must take all reasonable steps to give the guardians of the youth an opportunity to make representations with respect to the matter.

While a young offender who enters into an undertaking is protected to the extent that an undertaking must be signed by the parents or guardians of the young offender, at present there is no requirement in the Bill before us for the parents to be involved in the negotiations leading to the undertaking. It might be implied in the legislation, but I believe that it is important that it be expressly provided for, hence the amendment. Previously it was the intention of the Opposition that this should be a mandatory provision. However, I recognise the representations that I have received and that it is important that the police be given the opportunity to take all reasonable steps to give the guardians of the youth an opportunity to make representations. The Opposition believes this to be an important amendment, and I ask for the support of the Committee.

The Hon. M.J. EVANS: I am happy to support the amendment.

Mr HAMILTON: Some time ago by way of correspondence I raised a matter with the Minister which relates to this clause and which concerns guidelines for parents with respect to an agreement with an offender as to the manner in which the offender is prepared to be disciplined. What I cannot obtain from anyone are guidelines with respect to how far a parent can go in disciplining his or her child. Some time ago in this Parliament we issued guidelines for those defending their property or person, but there are no guidelines with respect to how a parent can or cannot discipline his or her child. I have written to the Minister along these lines indicating that I believe a select committee should be looking at this question.

There is a feeling in the community, rightly or wrongly, that parents are not allowed to touch their child. Clearly, that is wrong, but people are seeking guidelines as to how far they can go. I am not saying that they should be told that they can belt their child, but I believe there needs to be some clear indication as to what a parent can or cannot do. I seek a response from the Minister in this regard, because that is the comment that is abroad in the community—if you touch your child, you will end up before the Department for Family and

Community Services or the child will be taken from you. I seek a response from the Minister.

The CHAIRMAN: The Chair is feeling extremely generous this afternoon and will allow the Minister to answer this question, but it really has nothing to do with the proposal before us. I strongly suggest to the member for Albert Park that this be his first and last question along those lines.

The Hon. M.J. EVANS: The Attorney-General has previously made a number of public statements to the effect that parents have the normal common law right which has existed for hundreds of years to discipline their children. That can take a number of forms, and what form it might appropriately take will vary from child to child and has varied over the years as community standards have changed. I refer the honourable member to those statements by the Attorney-General. As to what other steps the Government might take in that regard, there may well be an opportunity at another time to discuss that further. Certainly it is not part of this legislation.

I support the member for Albert Park in his wish to clarify the law in this regard, because it is certainly true that some parents have expressed concern about that issue. It is not the case that parents have in any way been restricted by the Department for Family and Community Services in the provision of normal, reasonable discipline in the home. Unfortunately, some parents occasionally take that too far and, on those occasions, the department has had to examine the matter and, at times, take action. That is not a general proposition, and the overwhelming majority of parents have a very good relationship with their children and are able to enforce normal family discipline without any concern at all about interference by the law in that matter.

Amendment carried.

The Hon. M.J. EVANS: I move:

Page 5, lines 22 and 23—Leave out paragraph (b) and insert:

(b) the caution must, if practicable, be administered in the presence of—

(i) a guardian of the youth; or

(ii) if a guardian is not available—an adult person nominated by the youth who has had a close association with the youth or has been counselling, advising or aiding the youth.

This amendment will provide an opportunity where a guardian is not available. There are a limited number of occasions where it would be used. It might be appropriate for an adult who has been nominated by the youth and who has had a close association with the youth in counselling, advising or aiding the youth to be present, because it is intended that one of the positive aspects of this process is that if not the guardian then at least a member of the immediate family, a close relative or someone who has been working with the young person be available to guide them as part of the cautioning process. This potential amendment will slightly extend the range of people available and will provide a little more flexibility which may be necessary in a limited number of cases where young people do not have a guardian immediately available to them.

The Hon. D.C. WOTTON: The Opposition supports the amendment. We would have had some concern, particularly with clause 8(b), where the 'caution must, if practicable, be administered in the presence of a guardian of the youth', if that had been a mandatory provision, because that is not always possible.

Amendment carried.

The Hon. M.J. EVANS: I move:

Page 5—Lines 32 and 34—Leave out subclause (5)

Page 6—Lines 1 and 2—Leave out subsection (6)

These are related amendments. On reflection, the provisions in subclauses (5) and (6) are inconsistent with the aim of the new legislation to enable police to deal more directly with minor offenders and to avoid involvement of the courts at this level of offending. The clause removes direct police monitoring of outcomes and makes the police reliant on the court to report or notify non-compliance before they can invoke the remedies provided under subclause (7). By repealing those subclauses, I think we will expedite the process without removing any safeguards. I commend those two amendments to the House.

Amendments carried; clause as amended passed.

Progress reported; Committee to sit again.

[Sitting suspended from 1 to 2 p.m.]

TOBACCO PRODUCTS (LICENSING) (FEES) AMENDMENT BILL (1993)

Her Excellency the Governor, by message, recommended to the House the appropriation of such amounts of money that may be required for the purposes mentioned in the Bill.

CRAIGBURN FARM

A petition signed by 351 residents of South Australia requesting that the House urge the Government to preserve Craigburn Farm was presented by Mr S.G. Evans.

Petition received.

TRAFFIC OFFENCES

A petition signed by 44 residents of South Australia requesting that the House urge the Government to make the driving of stolen vehicles at high speed and ram-raiding serious offences incurring a mandatory prison sentence regardless of the age of the offender was presented by Mr Lewis.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Housing, Urban Development and Local Government Relations (Hon. G.J. Crafter)—

City of Mitcham—

By-law No. 2—Street Traders.

By-law No. 3—Garbage Removal.

By-law No. 4—Fire Prevention.

By-law No. 8—Poultry.
By-law No. 9—Bees

QUESTION TIME

UNEMPLOYMENT

The Hon. DEAN BROWN (Leader of the Opposition): With the imminent release of his Economic Statement will the Premier say whether South Australia faces the same scenario as the Prime Minister yesterday forecast for the rest of the nation—that is, unemployment remaining high and long-term unemployment increasing—and will he put an estimate on how many jobs his Economic Statement will create, as this State already has the highest percentage unemployment of any mainland State?

Mr Lewis: That's obscene.

The SPEAKER: Order! If the member for Murray-Mallee wishes to see Question Time out, I remind him of the Standing Order that puts interjections out of order.

The Hon. LYNN ARNOLD: The Economic Statement will be coming down within the next hour or so and the Leader can wait and find out what is said in that document. There will be Question Time tomorrow and, if he has any problems in understanding the details of the document, he can ask about them tomorrow. Unemployment is of major concern to all of us, and the Economic Statement reflects that. I also note that while we have a very high rate of unemployment in this State, which is of very serious concern and is not by any means under-estimated by the Government, we have now had six consecutive months where year on year we have had actual employment growth—in other words, more people taking home pay packets than a year ago.

Australia as a nation has had that for only one month. There have been five months of actual decline in the number of people employed compared with 12 months ago. However, in South Australia we have had six months of increase on a year ago. I should think that is a good sign. It is not a promise of what comes later, but it means that more people are taking home pay packets now than a year ago, and that has been happening for six consecutive months.

SCHOOL STUDENTS

Mrs HUTCHISON (Stuart): Could the Minister of Education, Employment and Training advise the House of initiatives to support isolated country students to access secondary education in regional areas of the State?

The Hon. S.M. LENEHAN: I thank the honourable member for her continuing interest and support for the provision of such facilities for secondary students. This morning I signed an agreement for the rural student accommodation program. The agreement is between the Minister of Education, Employment and Training and the Young Women's Christian Association of Australia. The YWCA will conduct the South Australian rural student accommodation program by appointing housing coordinators to work with resource workers who will be appointed to each of the hostels. Hostels have been established in Cleve—

Mr Brindal interjecting:

The Hon. S.M. LENEHAN: It is interesting that again we find the member for Hayward—

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

The Hon. S.M. LENEHAN:—obviously knocking—

Mr Brindal interjecting:

The SPEAKER: Order! I warn the member for Hayward.

The Hon. S.M. LENEHAN: Thank you for your protection, Mr Speaker. I am delighted to inform the House that hostels have been established in Cleve, Whyalla and Port Augusta and are currently being established in Port Lincoln, Lucindale and Kingston. The YWCA will ensure that the housing coordinators oversee the successful management of this program at regional level. Responsibilities will include liaison with student councillors at each school attended by the students to ensure the welfare of the students and to take appropriate action to resolve problems that the students or their parents have regarding the program. The YWCA will ensure that housing coordinators visit the hostels regularly and inspect the conditions and welfare of students.

The aim of this program is to help senior secondary students from remote parts of South Australia to continue their education without having to travel to boarding schools within the city area. It will therefore provide better access to education for isolated students. I am sure that the member for Eyre will be pleased to hear this. I understand that a number of country communities are interested in joining the program, and discussions are currently being held with those communities as well as the communities where the program presently has been and is being established.

CIGARETTES

Mr S.J. BAKER (Deputy Leader of the Opposition): Can the Treasurer dispel the considerable confusion that now exists amongst tobacco retailers about cigarette prices following the deliberate leaking by the Government two days ago that the Premier's Economic Statement would increase cigarette taxes? Tobacconists and small delicatessen owners have told us that since the Government started leaking the contents of the statement they have been getting confusing and worrying information about when prices will increase. One retailer said his distributor had told him the price rise of 50 cents a packet will start tomorrow and that no old stock will be available to him until the prices go up.

The Hon. FRANK BLEVINS: I never comment on rumour.

Members interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: I am not going to—

The Hon. Dean Brown interjecting:

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

The Hon. FRANK BLEVINS:—comment on rumour. However, it may be that in about an hour we will have a statement of the facts.

SOUTHERN SPORTS COMPLEX

The Hon. D.G. HOPGOOD (Baudin): Can the Minister of Recreation and Sport advise the House what progress has occurred to date on the development of the Southern Sports Complex?

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. Wotton interjecting:

The SPEAKER: I warn the member for Heysen. Week after week we go through this. Members interject, even though they know that they are out of order; I tell them day after day. If members want me to apply the Standing Orders that they have agreed to, I will do so. If they do not want the Standing Orders, they should change them. If members interject it is out of order and the Chair is forced to take action.

The Hon. G.J. CRAFTER: As members would be aware, work has begun at the Southern Sports Complex with the making of survey points and other preparatory work required to establish this very much needed multi purpose sporting complex. When I visited the site last weekend I saw the plans for this major initiative of both the Commonwealth and State Governments. The construction of an oval development at the Southern Sports Complex is to be undertaken over the next two financial years, utilising moneys available under the Better Cities program. An amount of $1.6 million has been allocated from the Better Cities funds—funds which the Opposition very strongly opposed and we would have seen lost to this State had there been a change in Federal Government.

The State Government has made a further contribution of $2.725 million for the land value on which the Southern Sports Complex is to be sited. The oval will be capable of taking South Australian National Football League standard fixtures together with car parking, change rooms and landscaping. The Southern Sports Complex will provide a base for a number of sports and will serve the southern community as a centre for sporting and recreational activities. Coombs and Barrie Pty Ltd, the successful tenderers, have contracted to undertake this significant project including bulk earthworks to form the oval playing surface, the mound surrounds and the car park areas; installation of oval drainage system both subservice and perimeter above ground; the construction of change rooms, ticket boxes, public toilets, scoreboard and erection of goal posts; installation of irrigation system to oval and mound areas; construction of car park areas and sealing of initially 100 car park spaces; and the erection of training lights to the oval area.

I would like to thank the interim board of the Southern Sports Complex for its very hard work in managing to achieve such significant steps forward in a very short time and join with all members in looking forward to watching the development of this important sporting complex.

CIGARETTES

Mr BECKER (Hanson): I direct my question to the Premier. Does the Government agree that its decision to increase tobacco tax to the highest rate in Australia will encourage bootleggers to illegally trade in cheap cigarettes? The price of cigarettes in South Australia will rise by 50 cents a packet because of an increase in the tobacco tax to be announced in today's Economic Statement. This will give South Australia the highest rate of tobacco tax in Australia. I understand that in 1986, when South Australia was last in a position of being well out of kilter with most of the other States, it was estimated that millions of dollars worth of cigarettes were being smuggled illegally into South Australia by bootleggers running highly sophisticated operations aimed mainly at factories and canteens.

The Hon. LYNN ARNOLD: That was certainly a leading question, and I will not take the bait on leading questions. I will not be led by anyone, certainly not the member for Hanson. However, in any matter such as this, where there have been differentials between South Australia and other States on matters of tobacco franchise, I would simply point to the measures that the Government has had in place to deal with those matters over the years. They remain in place and remain as instruments for dealing with the activities to which the honourable member refers.

CHILD-CARE

Mr HERON (Peake): My question is directed to the Minister of Education, Employment and Training. Earlier this week the Minister announced week the release of some 820 child-care places and stated that about 85 positions would be created as a result of the development. Whilst these places are welcomed, I am concerned that in the past there has been a shortage of skilled workers in the industry. Will the Minister comment on the supply of skilled workers in the child-care field?

The Hon. S.M. LENEHAN: Yes, I am very pleased to inform the member for Peake that a number of strategies are in place to ensure that we can provide the adequate quality and quantity of child-care workers to fill the places and to provide for advancement in child-care within South Australia. For example, 25 of the job skill participants are currently undertaking a six month training program. All the participants are long-term unemployed and will receive accommodation and on the job training as well as training within the TAFE sector through the child-care courses.

In fact, the participants will receive a minimum of a 10 per cent credit towards the two year course on successful completion of their six month training program. Some participants who bring substantial skills and experience may receive more credit towards their final qualification. The initiative is part of the South Australian employment strategy. As well, the Children's Services Office is currently negotiating a bridging course for people with overseas early childhood qualifications. This follows the provision of four previous programs designed to provide appropriate skills for nurses and teachers who wish to work in the child-care field. These strategies are in addition to the provision of the six month introductory certificate in community services and

the advanced certificate in child-care currently provided within the DEAFEN college system.

Currently the annual intake for the advanced certificate in child-care is 130. This intake is sufficient to meet the current needs of the child-care industry, but we will be closely monitoring this level of intake to make sure we can take into account the growth in the commercial and private child-care centres.

OVERSEAS TRADE MISSION

The Hon. JENNIFER CASHMORE (Coles): Why has the Premier included the member for Ross Smith in the VIP party for his forthcoming visit to Japan and China, and how can this visit boost investor confidence in South Australia when a major participant will be a former Premier who was forced to resign because of his economic and financial incompetence?

Members interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: This trade mission that I will be leading to Japan and China has a number of foci; one is to Japan, and to Okayama, particularly for the tenth anniversary of the signing of agreements between Okayama and South Australia, agreements that I believe have led to significant improvements in trade between that part of Japan and South Australia. Indeed, as a result of that agreement, we have had increased shipping services and increased trade and investment activity, and there has been a growing relationship between South Australia and the Okayama prefecture. It is quite reasonable in that context that the people involved in the initial signing of that agreement should be part of the anniversary celebrations, and the member for Ross Smith, as the then Premier, played a key part, as did the former member for Spence (Hon. Roy Abbott), who will also be visiting Okayama at that time.

The Hon. Jennifer Cashmore interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: No, he will be paying his own way, but the member for Ross Smith will be paying his travel costs out of his parliamentary allowance. Some provision will be given where some of the functions he will attend will be met as part of the Government's contribution to those costs.

I think it is entirely appropriate that the member for Ross Smith take part in that delegation, given his key role at the early stage. I can tell you, Mr Speaker, that a number of key officials and dignitaries in Okayama have expressed a keen interest in meeting the member for Ross Smith again to renew old acquaintances and contacts and to remember the events that have occurred over the past 10 years—events that have been beneficial to both South Australia and Okayama. So, I have no problem at all with the member for Ross Smith's being part of the official group that visits that area, and it will be a tribute to his work in building that relationship.

TREES

The Hon. T.R. HEMMING (Napier): What are the Minister of Environment and Land Management and the Government doing to address the important issue of tree conservation in urban areas? In recent years there have been many examples of concerned members of the public seeking support from their local members of Parliament to protect trees of significance in their local areas. The House will recall that last year the member for Mitcham sought protection for trees that residents in the vicinity of the Waite Institute believed to be of significance.

Members interjecting:

The SPEAKER: Order! The member for Napier.

The Hon. T.H. HEMMINGS: The Minister is no doubt aware that, in the Minister's absence at a funeral yesterday, the member for Hayward raised in this House another example where residents of Unley sought his assistance to protect a stately tree from demolition. I also understand that the Kensington and Norwood council recently sought the Minister's intervention under the State Heritage Act to protect three old and significant trees in the Norwood area.

Members interjecting:

The SPEAKER: Order! The member for Napier will resume his seat. The member for Murray-Mallee.

Mr LEWIS: On a point of order, Mr Speaker, this is not an explanation: it is comment, and I ask you to rule accordingly.

The SPEAKER: The Chair does not uphold the point of order. The honourable member is explaining situations where similar events have taken place. I do not believe that is comment. If the honourable member wishes me to stop questions or answers every time there is a comment, nobody would ask a question in this place. I would ask the member for Napier to bring his question to a close.

The Hon. T.H. HEMMINGS: In closing, Sir, I ask whether the Government has a strategy to protect the stands of tall trees that do so much to enhance the character, amenity and value of our local suburbs.

The SPEAKER: Order! The honourable member is now commenting and debating, and I ask him to resume his seat. The Minister.

The Hon. M.K. MAYES: I must say I was astonished yesterday when I heard a report that the member for Hayward had raised this matter in my absence, while I was attending a very important funeral on behalf of the Government; he then tried to elicit your support in this conspiracy, Mr Speaker, by alleging in an explanation after Question Time that he had conferred with you and that you had no understanding of the situation. I want to make quite clear that it is on the record that you had clearly indicated to the House during Question Time (page 2948 of *Hansard)* that questions would be taken by other Ministers during my absence. That was an extraordinary statement made by the member for Hayward at the end of Question Time; he said that he did not know my whereabouts or that I was not here. It was an extraordinary, scurrilous and cowardly act on the part of the member for Hayward to attack me.

The SPEAKER: Order! The Minister will resume his seat. 'Cowardly' is a word that has been ruled unparliamentary in the past. I would ask the Minister not to use that word. Let me clarify the point: yesterday, while we were in the middle of a question and answer, the member for Hayward approached the Chair and asked whether the Minister was in attendance. At that stage, I said that I had no knowledge where the Minister

was—I did not know at that stage. I raised the matter with the Whip, who gave me the information, at which stage I informed the House.

The Hon. M.K. MAYES: That confirms it: you, Mr Speaker, are clearly on record as stating that Ministers would take questions on my behalf, yet the member for Hayward proceeded with this matter.

Members interjecting:

The SPEAKER: Order!

The Hon. M.K. MAYES: Allow me to give a background to this. I raised this matter in a press release at the opening of Heritage Week. I made clear reference to it. It was released by me as a statement at the opening of Heritage Week—and that was over a month ago. Not only that but the matter was in the *Courier,* the local Messenger newspaper, and it was also raised at the Unley council. I am told that the member for Hayward was actually at the meeting when the matter was raised—and that meeting was a month before this question was raised in the House yesterday. I have been here every Question Time since 20 February—

Members interjecting:

The SPEAKER: Order!

The Hon. M.K. MAYES:—yet the member for Hayward—

Members interjecting:

The SPEAKER: Order!

The Hon. M.K. MAYES:—did not have the guts to raise this matter. In fact, he waited until I was out of this Chamber to raise this question.

Mr S.J. BAKER: On a point of order, Mr Speaker, I raise the question of debate. The question was quite different to the answer we are getting, and the Minister is debating the issue.

The SPEAKER: The point of order is taken, and I uphold the point of order. I ask the Minister to be specific in his response.

Members interjecting:

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

The Hon. M.K. MAYES: The member for Mitcham interjects, Mr Speaker. The member for Mitcham—

Mr Ingerson interjecting:

The SPEAKER: I warn the member for Bragg.

The Hon. M.K. MAYES: The member for Mitcham raised this matter with the Government, with me, seeking our support to get an order placed on trees at Waite. Now he accuses me of acting improperly.

Members interjecting:

The SPEAKER: Order! Will Minister resume his seat for a moment. The Deputy Leader of the Opposition will pay attention. Does the Deputy Leader wish me to send him a note? I caution the Deputy Leader about his behaviour. I have cautioned several members now, and those members know the next step. I also bring to the attention of the Deputy Leader the consequences if he continues to interject. The Minister.

The Hon. M.K. MAYES: A couple of things have to be corrected about the statements that have been made in relation to the tall trees policy. First, there was a statement that there were 13 people on site. Let me assure the House and the member concerned that I did not go on site. If the member had taken the trouble to visit this site he himself would know that there is a lane abutting this tree. In fact, two Government officers were present, one being Dr Peter Bell, who is the head of the Heritage Branch and who on many occasions is out on weekends conducting this sort of investigation at the request of local government, MPs and the community. The only other official who was there was Dr Tony Whitehill from the Botanic Garden, who is a tree expert. He was invited by me and Dr Bell and was requested to be present by the residents and by the tree surgeon to inspect the tree, which he did.

There was no cost to the taxpayer because those two officers in their normal daily work attend that sort of site any time on weekends or after hours. In addition, there was argument about putting on a conservation order. That was not the case. What happened was that it was put on an interim listing which allowed us the opportunity to negotiate with the owner as to the value of the tree. What Dr Whitehill said after his inspection was quite clear:

> I am of the opinion there is no justification for the removal of the tree.

That is one of the quotes from Dr Whitehill's report that he made after the tree inspection. So, it was a very significant situation. The tree is over 70 years old and forms a very important part of the ecosystem of that area. What the residents wanted to do was ensure that there was a proper opportunity for appropriate debate with the owner, and that occurred. The first thing I did when I attended that site was contact the owner and ask the owner to cease activities for the removal of the tree.

Let me outline what the residents did as their contribution. They made a contribution by paying for the cost of the tree surgeon and the associated costs. By discussion with the owner, the tree surgeon agreed to leave the site. That was the outcome of those discussions. Let me paint a very clear picture.

Tall trees are a very important part of the character, focus and beauty of the City of Adelaide. From time to time members on both sides have sought the assistance of the Department of the Environment and the Minister to assist in discussions. Three days later I had a call from not only the residents of Kensington but the City of Kensington and Norwood seeking my intervention in a similar exercise, and the same process was followed. That is an appropriate application of the powers that are vested in me as Minister of Environment and Land Management.

As a consequence of this issue, I then raised it with my colleague the Minister of Housing, Urban Development and Local Government Relations and with the President and Secretary-General of the Local Government Association. Let me say to you, Mr Speaker: I raised it in the light of what Dr Whitehill said to me; that in fact what were being undertaken as tree studies in Adelaide were inadequate. In fact, a paper had been prepared by the Botanic Gardens and the Department of Environment which suggested very clearly that instead of looking at individual trees we have to look at the total ecosystem.

The SPEAKER: Order! I would ask the Minister to draw his response to a conclusion.

The Hon. M.K. MAYES: I am doing so, Mr Speaker; I will wind up. One of the assets of this city is evident when we go to Windy Point and show visitors

the beauty of this city's trees and tree-lined streets. Dr Whitehill suggested that we should widen our studies being undertaken by local government to include the whole fauna and flora issue, so we do not look at a single tree that stands alone: we look at what it is standing with—that is, the other flora, and that is very important.

The President rejoiced at the thought of raising the matter with local government and has taken it back—so has my colleague—and we look forward to the opportunity of working with local government to ensure that we preserve what we as South Australians value so much about this city. No thanks to the member for Hayward for the way in which he raised this issue, or his attitude, because he is anti-trees.

ANDAMOOKA AREA SCHOOL

Mr GUNN (Eyre): I direct my question to the Treasurer and ask why has the Treasury failed to reimburse the Andamooka Area School with an amount of $42 772 which has been outstanding since 4 December 1992 for the payments made by the school to replace property damaged by fire in October 1991; and does he agree that a school of this size can ill-afford to do without such a large amount of money for this length of time? I have received a letter from the school's Chairperson, Mrs Lynn Powell, seeking my help in having reimbursements made. She states that a further claim for $5 624.82 will be made this month and that immediate reimbursement is sought to enable this school to undertake purchases necessary to carry out curriculum requirements to meet budgeted commitments.

The Hon. FRANK BLEVINS: I will have this matter investigated as a matter of urgency.

CONVENTIONS

The Hon. J.P. TRAINER (Walsh): Can the Minister of Tourism inform the House of the performance of South Australia as a convention destination?

The Hon. M.D. RANN: I know that all members will be interested in this answer. I am certainly delighted to tell the House that Adelaide now has 14 per cent of the available international convention market, the third highest city in Australia. These results, recently released from the International Congress and Convention Association in Amsterdam, are based on conventions already booked in Australia between 1993 and the year 2000. These figures show that within Australia Adelaide is succeeding against bigger markets because of the quality of the service it offers. Our convention industry injects more than $60 million annually into the State's economy, with international delegations contributing about $11.5 million each year. These results are a credit to all involved in the convention and hospitality industry in this State.

An honourable member interjecting:

The Hon. M.D. RANN: It is good to hear the shadow Minister saying 'First class'; I am certainly pleased to take those plaudits. Let us compare how we are doing with other States. Adelaide's market share compares with Sydney's 36.6 per cent, Melbourne's 28.9 per cent, Brisbane's 3.5 per cent—that is compared to Adelaide's 14 per cent—Canberra's 3.5 per cent, Perth's 4.2 per cent and Tasmania's 0.7 per cent. The Adelaide Tourism and Convention Authority recently surveyed a cross-section of delegates to Adelaide, finding three key factors favouring our city against other Australian capitals; they were (1) cost-effectiveness, (2) easy accessibility, particularly the fact that 1800 first-class hotel rooms are within walking distance of the Adelaide Convention Centre, and (3) the professionalism, flexibility and cooperativeness of convention and hospitality staff. Our convention and tourism industry in this State deserves a big tick from this House of Assembly.

DRIVER TESTING

Mr BRINDAL (Hayward): My question is directed to the Minister of Tourism, representing the Minister of Transport Development.

Members interjecting:

The SPEAKER: Order!

Mr BRINDAL: Will he refer to the Minister of Transport Development the experience of a constituent yesterday who was refused the opportunity to take a driving test at the Motor Registration Office at Marion (and it involves a constituent of my electorate of Hayward)?

The SPEAKER: Order! I remind the honourable member that that is comment.

Mr BRINDAL: I will provide the name of my constituent to the Minister so that the information I am about to provide can be verified. My constituent had a driving test scheduled for 11.55 a.m. yesterday. According to her watch and the clock in her car, it was 11.54 a.m. when she arrived. However, when she entered the Motor Registration Office, a man sitting behind the desk told her that she was late and could not take the test. In fact, its clock read 11.57 a.m. The instructor readily agreed with the decision, even though no-one else was waiting at the time. My constituent was told that she would have to reschedule the appointment for a few weeks' time. However, even to do this she had to return to the Motor Registration Office today because the infamous computer, which cost more than $11 million when it was budgeted at less than $6 million—

Members interjecting:

The SPEAKER: Order!

Mr BRINDAL:—could not wipe out yesterday's booking and would not, therefore, let my constituent make another one. My constituent does accept the cancellation of her driving test, and she would be pleased to do so if all Government departments were as prompt in their service at that office as apparently it expects members of the public to be when they are attending it.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: I am delighted to hear that the very mobile member—we have got mobile phones and perhaps we will have mobile MPs, too—has discovered, after lurking behind bushes and hiding

behind funerals, where his electorate is. I would be very happy about this, but he never has the guts to front the Ministers themselves. You can see that *Hansard* pile on his desk in front of him getting higher. If the honourable member gives me more details, I will be very happy to forward that information to the Minister of Transport Development.

Members interjecting:

The Hon. M.D. RANN: Someone said I'm sick. I want to apologise to the House, and I have to say this with all due sincerity. Yesterday, I know I caused a great deal of upset on the other side of the House, and I want to apologise to the Leader of the Opposition.

Mr S.J. BAKER: I rise on a point of order, Mr Speaker. The Minister not only debated the original question but he is continuing to debate the question.

The SPEAKER: I uphold the point of order. However, the question and the answer are prime examples of what happens in this House every day. If members do not want that to occur, it is in their own hands or my hands if they wish it. If members do not want comment in questions or answers, that is great. Many people will watch the television tonight to see what the Economic Statement involves.

ART SHOW

Mr McKEE (Gilles): Will the Minister of Education, Employment and Training advise the House on the purpose of the—

Members interjecting:

The SPEAKER: Order! The member for Gilles has the call.

Mr Hamilton: Speak up!

Mr McKEE: Well, if you be quiet, you might hear it. Will the Minister of Education, Employment and Training advise the House on the purpose of the art show currently being held at the Education Centre?

The Hon. S.M. LENEHAN: The art show which is being held in the ground floor exhibition area of the Flinders Street education building is both a display of pieces of artistic merit and an educational exhibition of the SSABSA year 12 program in the school-assessed areas of art, craft, design and technical drawing. Of course, it is a display in the areas of the publicly examined field of art, which also includes design. It is with this dual purpose in mind that the SSABSA moderators have identified the special studies, the theory components and the practical works on display. The works demonstrate the process of development from a concept or an idea through the media experimentation and decision making to the final product. They also represent the range and sensitive control of the media being presented at year 12, and they demonstrate the variety of approaches being taken.

The reason I raise this matter in my answer is to highlight the excellence of the work that is being undertaken by young people in the final years of our secondary schooling system, and that, of course, comes right across the whole education spectrum—indeed across the public and the independent and Catholic systems. The works are produced at low cost and have been equally considered for inclusion in the exhibition. It is important that those members who have not had an opportunity to see this exhibition take advantage of it, if they are passing the Flinders Street exhibition area.

In 1992, about 16 400 young people attended the art show. At the moment, the art show is still under way. This year, over 20 000 people will attend the art show, and this is based on the number of people who have already attended. It is important that we not only acknowledge and appreciate the work of young people and students in our schools but also are prepared to stand up and say what excellence we have, particularly within this whole field of art, craft, design and technical drawing.

NICHOLLS CASE

Mr MEIER (Goyder): Does the Premier consider excessive the four-month gaol sentence imposed on former ABC journalist Chris Nicholls for contempt of court, and will he discuss with the Attorney-General what avenues exist for the Government to support an appeal on the severity of the sentence?

The Hon. LYNN ARNOLD: I believe it is quite inappropriate for me to comment on this matter. This matter has been before the court, the court has made its judgment on it, and there will be the opportunity for appeals to be lodged. The Government has exercised its discretion to appeal sentences that it believes have not been severe enough, and on a number of occasions has taken an appeal to try to increase the length of certain sentences.

Members interjecting:

The Hon. LYNN ARNOLD: I can tell you it is not this Government's intention to go into those sorts of areas—

Members interjecting:

The SPEAKER: Order!

The Hon. Dean Brown interjecting:

The SPEAKER: Order! I warn the Leader.

The Hon. LYNN ARNOLD: It is quite interesting to hear the comments from the Leader of the Opposition where he is making all sorts of outrageous allegations of political interference in the court system, and I want to categorically deny that. It is a slur on the courts and it is certainly a slur on the Government; and it is a quite an outrageous statement. With respect to privilege and the way in which it can be used or abused, I think we would all accept that privilege should not be abused. We in this place understand we should not abuse privilege. I would hope that we in this place would have the courage to be critical of members of Parliament who do abuse privilege and who take part in activities that are disreputable.

If, for example, a member of Parliament abetted criminal activity in terms of giving information to this House that came from the abetting of a criminal act, I would regard that as an abuse of privilege, and I believe that members of this place would regard that as an abuse of privilege and would not want that coverage of privilege to continue. If any member on either side were engaging in that sort of activity, would the Leader say that that person should then be able to shelter behind parliamentary privilege, where they had taken part in a criminal activity to gain information they were giving in

this place? I would like to know what the Leader would do in respect of matters such as that. I, for one, would not want to support it, because I do not believe that that would be a proper, fair use of privilege: it would be an abuse of privilege.

I simply say to those in the media that they, too, should ask themselves that question about the privilege of sources and that they, too, should face that question. I know that many in the media have a responsible attitude on this and feel a great deal of difficulty where privilege is claimed, where there has been significant evidence that abetting of a criminal activity may have taken place. That would be an abuse of privilege and not a proper use of privilege. As to the question of whether I will interfere with the court and get it to reduce that sentence, the answer is that I will not interfere with the court process.

LIQUOR LICENSING

The Hon. J.P. TRAINER (Walsh): My question is directed to the Treasurer.

Members interjecting:

The SPEAKER: Order!

The Hon. J.P. TRAINER: Has the Treasurer any intention of reducing the licensing fees applicable to low alcohol beer as proposed last night on the *7.30 Report?*

The Hon. FRANK BLEVINS: The answer is 'No'; I have no intention of reducing it. It is not physically possible for me to reduce it because there is no licence fee on low alcohol beer in this State. I was surprised at this lengthy interview with, I think, a medical practitioner and how outrageous it was that the Government according to rumour—the media are very good at peddling rumours—was to reduce the licence fee on full strength alcohol and, from a road safety point of view, the same was not occurring for low alcohol beer and how irresponsible it would be if the Government were to do this.

I should have thought that any half competent researcher or producer who was researching this program to put together for the presenter—I am not suggesting that the presenter ought to know all these things—would have known or found out the answer to the question on which that whole section of the program was based. It would have taken the ABC about 10 seconds to find out the answer to its own question. As everybody in the House knows, there is no State tax on low alcohol beer—none whatsoever. I suggest that those researchers who work for the ABC and present the unfortunate presenters with information that is only half complete should look to their own competence.

I was also surprised at the medical practitioner. I should have thought that a medical practitioner who wanted to go on a program for a good five minutes and pontificate about this matter would have known that this Government does not place any tax on low alcohol liquor. In conclusion, I will ask a rhetorical question which I hope will assist the House: is it the Government's intention to place a tax on low alcohol beer? The answer is 'No'; we have no intention of placing a tax on low alcohol beer, even though I believe that now, as a proportion of the market for beer, it is close to one third. In the interests of road safety, we intend to maintain our well-known and easily ascertained position of not having any tax on low alcohol beer. I am sorry if I have laboured the point somewhat.

INFORMATION TECHNOLOGY

Mr MATTHEW (Bright): My question is to the Premier. Why has the Government ignored repeated warnings from the Auditor-General about the need to improve the management and control of computing projects in the public sector, and how much has this inaction cost? There have been a number of massive cost blow-outs on computer projects, including the Justice Information System, the courts computer and the motor registration computer, to name a few, despite warnings from the Auditor-General since 1988 about the need for more effective management control.

A confidential memorandum dated 22 March 1993, signed by the Premier and the Minister of Business and Regional Development, has been submitted to Cabinet highlighting that, in spite of these costly mistakes and the warnings of the Auditor-General, the Government is still failing to ensure that information technology is effectively managed and coordinated. The memorandum reveals that the Government has 'purchased somewhere in the public sector every brand of computer hardware and associated software that has ever been marketed'. It also says that computer suppliers 'have little base from which to invest in the State'. It further states that 'there are several examples of individual agencies simultaneously but separately pursuing large-scale system developments in parallel with each other.' Finally, the memo reveals that Government's 'tendering processes have not only seen the Government's information technology business shared across the industry, but have often involved enormous costs both to the Government and the tendering companies.'

Members interjecting:

The SPEAKER: Order! Is the honourable member aware of the grievance debate?

The Hon. LYNN ARNOLD: I must first indicate that the honourable member is to be congratulated on having played his part in stopping cost blow-outs in certain information technology areas of Government, because he got out of the area. He was one of those who were involved in one of these Government computing projects before he entered this place. Since he left, the project has substantially improved in its cost effectiveness, so my thanks to the honourable member for his public service in doing that. But he does not do the public any further good by his activities in this place.

It is correct that information technology is a very difficult area, and that has been acknowledged by this Government and by the Tonkin Government as well. Various things have happened over the years to improve the way in which we can get the maximum value out of expenditure on information technology. It is true that a number of projects have gone to greater expense than was originally anticipated. For example, one of the projects that the then Tonkin Government put in place has over the years had major blow-outs of expenditure and it has had to be redefined.

I believe that the measures that we have taken indicate that the Government has continuously monitored these areas and put actions in place to learn from the lessons of exercises on previous projects to make sure that those cost increases do not repeat themselves and to pick up the good features of certain projects. A large number of information technology projects have been very successfully managed and have offered lessons for the way that things can happen in other areas of Government.

The honourable member confuses two issues, namely, a cost blow-out on a particular project with the important question that the large amount of money that the Government spends on information technology each year, not just in particularly defined projects such as the JIS, the Motor Vehicles Department or anything else, but the ongoing expenditure on information technology by individual Government departments as part of their normal upgrade of their use of technology. That does not come under a catchy title of JIS or anything like that, but it still involves in total across Government—not just this Government, but any Government—very large sums of money. It is in that area that it is reasonable to say that my colleague the Minister of Business and Regional Development, Cabinet and generally believe we have not been getting the maximum value out of the dollars that we spend and that there are things that we can do to improve the use of the taxpayers' funds to make sure that we get better value for each dollar.

The phrase 'cost blow-out' is not relevant, but the question of getting better efficiency for each dollar that we spend in all these areas of Government and doing that in a more coordinated way is relevant. This Government remains committed to getting maximum value out of the significant sums of taxpayers' funds that are spent on information technology in different Government departments. I invite the honourable member to wait with eager patience for announcements that will be made not only today but in weeks to come on how these improvements will be put in place.

POLICE FIREARMS TRAINING

Mr De LAINE (Price): My question is to the Minister of Emergency Services. What plans does he have to improve firearms training facilities at Fort Largs? All South Australians are naturally concerned for their safety and the standard of training that our police receive. I understand that the present training facilities in South Australia present some difficulties to the police and that they are keen to achieve improvements.

The Hon. M.K. MAYES: I thank the member for Price for his question. His comment was very true in the sense of the difficulties that the police have had in weapons training. I am pleased to announce that the Government has approved a $1.8 million upgrade of weapons training facilities for the South Australian Police Force. The project will involve an indoor range of the highest standard for the Fort Largs Police Academy, and I believe that will offer a very important training facility for our police. They are currently exposed to the vagaries of the weather and that affects training capacity and also the ability for police to be trained. The police training centre at Echunga and the small bore range which is at the Academy will now have the ability to upgrade facilities at the end of the year.

The $1.8 million cost includes an allowance of $500 000 for specialised equipment, which will be required to fit out the range. I am pleased to say that SACON has won the contract and we are keen for construction to begin before the end of this financial year so that our police have the opportunity to be exposed to the highest training skills that are available not only in this country but internationally.

BROOKWAY PARK

Mr LEWIS (Murray-Mallee): Will the Minister of Environment and Land Management advise the House, in view of his remarks about the value and importance of retaining trees, open space and ecological issues in the metropolitan area earlier today, what plans the State Government has for the use of the open space land which will now become available as a consequence of the impending closure of the Brookway Park TAFE at which horticulture studies and the like have been taught in recent times?

The Hon. M.K. MAYES: It is not a portfolio responsibility that I have directly at the moment. My colleague the Minister of Education, Employment and Training has that responsibility. I will be delighted to refer the question to her for a response.

WEST LAKES BOULEVARD

Mr HAMILTON (Albert Park): My question is directed to the Minister of Business and Regional Development, representing the Minister of Transport Development in another place. Will the Minister request the Department of Road Transport to investigate whether there is a need to carry out alterations for a realignment to the intersection of Morley Road and West Lakes Boulevard at Seaton?

Constituents have contacted my office and advised me that recent accidents in the vicinity of this intersection have created considerable anguish and frustration amongst local residents. Moreover, I am advised by the same residents that vehicles parked in close proximity to this intersection are creating a potentially dangerous situation, hence my question.

The Hon. M.D. RANN: The honourable member has had a long history of trying to improve traffic management and fighting for safer conditions in the area, in the same way as he has fought for Neighbourhood Watch and a range of other initiatives. I am not aware of that particular section of West Lakes Boulevard, but I will certainly raise this matter with great expedition with my colleague the Minister of Transport Development.

DEATH DUTIES

Mr VENNING (Custance): My question is directed to the Treasurer. Is it correct that the sudden reduction in the standard of performance of the Probate Office is

because staff are being temporarily transferred from their jobs to be trained for the reintroduction of death duties? I have been informed recently that procedures which once took two to three weeks are suddenly taking six to eight weeks, raising the question in my informant's mind that death duties are imminent and that delays in the processing of probate may result in more families being forced to pay death duties.

Members interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: I think that some of the wheat that the honourable member grows has lodged permanently between his ears. Whatever delays may or may not occur in the probate office, they certainly have nothing whatsoever to do with any imagined reintroduction of succession duties. It has been made perfectly clear that there is no intention by this Government to reintroduce succession duties.

NORTH TERRACE/PORT ROAD INTERSECTION

The Hon. J.P. TRAINER (Walsh): I direct a question to the Minister of Business and Regional Development, representing the Minister of Transport Development. Will the Minister ask the Road Traffic Board, in consultation with the City of Adelaide, to review the number of road lanes available for traffic entering North Terrace from West Terrace and Port Road?

Currently three lanes of traffic coming from West Terrace and two lanes coming from Port Road, that is a total of five lanes of traffic in all, have to merge into only two lanes of traffic into North Terrace. After these five lanes have converged into two, the two lanes of traffic then widen out to three lanes a couple of hundred metres further along. It is appropriate that I should declare a personal interest, because I have to traverse that area coming from my electorate.

The Hon. M.D. RANN: All of us have traversed that area, but I will get an immediate response from the Minister of Transport Development, because I know that all members of this House are interested in a resolution of this problem.

FISHERIES LICENCES

Mr MEIER (Goyder): I direct a question to the Minister of Primary Industries. Is it true that a further six month moratorium period on the sale of marine scale fishing licences is to be imposed from 1 July? It has been reported to me that marine scale fishery licence holders will not be allowed to sell their licences for a further six months—until the end of this year—and that comes on top of an 18 month period that they have already had to experience, a period during which time no licence has been allowed to be transferred and which has caused considerable hardship to many licence holders. I ask the Minister whether this report is true and I also ask him what moves he has taken, if any, to avoid a continuation of the moratorium that is causing such hardship to marine scale fishers?

The Hon. T.R. GROOM: The freeze will continue until the regulations are in place. I hope that the Bill before Parliament will pass to enable the process to proceed efficiently and quickly.

BROADCASTING LICENCE

Mrs HUTCHISON (Stuart): Will the Minister of Aboriginal Affairs provide the House with information on the recent granting of an FM broadcasting licence to Umeewarra Aboriginal Media Association at Port Augusta? I believe this will be of interest to people in my electorate and everyone with an interest in Aboriginal affairs in this the International Year of the World's Indigenous People.

The Hon. M.K. MAYES: I do thank the member for Stuart for her question, because it is significant. Of course, it will be of direct interest to her constituents because, as she said, the Umeewarra Aboriginal Media Association is the first Aboriginal media service in South Australia to be granted an FM broadcasting licence. The association has, as I am sure the honourable member knows, been operating in a supportive capacity for the past six years, providing radio programs to other groups throughout her electorate and throughout South Australia, in particular in the northern regions. It also provides radio programs to the Northern Territory, which I think has been a useful service ancillary to other services offered through the ABC.

The media association now has its own fully equipped radio station and transmitter, enabling it to broadcast on the FM band throughout the Spencer Gulf region. From my point of view as Minister of Aboriginal Affairs, it will be a significant facility for us as a community and I am sure for the Aboriginal communities right through that area.

It will provide items of particularly Aboriginal content in relation to oral history, news, interviews and music as well as community announcements, also making Aboriginal and other communities aware of the general day-to-day issues. In the past, one of the greatest difficulties for the Aboriginal communities in those areas has been communication and, of course, it has been dominated by a number of commercial aspects. That function can now offer an opportunity to the Aboriginal communities to communicate regarding various issues that confront them. The service will offer Aboriginal news, current affairs and history via radio.

I congratulate the association, and I support it in its claims. I hope that it is a success, that broadcasting continues in the future and that other communities throughout this State seek the same opportunities to communicate not only through FM but also through other media forms.

BROOKWAY PARK

Mr LEWIS (Murray-Mallee): I direct a question to the Minister of Education, Employment and Training. In view of her previously stated concern about trees, the environment and open space in the metropolitan area, and the answer given by the Minister of Environment

and Land Management, what plans does she propose for the future use of the open space land that will become available as a consequence of the impending closure of the Brookway Park TAFE campus, at which horticulture studies and the like have been taught in recent times?

The Hon. S.M. LENEHAN: I thank the honourable member for acknowledging my long, ongoing support for the environment and for issues that relate to, I guess, balanced development within this State. With respect to the specifics of the question, I would want to consult with the Chief Executive Officer of the Department of Employment and Technical and Further Education regarding the specifics of the proposal raised by the honourable member. As my colleague has said, I would be happy to provide the honourable member with a report on his request, having had that consultation and having taken into account the concerns he has raised.

PREMIER'S REMARKS

Mr MATTHEW (Bright): I seek leave to make a personal explanation.

Leave granted.

Mr MATTHEW: I was offended by the derogatory references made by the Premier toward me during his answer to my question earlier today. The Premier made derogatory reference to my involvement four years ago in a Government computing project. The facts are these: after my election to Parliament, by interesting coincidence, a Government review was conducted of all Government computer systems on which I had worked and which I had designed during a two-year period when I worked for the Government. The findings of the review resulted in recommendations that aspects of my system design should be incorporated into new computing standards.

Further, during my two years work on a Government computing system, I continually warned the Attorney-General's Department of cost blow-outs and management problems associated with the Justice Information System. Those warnings are on the official Government record, and that advice and that of other computing professionals was ignored by the present Government.

Members interjecting:

The SPEAKER: Order!

ECONOMIC STATEMENT

The Hon. LYNN ARNOLD (Premier): Mr Speaker, the challenge facing South Australia is considerable. Fundamentally, it involves rebuilding and restructuring our economy. It involves reducing the State debt and tackling the problems associated with the Government's necessary financial support for the State Bank of South Australia. It involves cutting Government expenditure following a recession and at a time of reduced revenues and eroded Commonwealth funding. It involves providing South Australia a clear and positive new economic direction, redefining this State's position and role, both within Australia and internationally.

The challenge is not only to achieve these goals but to achieve them in a way which is fair. The challenge is to achieve them in a way which preserves essential Government services and social justice; in a way which reduces the tax burden on business and boosts employment; in a way which protects families from the growing economic demands of the 1990s; and in a way which restores optimism and confidence among South Australians.

My Government is meeting that challenge. The statement I am tabling today represents a turning point for South Australia. It is a blueprint for sustainable change—a wide-ranging and achievable agenda to reposition South Australia for the rest of the 1990s and beyond. This statement contains decisive action to reduce the State's debt—to return that debt to sustainable levels as quickly as possible. It contains measures to cut State taxes, to improve the business climate and to boost our export market performance. It contains announcements of far-reaching reforms to the public sector and a carefully targeted program of asset sales.

This statement goes further than a traditional, narrow economic focus. It touches on many areas of life in South Australia, and the economic measures it contains are critical to the social well-being of our community. They set a framework for the Government's developing social policy agenda.

Meeting the challenge has been prepared in the context of the Government's commitment to equal employment opportunity, women, multiculturalism, opportunities for Aboriginal people, youth and other areas of social policy. The Government's social policy agenda will be further developed in future social justice and youth statements.

The key to the Government's vision in meeting the challenge is a three-year plan. Last year the Government set some of the targets required to generate new economic growth for South Australia. The Government made it clear it was committed to building on strengths of the past while charting a new direction with vigour and confidence. The reform agenda in this statement has been prepared after consideration of views put by key groups in the community, detailed assessment by Government and recommendations made by Ministers through Cabinet.

In responding last year to the recommendations of the Arthur D. Little review of the South Australian economy, the Government provided $40 million for industry assistance. The Government will spend a further $40 million next financial year on economic development initiatives. The funds will be administered by the new Economic Development Board in consultation with the Government and will be in addition to the normal appropriations to the Economic Development Authority.

In preparing this statement, the Government has listened to the many representations calling for a reduction in the financial institutions duty. I am pleased to announce the Government will provide $35 million in tax relief by reducing the rate of FID from .1 per cent to .065 per cent from 1 June this year. This will significantly improve South Australia's competitive position by assisting the business sector and, indeed,

most South Australians who use banking facilities. FID will be further reduced to .06 per cent in October 1995 when the .005 per cent used to fund the Local Government Disaster Fund is removed.

The current reduction in FID will be offset by an increase in the tax on tobacco from 75 per cent of the wholesale price to 100 per cent. The funding level to Foundation SA will be increased from 5 per cent of the value of tobacco sales to 5.5 per cent to prevent a reduction in the organisation's funding as a result of any decrease in smoking following the Government's decision to increase the tobacco tax. To help encourage growth and improve the competitiveness of financial institutions in South Australia, the Government will move to exempt off-shore banking units and Treasury products such as various swaps, options and forward exchange agreements from FID.

Following strong representations, the Government also will reduce the tax on liquor from 13 to 11 per cent. This tax reduction will provide particular assistance to the tourism and hospitality industries.

In recognition of the vital role that new investment must play in the State's economic future, the Government has decided to establish in South Australia two enterprise zones offering fast-tracking of regulation and approval processes, and 10-year relief from taxes and charges. The tax holidays will include exemption from payroll tax, FID, the bank account debits tax, land tax and stamp duties. There also will be concessional electricity and water charges. In addition, local government and the Commonwealth will be urged to offer rate and tax relief.

The enterprise zones, based on successful overseas models, will be located at Whyalla and approved sites within MFP Australia, including the Gillman core site, Technology Park and Science Park.

Across the total business sector, I give a commitment that the Government will contain increases to major taxes and charges at or below inflation and, where possible, achieve real reductions during the course of our plan.

Electricity charges for small to medium size industries in South Australia have declined by about 17 per cent in real terms since 1985, with large industrial users experiencing a reduction of more than 33 per cent. The Government will continue to contain the real cost of electricity.

South Australia also has the lowest gas tariff in Australia for industrial users and the second lowest tariff for domestic users. In the other major service charge affecting households, the Government already has announced there will be no increase in basic residential water charges in 1993-94 and has removed the additional rate levied against properties with high values.

Mr Speaker, as part of the Government's public sector reform process, which I will detail later in this speech, we are committed to improving services provided by Government to the business community. Changes will result in a more speedy, customer-focused response to business requirements and there will be an improved system for payment of accounts for goods and services provided to Government.

Opening hours of Government offices will be extended, service agreements will be introduced and a 008 hotline will be established to expedite payment if the Government has not paid its bills within 30 days. The Government aims to ensure through its reforms that this hotline service is eventually not required.

Mr Speaker, as part of a new $8 million international business development program, the Government has decided to implement two new programs to help boost South Australia's export levels.

The first is a Strategic Export Development Scheme, which will apply to current exporters wishing to launch new exports or break into new markets. It will complement a national Austrade scheme and be targeted at small to medium sized companies which are ineligible for that program.

Under the Strategic Export Development Scheme, the Government will share with firms the costs of export development, providing amounts of up to $500,000. Funding will be through repayable loans in the event of success, but would be converted to grants if unsuccessful.

The second new export program is the New Exporters Challenge Scheme, which will assist companies wishing to begin exporting to undertake market research, develop marketing plans and participate in overseas trade fairs. Again, the Government will share costs, by refunding 50 per cent of spending between $10 000 and $30 000 for each company.

In further measures to expand South Australia's export performance, the Government also will work harder abroad, focusing on Asia and other key areas of opportunity. This will include encouraging country or region-specific Chambers of Commerce and Industry, and the opening of a South Australian office in Jakarta, in Indonesia.

At home, the Government will implement environmental protection initiatives to encourage sustainable development.

We will launch a Cleaner Industries Demonstration Scheme providing financial assistance and expertise for industry initiatives which result in cleaner production or help develop environmental management initiatives and 'green' jobs in South Australia. Up to $600 000 will be spent on the program in the first year, comprising equal contributions from the new South Australian Environment Protection Authority, the Economic Development Authority and the Commonwealth Environment Protection Agency.

A recent geological survey by the Department of Mines and Energy has resulted in a large boost in mineral exploration in South Australia. Fourteen companies have taken up exploration licences covering more than 35 000 square kilometres, a figure which compares with a total of less than 8 000 square kilometres a year ago.

As part of this package, the Government will increase support for mineral exploration in the State in 1993-94 by committing a further $5 million to seismic work for petroleum, further magnetic programs and drilling of bedrock.

The Government is strongly committed to economic development throughout the State and recognises the importance of key regionally based industries.

In addition to establishing the Whyalla Enterprise Zone, the Government will take a number of actions

which recognise the importance of our rural and non-metropolitan areas.

In the South-East, we are committed to supporting a rationalisation of the timber industry to achieve international competitiveness by pursuing joint venture opportunities with the private sector. This will be in addition to continuing Government support for the South-East Horticultural Project.

The Government will assist economic development in the Riverland by providing the Riverland Development Corporation with increased resources to enable it to play a stronger leadership role in the region.

Tourism, one of the South Australia's key growth industries, and regional areas will benefit from a new Main Street program. The program will help communities re-examine and enhance their tourism potential through assistance for revitalisation and marketing of commercial centres.

The Government remains strongly of the view that an upgrading of Adelaide Airport is essential for this State's business and tourism needs. If the Commonwealth continues to fail to see the priority of this work, then this Government will consider alternative arrangements to ensure the provision of these much needed facilities.

Mr Speaker, tackling this State's unacceptably high debt is the main financial task facing this Government. Over the past five years, South Australia's finances have been required to absorb the effects of the recession, the impact of significant reductions in the level of Commonwealth Government assistance, and Government support for the State Bank and, to a lesser extent, the State Government Insurance Commission.

The magnitude of the problem is highlighted by the fact that the State's net debt has increased by more than $3 billion since June 1990 and, on current estimates, will reach $8.1 billion by June this year.

The State also has recorded a recurrent deficit in each year since 1989-90. The recurrent deficit was $282 million in 1991-92 and, on current estimates, will be about $185 million in 1992-93.

In each of the past three Budgets, the Government has taken significant measures to contain the level of borrowing, cutting $450 million in expenditure. Despite these reductions, the net financing requirement would increase to more than $800 million by 1994-95 without change to Budget policy. Without significant further adjustment to Budget policy, the prospective Budget and debt situations would not be sustainable.

In the package released today, the Government announces decisive measures to return the State's debt to sustainable levels as quickly as possible while protecting the level and quality of Government services and avoiding tax increases.

The Government's comprehensive debt management strategy revolves around a number of key elements, including the already announced sale of the State Bank of South Australia, supported by the Commonwealth's assistance package of $647 million over three years.

Further measures will include a three-year program of significant reductions in Government outlays, a targeted program of voluntary separations within the Public Service, far-reaching reform of the structure of the public sector, asset sales and the introduction of enterprise bargaining within the public sector linking pay increases to productivity gains.

I can announce today that:

* The recurrent deficit will be eliminated by 1995-96;
* The level of net State debt will be substantially reduced in real terms; and
* The level of State debt as a proportion of Gross State Product (GSP) will be reduced by five percentage points by 1995-96, falling from 27 per cent of GSP to about 22 per cent by the end of June 1996.

Almost $500 million will be cut from recurrent expenditure over the next three years compared to what the Budget position would have been with no policy change.

There will be real reductions in total net State outlays of 1 per cent per annum for the next three years. This will involve savings of $230 million in 1993-94, followed by further savings of $177 million in 1994-95 and $50 million in 1995-96. Reductions in outlays in 1993-94 are to be spread across all Government agencies.

Chief Executive Officers of Government agencies have been advised of expected funding allocations so they can plan expenditures over the full year rather than the 10 months after the Budget is brought down. The precise detail of these agency allocations will be settled in the Budget.

The Government has reviewed a number of capital expenditure proposals to help achieve the overall savings required. It has decided to defer building the new Adelaide Magistrates Court, upgrading Parliament House and the major part of the fit-out of the State Administration Centre, including the refurbishment of the offices of the Premier and the Treasurer.

The first $263 million instalment of the Commonwealth's support package in relation to the State Bank will be received before the end of this financial year. This money will be used to fund targeted, voluntary separations in the State's public sector.

The Government intends to fund 3 000 separations from the public sector by the end of the 1993-94 financial year through a Targeted Separation Program to begin immediately. The ongoing savings associated with a reduction of this size in the public sector workforce are expected to be significantly more than $100 million per year. It is important to stress the nature of the Government's proposed cuts to the public sector.

The Government will continue its policy of no retrenchment. As I have indicated, separations will be targeted, but voluntary. They will not involve savage job cuts of the type enforced by the Victorian Government.

This Government's approach reflects its fundamental decision to take strong action to address this State's finances, but to do so in a socially equitable way.

The final two instalments of the Commonwealth's financial assistance package associated with the State Bank sale will be received in amounts of $150 million in 1993-94 and $234 million in 1994-95. These funds will provide a significant reduction in the State's net financing requirement in those years.

In formulating its debt management strategy, the Government has undertaken a review of a number of its

assets and has decided to embark on a carefully-targeted program of asset sales.

This asset sales program is expected to realise about $2 billion over the next few years and achieve a reduction of about 20 per cent in the State's net debt. Foremost in this program is the proposed sale of the State Bank. In line with an earlier decision, the Government remains a seller of its holdings in SAGASCO at the right time and right price.

After consideration of the relevant issues, including the social and economic considerations of Government ownership and potential benefits to the State of selling Government assets, the Government has made further decisions on asset sales. We have decided to sell the State's grain bulk loading facilities as a package, subject to further detailed work by the Department of Marine and Harbors on the net financial and economic implications. The examination will include identification of potential purchasers and scope for improved performance under private ownership.

Purchasers also will be sought for land held by the South Australian Urban Land Trust and for land owned by the South Australian Housing Trust at the Elizabeth and Noarlunga town centres. The land, acquired by the Housing Trust to assist the development of these centres, includes shopping and commercial facilities. With the communities of both Elizabeth and Noarlunga now well established, continued ownership of the sites is no longer central to the trust's main focus, namely, the provision of housing.

In an area related to the asset sales program, the Government will continue its rationalisation of its holdings in Woods and Forests. Last year the Government brought together the South Australian Timber Corporation operations and Woods and Forests manufacturing and marketing activities under a company called Forwood Products Pry Ltd. The Government has decided to further improve the return on these assets and reduce the risks by now seeking a joint venture partner for this company.

Mr Speaker, public sector reform is essential to the revitalisation of the South Australian economy. The changes I am announcing today are the most far-reaching reforms of the public sector in this State's history. They are reforms which have at their base an enhancement of the important services the public sector provides to the South Australian community. The Government is committed to streamlining public administration by focusing on having a smaller number of Government agencies, by amalgamating functions and by collapsing statutory authorities which are no longer necessary.

In October 1992 I announced a restructuring of the State's public sector. Included among moves to ensure a greater economic and development focus, I appointed seven coordinators to oversee economic development within their agencies. I also began a staged plan to dramatically reduce the number of Government departments. Today, I announce the next phase of that streamlining by making a commitment to further reduce the number of operational agencies, excluding central agencies, to just 12 by 30 June 1994.

The first step in this direction was taken in conjunction with my October announcement when the Department of Primary Industries was formed by combining a number of related agencies. This will be the model for a portfolio-based approach to the creation of another 11 agencies. Work has begun on developing methods for integrating agencies and the next three new departments will be created this year. They will be: the Department of Justice, the Department of Housing and Urban Development, and the Department of Education, Employment and Training. The new Department of Housing and Urban Development will incorporate the South Australian Housing Trust, the South Australian Urban Land Trust, the Office of Planning and Urban Development, the State/Local Government Relations Unit and Recreation and Sport.

The new Department of Education, Employment and Training will incorporate the Education Department, the Department of Employment and Technical and Further Education, the new Vocational Education, Employment and Training Authority, the Children's Services Office and State Youth Affairs. This will reinforce the continuous nature of education and training as well as providing major savings in corporate support services for this large area of Government expenditure. The Attorney-General will provide details on the new Department of Justice shortly.

As part of the rationalisation of the Public Infrastructure portfolio, the Government will merge ETSA and the E&WS to create a single electricity and water utility. The result will be a strengthened contribution to the State's economy and benefits to consumers through cost control and world best practice in customer service delivery to industry and households. The Government also expects to obtain significant recurrent annual savings from this merger. Draft legislation to effect the merger will be introduced in the next session of Parliament.

Work also has commenced by the Office of Public Sector Reform to identify statutory authorities which could be eliminated and the Parliamentary Economic and Finance Committee will examine further opportunities. The Government believes there is substantial room for changes in management arrangements within and between agencies. As a matter of principle, the Government intends to cut the overhead costs of service delivery before it considers reducing services to the public.

In setting a target of a reduction of 3000 full-time equivalent positions across the public sector by the end of the 1993-94 financial year, the targeted, voluntary separation packages will be available in conjunction with superannuation arrangements aimed at reducing the Government's long term superannuation liability. The Government has approved in principle a model for enterprise bargaining which will be discussed with the unions shortly, together with draft heads of agreement about the enterprise bargaining agenda.

In this regard, the Government is particularly concerned to improve the flexibility of the public sector workforce. The culture of 'ownership' of positions can no longer be sustained and excess employees will be required to accept suitable alternative placements. Future employment will not always confer tenure.

In order to give the public a better understanding of the services it can expect from the public sector, the Government will develop a Citizens' Charter. Each agency will outline its service commitment to its

customers, detailing what services customers can expect and what action to take if service standards are not met. The Government will expand on its proposals for public sector reform in a further statement to be delivered shortly.

Mr Speaker, the initiatives announced today demonstrate that the Government is meeting the challenge facing South Australia. They are built on the fundamental assessment that this State cannot continue in its current direction.

Members interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: As a community, we face the choice of changing or failing. In Meeting the Challenge, the Government is providing a strong lead in that change. It is doing so in a way that will return benefits to be shared across our community and ensure that disadvantage is addressed. In providing for a restructuring of South Australia's economy, this statement and the Government's ongoing agenda involve South Australians working together on the challenges we face in order to ensure we can continue to enjoy the high standards and quality of life for which this State is well known.

I commend this Government's Meeting the Challenge statement to the Parliament and the people of South Australia.

The Hon. FRANK BLEVINS (Deputy Premier): This Financial Statement sets out the Government's strategy to return the State's debt to sustainable levels. There can be little doubt that the increase in debt since 1990-91 of over $3 billion resulting from the requirement to provide financial assistance to the State Bank and SGIC has compounded the confidence sapping effect of the recession. We are now emerging from the recession. Demonstrating that the State's debt can be and is being reduced will have a significant effect in rebuilding economic confidence and strengthening economic growth.

Everyone understands that if debt is allowed to accumulate the interest cost will eventually become unmanageable. In the case of a Government, that means a reduced capacity to pay for the services which the community needs. This strategy has as one of its major objectives protecting both the quality and the quantity of Government services. Reducing the State's debt is critical to that. There are of course other pressures on the budget apart from debt. Since the mid-1980s all States have had to contend with significantly reduced levels of financial assistance from the Commonwealth. The smaller States now face the prospect of further reductions as a result of new Commonwealth Grants Commission relativities.

The economic cycle is also always a factor. When the economy is growing strongly there is less pressure for additional spending and revenues are strong. That was the case in the mid-1980s and it helped offset the decline in Commonwealth assistance. When the economy is in recession revenues are weak and there are large and compelling pressures for more spending as we use our resources to help those who are the worst affected, particularly the unemployed. This has been the case over the last few years.

After a decade of responsibility we would have been well prepared financially to weather the recession if it were not for the losses of the State Bank. Since I became Finance Minister and more recently Treasurer, the focus of budget preparation has been controlling the size of the deficit in the face of these pressures. The adjustment that has already been achieved is considerable.

Since 1990-91 taxes have been raised by a little over $300 million a year and expenditures, including the capital program, cut by a similar amount. That required planned reductions in public sector employment of more than 5 000, but it has not been sufficient to stabilise the budget position. The strategy announced today involves an adjustment which includes recurrent expenditure reductions totalling another $480 million at the end of three years, of which about $50 million will be savings in interest payments. Those savings will be made gradually with real reductions in net State outlays of about 1 per cent per year. This represents cuts off the no policy change forward estimates of $230 million in 1993-94, and net additional amounts of $177 million in 1994-95 and $50 million in 1995-96.

While there will be some changes in the tax mix, the strategy does not rely on a further general increase in taxation effort. In fact, as a result of the business tax reductions in this statement, there will be a net decrease in estimated tax receipts of $7 million in 1993-94. These measures will return the current account to balance by the end of 1995-96. We expect that, with continued restraint in expenditure and a stronger economy assisting receipts, it will move again into substantial surplus to offset the cost of the State's capital works program.

The Government has already announced that it intends to seek a buyer for the State Bank. This is part of a program of asset sales which has as its objective a substantial reduction in the State's debt. The proceeds from the sale of the State Bank, together with generous compensation for the tax which would otherwise have been available to South Australia, will reduce our debt by well over $1 billion.

The total value of the assets the Government is contemplating selling, together with tax compensation, is around $2 billion. They have the potential to reduce the State's net debt by about 20 per cent. This is a measured response to the financial situation South Australia faces. We do not have a problem the size of Victoria's. We do not need or have an ideological predilection for the Kennett solution. We have a plan which is based on each year achieving targets of a decline in three basic measures. Achievement of each of these targets will represent a fundamental improvement in our State's financial position.

The first financial target is that net State outlays will decline in real terms. It will do so by 1 per cent a year. This is the Government's measure of expenditure restraint. To achieve this in 1993-94, all agencies will be required to absorb the full effect of wage increases, estimated at $40 million; inflation, estimated at $35 million; and the additional costs of the superannuation guarantee levy, estimated at $11 million.

The Government has decided that there will be no wage increases in the South Australian public sector ahead of agreement being reached on the source of the savings required to meet the cost of the wage increase.

This means wage increases granted under enterprise bargaining will be subject to productivity improvements arising from reformed work practices, and in aggregate will be subject to measurable progress being achieved towards the targets of eliminating the recurrent deficit and reducing the State debt.

The capital works program will be reduced by $70 million and the Government will take further targeted measures to save a further $64 million. The remaining $10 million will be savings in public debt interest resulting from the lower level of expenditure. Agencies have already been advised of their funding allocations for 1993-94. This will allow them to spread the savings over the full financial year, rather than the 10 months after the budget is handed down. The final detail of agency expenditures for 1993-94 will be reported in the budget. In making these savings, the Government intends to focus on reducing administrative costs through efficiencies and reform of the public sector, as an alternative to an approach like Kennett's which focuses on reducing the quality and quantity of Government services.

Before the end of this financial year the Government will receive from the Commonwealth the first $263 million of a total $647 million in tax compensation and financial assistance associated with the sale of the State Bank. To assist agencies in reducing their expenditures, this first Commonwealth payment of $263 million will be used to fund approximately 3 000 voluntary separation packages in the public sector. This program will begin immediately and continue over the 1993-94 financial year. The resulting ongoing savings are expected to exceed $100 million per annum.

The Government is proposing to achieve major savings by reducing the number of Public Service departments and with an amalgamation, as stated, of ETSA and E&WS. There are major savings available from these reforms and, together with the savings in public debt interest as a result of achieving the 1993-94 savings target and asset sales, they will make a substantial contribution to achieving the 1 per cent real reduction in outlays targets in 1994-95 and 1995-96.

The second financial target is a real reduction to the level of net State debt. Net State debt stood at $4.3 billion on 30 June 1990. By 30 June of this financial year it is expected to have reached $8.1 billion. This is the result of the financial assistance provided to the State Bank and SGIC, as well as the increased interest cost associated with servicing that debt. Treasury's present forecasts show the Government's net financing requirement growing from an estimated $326 million in 1992-93 to over $600 million in 1993-94, and in excess of $800 million in both 1994-95 and 1995-96. With no policy change, each of those deficits would be a net addition to the debt.

The net financing requirement will be reduced in three ways. The first is the outlays savings measures. The second is the Commonwealth assistance associated with the sale of the State Bank. It will reduce the net financing requirement by $150 million in 1993-94, and $234 million in 1994-95. The third is the proceeds of asset sales. Around $150 million will be required in 1993-94 from this source to reduce the net financing requirement below the level which would result in an increase in real terms in the net State debt. This is likely to come from the sale of a number of minor assets, most of which will be property. Also, in 1994-95 the Government expects to sell the State Bank. The proceeds will eliminate the net financing requirement in that year, resulting in a budget surplus and a very substantial reduction in the level of debt.

The third financial target is that each year debt will decline as a proportion of gross State product. An important condition attached to the Commonwealth financial assistance associated with the sale of the State Bank was that I would consult with the Commonwealth Treasurer in preparing this debt management strategy. In the course of those consultations I advised him that the Government is committed to measures that will reduce net debt, aside from the effect of major asset transactions, as a proportion of gross State product. The outlays savings targets set out in this debt management strategy are expected to achieve that.

At the end of 1995-96, when implementation of this strategy will have been completed, the recurrent deficit in the budget will have been eliminated. The level of net debt will have been progressively reduced in real terms with a substantial reduction in 1994-95 when the State Bank is expected to be sold. The level of State debt as a proportion of gross State product will have been reduced by about 5 percentage points. With these significant reductions in recurrent outlays, interest payments declining with decreases in debt, and the economy growing more strongly with less pressure on outlays and stronger revenues, the budget will be returning to a sustainable position.

We have a strategy to turn the budget around. From today, the debate will be defined in terms of solutions. The statement also contains several taxation measures which will benefit the business community. The largest is a reduction in the current FID rate of . 1 per cent, which includes a temporary levy of .05 per cent, which is paid into the local—

Members interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS:—government disaster fund. The new rate will be .065 per cent as from 1 June 1993. When the temporary levy expires on 1 October 1995, South Australia's FID rate will be .06 per cent, which is the rate applying in all the States and territories, except Queensland which does not apply FID. This revenue loss of $35 million will be compensated by an increase in the tobacco tax rate from 75 per cent to 100 per cent. Under the Commonwealth Income Tax Assessment Act, off-shore banking will receive concessional tax treatment. The concession relates to borrowing or lending money from or to an off-shore person, as well as certain investment activities, contracts, hedging activities and other off-shore transactions. The New South Wales Government has exempted similar receipts of off-shore banking units from FID. This has put banks which operate from Adelaide at a competitive disadvantage. The Government has, therefore, decided to exempt off-shore banking units from FID.

The New South Wales and Victorian Governments have also provided FID exemptions for receipts arising from certain professional financial transactions, such as

interest rates, currency and commodity swaps, forward exchange agreements and certain futures contracts trading on the futures exchange. The Government has decided to provide exemptions for comparable Treasury transactions undertaken in South Australia to remove any incentive for this business to be conducted interstate. The Government will also reduce the liquor franchise fee from 13 per cent to 11 per cent at a full year cost to revenue of $7.6 million. The measures outlined in this statement will restore our State's finances, will rebuild confidence and will strengthen economic growth. We are ready to meet the financial challenge—

Members interjecting:

The SPEAKER: Order!

GRIEVANCE DEBATE

The SPEAKER: Order! The proposal before the Chair is that the House note grievances.

Mr GUNN (Eyre): Yesterday in the House we had a theatrical performance by the Minister of Tourism, the member for Briggs. It was the first step in his run to undermine the Premier. We are well used to the member for Briggs, who is a member of Parliament, saying and doing anything to maintain power at the expense of his own colleagues and that of the Parliament. Yesterday, in response to a Dorothy Dix question, the Minister got to his feet in this House and went on at length, waving his arms and shouting and yelling, because he will do anything to attract publicity. We know that the truth is of little importance to the Minister, but on that occasion he went further than he normally would. He set out, clearly, for all and sundry to see, to create a situation where he can follow the member for Ross Smith, move in and take his seat so he is closer to the action, so that he can be in a position to move against the Premier. We know that he will stop at nothing. He is obsessed with publicity and telling untruths.

Members interjecting:

The DEPUTY SPEAKER: Order! Members will take their seats. In accordance with Standing Orders, those members not speaking should either sit down or remove themselves from the Chamber.

Mr GUNN: This is a matter which ought to be raised in the grievance debate. For months in this House we have heard about the member for Briggs, the Minister of Tourism, who, when in New Zealand, cannot talk about anything constructive: he can make only ill-informed and untrue statements about the parliamentary Liberal Party, because he knows that this Party is poised to take Government in South Australia. Never in the time that some of us have been in this place has the Liberal Party ever been in a stronger position—

The Hon. J.P. Trainer: That's what John Hewson said.

Mr GUNN: The honourable member, the defrocked Speaker, can interject as much as he likes. He knows as well as we know that, whenever the people of this State are given the opportunity, there will be a change of Government, and people such as the member for Briggs will be left to fight over the crumbs. The member for Briggs will be left to try to undermine, for his own devious political ends, the 14 or 15 ALP members who remain in Parliament. On a daily basis, we have witnessed a scurrilous and untruthful attack on members on this side of the House by the member for Briggs, aided and abetted by one or two second-rate television commentators. The majority long ago woke up to the member for Briggs, but he still has one or two colleagues whom he cultivates and whom he feeds his misrepresentations to—

The Hon. T.H. HEMMINGS: I rise on a point of order, Mr Deputy Speaker. The member for Eyre is referring to a Minister in this House as 'he' when he should be using the correct term, that is, the office that he represents as a Minister of the Crown.

The DEPUTY SPEAKER: I ask the member for Eyre to use the appropriate term.

Mr GUNN: I understand that that is about the only thing that would occupy the mind of the member for Napier, a trifling issue such as that. One would have thought that, having listened to the litany of broken promises and excuses put forward by the Premier and the Treasurer today, they would have more to talk about. They have created a situation where the people of this State are millions of dollars in debt, and what have they done? What do we get from the member for Napier? He takes foolish points of order. Let me say to the Minister of Tourism, the member for Briggs: he will be able to undermine his colleagues as much as he likes after the next election, because very few of them will be left here and, fortunately, the member for Napier will not be here, either—

The Hon. T.H. HEMMINGS: I rise on a point of order, Mr Deputy Speaker. The Member for Eyre reflected on me when he said that I raised a stupid point of order, given that you, Mr Deputy Speaker, upheld my point of order.

The DEPUTY SPEAKER: Order! I do not accept that as a point of order.

Mr GUNN: I have taken the opportunity in this grievance debate to raise these matters because the Parliament and the people are entitled to be aware of the activities of the Minister of Tourism, and all other people who see the Minister performing on television on a regular basis should be aware of his activities and his motives which are contrary to the interests of the people.

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

Mr ATKINSON (Spence): Yesterday, I outlined to the House the South Australian Conservation Council's proposals to change local government in South Australia. The proposals include compulsory voting in council elections, taxpayer funds for all candidates, bigger expense allowances for councillors and funding for special lobby groups. Today, I should like to comment on those proposals. Apart from points six and seven, which were worthy of further discussion, the Conservation Council's proposals are expensive and unrepresentative daydreaming. Although I support compulsory voting for State and Federal elections, I cannot pretend that it was introduced by popular demand, and nor is it part of our Constitution. Compulsory voting became law in the various States by simple Acts of

Parliament over a period of 20 years, Playford's being the last State Government to require it in 1944.

Many people already resent compulsory attendance at polling booths for Federal and State elections; making a third level of compulsory voting would be more than some could bear. The number of fines issued for failing to vote would increase sharply. The move would risk a revolt that could cause compulsory voting to be abolished at all levels of Government. Voluntary voting for State and Federal Parliaments is already Liberal Party policy. By the way, compulsory voting would almost certainly drag the political Parties fully into local government, for better or worse—probably worse. Public funding of the election campaigns of political Parties was introduced for Federal elections from 1984, owing to collusion between the major political Parties. Not even the most ardent supporter of public funding of election campaigns would argue that public opinion supported that initiative. Its extension to local government ballots, as proposed by the Conservation Council, would outrage taxpayers. At least the Federal election funding has the small redeeming virtue of being paid on the basis of the Party's vote in the last election, that is, paid in proportion to demonstrated support.

The Conservation Council's proposal would mean up-front public funds for individuals, not Parties, many of whom would be standing for the first and last time. Under the proposed scheme, it would be easy money for one to nominate for mayor of a big city, such as Woodville, and collect thousands of dollars. There would be no shortage of candidates if this proposal became law. The ballot paper would read like the electoral roll. What accountability would there be and how could the money be recovered from those who misused it? Even if payment were in arrears in proportion to votes received, it would still be easy money because just having one's name on the ballot paper ensures a percentage of random votes, especially when voting is compulsory.

At a time when the community is asking whether their elected members of Parliament are worthy of their salaries, the Conservation Council's proposal for increased allowances for councillors will get a cool reception from any electorate. Most of us would think that the power of councillors to fix their maximum allowance by majority vote, as now, may be abused by fixing it too high. The Conservation Council is, I think, alone in believing that power is misused by fixing the allowance too low. At current rates of allowance, there is no shortage of candidates for office.

The most scandalous proposal is the one to give ratepayers' funds to 'special lobby groups' as a kind of compensation for those lobby groups or minorities failing to have enough public support to elect councillors. In the Conservation Council's paper, the definition of 'disadvantaged' (or victims of the system) is drawn so wide that just about everyone is included.

It seems that I, too, am disadvantaged in my capacity as a cyclist and life-long non-driver. The Conservation Council thinks my fellow cyclists and I need to be funded to get representation or to be compensated for lack of it. The truth is that, as a cyclist, I do not feel in the least disadvantaged or repressed. I vote in every council election, am familiar with the candidates and have been known to vote for candidates who possess a driver's licence. I suppose the Conservation Council would describe this as false consciousness on my part.

Rates would have to be increased massively to cover the cost of doling out local government grants to all the so-called special groups mentioned in the paper. The town hall would become a battlefield in which minorities waged war for the rewards of being repressed. Indeed, the political process would become a publicly-funded racket monopolised by lobby groups with little room for private or individual initiative. Politics would creep into every civic or private association because of the temptation to apply for lobby group status and funds. Who decides whether a group is politically correct and therefore eligible for funding? This Conservation Council proposal is a rort.

The Hon. D.C. WOTTON (Heysen): I want to take this opportunity to join my Liberal Party candidates, Lorraine Rosenberg, the candidate for Kaurna, Julie Gregg, the candidate for Reynell and Robert Brokenshire, the candidate for Mawson, in expressing disgust about the severe cuts to the City of Noarlunga's frail aged and disability programs, which are to take effect from 1 July under the newly proposed guidelines of the Commonwealth-State Home and Community Care Program.

The HACC unit has proposed that there be a new equity provision in its funding formula, which means that all local council areas are being encouraged to take up HACC funding for the provision of services to aged and disabled clients. While Noarlunga council does not oppose the concept in principle, no allowance has been made for social justice factors, meaning that those councils with a larger proportion of low income aged and disabled will suffer a severe reduction in services while some smaller council areas with a high proportion of residents able to pay for services themselves will benefit. This would appear to be contrary to the Government's stated social justice policy position.

The Noarlunga council has written to the Minister of Health, Family and Community Services and Minister for the Aged and a number of other candidates and members in the area. There is considerable concern, because the Noarlunga council is disputing the new HACC criteria that disregard past and existing council contributions to HACC services, whilst past and current Commonwealth-State moneys can still be counted as 'new' moneys. This is a blatant case of the Commonwealth and State Governments devolving further cost to local government without the provision of additional revenue sources.

The HACC unit has proposed to abolish all funding for any community development work that has formerly been undertaken by workers in this area. This severely limits council's ability to identify new services, to facilitate consumer participation and to seek out inter-agency cooperation at a time when the council would have thought that Commonwealth policy would encourage community agencies and local government to work in these directions.

The other implication of the newly proposed HACC criteria will result in a total reduction of approximately $55 000 per annum in 1993-94 to programs run by the Noarlunga council. Currently the Noarlunga council

provides a number of services within the HACC program, including the home assistance scheme; the Noarlunga aged respite program; the Noarlunga evening sitter service; Wakefield House, which is an aged day-care centre and which, for three days a week, runs specific programs for the frail aged; the new aged care centre; and a senior community care officer.

The proposed cuts of $55 000 would result in the following: the home assistance scheme would basically be retained with a minor increase in contribution by the Noarlunga council; the Noarlunga aged respite service would have to be completely withdrawn; the Noarlunga evening sitter service would have to be completely withdrawn; Wakefield House and services to the frail aged would have to be reduced to two days a week; the new aged care centre services in the new centre would have to be reduced to one day a week in terms of programs for the frail aged; and the hours of the senior community care officer would have to be reduced, unless the Noarlunga council could find further funds.

It should be noted that the Noarlunga council currently funds the home assistance scheme and other programs to a total of $143 880 whilst the Commonwealth-State component has been $199 530. It should be further noted that a number of the services mentioned go far beyond the boundaries of the Noarlunga region and include residents from the local government areas of Marion, Happy Valley and Willunga. But the Noarlunga council has been the hardest hit of all councils in South Australia. I ask the relevant Minister to take account of the concern of the Noarlunga council and the residents of that local government area and to do something about it—to make the strongest representations to his Commonwealth colleague and to reconsider the financial contribution that should be made to the City of Noarlunga and the residents of that area.

Mr HAMILTON (Albert Park): I wish to raise a question that I feel that you, Sir, would be most interested in as a new addition to my flock, if you like, in the seat of Albert Park. I believe that with our collective wisdom we might be able to resolve the problem of traffic control, particularly at the intersection of Morley Road and West Lakes Boulevard at Seaton. You will be aware, Sir, from travelling down that very busy roadway to your place of residence, of the large volume of traffic along Morley Road onto West Lakes Boulevard and *vice versa.*

As I indicated in Question Time today, my constituents are concerned about the traffic that comes off West Lakes Boulevard and does a left-hand turn and then a right-hand turn, because there have been a number of accidents in that vicinity. My constituents and I have observed that cars parked there are a traffic hazard. This also raises the question of the rights and responsibilities of people who live in that area with regard to parking their vehicles and/or where visitors can park their cars.

With that in mind, I raise this question in the hope that the Department of Road Transport, in conjunction with the local council, will investigate what measures and/or alternatives can be looked at in an endeavour to resolve this issue. You, Mr Speaker, would also be aware that this location incorporates a particular bend which motorists cut and which poses a potentially hazardous situation not only to my constituents but visitors to the area.

The volume of traffic that comes down West Lakes Boulevard is increasing every year. One only has to visit that area when a Crows match is in progress to see the number of vehicles bumper to bumper going into and coming out of Football Park prior to and after the match. I believe that traffic management in this area has been wisely handled by the local council and the Department of Road Transport, and I have been able to have an input into that situation of traffic management.

An honourable member interjecting:

Mr HAMILTON: Yes, I believe it has been successful. It is important, given the large and increasing volume of traffic. One should not forget that that area is being visited more and more often, because the development has been crowned the best real estate project in the world. We have more and more people visiting that area, and quite properly, to see what Delfin has done in that regard. I am hoping that this matter can be resolved. I noted a letter to the Editor of the *Portside* in which a so-called informed person made a comment in relation to increased speed limits on Military Road. That letter states, in part:

> Albert Park MP Mr Kevin Hamilton assured us 'the silent majority' were supportive of the 70 kilometre speed limit.

I want to put on the public record that at no time have I ever made a statement that I support the silent majority in relation to that issue. I have canvassed, quite properly, the feelings of people in my electorate. They were conveyed to the Department of Road Transport, and it was up to the Minister and the Department of Road Transport to make that decision. Unfortunately, I was ignored in relation to that matter, and I have criticised my colleagues accordingly. I hope the survey that has been carried out will resolve that matter to the satisfaction of all my constituents in the area and for the benefit of the safety of children and adults.

The SPEAKER: The member's time has expired. The member for Murray Mallee.

Mr LEWIS (Murray-Mallee): Well, Australia, a republic? To be or not to be? I guess that is a legitimate paraphrasing of lines made more famous than I could have ever hoped to make them by reference to anything that Shakespeare had otherwise written.

Open discussion of this subject is long overdue, so I would say to anyone who wants to join in, 'Let's have it full on and factual'; it is about time. During the last 15 to 20 years the only publicised arguments have opposed the current position: that is, they have been pro republic. It is about time we had some balancing views. I am astonished at the naive willingness of most people to even consider that change is necessary.

An honourable member interjecting:

Mr LEWIS: Indeed, if it works, why fix it? Change for its own sake without any demonstrated benefit or improvement other than for appearances is change for the sake of fashion and fantasy, rather than change based on fact, change based on improved fortune and change based on the need to get better functioning. Regardless of the names and the titles, while we have a structure that provides for the separation of powers between the head of Government and the head of State, and between them

and the judiciary and, furthermore, for separation of powers between that group and the defence forces for external security and for national interest and for the police for internal security, and between them also, and audit checks of what everyone is doing with the money that is being appropriated to them from the Parliament, which is based nonetheless on a representative Parliament of democratically elected members, we have the best system on earth and the best system in the history of responsible Government.

One thing is for sure: we will never have the mess that has bedevilled places such as Italy, France, Germany, China, the USSR, or even the USA at some point during the last 60 years—indeed for most of the last 50 years. They have produced a varied mix of dictatorial control, abolition of individual civil rights, genocide and political corruption on a scale that we will never have. We will never have the interminable quarrels between a President and the Parliament; we will never have a Hitler; we will never have a Tiananmen Square, a stalag or a Gulag; and we will most certainly never have a Watergate.

Those alternative systems to which I have referred, which vary by degrees from our own, have illustrated the benefits that we have with our system, arising from the culture we inherited. It has evolved since the advent on Runnymede Island in the middle of the Thames over 750 years ago of the sealing of the *Magna Carta.* It seems to me that, since that time, with the curtailing of the powers of the monarch in the events of the 1640s, there has been no detail and no reasoned or reasonable public statement of the benefits of the current system by anybody who has been involved in the debate until very recently.

Those opposing it do so out of the adolescent notion of change for change's sake, or they do so out of some romantic, nostalgic hankering after a system of government which they had in the countries from which they fled to find succour and freedom here in Australia. Now, they seek to destroy that, or there is some bloody minded fanatical commitment to a reconstruction of the political decision making model based on the discredited Marxist model. Or they are simply inverted snobs with a chip on their shoulders which they have been carrying for five or six generations or more in this country following migration of their forebears during early European settlement or since the Second World War to our free and just society under the Southern Cross. If they want it that way, why don't they go on and do it. As they say in the song: bring on the clowns. It seems to me that the court jesters, as we have had in the past, are out.

The SPEAKER: Before calling for a vote, I point out to the House that there is a responsibility on members to be aware of the matters on the Notice Paper. I point out that there is a Notice of Motion: Other Motions on page seven of today's Notice Paper that relates also to the republican issue and that Standing Order 184 provides:

> Business not to be anticipated. A motion may not attempt to anticipate debate on any matter which appears on the Notice Paper.

I draw members' attention to that; they should take notice of the business that is foreshadowed on the Notice Paper before raising matters.

Mr HOLLOWAY (Mitchell): Yesterday I presented to this House a petition calling on the State and Federal Governments to assist in the upgrading of the Marion Swimming Centre. That petition was signed by 1 038 residents. I would like to pay tribute to Mr Keith Skopal and members of the Marion Enclosed Pool Action Group, the Marion Aussi Swim Club and the Marion Swim Club who have gathered those signatures in a fairly short time. Unfortunately, the Marion Swimming Centre, one of our best swimming centres, is now closed: it is closed for the next six months because it is not an enclosed swimming pool. What these residents are seeking is the enclosing of this pool so that it can operate for 12 months of the year.

I would like to outline the six reasons that were circulated by the members of the group who organised this petition as to why that should be the case. First, swimming as a sport is one of our most popular sports. Indeed, there was a recent article in the *Australian* that pointed out that a sports survey by Melbourne based marketing consultants had found that swimming was the most popular sport, with 46 per cent of the 1500 respondents taking to the water regularly.

There is no doubt that the popularity of this sport has grown. To be able to encourage young people to take up this sport, we clearly need suitable facilities throughout the year. The second reason relates to the hole in the ozone layer. We all know that over exposure to the sun in the summer months is likely to lead to skin cancer. Because of the problems of pools that are not enclosed, some schools have discontinued the use of the pool for their swimming lessons because of that risk, and others are taking their students to distant indoor pools.

The third reason is that more and more people of all ages are using swimming pools for their 'keep fit' activities. For handicapped people in particular, swimming or water aerobics are the only 'keep fit' exercises available for then. We do not have adequate facilities in the southern and western suburbs during the six months when the outdoor pools are closed. The only alternatives, the Adelaide Aquatic Centre and the Noarlunga Swimming Centre, are already heavily utilised. It is very difficult for casual swimmers to be able to use those facilities.

Fourthly, the medical profession recognises the therapeutic value of exercises in water, and more and more patients are being advised to apply such remedies. At present there are no adequate facilities available, in the western suburbs, to the patients from the Flinders Medical Centre during the six winter months. The fifth point made by the organisers of this petition is that with the current high levels of unemployment, particularly youth unemployment, there is a need for young people to have organised facilities where they can undertake constructive activities. Swimming is a very popular sport, but it is not available during the winter months in this region because of the fact that the swimming pool has to close.

The sixth reason given by the organisers of the petition was that swimming is one of the most effective forms of exercise to improve aerobic fitness, to resist coronary heart disease, to lower blood pressure, to relax and to improve muscle tone, posture and general physical health. Swimming is ideal for all those people. There are

six good reasons why there is a great need for an enclosed swimming pool in the south-western suburbs. At the moment the only pools available are small private pools that are not useful for the many people who wish to take advantage of the facilities. Organised swimming clubs have great difficulty in using those pools.

Of the people who signed the petition, it is interesting that 38 per cent came from the Marion council area, because the pool is in that area. However, a large number of people were from other areas, including 13.5 per cent from Mitcham, 9 per cent from Happy Valley, 8.6 per cent from Brighton, 8.1 per cent from West Torrens, 6.4 per cent from Glenelg, 3.8 per cent from Noarlunga, 2.8 per cent from Unley and nearly 10 per cent from other council areas. I think that shows a great need for a regional facility. It also points out a strong need for support for an enclosed swimming pool from outside the Marion Council resources.

I believe there is a strong need for an enclosed swimming centre in the western suburbs. The enclosed pool proposal that the Marion council has drafted is a very practical and cost effective one, and I believe that it deserves State and Commonwealth support.

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

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

A quorum having been formed:

SUSPENSION OF STANDING ORDERS

The Hon. FRANK BLEVINS (Deputy Premier): I move:

That, for the remainder of the session, Standing Orders be so far suspended as to enable the routine of business on Friday after 2 p.m. to be as set down for Thursday after 2 p.m.

Motion carried.

The Hon. FRANK BLEVINS: I move:

That Standing Orders be so far suspended as to enable the introduction of four Bills without notice forthwith.

Motion carried.

LIQUOR LICENSING (FEES) AMENDMENT BILL (1993)

The Hon. FRANK BLEVINS (Deputy Premier) obtained leave and introduced a Bill for an Act to amend the Liquor Licensing Act. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

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

Leave granted.

On 23 June 1992, the Government announced its intention to increase the liquor licence fee from 11 per cent to 13 per cent in line with similar announcements that had been made by New South Wales and Victoria following the 1992 Premiers' Conference. These increases were made as part of an attempt at tax harmonisation by these three States.

Victoria subsequently decided not to proceed with the increase following a change of Government in that State. New South Wales has implemented the tax increase to 13 per cent but has deferred the first payment at that higher rate until May 1993.

The decision taken by Victoria means that only two States - New South Wales and South Australia - have acted in accordance with the original tax harmonisation proposal.

A number of representations have been received from the liquor industry stressing the difficulty of meeting the cost of the higher licence fee during a period when sales are flat or declining. The introduction of gaming machines into licensed clubs and hotels will provide a boost to the industry and the Government would like that initiative to have maximum impact.

The Government has therefore decided to reduce the liquor franchise fee from 13 per cent to 11 per cent for the 1994 licence year. In respect of 1993 licence fees which have been assessed at 13 per cent, the Government will provide tax relief by way of a rebate for the October quarterly licence fee instalment equivalent to the difference between the quarterly instalment calculated using an 11 per cent rate and that calculated using a 13 per cent tax rate.

The Bill to amend the liquor tax rate will come into operation on 1 October 1993 to enable licence fees for the 1994 year which are due and payable in January 1994, to be assessed at the lower rate of 11 per cent and to enable part-year licences taken out after 1 October 1993 to be assessed on a basis equivalent to the rebate arrangements applying to October quarterly instalments.

Reducing the liquor tax rate from 13 per cent to 11 per cent is estimated to have a full year cost to revenue of $7.6 million. The budget impact in 1993-94 is estimated at $5.7 million, comprising an estimated rebate cost of $1.9 million and lower revenues of $3.8 million in the second half of 1993-94.

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The date for commencement of the measure is fixed at 1 October 1993.

Clause 3: Amendment of s. 87—Licence fee

By this clause the fee for a retail, wholesale or producer's licence is reduced from the current 13 per cent to 11 per cent of the gross amount paid or payable for liquor purchased or sold (as the case may require) during the relevant assessment period.

Mr S.J. BAKER secured the adjournment of the debate.

TOBACCO PRODUCTS (LICENSING) (FEES) AMENDMENT BILL (1993)

The Hon. FRANK BLEVINS (Deputy Premier) obtained leave and introduced a Bill for an Act to amend the Tobacco Products (Licensing) Act. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

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

Leave granted.

The rate of tobacco tax was last increased in 1992. At that time, it was anticipated that tobacco consumption would fall as a result of the flow-on of the tax increase to tobacco prices. The negative impact on consumption has not been as large as

expected with the result that tobacco tax revenues are expected to exceed the 1992-93 Budget estimate by at least $10 million.

Consistent with representations received in the lead-up to the 1992-93 Budget from groups supporting the Anti-Cancer Foundation, it is proposed to increase the tobacco tax rate from 75 per cent to 100 per cent with effect from the June licence month. In a full year, the increase in the tobacco tax rate is estimated to yield additional revenues of $35 million. It is proposed to use this revenue to finance a reduction in the rate of financial institutions duty. The additional impact on smokers will thus be used to provide tax relief to the wider business community as well as to individuals.

Foundation SA currently receives a share of tobacco tax revenues equivalent to a 5 per cent levy that forms part of the 75 per cent rate. Notwithstanding experience in 1992-93, it is anticipated that there will be a fall in tobacco consumption as a result of increasing the tax rate to 100 per cent.

To protect the funding of Foundation SA from the anticipated fall in the tobacco tax base it is proposed to increase its tax share from the equivalent of a 5 per cent levy to a 5.5 per cent levy. This levy is not additional to the proposed 100 per cent tax rate on tobacco products but, rather, is included within the 100 per cent rate.

To implement this change, the Act will be amended to change Foundation SA's share of tobacco tax receipts from 6.67 per cent (equal to 5/75) to 5.5 per cent (equal to 5.5/100).

Under the Tobacco Products (Licensing) Act, consumption licences are required to be taken out by people who choose to consume tobacco products purchased from unlicensed tobacco merchants. Fees for consumption licences were last increased in 1992 in line with the general rate increase from 50 per cent to 75 per cent.

To remove any incentive for tobacco consumers to attempt to avoid higher rates of duty by purchasing from unlicensed tobacco merchants, the Government proposes to increase the fee for consumption licences from $110 to $150 for a 3 month licence, from $210 to $300 for a six month licence and from $430 to $600 for a twelve month licence. These increases are in line with the proposed increase in the duty rate for licensed merchants.

The increase in the duty rate to 100 per cent is estimated to yield additional revenue of $35 million in a full year. In 1992-93 there will be a revenue impact equivalent to two months' revenue at the higher rate less the cost of ex gratia relief. The Government will provide ex gratia relief if it can be demonstrated that tobacco companies have not had adequate opportunity to recoup the cost of the higher licence fee before the first payment falls due on 31 May 1993.

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The date for commencement of the measure is fixed as 1 June 1993.

Clause 3: Amendment of s. 9—Consumption licences

The fee for a licence to consume tobacco not obtained from a licensed tobacco merchant is adjusted as follows:

(a) for a consumption licence for a 3 month term—the fee is increased from $110 to $150;

(b) for a consumption licence for a 6 month term—the fee is increased from $210 to $300;

(c) for a consumption licence for a 12 month term—the fee is increased from $430 to $600.

Clause 4: Amendment of s. 13—Licence fees

Under section 13, the fee for a tobacco merchant's licence is fixed at $2 plus a percentage of the value of tobacco products sold during the relevant period. The clause amends that section by increasing the percentage from 75 per cent (in the case of products sold to licensed tobacco merchants) and from 80 per cent (in the case of products not sold to licensed tobacco merchants) to 100 per cent and 105 per cent respectively.

Clause 5: Amendment of s. 24a—Application of money collected under Act

Section 24a requires that not less than 6.67 per cent of the amount of fees collected under the Act be paid into the Sports Promotion, Cultural and Health Advancement Fund for application under the *Tobacco products Control Act 1986.* This percentage is adjusted to 5.5 per cent.

Clause 6: Application of amendments

This clause is intended to make it clear that the percentage component of licence fees, as increased by clause 4, will apply to fees for the licensing month of June 1993, including fees for that month assessed and paid prior to the commencement of that month.

Mr S.J. BAKER secured the adjournment of the debate.

FINANCIAL INSTITUTIONS DUTY (REDUCTION OF DUTY) AMENDMENT BILL

The Hon. FRANK BLEVINS (Deputy Premier) obtained leave and introduced a Bill for an Act to amend the Financial Institutions Duty Act. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

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

Leave granted.

Since 1990-91, South Australia has shared with the Australian Capital Territory the highest rate of financial institutions duty.

This outcome resulted from a package of tax measures which the Government reluctantly introduced in 1990-91 to relieve pressure on the State's finances. The Government's objective has always been to reduce the tax burden, particularly on the business sector, as soon as the opportunity became available.

The Government has decided to increase the tobacco tax to 100 per cent and to use the proceeds to finance a reduction in the rate of financial institutions duty from 0.10 per cent to 0.065 per cent. The lower FID rate will take effect from 1 June 1993.

Included in the current rate of financial institutions duty is a levy of 0.005 per cent, the proceeds of which are paid into the Local Government Disaster Fund to assist councils to meet unusually high expenditures resulting from natural disasters. When introduced in 1990, this levy was intended to have a five year life ending on 1 October 1995. That is still the Government's intention.

Excluding the natural disaster levy, the base rate of FID is currently 0.095 per cent; this will fall to 0.06 per cent as a result of the rate reduction proposed by the Government.

There will be a full year revenue impact in 1993-94 from the reduction in the rate of financial institutions duty. The estimated cost to revenue of $35 million will be offset by equivalent full year revenue gains from the increase in the tobacco tax rate.

Clause 1: Short title—This clause is formal.

Clause 2: Commencement—The clause fixes 1 June 1993 as the date for commencement of the measure.

Clause 3: Amendment of s. 3—Interpretation—Under this clause, by an amendment to the definition of 'the prescribed percentage', the rate of the duty payable under the Act is adjusted from the current 0.1 per cent of dutiable receipts to 0.065 per cent. The rate of 0.095 per cent, as currently fixed for the period from 1 October 1995, is correspondingly reduced to 0.06 per cent for the period from the same date. The clause makes a further consequential amendment to the definition of 'the relevant amount'.

Mr S.J. BAKER secured the adjournment of the debate.

SUPERANNUATION (VOLUNTARY SEPARATION) AMENDMENT BILL

The Hon. FRANK BLEVINS (Deputy Premier) obtained leave and introduced a Bill for an Act to amend the Superannuation Act. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill seeks to make an amendment to the *Superannuation Act* which establishes the contributory superannuation schemes for Government employees.

The proposed amendment introduces a new benefit option for a member of either the pension or lump sum scheme where that contributor resigns from employment as a result of accepting a voluntary separation package.

The proposed option will enable a contributor other than a pension scheme member aged over 55 years, to take a refund of his or her own contributions to the scheme, together with interest on those contributions, and in addition receive an employer financed lump sum. The option for a pension scheme member aged 55 years and over is a lump sum based on the fully commuted value of the accrued pension entitlement.

The benefit will immediately be payable as an additional incentive for employees to accept a voluntary separation package where one is offered to the employee.

Under the existing provisions of the schemes, where a contributor resigns and elects to take an immediate refund of his or her own contributions to the scheme, no employer benefit, other than the superannuation guarantee or commonwealth compulsory benefit is payable.

The proposed employer financed component for a contributor other than a pension scheme member aged over 55 years, is structured in order to provide twelve per cent of salary (as defined in the *Superannuation Act)* for each year of membership of the superannuation scheme, up to 30 June 1992. The proposal has no effect on the superannuation guarantee charge benefit which will continue to be payable in respect of service after 30 June 1992. The lump sum payable to a pension scheme member aged over 55 years will include the superannuation guarantee benefit.

The proposed benefit is expected to be attractive to members of the scheme who wish to take up a separation package. The proposal is also attractive to the Government because of the savings it brings, particularly where a pension scheme member takes the option. The savings to the Government in respect of a lump sum scheme person who takes up the option are however not as large. The average savings on an accrued pension benefit are of the order of thirty-seven percent.

The Government believes it is necessary to now introduce this provision in order to ensure that the voluntary separation programme continues to be effective.

The provisions of the Bill are as follows:

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Insertion of s. 28a

This clause inserts new section 28a into the principal Act. This section provides another option for a contributor to the new scheme who decides to resign. Under section 28 the contributor has the option of resigning and taking a refund of contributions and the equivalent of the Commonwealth Superannuation Guarantee benefits or of preserving his or her benefits until 55. The new option comprises the first option under section 28 plus a lump sum which is 12 per cent of the contributor's final salary in respect of each year of contribution. The option must form part of a voluntary separation package with the contributor's employer and must be approved by the Treasurer.

Clause 4: Insertion of s. 39a

This clause inserts a similar provision into Part V of the principal Act (the "old scheme"). The old scheme deals with resignation up to the age of 60. New section 39a is the same as new section 28a in respect of resignation below 55 years. Resignation above 55 years results in a benefit that is the pension the contributor would have received if he or she had retired converted to a lump sum by commutation.

Mr S.J. BAKER secured the adjournment of the debate.

SUPERANNUATION (VISITING MEDICAL OFFICERS) BILL

Returned from the Legislative Council without amendment.

YOUNG OFFENDERS BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 2997.)

Clause 8—'Powers of police officer.'

Mrs KOTZ: This Bill centres around four major cautions: the informal caution, the formal caution, the family group conferencing, then the court situation for juvenile offenders. This clause deals with the formal cautions and the sanctions that can be imposed by police officers. The subclauses prior to subclause (5) provide that the police officer can request a youth to enter into undertakings to pay compensation. He can also require of the youth that a specified period of community service be carried out and that the offender apologise to the victim. Subclause (5) provides that, if a youth enters into an undertaking to pay compensation, a copy of the undertaking must be filed with the registrar, and payments of compensation must be made to the registrar,

who will disburse the compensation to the victims named in the undertaking.

I was extremely happy with the sanctions that have been imposed under the formal cautioning provisions, but part of my agreement with that was assisted by the existence of subclause (5), because it appeared to me that without subclause 5 there is a sense of protection for police, victims and offenders being taken out of this clause. We are talking about remuneration where monetary compensation can be received from the offender by the police and distributed to the victim. This subclause affords the police a certain amount of protection in cases of charges that may be laid with regard to any form of moneys that inadvertently may not get to the right place or a question of amounts of compensation that may be inadvertently moved into another area or not accounted for.

Subclause (5) provides a protection for all the people who are involved with the sanctions that are being imposed under subclause (8). Without it, I have great concerns. I was extremely pleased to see that we had a central spot clarified as a registry where these payments would be made and duly disbursed to the victims. I have the same consideration and concern about deleting subclause (6), which provides that, if a youth enters into an undertaking to carry out community service, a copy of the agreement must be filed with the registrar.

It is quite obvious to all of us that the resources allocated to the Police Department at present are hardly sufficient to carry out some of the official duties expected of police. Another area of administration would be fairly extreme, I do not believe I have seen any evidence that resources will be allocated in this area to account for the administrative purposes that will come into play by organising community services strictly from police resources rather than in an area defined as being under the control of the registrar.

The Hon. M.J. EVANS: I understand the concern that the member for Newland is raising, but it can certainly be addressed. The reality is that someone has to take responsibility for what occurs in this process, and she is quite right to identify the fact that this is divided between a police formal cautioning process with consequences, then a family conference and then the court; so indeed, as she says, it is divided into several parts. The concern that has been expressed by those in the court system is that those barriers should not be crossed unnecessarily and, unfortunately, what was originally inadequately contemplated by subclauses (5) and (6), which the Committee has now agreed to take out, constituted a blurring of the divisions between these various levels of the process.

I cannot quite understand why the honourable member would be concerned with respect to the police and funds and so on. There is no reason why the clerk of a court should be any more or less inclined to mistakenly handle funds than a police officer. I have equal faith that both the officers and the clerks are trustworthy servants of the public, and I am sure that if any mistakes are made they are inadvertent, but such accidents of administration are equally likely to occur to a clerk of the court as to an officer of the member of the Police Force. So, given that we can repose equal trust in both groups, anything that occurs by way of clerical inadvertence is equally likely to occur, at whatever point it is. I would suspect that the potential for that to occur is made worse if one involves multiple groups in this process.

The whole intention of the police cautioning was that it should be kept local, that it be kept quick, efficient and expeditious and that no unnecessary bureaucracy be involved in the process. If we have to transfer the funds and undertakings and the whole understanding of this process from the police (no doubt through a police instrumentality) to the courts, then to refer all that back again, the process will become confused, because multiple people will be involved. People in the courts will become implicitly responsible for things which are the responsibility of the local police officer. That confusion of roles highlights the potential for things to go wrong. The honourable member is correct in identifying the need for resources in these areas; whether it is the police or the Court Services Department who handle it, there is always that potential issue of resources. I am sure that the issue of resources will tax the mind of Treasury, Government Ministers, police officers and the Court Services Department officials in the months after this Bill becomes law, should that be the case.

Those issues will have to be resolved at a Government administrative level, and the Government is committed to making this process work. Whether the resources are acquired by courts or police, that is an issue that has to be addressed, but I think it is the same in either case. I believe that by removing these clauses, we have simplified that process, because it will all be handled at the local level in accordance with one organisation's guidelines and controls, rather than two, which imposes an unnecessary duplication of the process.

I can understand the points that the honourable member is raising—she correctly identifies a number of areas about which we need to be concerned and take action to ensure that they do work efficiently. However, given the fact that police cautions are meant to be a small-scale affair and handled locally and are meant to be the responsibility of individual officers who will, as part of the overall organisation of the Police Force and in accordance with the instructions of the Commissioner, handle these matters as expeditiously as possible, on reflection I think it would not have been an appropriate move to involve the courts in this whole process. They become involved at a subsequent stage where charges are laid or where family group conferences are held.

The CHAIRMAN: If the honourable member is not convinced by the eloquence of the Minister's answer and wishes to test this matter, following consideration of the clauses and before dealing with the title I will be prepared to accept a motion to recommit the amendments, if the honourable member wishes to test them in due course.

Mrs KOTZ: Thank you, Mr Chairman, I will accept your advice.

The Hon. D.C. WOTTON: I have a number of matters leading on from what my colleague the member for Newland has referred to. I am concerned about resources because I know that the Minister has indicated that the Government is determined that the new system will work. I believe it will have difficulty working unless the appropriate resources are provided. During my second reading contribution I raised the issue of whether

the Government would be prepared to provide specialist police. I have taken some trouble to find out from my colleagues what has happened in the New Zealand situation, where the system is working well, and we have been told that, as a result of the new system, they are diverting 70 per cent or so away from the courts.

However, we are looking at cautioning in this case, and I understand that the New Zealand specialist police are involved in working through schools and various youth associations and clubs. I believe it is essential that specialist police be provided for this work. I am also concerned that the Bill is silent—and this goes back to what the Minister referred to earlier—in 8(1)(b) on who will actually service the orders made at each level.

As I indicated last night, the advice I have is that the Department for Family and Community Services has indicated that it will not be servicing these orders, that it will be the responsibility of the police. The police have indicated that they believe it will be the responsibility of the courts, and to some extent the Minister has clarified that situation. However, in legislation which refers to these matters as they relate to adults it is set out very clearly who will be responsible. But that is not so in this legislation. If the courts have the responsibility and, as I said earlier, that matter has been clarified to some extent by the Minister, then it is important that the appropriate resources be provided there as well.

Coming back to the responsibilities of the police, during my second reading contribution I referred to a minute from the Corporate Services Unit, to try to determine in more detail who is to accept responsibility. It states:

> Section 8 under division 2 of the Youth Offenders Bill relates to police powers to impose sanctions at the formal cautionings. It also enables police to deal with non-compliance with cautioning outcomes by way of referral to a family conference or by laying a charge for the offence before the court. However, subsections 8(4) and (5)—

and this is what we are dealing with so far as the amendment is concerned—

> also place a number of administrative and, impliedly, active monitoring responsibilities on the Registrar of the court for undertakings arising from police cautioning proceedings. Subsection 8(4) states:
>
> > If a youth enters into an undertaking to pay compensation, a copy of the undertaking must be filed with the Registrar and payments of compensation must be made to the Registrar who will disburse the compensation to the victims named in the undertaking.
>
> It is pointed out in the minute:
>
> It is considered inappropriate for the court to administer any aspects of outcomes imposed at the police cautioning stage, given that one of the main aims of the legislation is to enable police to deal more directly with minor offences, and to avoid involvement with the courts at this level of offending...
>
> It is therefore recommended that the requirement under section 8(4) be removed and that responsibility for administering and monitoring all formal cautions lie entirely with the police.

There seems to be confusion, as I said earlier, between the three areas that have previously had some responsibility in relation to this. I would appreciate the Minister's providing some detail in regard to that minute.

The Hon. M.J. EVANS: I am not sure that I understand, because the honourable member has just given a good explanation about why we should remove those subclauses (5) and (6), which is what the Committee has done. He outlined the case that the court should not have responsibility for what the police are doing. That is what the minute says. The minute says, quite correctly, that the court should not be responsible through the Registrar for enforcing the police's arrangements under formal cautions. If that is not what the minute says, then I am not sure what I understood from it when the honourable member read it out. It seemed to be arguing the case for the amendment which the Committee has just adopted, that the police should administer its own formal cautioning process and that the courts should not be held responsible for the police's formal cautioning process.

That is the case that I understood the minute to argue, as the honourable member has just read to the Committee. I understand and accept that point of view, which is why I moved the amendment. It may be that these subclauses have been renumbered since that minute was written, which is why they do not correspond. In fact, section 8(4) now just talks about the signing of the undertaking, so 8(4) is no longer relevant. If updated, I assume it refers to 8 (5) and 8(6), which refer to the lodging of the undertaking with the Registrar.

That is what we have deleted and therefore the courts will not be responsible, as the minute argues they should not be, and I agree, for enforcing the police's undertakings. As I indicated to the member for Newland, it just duplicates the bureaucracy and opens up opportunities for errors to occur in the transfer of files, the transfer of funds and the transfer of what is going on in this process, and I think it would be quite contrary to the spirit of the Bill and the select committee's recommendations, which are to localise these processes, to make them more immediate and definite at the local level, and to improve the degree of flexibility available to those in the front line of the process, and that is certainly the police officer.

In relation to moving down the path of specialist police forces, this was certainly argued extensively on the committee. There is no doubt about that; members of the committee, from both sides of the House, took up this point of view and argued it extensively. It was in fact debated thoroughly. The committee also had the benefit of a certain amount of evidence on this matter in New Zealand. My own impression of the evidence from New Zealand is clearly that they found the operational police in the streets, what they referred to me privately as 'the kiddie cop force', to be quite counter-productive.

They saw that as introducing an element of ridicule into the system, that they were considered and deemed not capable of dealing with relatively minor matters by juveniles that they had apprehended and that they had to hang on to these kids for several hours at a time while they awaited the arrival of these special police officers whom they perceived to be dealing at the soft end of the system; that they were sort of, if you like, the police equivalent of the social worker syndrome which some people have identified previously in relation to the juvenile justice area.

The committee took a decision, quite deliberately after extensive debate—and I acknowledge that some of my colleagues on this side took that view as did members on

the other side—that there should be a specialist group of police officers. That introduces a whole new dimension to this. It says that local police officers are not able to deal with these issues, that they cannot competently resolve what are relatively straightforward matters in police administration which can be dealt with immediately by police officers with a minimum of paperwork and a minimum of delay. So, it gets back to this issue of immediacy: immediate consequences for the young person by the police officer who catches them in the act and to whom they admit the commission of the offence.

I think that to deviate from that is a very dangerous process. It certainly commits us to very substantial additional resources for what I think would be negative outcomes because it will reduce the credibility of this process in the eyes of the operational police who, the committee believed by majority decision, should be supported in their work. The whole intention of this Bill is to give power, influence and decision making back to the operational police at local level who are required to deal with the small percentage of young people every day who are not prepared to abide by the laws of this State.

I think that is the critical issue which has to be resolved. Certainly we need a centralised monitoring unit. I am sure the Commissioner will establish a small group of officers centrally who will advise him on policy and who will monitor the outcomes within the Police Force of what occurs on a day-to-day basis. We should resist the temptation to tie the hands of the operational police in red tape, bureaucracy and administrative details. We want to get away from that. I think that is an important part of it. They must arrange and understand the consequences of these things. You can involve local voluntary welfare groups; you can involve the local church in community service orders; and the local council, especially in the country and outer suburban areas, can be involved. The local police will come to understandings and arrangements in their own area with voluntary groups, public sector groups, senior citizens clubs and so on about the performance of CSOs, and they will resolve these issues in their own area expeditiously, efficiently and with the minimum of red tape. That is why I support this proposal.

The Hon. D.C. WOTTON: I would like to discuss personally with the Minister some of the matters that were raised in the minute to which I referred earlier. I think it is important that this legislation, as with all important legislation, should be reviewed in time. On reviewing the effectiveness of the legislation—and that provision is there—if there are problems with certain areas, problems with lack of resources and so on, they should be addressed. I am prepared to accept what the Minister says because he has had the benefit of visiting New Zealand and seeing first-hand what has happened there.

The other concern I have, as do the majority of members of this Committee—and I, like people in the community, have very strong regard and the highest respect for the Police Force in this State—is that some police officers should not be entrusted with this wide power. As I said last night, young persons may dispute the offence or the penalty imposed and feel that they are compelled to submit to the course which involves the least hassle. There is concern in the community about some members of the Police Force who do not deal with these matters appropriately. The Minister did not mention this area when he closed the second reading debate, so I would like him to address it now.

The Hon. M.J. EVANS: The honourable member is correct in referring to that concern. I have spoken to a number of groups in relation to this. I believe that one has to take into account the fact that the upper limits that are prescribed in relation to the consequences under clauses 8(1)(a),(b) and (c) really are at the highest end of the tariff and that they would be put forward only where a youth has committed a more serious offence which is still able to be dealt with at the formal caution level but which is of such a nature that a more significant penalty needs to be imposed. The Committee would be well aware that maximum penalties as set out in legislation are really just that: they are maximum penalties, and it is most unlikely that for normal day-to-day offences anything like those maximum penalties would be imposed. You have to set a maximum, and it is appropriate to give the police some flexibility in this area.

I draw the honourable member's attention to amendments that I made to the Bill since it was considered by the select committee and which were recommended by some of these groups to which I am sure the honourable member refers. For example, clause 3 provides:

> In exercising these powers... the police officers must—
>
> (a) have regard to sentences imposed for comparable offences by the court; and
>
> (b) have regard to any guidelines on the subject issued by the Commissioner of Police.

I think those two matters tie down this area quite well. They ensure that the Commissioner of Police can quite properly promulgate guidelines. The police have extensive general orders and are quite used to the technique of applying these kinds of guidelines to their day-to-day work. Of course, the court itself will set the basic standard in these matters. While the police are given significant scope under paragraphs (a), (b) and (c) of this clause to provide penalties, those penalties have to be in the context of the equivalent court penalties and in accordance with the police guidelines. Ultimately, if the youth is not satisfied that this is a fair and just process he or she has every right to have the matter heard by a court. Therefore, they can simply opt out of that process if they do not feel that the police officer is acting reasonably.

As the honourable member pointed out, this and similar legislation is reviewed periodically by the advisory committee, which is required to report on the operation of legislation after three years. I am sure the police will develop an effective monitoring system for the overall process that does not require the formation of a specialist Police Force but does require a central monitoring unit to keep the Commissioner apprised of the way in which officers handle this matter.

The Hon. D.C. WOTTON: After discussing this matter with my colleagues I can say that there seems to be some conflict about what is happening in New Zealand in this regard. I do not think I can take the matter any further. I have expressed my concern about

this. As I said earlier, along with other members of the Committee I will be keen to see how effective this clause and the legislation are. We will have an opportunity to consider its effectiveness during the review period.

Clause as amended passed.

Clause 9—'Appointment of youth justice coordinators.'

The Hon. M.J. EVANS: I move:

Page 6, lines 20 and 21—Leave out subclause (1).

Subclause (1) is a recommendation that was inserted in the process without a full understanding of its ramifications. The youth justice coordinators were proposed to be employed under the Government Management and Employment Act, but this would severely limit the range of people who could be employed in this area. For example, if it were proposed that country magistrates on occasion might serve in this capacity, they are not employed under the Government Management and Employment Act and would therefore have to be excluded. Police officers are not employed under the GME Act. Indeed, if one wanted to bring in people on a contract basis, a temporary basis, one would not employ them under the Government Management and Employment Act. This subclause was not included for any particular purpose. I think the intention of the Bill—the greatest flexibility—and the best intentions of the committee would be served by deleting this subclause.

Amendment carried.

The Hon. D.C. WOTTON: Mr Chairman, I am not sure whether this is the most appropriate clause under which to ask this question, but I notice that there appears to be no wording in the clause to provide for members of the Juvenile Justice Advisory Committee to be permitted to attend family conference meetings. However, specific reference is made to them in the Youth Court Bill.

The Hon. M.J. EVANS: That is true. I do not think it was intended, though, that members of the advisory committee would actually be overseeing the work of individual family group conferences. It might be desirable for them to attend one from time to time by way of a sort of sampling of the process to determine whether it was working effectively, but I do not think their role would be one of oversight of individual conferences. So, it probably would not be appropriate that they attend as of right. Of course, they certainly could attend with the concurrence of the youth justice coordinator, because clause 10(2)(d) provides that the coordinator 'will invite other persons, whom the youth justice coordinator, after consultation with the youth and members of the youth's family thinks appropriate, to attend the conference'. Therefore, it could certainly be done. I know that in New Zealand members of the committee were permitted to attend family group conferences after consultation with the youth and the victim and other members who were at the conference.

It must be remembered—and this was emphasised time and again in New Zealand—that these are very personal and direct and emotional occasions, and they are most effective if a limited number of people and only those who are directly concerned—that is, the youth, the family, the victim, the police officer and perhaps others intimately connected with the matter—are there. Once it becomes wider than that the impact on the youth is much diminished. Certainly it would be undesirable to extend this area significantly. Perhaps it misses the central point of the advisory committee's role to presume that it would attend these conferences as of right. I agree that it would be useful on occasion for them to attend by way of a sampling of the process to see that it was in fact working correctly. I think that is accommodated under the legislation as we now have it.

The Hon. B.C. EASTICK: I believe that members of the select committee could identify that they were accommodated in New Zealand under a subclause such as this. I do not know whether the circumstance will ever arise that the advisory committee has to rub noses with part of the contingent which makes up the family group conference, such as the members of the select committee experienced in the case of Maori family conferences, but there is a regime which will be developed. I am quite sure that people from other jurisdictions or members of the advisory committee, such as my colleague has mentioned, could be accommodated without difficulty, not to participate as such but to be observers. If it is deemed that there is a deficiency once the legislation is operating, it could be accommodated by way of amendment at a later stage.

Mrs HUTCHISON: I support what the Minister said. It was very obvious that when we were allowed to attend the family group conference it was a special occasion, because we were the only people who had been invited to attend. The success of the conferences relies on the minimum number of people being present, and there was a general reluctance, I believe, in the early stages of that family group conference to have outsiders, as they were termed, sitting in on the conference. So, I think it is important that that sort of privacy be maintained to a certain extent and that not too many exemptions are made for other people to attend them.

Clause as amended passed.

Clauses 10 to 12 passed.

New clause 12A—'Limitation on publicity.'

The Hon. M.J. EVANS: I move:

After clause 12 insert new heading and clause as follows:

DIVISION 4—LIMITATION ON PUBLICITY

Limitation on publicity.

12A. (1) A person must not publish, by radio, television, newspaper or in any other way, a report of any action or proceeding taken against a youth by a police officer or family conference under this Part if the report—

(a) identifies the youth or contains information tending to identify the youth; or

(b) reveals the name, address or school, or includes any particulars, picture or film that may lead to the identification, of any youth who is in any way concerned in the action or proceeding; or

(c) identifies the victim or any other person involved in the action or proceeding (other than a person involved in an official capacity) without the consent of that person.

(2) A person employed or engaged in the administration of this Act must not divulge information about a youth against whom any action or proceeding has been taken under this Part except in the course of his or her official functions.

(3) A person who contravenes this section is guilty of an offence.

Penalty: Division 5 fine.

(4) This section does not prevent the disclosure of information under any other provision of this Act.

This is the standard confidentiality provision which is contained in the Youth Court Bill and in the existing children's protection and young offenders legislation but which was inadvertently not included in the Young Offenders Bill. It is essential as part of this process that we do not have the publication of the details of individual young people by name. Certainly, the press is free to hold the system accountable and to take part in reporting the general terms of the process, but the publication of individuals' names or the identification of any material which may lead to the naming of the person concerned would be inappropriate.

The Hon. D.C. WOTTON: Clause 12 provides for the powers of the family conference and indicates quite clearly what the conference may do. Subclause (7) provides for a police officer to lay a charge before the court for the original offence if a youth fails to comply with requirements or undertakings resulting from a family conference. This clearly gives police the responsibility for monitoring family conference outcomes and to act in cases of non-compliance, but no provision is made for the actual supervision of undertakings or other requirements arising from the conferences. Supervision of community service orders will obviously require significant time and resources, and provision needs to be made in the legislation whereby responsibility for this task is clearly defined. Any suggestion that this responsibility should lie within the family conference system should be strongly resisted. I wonder whether the Minister would comment on that concern that has been expressed.

The Hon. M.J. EVANS: We are talking about a clause the Committee has already agreed to.

The CHAIRMAN: The Chair is being very tolerant.

The Hon. M.J. EVANS: Yes, and quite reasonably so, I think. It is important to note that the police officer is required to lay the charge because legally it is the police officer who brings the charge under these circumstances. The registrar of the court or the youth justice coordinator would not be an appropriate person to bring a charge. Obviously, that is the responsibility of the police officer, and that is why they are named in this context. But, of course, the undertakings must be lodged with the registrar; and the youth justice coordinator works under the supervision of the Court Services Department. So, clearly, the youth justice coordinator will have a significant role in working out whether these undertakings have been complied with. Quite clearly, the detail of that operational procedure will have to be worked out between the Court Services Department, the police and the Department for Family and Community Services, who may well have a role in the provision of the community service orders.

It may well be that in a particular location the police officer, the youth justice coordinator and the family will reach agreement on some voluntary group, some agency or, indeed, a relative who may look after the young person for a period of time, and it would be on complaint that the police officer would then proceed to investigate the matter further and lay the charge. But it must always be the police officer who legally and technically brings forward the charge, no matter who else may be involved in investigating or monitoring the outcome: it would always be the police officer who lays the charge.

New clause inserted.

Clause 13—'Application of general law.'

The Hon. D.C. WOTTON: I move:

Page 10, lines 10 to 12—Leave out 'explain to the youth the nature of the allegations against him or her, and inform the youth of his or her right to seek legal representation' and insert:

(a) explain to the youth the nature of the allegations against him or her; and

(b) inform the youth of his or her right to seek legal representation; and

(c) take all reasonable steps to inform the guardians of the youth of the arrest and invite them to be present during any interrogation or investigation to which the youth is subjected while in custody.

I do not intend to go into a lot of detail but, as I said last evening, it concerns me that, when a young offender is arrested, this clause does not provide for parents or guardians to be informed with a view to ensuring that they are present during any interrogation. It is imperative that that should be the case—that the parents should be involved. That is the reason for my moving the amendment. There is strong feeling in the community about this issue, and I hope that the Committee will support the amendment.

The Hon. M.J. EVANS: I agree with the member for Heysen that instinctively one would want to support this kind of amendment. Unfortunately, at this time there are good reasons for opposing it. Certainly, one would want to see the guardians and parents of young people present under these circumstances, and every effort should be made to achieve that. The police general orders set out quite a range of circumstances and procedures to ensure that, wherever practical, that takes place. Indeed, this is a very complex matter, because there is a whole range of circumstances, with individual merit being attached to each one, which may confront operational police on a day-to-day basis when they are dealing with young people who have committed an offence.

While the vast majority of parents confronted with this situation would be very willing and ready to cooperate with the police and, indeed, be part of the process of bringing the young person back into the fold, so to speak, there are those who would not be so cooperative, and I would not want to see a legal provision inserted which would prevent the police from acting properly and expeditiously in the event that a guardian failed to act cooperatively or resisted moves by the police to involve them. Indeed, this could be used as a legal mechanism to prevent the police from acting forthwith.

Indeed, in New Zealand we were advised by operational police of provisions in their own Act which are in the process of being removed and which constrained the police significantly in the way in which they handled these matters. Issues which could have been resolved very quickly and simply were not so resolved because of these kinds of legal technicalities. Given the wide range of circumstances that have to be taken into account, it is much better that this is left to the general orders of the Police Force, which quite properly it does now—and certainly will in the future when this kind of procedure is in place. Those general orders address the

many different and particular circumstances of individual children and the offences involved in each case and seek to maximise the involvement of the parent or guardian. After all, that is exactly what this is all about.

I would remind the honourable member that the police officer is required, if at all practicable, to have the parent, guardian or other person present when cautions are administered, and so on—and, of course, through the family conference process. Right throughout the Bill, provisions call for the parent or guardian to be involved, wherever practicable. The honourable member is correct in identifying this as a major thrust of the select committee. At every practical opportunity, the select committee has sought to involve—indeed, compulsorily—the parents, guardians and other near adult friends of the young person. This is one occasion where it would be inappropriate because of the potential legal difficulties and the inability in legislation to specify the many different circumstances which will arise and which the police can effectively deal with in their general orders but which we could not ever hope to deal with in the legislation.

Amendment negatived; clause passed.

Clauses 14 to 20 passed.

Clause 21—'Power to sentence.'

The Hon. M.J. EVANS: I move:

Page 12, line 11—Leave out 'by' (first occurring) and substitute 'on'.

This amendment is to correct a typographical error.

Amendment carried; clause as amended passed.

Clause 22—'Limitation on power to impose custodial sentence.'

The Hon. M.J. EVANS: I move:

Page 12, lines 19 to 23—Leave out paragraphs (b) and (c) and substitute:

(b) home detention for a period not exceeding six months, or for periods not exceeding six months in aggregate over one year or less; or

(c) detention in a training centre for a period not exceeding two years to be followed by home detention for a period not exceeding six months or for periods not exceeding six months in aggregate over one year or less.

This amendment varies the provision for home detention. Home detention, of course, is a new concept in this context. It is important to extend the range of sentencing options available to the courts, and this is one measure which we hope will be a significant one in relation to some young people in the future. Obviously, it will not be suitable for them all; it will be a matter for the courts to determine in which cases it will be suitable. During the course of committee proceedings, there was substantial discussion on the precise terms of this clause and, indeed, the member for Newland, amongst other members of the committee, made a number of strong and persuasive arguments as to why this clause should be amended in a manner similar to that which I now propose in this amendment.

I have to say that initially I was not persuaded by the honourable member's argument but, subsequently, I reflected further on this matter. As we were leaving the committee room, the honourable member and I had a discussion about this matter and she asked whether I would consider it further. I did that, and the result of that further consideration is the amendment which is now before us and which I commend to the Committee.

Amendment carried.

The Hon. M.J. EVANS: I move:

Page 12, after line 26—Insert:

(3a) A sentence of detention must not be imposed for an offence unless the court is satisfied that, because of the gravity or circumstances of the offence, or because the offence is part of a pattern of repeated offending, a sentence of a non-custodial nature would be inadequate.

If we follow the principle that young offenders should be treated in a manner that is as similar as is practicable in relation to adult offenders—obviously there will be considerable variations—but in the case of the Criminal Law (Sentencing) Act as it applies to adults, it is clearly the case that any sentence of imprisonment is to be regarded by the court as a last resort. It is appropriate that a suitably modified clause should be inserted in this legislation to ensure that the court is aware, given the wide range of other options that will be available to the court, that the Parliament regards detention—as distinct from imprisonment—as something of a last resort, which should be imposed only because of the gravity or circumstances of the offences or because the offence is part of a pattern of repeated offending.

It is critical that we note that last part, because the community is rightly concerned about recidivist offenders who have caused considerable concern in the past. So, this provision applies either in respect of a first offender where the offence is serious or in respect of repeat offenders where the offence may be less serious but the pattern of repeated offending makes it essential that a custodial term is necessary. This provision will more appropriately guide the court in the way in which sentences are to be imposed.

Mrs KOTZ: First, I thank the Minister for his kind considerations regarding the previous clause, but unfortunately I disagree with his contentions regarding this amendment. In my opinion, if this provision is passed, in effect it would be more restrictive than the Minister indicates. I believe that the words of the amendment refer to restrictive sentencing, because it provides:

A sentence of detention must not be imposed for an offence unless the court is satisfied that, partly because of the gravity or circumstances of the offence, or because the offence is part of a pattern of repeated offending...

The use of the expressions 'pattern of repeated offending' and 'gravity or circumstances' does not necessarily open up the options of sentencing to any court: I believe it closes them. It does not take into account circumstances which might arise and which would enable a magistrate or judge to look at sentencing options, which would include detention for minimal terms. It is also to be noted that the Bill removes the minimum option for detention in detention centres. I believe that previously the penalty was a minimum of two months and a maximum of two years. The Bill increases the maximum detention to three years but removes the minimum. In discussions in the committee it was felt that there were circumstances where it could be of benefit to have the sentencing option of a minimum number of days in detention, perhaps because of the attitude of a young person, not necessarily because of the

nature of the offence. That would open up the options of sentencing.

Under clause 3 (b),(c) and (d), the Bill states that, when sentencing options are taken into consideration, 'family relationships between a youth, the youth's parents and other members of the youth's family should be preserved and strengthened; a youth should not be withdrawn unnecessarily from the youth's family environment; there should be no unnecessary interruption of a youth's education or employment'. I believe that allows judges and magistrates to look at circumstances beyond the crime to enable sentencing procedures to be minimal. However, I do not believe that by including this clause we are allowing the range of options that the committee talked about. I believe that this provision would restrict the sentencing options that could be presented by a magistrate in these circumstances.

The Hon. M.J. EVANS: The member for Newland is right to identify that we have widened the range of options that a magistrate or others may have. For example, we have extended the periods considerably and made a number of other arrangements to ensure that the widest possible range of penalties—indeed, harsher penalties—is available to those who administer the system. We are proposing to remove many of the restrictions which previously prevented this kind of thing. For example, reconsiderations were a favoured way of removing sentences of detention. That disappears under this proposal.

It is appropriate that there should be some indication in the Bill that the Parliament views sentences of secure care detention in a custodial facility such as SAYRAC or SAYTC as a last resort and not the first step in the process. That indication is well served by the amendment. It is in general terms, and I do not think that any magistrate who thought it appropriate for a custodial order would be prevented from imposing one. He is simply led, to the view that he should look at other options first, and it is appropriate that the Parliament should set out the hierarchy of penalties. I remind the member for Newland of the provisions of the Criminal Law (Sentencing) Act as they apply to adults. Section 11 provides:

A sentence of imprisonment must not be imposed unless...

(a) the defendant has shown a tendency to violence—

that criterion is not included here—

(b) the defendant is likely to commit a serious offence if allowed to go at large—

that restriction is not here—

(c) the defendant has previously been convicted of an offence punishable by imprisonment—

that restriction is not present in this legislation—

(d) any other sentence would be inappropriate, having regard to the gravity or circumstances of the offence.

We have added to that by saying 'or...a pattern of repeated offending', even if that repeated offending is of a less serious nature. I think that we are adopting a far broader approach here which is more likely to result in a sentence of detention than a sentence of imprisonment for an adult.

As the member for Newland correctly said, there are circumstances when a short term of detention may be appropriate. That is why the committee recommended the removal of the two-month minimum. I believe it is essential that the Parliament should express some hierarchy in these matters and that the court is guided in this way. I do not have a view that it will inappropriately restrict a magistrate who believes that a custodial sentence would be appropriate.

Amendment carried.

The Hon. D.C. WOTTON: As regards home detention, with modern technology and the need for bracelets and computerised equipment to deal with it, I am wondering about the costs. As I said last evening, Correctional Services has many of these facilities, but the Department for Family and Community Services has none. I should be interested to know the costs associated with the introduction of home detention.

The Hon. M.J. EVANS: Fortunately, technology has come to our rescue in this regard. The technology required is getting cheaper all the time and becoming more readily available. The technology will not be the expensive part of the process and would not be necessary or essential in each case. I am sure that, when this matter is worked through by those who will be responsible for it, it will be possible to use the electronic devices in a number of cases for the early part of any sentence of home detention and they can subsequently be withdrawn and transferred to other offenders. Then the system of random telephone calls, monitoring and visits can be substituted once a pattern has been established for the young offender.

This is a new option for young people. I am sure there will be difficulties with it in the first instance and they will need to be resolved by the relevant officers. The Correctional Services Department has a wide range of this technology. There is no reason why its facilities could not be used on a contract basis. After all, officers are not visiting the home: they are just using the electronic monitoring equipment, and it does not matter who monitors it. Where visits have to be made, arrangements can be put in place with a variety of agencies and with specially contracted INC parents or the natural parents of the young offender to ensure that they are complying with the conditions of home detention.

It is not a straightforward matter and it will take some working through, but the costs of the technology are not a significant part of it. I am sure that will not be a difficulty. The issues which arise regarding visits and young people being persuaded to stay at home on these programs will be the most difficult aspect.

Clause as amended passed.

Clauses 23 and 24 passed.

Clause 25—'Limitation on court's power to require bond.'

The Hon. M.J. EVANS: I move:

Page 13, lines 20 and 21—Leave out subsection (4) and substitute:

(4) A person who fails to comply with an obligation imposed under this section is guilty of an offence.

Penalty: Division 7 fine or detention for not more than six months (or both).

Members will know of my aversion to bonds. This matter was discussed at some length, and I persuaded the committee during its deliberations that we should move from a system of bonds, which I regard as antiquated, to a system of positive and direct orders of the court which would contain similar provisions as might traditionally

have been contained in a bond. I felt that young people would respond more positively to a clearcut directive by the court than to some complex and antiquated document contained in the bond.

That has been implemented in the Bill. I feel that it is more appropriate in subclause (4) that, rather than a breach of an obligation being dealt with in the same way as a breach of a bond, in fact it is dealt with as a contempt of the court, for example, and I have chosen the same penalty as applies to that. I am just suggesting to the Committee that breach of an undertaking should simply be an offence which may be punished by the same penalty as contempt, which is a Division 7 fine or detention for six months. Those are, of course, maximum provisions.

Mrs Kotz interjecting:

The Hon. M.J. EVANS: The honourable member correctly identifies the significance of a four month term in this area but I am sure that will not be the criterion that will be taken into account. It will be much more direct if the young person is given a set of orders and conditions which the court wants him or her to comply with. It is quite clear what the penalty will be for a breach of those conditions and undertakings. It will be much more easily understood by the young person.

Amendment carried; clause as amended passed.

Clauses 26 to 34 passed.

Clause 35—'Detention of youth sentenced as adult.'

The Hon. D.C. WOTTON: Mr Peters has raised an issue in this regard and makes the point that since the committee is seeking increased participation by the community it would appear appropriate for two members of the community to also be included on the Training Centre Review Board as part of the checks and balances process which was mentioned (and I am aware of it being mentioned on at least two occasions by the Chairman of the select committee). Would the Minister care to comment on that?

The Hon. M.J. EVANS: The Training Centre Review Board is established by clause 37. I can discuss the topic now if that would suit the convenience of the Chair. I certainly understand the point that is raised, but I think that we have to look at the very specialised and limited nature of the work of the Training Centre Review Board. For example, the board is now quite severely constrained in terms of when people might be released, and so on, and there are conditions about the period of the sentence which must be satisfied.

The requirements for persons who are to be present on the committee are really quite broad. The people who will be appointed will be members of the community in that sense: two, for example, with appropriate skills and experience in working with young people on the advice of the Attorney-General; two with the experience of working with young people on the recommendation of the Minister of Health and Community Services; and two police officers nominated by the Minister of Emergency Services. I think that does provide quite a range of expertise and experience on the committee.

I do not really know how you would choose other citizens at random for what is really quite specialised work. I do not believe that this committee itself is part of that check and balance approach. I think that flows throughout the legislation in other areas but the Training Centre Review Board has a very limited role, which is indeed *a quasi* judicial role and not one which I would have thought required some sort of jury or monitoring process for its success. That is much more the role of the community in general, the media, the advisory committee and indeed of this Parliament. I do not quite see how that recommendation, while it certainly has some merit, would add to the work of this particular committee, and it may not be the best place for its inclusion.

Clause passed.

Clauses 36 to 47 passed.

Clause 48—'Community service cannot be imposed unless there is a placement for the youth.'

The Hon. D.C. WOTTON: The main concern regarding community service is that there must be a suitable placement available before the court can make an order. The need for Government to ensure that suitable placements are available is a very real issue. The Opposition previously has indicated a view about which we feel very strongly, that no limitation should be placed on the sorts of community work available. At the moment certain work cannot be undertaken because of the dictate of the United Trades and Labor Council that such work would take away from paid employees, etc. The fact of the matter is that the work would probably not be done in any event because of the lack of resources. This is a major concern, and it is a concern that has been raised with me.

I am making the point that there needs to be a suitable community service program available. Those programs and the availability of those programs are reduced and have been previously, as I understand it, because of the involvement of the union and its saying that availability should not be provided for the work to be carried out in this way because it would interfere with paid employees. Is the Minister sure that such programs will be provided, and is there a breadth of programs that need to be there for young offenders to be involved in?

The Hon. M.J. EVANS: Certainly I understand the honourable member's concern about this. It is essential that the widest possible range of programs is available and that is why the select committee's recommendations debureaucratise the CSO progress. Indeed, the court will now have a much wider range to choose from because the whole voluntary sector is opened up in relation to community service orders.

When the committee was in New Zealand it saw very effective examples of voluntary organisations such as local churches and the like participating and providing community service orders and providing a much wider range of options for the courts and the family conferences to take advantage of. So, certainly, it is my intention that an area of CSO as broad as possible should be available clearly with increased use of CSOs.

The honourable member correctly identifies that there will be problems in securing adequate work for these young people to perform because the work must be supervised; it must be work which in all probability inexperienced people can undertake. There is a limited range of things necessarily. You also want the work to be productive and useful so that the young person gains some positive experience out of participating in the work.

That was well identified in the New Zealand experience, which is why we have added the voluntary groups into the process, because they are able to offer more positive experiences than perhaps has been the case in the past. I certainly do not step away from the fact that obviously a lot of work will have to be done to arrange these things, which is the reason for having it at the local level, having family group conferences involved and having the police involved in the cautioning process so that the circumstances of individual communities can be taken into account. We had hoped to broaden this as much as possible and I think that really is the solution to it. I certainly understand that from time to time and in particular locations it will not be easy to fulfil what will certainly be an increasing number of CSOs.

The Hon. D.C. WOTTON: It would seem that clause 48(2) deals with the responsibility for supervision of community service orders and their outcomes. However, it provides the court with the power merely to nominate an appropriate person to supervise or report on community services undertaken by a youth. The clause does not stipulate who that person might be; nor does it address the supervision or reporting requirements of police or family conference-imposed community service orders. There is some concern that that is not specified and I wonder whether the Minister could indicate why that is the case.

The Hon. M.J. EVANS: It is deliberately done to ensure the maximum amount of flexibility, so the local police officer knows, as part of the undertaking entered into with the young person (if a CSO is to be undertaken as part of the formal cautioning process), how the community service work is to be undertaken, who is to supervise it and how the finality is to be agreed. That would allow for flexible responses in individual circumstances. I am sure that the Parliament would not want to be involved in that process, nor could it possibly contemplate the range of options available to a local police officer, for example, in Peterborough, Elizabeth or Noarlunga, as to what agreements they may reach in their local area and how they resolve different problems.

Clearly, with different offenders you would have different responses. With respect to a young person who has committed a more serious offence and who was to undertake community service work, you would have regard to their background, the offence and a range of factors when determining the appropriate person to be the supervisor and how that was to be undertaken. With respect to a young person who had committed a first offence which was relatively minor and who was undertaking, say, five hours of community service work, obviously you would be much more generous in the way you arranged that to be undertaken, and perhaps less strict in the reporting requirements because it would be less necessary.

In order to permit the court the same degree of flexibility, the committee was persuaded that the best option was to simply allow the court to nominate the person who would certify the completion of the work. It is essential that we retain the flexibility, otherwise the difficulties referred to by the honourable member in retaining this community service work will be amplified enormously. The Department for Family and Community Services (FACS) will use its best endeavours to ensure that work is available and will undertake a number of broader programs which the courts, family conferences and the police can tap into and work on with FACS, and that is certainly part of their ongoing expanded role in this area. We want to ensure that the maximum flexibility is left to those agencies arranging this kind of work.

The Hon. B.C. EASTICK: Quite late in the deliberations of the committee, consideration was given to the Operation Flinders program, which is perhaps not best described as 'work' but which, nonetheless, is a program which provides an excellent opportunity for young people to establish themselves in harmony with others, to learn skills and to undertake work by way of formal recreation. Has the Minister been able to identify whether Operation Flinders would fit within the program such as we are now discussing, and is he able to advise the Committee of the relative virtues of that program which has been run hitherto by arrangement between the Army, the police and other interested parties, many of them giving their time *gratis,* but nonetheless requiring some backup facilities for transportation and food whilst they are engaged in the Flinders activity?

The Hon. M.J. EVANS: I think the member for Light correctly identifies an innovative and useful program which I would certainly like to see serve as a model for other CSO orders. Obviously, in special circumstances it is a particular problem designed to assist certain young people, and it would certainly do that well. I believe that programs like that and other innovative examples, where people come together to assist, is exactly what we are looking for, and we need even more of those programs, given the importance of CSOs under this Bill.

Mrs HUTCHISON: Can the Minister clarify whether this clause enables the offender to do work for the victim as well as pay compensation for the offence?

The Hon. M.J. EVANS: Yes, I can. Clause 50(a) provides that quite specifically. We have seen the benefit of that in the New Zealand experience. It helps some victims; other victims may never wish to see the offender again, and that is quite understandable. I am sure we would all respect that. In other cases it helps both the victim and the offender to come to terms with the offence, particularly where no violence to the person was involved or which only involved minor property damage or minor theft. The committee saw evidence of cases where a relationship had developed beyond the offence and where the victim had assisted the young person to move on in life through employment or education opportunities. That has been very valuable, only in some cases, where it was appropriate.

Mrs KOTZ: In attempting to keep on the most positive note possible with this area of community service, I certainly support all that the Bill intends to do in relation to having offenders take part in community service orders, but it will be a continuing contention, not only among members of this Committee but members of the community, until they can see community service orders enacted as they believe they should be. I say this particularly because one of the reasons we have attempted to improve on the area of community services through this committee was the fact that, in the past, although community service orders had been accepted as

a very good idea as a manner of rehabilitation or penalty for young offenders, we had received a large amount of evidence that showed that community service orders had in fact been let down by the administration side.

This refers to the matter that the member for Heysen related as a concern. The point that was strongly made with respect to community service orders and the contention with unions and their involvement was that community service orders that range through a whole area of community work are terrific as long as they do not attract a ban by unions that are concerned that work carried out under community service orders could perhaps encroach upon the paid employment aspect of their particular dogma. In the past we have seen people accept the use of community service orders but they have not accepted the fact that, in many cases, community service orders were not undertaken by the offender, and perhaps this has lessened the credibility within the eyes of the community.

I want to take this opportunity to relate to many of the individual contacts I have had in my office from parents and members of the community who had experiences in the past that gave them these concerns over community service orders. Looking through my files, I found one particular letter that perhaps covered the range of areas of concern, and I will relate it again to support what both I and the member for Heysen have been saying. It refers to a 14-year-old who had committed various offences ranging from larceny, drugs and illegal weapons to graffiti, etc. At the young age of 14 he was taken into the Department for Family and Community Services and placed in foster homes, but apparently ran away each time as he obviously did not like the discipline involved. In August 1991 (when he was 14) he was on an STA bus with no money for a ticket. The police were called, at which time he gave a false name and address. It took eight months before that youngster went to the Children's Court for the two offences I have just mentioned.

One of the moves that we are attempting through this Bill is to shorten the period before action takes place. There was an eight-month period between the offence and the court appearance in the example I just gave, but of greater concern was when I learnt that, prior to that, this 14-year-old had absconded and breached a condition of bail and, because of those offences, he was given community work. This was prior to the offences I mentioned that took eight months to go before the court . He was given a community service order. Once he left the court and went home he did not hear from the Department for Family and Community Services for a period of three months. At that time his parent, who agreed that this young offender should take part in the community service order as a penalty for his offences, contacted the Department for Family and Community Services and told it of the situation.

The department then agreed to make a further appointment for the following week for this young offender to be picked up at 9 a.m., and I am quite sure that members are aware that the end of the story is that no-one came at 9 o'clock on that morning and picked up the child. Shortly after that, he indulged in the other offences that eventually resulted in another court appearance. So, in the matter of community service orders, it is of great concern to us that resources are made available and that there are negotiations with those unions that may be opposing community service work in the community. It is not an easy area, but I am sure the Minister is aware of our concerns. I do not believe I should have to ask for his assurance on this aspect, but I would like to think that once again it is an area where resources will be allocated. If community service orders are to become a large part of this legislation, it is necessary that the resources are available.

The Hon. M.J. EVANS: I can only say that the one example the member cites is of one young person out of thousands in the system, and individual cases will always be matters for dispute and contention. I agree with her that it is just that sort of experience which, while probably not representative of the thousands of individual cases, highlights the very need for the legislation that we have before us and which I am sure has helped to motivate members of this Parliament on both sides of the House to produce just such a Bill as the one we have before us now. So, I certainly do not disagree with her that that kind of experience and example, while it may not be representative of the whole system, is the very reason and highlights the very faults of the previous system which the Committee is seeking to repair in the improvements that we are seeking to make.

It is indeed a very depressing and sad case that she relates, and I am sure that, had intervention occurred at an earlier point, and had the consequences of the young person's actions been made clear to him in the early part of the process by the kinds of mechanisms that are in this Bill, there may well have been a more positive outcome for that young person. I am sure that the UTLC, which is always cooperative in matters of community development and social justice, will also be cooperative in this area in ensuring that work is made available.

I know there have been difficulties in the past, but I am sure that they related to the initial stages of community service orders, where adults were involved and, of course, the range of work that adults can undertake is much broader than that which young people can do, in terms of its potential conflict with paid employment. I know that in many cases those initial difficulties have been worked through, and I am sure the union movement wants to see the most positive outcome for young offenders and will cooperate in the provision of appropriate work where there is any conflict between paid employment and the community service orders, which it is intended to provide through this Bill.

Clause passed.

Clauses 49 and 50 passed.

Clause 51—'Compensatory orders against parents.'

The Hon. D.C. WOTTON: I move:

Page 29—

Line 5—Insert '(or in the case of a youth under the guardianship of the Minister of Health, Family and Community Services, the Minister)' after 'youth'.

Line 5—Insert '(up to a maximum of $10 000)' after 'compensation'.

Lines 10-12—Leave out subclause (3) and insert:

(3) An order cannot be made under this section unless the court is satisfied that the parent or the Minister (as the case may require) did not generally exercise, so far as reasonably practicable in the circumstances, an appropriate level of supervision and control over the youth's activities.

This clause is very controversial, and has been so for some time, with regard to compensatory orders against parents. It has been dealt with now on two previous occasions. On those two previous occasions, compensatory orders against parents could be made in relation to children committing offences where those children were between the ages of 10 and 15. The Bill now before us allows such orders in relation to all young offenders under the age of 18 or above the age of 10.

There is a reverse onus of proof on the parent, who has a defence if he or she is able to prove that he or she genuinely exercised, as far as reasonably practicable in the circumstances, an appropriate level of supervision and control over the youth's activities. A provision not included in the previous legislation requires the court to have regard to the likely effect of the order on the family in determining whether or not to make an order and, if it determines to make an order, the amount of compensation.

At the time of the consideration of the previous Bill, a number of people and organisations were consulted. The South Australian Council of Social Services, the Law Society and the Legal Services Commission all opposed this move. The South Australian Association of State School Organisations and the High School Council of South Australia supported previous Bills. A working party examining the Children's Protection and Young Offenders' Act reached a conclusion in favour of the concept of the Bill, and the Children's Court Advisory Committee supported that concept.

Their support was for the liability of parents or guardians where they materially contributed to the criminal conduct of the child. At the time SACOSS did not see the Bill as having a positive influence on parents (and I am concerned that that is still the case), believing that the Bill would compound hardship as opposed to alleviating it; that some families would be forced to sell assets and possibly go further into debt to meet the costs of their children's behaviour. In cost benefit terms, the State will have to deal with another family in hardship.

I think that would be of concern to anybody. The Legal Services Commission, in opposing the Bill, said that if it did pass the Minister of Health, Family and Community Services, as the guardian of many children under the Children's Protection and Young Offenders Act (as we now know it), should also incur a liability where those children had committed a tort and were found guilty of an offence arising out of the same circumstances. The major areas of concern that have been dealt with in this provision are that the Minister of Health, Family and Community Services is not included in the definition of 'a parent' and should be if the Bill goes ahead, because many of the acts committed by young offenders are committed by children who are under the care and custody of the Minister.

The parents are jointly and severally liable with the child, and this means that a litigant can pick his or her target because anyone can be sued. That was a concern previously. The necessity for parents to exercise an appropriate level—and that is how it is described in the Bill—of supervision and control is vague and will vary from case to case with the onus on the parent to demonstrate such appropriate level at the time of the commission of the offence. The Law Society indicated its concern. It doubts that, if the legislation is passed and if some intelligible interpretation of it is possible, it is desirable from a social point of view because it probably exposes the parents of wayward children to a liability which they cannot insure against.

It is interesting to note that the Northern Territory Legislative Assembly has passed amendments to its law to provide that where a child intentionally causes damage to property a parent of the child is jointly and severally liable with the child for the damage caused where the child was ordinarily resident with that parent and not in full-time employment. Its legislation goes further to provide that the limit of liability for a parent is $5 000. The Northern Territory legislation also provides that where a child who is in detention causes damage to property the Northern Territory Government is liable with the detainee for the damage caused to the property up to the value of $5 000. This is a matter that has been argued previously in this Committee.

Recognising the time of the day, it is not my intention to go into this matter further. The amendment clearly sets out what we would aim to achieve in limiting liability to $10 000 and removing the reverse onus of proof making the Minister of Health, Family and Community Services jointly and severally liable with the child where the Minister is guardian. Those are matters that we all are concerned about and support. I seek the support of the Committee for these amendments.

Mr MEIER: I support the amendments of the member for Heysen. Most people would recognise the potential problems if parents are made responsible for the actions of their children and if there is no limitation on the penalties. I wish to bring to the attention of the Committee a letter I received from a constituent who also wrote to the Chairman of the Select Committee on Juvenile Justice. In that letter she refers to the Young Offenders Bill, as well as the Youth Court Bill and the Education (Truancy) Amendment Bill. I wish to quote a part of that letter that is very relevant to this clause and to the amendments of the member for Heysen. She says:

> I am in total agreement that the offenders should be made more responsible for the consequence of their choice of inappropriate behaviour, which results in them committing an offence against the law. My concern is that parents are to be liable for injury, damage or loss resulting from their children's crime. As an educator, working with students who are teenagers, I spend considerable time repeating the same basic lines: 'You knew the choices, you made an inappropriate choice and now you have to accept the consequences.' It may relate to disruptive classroom behaviour, late submitting work or any one of a number of other instances. How can parents be held responsible for choices that their children make? It is removing the responsibility from the child.
>
> Again, from my own experience, children who are the biggest behaviour concerns in a classroom are very quick and clear to spell out their rights—but prefer to ignore the responsibilities that go along with these rights. I could see these children having little regard for their parents and actually committing an offence in order to 'set up their parents' and get back at them for some disciplinary action which the parent has endeavoured to enforce on the child, e.g., not be allowed to go to a party because the parent has concerns about the conduct of same.

The Chairman of the Select Committee on Juvenile Justice kept asking me during my quoting of that letter

what my view was on it. That is very clear: I support the amendment that limits the amount of liability to $10 000. It is quite clear that the parents who do not have financial means will not be subjected to this—they will not pay anything.

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

Mr MEIER: As I was saying before the dinner break, I am concerned that there is no indication of the limit to which a parent may be liable regarding compensation for an injury, loss or damage. The unfortunate thing is that that proviso may mean that the innocent parent is affected in the first instance, as the letter I read into *Hansard* indicates. A parent may do everything that they can, yet it may not be recognised by the courts.

The other thing is this that we should assess which parents will be affected. The parents in the lower socioeconomic group obviously will not be able to pay compensation for the loss or damage. The parents in the high socioeconomic group, will be able to pay, under normal circumstances, unless their son or daughter happens to burn down property that perhaps is valued at some millions and there is no insurance on that property. But under normal circumstances, if it is a $20 000, $50 000 or a $100 000 property, the very wealthy group will not be unduly affected. If the Minister does not accept the amendment whereby youth under the guardianship of the Minister of Health, Family and Community Services are also responsible, likewise the guardians of those young people will not be responsible.

So which group does it come down to? It comes down to the middle class being the ones who will be affected by this clause. I have no problems with the middle class having to take responsibility, but what I have problems with is that the lower socioeconomic group and those under the guardianship of the Minister do not have to accept equal responsibility. For that reason, the amendment is a logical and sensible step, and I urge the Minister to accept it. I believe that, given the letter I cited from my constituent, whilst I have not consulted with her on this $10 000 limit, it would go a fair way towards alleviating some of her fears.

The other key amendment relates to the removal of the reverse onus of proof. I fully support that; why should it be that a parent has to prove that they exercised, so far as reasonably practicable in the circumstances, an appropriate level of supervision and control over the youth's activities? We realise that the mere fact of their having to prove that will cost the parent or the parents a considerable sum, particularly with the cost of legal fees today.

So, even if the parent is able to prove that he or she or both of them have been responsible, it will have been a real burden on them in having to go to court to try to prove it. Therefore, the amendment puts it in the hands of the court to be satisfied that the parent or the Minister did not generally exercise an appropriate level of supervision and control over the youth's activities. It is the logical way to go. It is the onus of proof which we are used to; in other words, one is innocent until proven guilty. Whilst I recognise the Government's desire to take a firm hand in this area, I would hope that the Government also sees the loopholes that exist, and the Government should acknowledge that it is very unfair to discriminate against one section of society and to penalise that section as against other groups in society. I urge the Minister to accept these amendments.

The Hon. M.J. EVANS: We are discussing a range of amendments here and, although they all concern the one topic, there are a number of points to address separately. In all the discussion that we have had to date on this topic, I am a little concerned that the one word I have not heard mentioned is 'victim'. We should not lose sight of the fact that it is not just the offender who is concerned with the offence: there is always a victim of that offence. The victim has suffered loss. That is a pre-condition of this clause coming into operation: there must be a victim; the victim must have suffered real loss; and the offender must have either admitted to or been convicted of the offence.

Therefore, we have a situation where the victim has suffered the loss, yet the Opposition is saying that they should have no recourse against people who may potentially have some liability in this area. We are talking only about that small group where the parent has failed to exercise proper control over the conduct of their children. All responsible parents would acknowledge that it is their duty, obligation and, indeed, privilege to exercise considerable control and guidance over the way in which the young people in their family grow up. That is part of the process of being a parent, and almost every parent exercises that duty properly. The Bill provides, for example, that they should generally exercise so far as reasonably practicable in the circumstances an appropriate level of supervision and control. That is a complete defence for those parents who exercise normal levels of control.

But we do have a situation where some irresponsible parents fail to do that: they allow their children to conduct themselves in a way which does bring loss, damage and harm to the victims of youth crime, and it is not unreasonable that the victim of that offence should have some recourse to the parents concerned. But it is a difficult area; it is an area where balance is required and, therefore, the Government's proposal does provide a number of defences. There is the impact on the family and the need to demonstrate that the parent was not exercising effective control. The parent has that as an a defence, to show that they were exercising reasonable control and, of course, the Enforcement of Judgments Act provides for the reasonable payment of these amounts by instalments, and so on, as determined by the courts. So, that part of the matter needs to be looked at from the perspective not only of the offender but of the victim, and I know that is something that all members of Parliament would be concerned about.

With regard to the other aspects of the amendment before us, for example, the limit of $10 000, that is a reasonable proposition, but one has to consider what would happened if there was limited compensation. Clearly, there would be incentive for those children who may see this as an opportunity; they could perceive the limit and they could get to approximately $10 000 and think, 'That's it; we might as well keep going, because there's a limit, and we've reached it.' That is the problem if these things are limited. It is matter that has to be left for the courts and, if we publish a limit, we

run the risk that people, having reached that limit, will then perceive that they have nothing to lose by going further.

The argument about including the Minister is based on false premises. First, many young people under the guardianship of the Minister are by definition uncontrollable. That is how they came to be under the Minister's guardianship in some cases. It applies not to all children, but to many children, particularly those with whom we are concerned. The reason why the Minister has them as wards is that they have committed offences and shown themselves not to be readily controlled by normal parental authority. Therefore, almost by definition, the Minister would have the obvious defence that he has tried to exercise reasonable control, but the children who come under his guardianship are not amenable. That immediately removes a large area of activity from this defence.

Of course, much parental control is based on the fact that the child has grown up in the parents' family, there is a direct biological link, they are part of a single family unit, and the parents exercise control in that natural way. That does not apply to the Minister. With the Minister there is no possibility of establishing parent/child bonds over a long period as the child is growing up. That option does not exist. The Minister is not able to exercise the normal control of a parent because the emotional bond and family link are not present and the Minister is never in a position to build such a relationship during the child's formative years. To suggest that the Minister is in an identical position to the average parent is fallacious, because the argument is based on those false assumptions.

The final amendment does what the honourable member claims: it reverses the onus of proof. The difficulty is that it is impossible for a victim—I remind members that we are talking about the victim of the crime who is conducting this action—to prove what the parents did or did not do in recent history. The victim can never know the personal family circumstances of the offender to the point where they can prove that the parents failed to exercise control. How could any victim have that kind of knowledge of the parents of an offender? It is impossible. The amendment effectively deprives the victim of the right to sue for damages in those circumstances.

It is more appropriate that where a victim has suffered loss and the offender has admitted or been convicted of the offence, we have *a prima facie* situation for which the offender's parents must demonstrate that they do not have liability. While I agree that this is the normal process in the law, the reality is that to approach it from the other side would be to cheat the victim out of their reasonable rights to pursue an action in this context, because no victim could ever assemble—nor would we want the victim to have to assemble—the kind of personal historical profile of the parents that would allow the victim to prove that the parents had failed to exercise reasonable control. For those reasons, I oppose the amendments.

Mr BRINDAL: Again, I ask the Minister to reconsider his position, because I find his answers too cute by half. The Minister said that we cannot expect the Crown or the Minister when acting as legal guardian of a child to build up the same relationship with the child. I accept that. I think the practice is that the Crown does not seek legal jurisdiction over a child until it needs to exert some specific influence. Not everybody comes under the care of the Minister or the Crown. When the State is involved we have all the resources of the State. We are talking not about chickens or eggs hatched from incubators, but about human beings who are developing, and those human beings are developing under the care of the Crown and the jurisdiction of the Minister. If the Minister, through his agents, is incapable of building up the sort of bond which fosters, nurtures and develops those human beings, he is failing in his duty of care and should not exercise it.

The Minister cannot have it both ways. The Minister cannot say, 'We cannot be expected to exercise duty of care because we just cannot build up that sort of relationship.' Yet he expects that if the Crown does take care of children they can grow up to be reasonable human beings. If they cannot grow up to be reasonable human beings because they cannot exercise a duty of care then, frankly, I do not believe the Minister should be doing it.

Secondly, it is, I believe, an established custom in law regarding matters often related to teachers to use the term *in loco parentis.* The teacher is judged by what would have been the actions of a reasonable parent. I realise that under this Act a parent quite rightly cannot be blamed for any action that maybe committed when the children are at school and something happens such as the children absconding from school, and we will deal with that matter on the Bill later tonight. Again the Minister cannot have it both ways.

If the Crown compels children to attend school between five and 15, and if the law accepts that teachers should be judged on the actions of a reasonable parent, then surely any failure in that Act should be pursued and if teachers fail to act in their duties, as would a reasonable parent, then why should the Crown not be bound by this Act, and an action be taken by the very victims that the Minister was just talking about? Because we have reference to selected victims. If, as the member for Goyder said, it is a middle class family and they can afford to pay the victim can get compensation. If the actions of the parents were unreasonable the victim can get compensation but not if the child is at school or somewhere else. So there are many loopholes.

It is, I think, very selective legislation. Is the Minister aware of the determination of Justices King, Legoe and Millhouse in the matter of *Robertson and Another v Swincer,* which relates to the tort of negligence, specifically duty of parents to child to exercise care and supervision and policy considerations negativing such duty. Their honours say this in relation to duty of care:

> If that is to be converted into a legal duty it must be recognised that departure at some time from the standard of reasonable care even by the most alert and prudent of parents is almost inevitable. There are moreover no readily recognisable standards for parental supervision as there are for specific activities such as driving a motor car. Parents differ as widely as human beings themselves in temperament and personality. Some are less alert and prudent than others and they may differ widely in their parenting capacities and views as to what is required. The prospect of a parent's assets being at risk in an action by a

child, in consequence of a momentary failure of supervision judged by a court against an objective standard of reasonable care, has alarming personal implications for parents and disturbing implications for society generally.

In considering whether it is justified in erecting a duty of care arising out of a particular relationship, a court cannot ignore the considerations of loss distribution in the community which lies at the heart of the law of torts. One is, I suppose, permitted to know that the public risk policy commonly used by insurance companies excludes indemnity for legal liability to members of the insured's family residing with him.

Because the insurance companies find it all too difficult. Their honours go on to say:

The threat to financial security of parents and families is by no means the only adverse social consequence to be feared. Parents and children in our society are very dependent upon the support and assistance of benefactors.

It goes on to talk about care by others, which is perhaps not relevant to the debate. I would point out to the Minister that these are justices of the Supreme Court serving in South Australia at present. This is their interpretation of what the Minister is proposing. I know that this House is sovereign and can pass whichever laws it sees fit, but Their honours have clearly expressed an opinion on this matter which those responsible for being the prime driving forces behind this legislation seem quite prepared to ignore.

The member for Goyder put a compelling case, and one which deserves attention. I believe this Government is skirting around the issue and is not truly addressing it, because there are so many holes in it, as the Minister knows. There are so many exemptions and it will be so difficult to prove. Why have something that amounts to a useless token effort? I put to the Minister that that is what this is, and I ask him, therefore, to consider these amendments, because the only argument I have really heard the Minister put up is the argument (and I think I heard the member for Hartley use this very argument in the context of another debate), 'Goodness me, if we put a limit of $10 000 on it, they will deliberately go out and do $10 200 worth of damage, knowing they will be limited to a cost recovery of $10 000.' That is a ridiculous situation. I do not know many children who go out with a calculator and calculate the amount of damage they are doing. I would also put to the Minister that $10 000 compensation is enough to break most middle-class families, let alone families in any necessitous circumstance.

I conclude by saying that I am surprised the member for Goyder said that perhaps the wealthy could afford $100 000. He must, with deference, move in different circles from me. I do not know of any wealthy people who would give away $100 000 easily, but I will accept his word on that. I ask the Minister to reconsider this amendment.

The Hon. M.J. EVANS: Having reconsidered the amendment, I find that I am unable to change my view on it. The honourable member was very eloquent in his prosecution of the argument but the reality is that this is a balancing question. I acknowledge the force of what he says: that there are points to be made on both sides of this equation. However, I think he is failing to give sufficient weight to the arguments that revolve around the right of the victim to compensation and the public policy advantages of having parents aware of the fact that they are liable in this area. I think it is essential that parents should generally take that into account when they are exercising their parental responsibility. The reality is that there are some people who are prepared to see young children of 11 or 12 years of age out late at night without addressing adequately where those children are and what they are doing; where they acquired the funds which they appeared to have; and where they acquired the items which they may have stolen.

I think it is essential that, if parents are going to be supported by this legislation—and families are significantly supported by this process—with that support goes that clear issue of liability. Other jurisdictions have recognised the issue of liability and I find the honourable member's arguments about teachers, and so on, in *in loco parentis* not particularly relevant to this, because this relates to third parties.

Mr Brindal interjecting:

The Hon. M.J. EVANS: The issue of *in loco parentis* is relevant only when the child is actually saying to the teacher, 'You failed to adequately supervise my activities, and therefore you are liable for damages that have occurred to me.' In this case it is a third person and *in loco parentis* rules do not give a third person the right to sue the teacher if, during the lunch break, that student goes out and rifles someone else's house. That is the reality of this situation and I do not think that the law relating to teachers is particularly relevant to this. I believe it is important to balance the rights of the victim against the rights of the offender and the offender's parents.

The Government believes that the balanced approach which this clause takes does seek to acknowledge the circumstances of each family, the rights of the victim and the difficult position which parents who do exercise reasonable control are in when occasionally their children step outside the normal bounds. I understand the point the honourable member makes about the fact that there are issues to be debated here. The courts make their living debating such issues and that is appropriate. The reality is that we do have to put something in this area for the victim. We do have to ensure that parents are responsible and, indeed, ultimately it is necessary that they are liable.

Mr BRINDAL: The Minister misunderstands what I was saying. When a child is at school and absconds and commits a crime during the lunch hour, as I clearly understand this legislation the parent will not be responsible, and neither will the Crown. There is a plethora of cases. The Minister pleads so eloquently for the victim yet, if we look at this legislation, there are countless cases where the victim will get no compensation at all because liability will not be able to be sheeted home to the parents, because they cannot afford it, the child was at school or the child was under the care of someone else—a variety of reasons excluding the parent. The very victim that the Minister is seeking to help, and for whom he is pleading eloquently, will get nothing nine times out of 10.

Mr Atkinson interjecting:

The CHAIRMAN: Order!

Mr BRINDAL: I am surprised that the Minister, whom I know to be a man of prudence and economy,

seems to be very anxious for the lawyers to make yet another few dollars on their way to the Deputy Commissioner of Taxation.

The Hon. D.C. Wotton: Prudence and economy?

Mr BRINDAL: He is normally; he is quite wise with his money. If this Government is so concerned for the victims—and I believe we should be; I have a lady pensioner in my electorate with plastic hips who constantly suffers from graffiti on her fence and has to repaint it just about daily at her own expense, so I have every sympathy for the victims—it should consider raising some taxation measure and actually providing some public insurance. The Victims of Crime organisation is one example. This is a crime, so let the Government look at adequately compensating everyone who suffers, not just coming up with some sanctimonious hypocrisy that will only work occasionally.

As the member for Mitchell says, one case out of 10 is better than none out of 10. If you cannot do any better than one out of 10, I suggest that it not be done at all until you can score at least five, because in any school I went to five out of 10 was a pass, but you would hardly put a score of one out of 10 in your report book.

Mr MEIER: The Minister failed to satisfy my questions. He said, 'What about the victim?' I acknowledge that, straight away. I have no problem with that. In fact, clause 51(1) provides very clearly:

> If a youth, by committing an offence, causes injury, loss or damage, the court may, on the application of a victim of the offence, order a parent of the youth to pay compensation—

with our amendment, up to a maximum of $10 000—

> for the injury, loss or damage.

That will be there, quite clearly. We are seeking to put a maximum figure on it, simply because it has not been introduced before. I do not wish to continue this debate *ad nauseam.* The Minister has given his reply. I acknowledge that he will not accept our point of view, but I do want to ask a couple of questions. First, if we take the offence of graffiti, for instance, of marking buildings, etc. (and I get so upset particularly now that school holidays are with us again when I see graffiti on railway stations)—

Mr Brindal interjecting:

The CHAIRMAN: Order! I do not think the honourable member needs any assistance from the member for Hayward.

Mr MEIER: The graffiti has burst out much worse than it was. I realise it is not under the Minister's jurisdiction, but with respect to the Summary Offences Act which was assented to on 21 May 1992 relating to the prevention of graffiti vandalism, how many convictions have been recorded against offenders with respect to marking graffiti? My attention was drawn to the fact that it is a Division 7 fine, which is a maximum of $2 000 or an expiation fee of $200.

Are we including graffiti in this Bill as well? Logically, if we are, let us get these people to pay for it or repair the damage through community service orders, because it is costing the community a huge amount virtually daily with the number of railway stations I see affected. My second question is: what is the situation in other States or countries relating to whether parents have to pay compensation for damage, loss or injury?

The Hon. M.J. EVANS: Graffiti is an offence, and if a youth commits that offence it will be dealt with under this Act. If that offence causes damage or loss to the victim, that can be recompensed through the kind of device in Part 7 and, obviously, it would be appropriate for the offender to clean off the graffiti under the CSO scheme. I think that is an extremely relevant way to proceed and the Government would fully support that. I cannot give the honourable member the statistics that he seeks in relation to the Summary Offences Act, but I am happy to seek that information from my colleague. I understand though that, generally, the incidence of graffiti has declined significantly since those amendments were approved by the Parliament.

Mr Meier interjecting:

The Hon. M.J. EVANS: I realise that the offence still exists, but if the honourable member looks at the totality of those offences in the community he will see that their incidence has declined since the amendments were approved by the Parliament, as one would expect, given that the penalties were significantly increased. However, that is not my area of responsibility, and I will have to seek advice from my colleague on that matter. The honourable member perhaps missed the earlier debate where I referred to the law in continental Europe, particularly the French civil code, which makes parents expressly liable for damage caused by their children.

I also quoted the New Zealand provisions which allow a court to do similar things to that which we are proposing here but without any of the safeguards and balancing factors contained in this legislation. So, it is reasonable to say that throughout the world there are provisions that are stricter than these provisions. I am sure that there are other jurisdictions which do not have these provisions, but the reality is that they do operate in substantial parts of Europe and in New Zealand.

Mr SUCH: What would happen in the case of an employed 17-year-old—it could be one of my teenagers, although I hope he does not—who commits an offence? Presumably, I would have to pay while my son would not even though his net income is probably higher than mine? Would he incur the liability or would I?

The Hon. M.J. EVANS: I am sure that in respect of a child of the honourable member he would have the defence that is set out under clause 51, which provides:

> It is a defence to a claim against a parent under this section to prove that the parent generally exercised, so far as reasonably practicable in the circumstances, an appropriate level of supervision and control...

Knowing the honourable member as I do, I am sure that defence would be open to him.

The Hon. D.C. WOTTON: I regret that the Minister is not prepared to accept the amendments put forward by the Opposition. I realise we are dealing with these amendments individually, but the Minister has made it quite clear in his response that he will not support any of the Opposition's amendments to this clause. As we said earlier in the debate, this Bill and this clause are a vast improvement on legislation that has previously come before the House, but it has been indicated by my colleagues—in particular, the member for Hayward and the member for Goyder—that we have a number of specific concerns on this side of the House. I can only say to the Minister that, while in this place we may not

be able to be successful in moving these amendments, this matter will be raised again in another place, and I hope that at that stage the amendments proposed by the Opposition will be supported, because I believe it is important that that be the case.

Amendments negatived.

The Hon. M.J. EVANS: I move:

Page 29—after line 15 insert:

(4a) A parent against whom an order for compensation is sought under this section may appear personally or by counsel before the court and call evidence or make representations on any subject relevant to the parent's liability or the amount of that liability.

I would have assumed that this was implicit in the Bill, anyway, but out of an excess of caution it is appropriate that it should be formally included.

Mr BRINDAL: In relation to orders for compensation, if the victim is the Crown, in other words, if a child goes out and burns down a school, is it within the Minister's capacity to claim compensation from the parents? In other words, if my child goes out and burns down a school, will the Minister be able under this Act to prosecute parents and to claim compensation for the school?

The Hon. M.J. EVANS: If the Crown is in the position of victim in this context—if the Crown is a victim of a crime—the Crown is then in the same position as anyone else, to take advantage of the law as it stands. The Crown can sue in the courts as it frequently does, and in relation to anyone who causes loss or damage to the Crown, the Crown in its normal capacity has the right, as any victim would have, to seek damages or to sue.

Amendment carried; clause as amended passed.

Clause 52—'Establishment of the Juvenile Justice Advisory Committee.'

The Hon. M.J. EVANS: I move:

Page 30, line 5—Leave out 'five' and insert 'six'.

This and the subsequent amendment to insert paragraph (f) will allow the appointment of an Aboriginal person.

The Hon. D.C. WOTTON: The Opposition supports both the amendment and proposed paragraph (f).

Amendment carried.

The Hon. M.J. EVANS: I move:

Page 30, line 16—Leave out 'community welfare' and insert 'youth affairs'.

The expression 'community welfare' was picked up from the previous legislation. I believe it is more appropriate in these times to use the phrase 'youth affairs'.

Amendment carried.

The Hon. M.J. EVANS: I move:

Page 30, after line 18—Insert:

(f) one will be an Aboriginal person who is, in the opinion of the Minister of Aboriginal Affairs, a suitable representative of the interests of the Aboriginal community, and who is nominated by the Minister of Aboriginal Affairs.

The insertion of this new subparagraph will ensure the appointment of an Aboriginal person nominated by the Minister of Aboriginal Affairs, to ensure that the interests of this important group are represented on the Juvenile Justice Advisory Committee.

Amendment carried; clause as amended passed.

Clauses 53 to 55 passed.

Clause 56—'Reports.'

The Hon. D.C. WOTTON: I move:

Page 31, line 32—Leave out 'subsection (1)' and insert 'this section'.

This is a simple amendment but an important one. The Bill establishes the Juvenile Justice Advisory Committee and provides that that committee must report annually and also report to the Attorney-General on matters relevant to the administration of the legislation which have been referred by the Attorney-General to the committee for investigation and report. It is of concern to the Opposition that only the former report must be tabled. The Opposition believes that it is important that all reports received by the Attorney-General from the advisory committee should be tabled in Parliament. It is appropriate that that should be the case so that they become public documents. We believe it is important, if this legislation is to work properly, that the community be aware of the activities that are taking place and the reports that are provided to the Attorney-General which indicate that that is the case. So, I seek the support of the Committee for this amendment.

The Hon. M.J. EVANS: The principle of this amendment is fine. I just have a practical difficulty that, if the Attorney were to ask the committee to consider any matter which related to individuals within the system, it would not be possible to publish that report, because the names of those people would then be disclosed. I believe that it is obvious that the annual report should be published, as is required. The comprehensive report on the operation of the legislation over the first three years obviously must also be made public, and I am sure that that will be the case. Although I cannot give a commitment on the Attorney's behalf, I believe it would be appropriate and clearly reasonable for him to table those general reports which relate to matters of policy and on which he seeks advice from the committee.

But, of course, where the Attorney asks for advice which involves the consideration of a series of individual cases—perhaps a pattern of car theft or something along those lines, or involving individuals as I mentioned—there would be some difficulty in publishing the report. For that reason I would have to oppose the amendment at this time. However, further consideration can be given to the matter and I will undertake to discuss it with the Attorney, given his interest in this clause, and one can see what might happen in another place.

The Hon. D.C. WOTTON: I give an undertaking that I will have discussions with the shadow Attorney-General in another place as well, because I believe that it is appropriate that this matter be considered further in another place. I understand what the Minister is saying in regard to confidential reports that refer specifically to names and so on. However, I think it is important that general reports relating to policy be tabled in this House, and it would be my intention to seek support for this amendment in another place.

Mr S.G. EVANS: Would the Minister have the same difficulty if the recommendation—rather than talking about an amendment—was that the report be published without the names, thus avoiding identifying people, which is causing concern in terms of right to privacy and other matters? In other words, the report could be

prepared deleting those things that would identify individuals. We would then not face this difficulty.

The Hon. M.J. EVANS: I am sure that if that were done and if it were practical for that to be done that would clearly get around the problem. However, if the report to the Attorney included those names, he would legally be obliged to transmit the whole report: he could not delete names from it. I think the member for Heysen's suggestion is the best one. We can reconsider the matter at another time when those better trained in matters of law than either he or I have had a chance to debate it.

Amendment negatived; clause passed.

Remaining clauses (57 to 65) passed.

Bill recommitted.

Clause 8—'Powers of police officer'—reconsidered.

The Hon. M.J. EVANS: I move:

Page 5, lines 32 to 34—Leave out subclause (5).

Page 6, lines 1 and 2—Leave out subclause (6).

I have explained my view on this matter. Perhaps members would like to address questions to me.

Mrs KOTZ: I am concerned about the removal of subclauses (5) and (6). Their removal will create a grey area that is not accounted for within the clause. Clause 8 provides the sanctions that may be imposed by police officers and covers the area of compensation, community service and an apology to the victim. My concerns relate to the handling of compensation payments which will require funds to be taken account of not only in regard to the receipt of compensation but the payment and disbursement of that compensation to the victim. I have the same concerns about subclause (6) which provides for the recording of community service that may be allocated to an offender. I do not believe that police resources as they stand will or should be suitable to account for the handling of compensation payments and the distribution of those payments. I was extremely happy to see subclause (5), because it provides for this area to be the responsibility of the Registrar.

The Corporate Services Unit looked at its involvement in receiving any of the records that would account for compensation and disbursement. I may be wrong, but I believe this report may have tempered the Minister's view in removing this provision. The Corporate Services Unit states that clause 8 gives police the power to administer formal cautions and to remedy non-compliance with any undertakings resulting from cautioning proceedings. It also states:

> This provides police with a clear monitoring role in respect of cautioning outcomes. However, in requiring the court to administer specific outcomes, in this case compensation payments, the Act would remove direct police monitoring of these particular outcomes and presumably make police reliant on the court to report or notify non-compliance before they could invoke remedies provided under section 6...The Act makes no provision for such reporting arrangements between the court and the police.

The report states that the police can remedy non-compliance with any undertakings resulting from cautioning procedures. It is my understanding that as this clause stands there is no area for the police to remedy non-compliance outcomes because the only outcome of non-compliance is directed to the court. If that is the case, I suggest that the Corporate Services Unit is misplaced in its undertaking that this report is a positive measure to remove the clause from the system because its reasoning is based on inaccurate information.

It also appears (and this is the area that is extremely grey in this whole sector) that the court section, involving the Registrar who was first contemplated, is hand-balling the option or responsibility back to someone, and this provision is hand-balling the responsibility back to the police area. There does not seem to be a set system or mechanism now that takes into account each of the procedures required to be followed through on compensation payments and the recording thereof.

One of the comments made by this corporate sector implies that the administering will be quite excessive and, for those reasons, they are not willing to handle it. That comes back to one of my first arguments: I do not believe that the police at this time have sufficient resources available to handle circumstances of normal law and order areas, without their also being given this task recording payments and distribution of compensation. In these circumstances, I have very definite objections about removing both of these subclauses because they make a great deal of sense in being able to make all of this move into each other. A great question mark must be placed over this report, which gave an inaccurate presentation based on an even more inaccurate presumption.

The CHAIRMAN: I wish to clarify the situation. I have received advice which I accept. It is not appropriate for the Minister to move his amendments again. The best way to handle the situation is to take it that the member for Newland is moving to have subclauses (5) and (6) reinserted.

Mrs KOTZ: Yes, Sir.

The Hon. M.J. EVANS: I cannot follow the argument that the member for Newland seeks to make. I fundamentally support the argument she made and the document from which she has quoted. There are several reasons for that. First, it is important that these areas are separated out. There is a police cautioning process, there is a family group conference process and a courts process.

It is important that these areas are kept separate in order to ensure speed, efficiency and the minimum of bureaucracy, and to ensure that the young offender is dealt with as expeditiously as possible. In particular, that is relevant in the police cautioning area, because one of the prime criteria here is that the police are able to deal effectively and immediately with these offences with the minimum of bureaucracy and paper work.

Apart from that, there are sound reasons of policy and principle why we should seek to keep these areas separate, because it minimises the opportunity for error. It minimises the opportunity for the growth of bureaucracy and the wastage of resources, as well as ensuring that the offender is dealt with expeditiously. Certainly, as the honourable member says, there will have to be resources in relation to the collection of these moneys and their disbursement, but that is not particularly difficult in relation to the police, because they are accustomed to collecting money now and they are often required to deal with money.

These amounts would not be that large and obviously the fact that it is the subject of a formal caution means that the offence is not particularly serious, so the amounts of money involved will obviously be at a reasonably low level. Therefore, it is not at all unreasonable that the police should deal with that. They are dealing with it locally. If it had to go to the Registrar you would be dealing with a centralised function in Adelaide, and I do not see the merit in that kind of diversion and duplication of resources, because the Registrar will have to deal with the family group conferences and with the court processes; so, of course, they are already getting involved in that area. The police are well aware of the requirements on them under the cautioning process. This is part of that package, and I really do not see the difficulty with police officers being required to be part of this process. I believe that by separating these areas out we will certainly make it work more effectively, and I cannot see any reason for the Committee to depart from its earlier decision.

I understand that the honourable member is making a serious point, but I believe that the mechanism which is proposed to deal with this matter in the simplest way is indeed the most appropriate way to do it. Resources will be required whoever does it, so that really does not enter into the argument. Either the courts will need them or the police will need them. Someone will need them, so it is much better to deal with this at the local level and get it over with as quickly as possible. The police have access to the Justice Information System, and these things can be dealt with with a minimum of fuss. I believe, that is the way to go.

Mrs KOTZ: I understand the Minister's approach, but I also ask him why, if it was thought suitable prior to introducing this Bill, for subclauses (5) and (6) to be part of the mechanisms that are inherent in this debate, in five minutes, it is suddenly decided that these two clauses are of no use and are no longer worthy as mechanisms. One of the reasons I brought this up earlier in this debate was the fact that on reading through the whole of clause 8 and coming to the conclusion after reading each of the sections, the sanctions and the powers that the police have in that area, it was also gratifying to me to know that because of section 5 there was a protection for both the offender and the police.

We are dealing with an area where, under many circumstances across the board, complaints against the police also cause greater administrative and resource output, and this is an area that I think could be a potential danger for any form of charge or for any untoward dealings, whether it is real or unreal. But in this instance I believed that this was a protection and I was happy with it. Now the Minister says that we decentralise what is predominantly a localised area of offending. In the family group conference centre we have already set up within the court area the mechanisms to receive information and to record payments on compensation or community service orders. I see no reason whatever why this whole system cannot be correlated through that one central area which obviously was the intention when this provision was put into the Bill.

I have difficulty in coming to terms with the fact that the Minister cannot appreciate what is involved when the police officers have apprehended, cautioned, and gone through the sanction processes that are inherent in this Bill. It is inherent in this Bill that, up to the point when they actually sign the contract with either the offender and/or the victim, and the compensation or community services orders are then set, in effect, the police officer has very little more to do other than if there is a non-compliance with any part of that provision. His work is finished. That then moves this whole matter into the courts system.

It is from there that the court will ask for the records which will show the breach. I can see no reason why the central Registrar cannot have and hold the records that are necessary. As it stands, I appreciate the time that I have to put my reasons for my objections to this Bill, but it is a matter about which I feel strongly, and I will take it up further with my colleagues in another place.

The Hon. M.J. EVANS: I will not go through the arguments again, but I correct the view that this change was formulated in five minutes. Like the various other amendments which have been—

Mrs Kotz interjecting:

The Hon. M.J. EVANS: Yes, or even in a brief period. In the intervening period since this Bill was tabled by the select committee, obviously a number of issues have arisen, and they have been addressed by the various amendments. As we indicated before, the select committee was not able to publish the Bill earlier than its report, and obviously suggestions and improvements came through in the intervening period. I for one am always happy to bring before this House any potential improvement to legislation with which I am associated, because I think that is the constructive way to go.

These amendments were not drafted lightly. They were considered amendments based on further reflection, and reflection by a wider group of people, on the Bill as it stood. Quite rightly, they drew attention to the fact that the best advantage would be gained by separating this process. But we have had that discussion.

Amendments negatived; clause as previously amended passed.

Title passed.

The Hon. M.J. EVANS (Minister of Health, Family and Community Services): I move:

That this Bill now be read a third time.

The Hon. D.C. WOTTON (Heysen): I believe that the legislation, as it comes out of Committee, is much improved on the original Bill. The Opposition has taken the opportunity to express a number of concerns and to move a number of amendments. I regret that only one of those amendments has been supported by the Government, but an opportunity will be taken to reconsider those matters in another place.

In summing up this situation, I refer to the correspondence to which I have referred on a number of occasions. The writer of that correspondence states:

> A major concern is the fact that there is no indication of funding to ensure the success of the new innovative ideas presented in this Bill. Other jurisdictions in Australia have increased budgets, i.e. WA $7 million, to assist in this increasingly controversial area.

The questions are asked:

Will the police staffing levels be sufficient to police the Act?

Will there be sufficient youth justice coordinators to ensure all cases dealt with in that jurisdictions are commenced within 14 days?

Will there be additional support in programs to divert early offenders?

Will there be additional support to provide useful programs and more stringent monitoring of offenders released from detention?

The writer states:

... it is essential the Government injects funds into projects otherwise this Act is doomed to fail before it gets off the ground.

For the sake of all South Australians, I sincerely hope that this legislation is successful. The opportunity is provided for a review of the legislation, and it will be most interesting when that opportunity is provided to consider the success or otherwise of the legislation. I repeat again, as I have said before: my concern—and I share the concern of the writer—is what appears to be the lack of available resources to ensure that this legislation is effective, because it will not be effective if those resources are not sufficient. I believe that that is something that will be felt by all South Australians and by the community generally. The Opposition supports the legislation at the third reading stage, and I can only hope that, when the opportunity is provided to review what will be the Act, we will find that, as a result of the very long and balanced debate that has taken place this morning, this afternoon and tonight in this place and the debate that will take place in another place, we will have a successful piece of legislation.

Mrs KOTZ (Newland): I do not wish to hold up the passage of this Bill for much longer: I want to make only a few short comments. I endorse the remarks made by the member for Heysen, and I will not canvass all the matters that have just been put on the record. The legislation is exciting and challenging but, as was said, resources are required and, as importantly, time will be required for implementation. My only disappointment is that several of the Opposition's amendments were not carried, so I can only hope that those amendments will be considered in another place and returned to this House in a more suitable measure. I support the Bill, and once again I put on record my thanks to all the members of the select committee. It was a very long and at times gruelling committee. To the research people, the secretaries and the *Hansard* people who supported us, I sincerely give my thanks.

The Hon. M.J. EVANS (Minister of Health, Family and Community Services): In conclusion, I can only endorse the concluding remarks of the member for Newland. This has been a useful process. In relation to the matter of resources, the select committee explicitly considered that issue and came to the conclusion that, while it is true that a number of areas require resources under this legislation, there are also significant savings under the legislation. A streamlining process is involved here and, indeed, it ought to be possible that, in many areas of this legislation, fewer resources will be required to achieve a more effective solution than we now have with the present somewhat unwieldy structure.

One should not get carried away with the idea that this legislation will be successful only if massive additional resources are put in. The select committee specifically concluded in its report that it ought to be, on the whole, a revenue—neutral exercise—that, because of the available savings, the streamlining process and the increased efficiency, we ought to be able to achieve the results that the committee wanted without the commitment of substantial additional resources. I would have thought all members would share the view that in the 1990s we ought to be trying to do better with fewer taxes and fewer taxpayers' dollars committed to these things.

The Government and the Parliament are committed to making this work, and I am sure that that is the case. Resource issues are being discussed with the departments at the moment. But the select committee did conclude—and I support it in that conclusion—that we should be able to implement the very position and constructive recommendations of this report without the commitment of substantial additional resources, and I am sure that, if we are able to do that, the taxpayers will be duly grateful for that effort on the part of the Government and the Parliament.

Bill read a third time and passed.

CRIMINAL INJURIES COMPENSATION (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council with a message drawing the attention of the House of Assembly to clause 8, printed in erased type, which clause, being a money clause, cannot originate in the Legislative Council but which is deemed necessary to the Bill. Read a first time.

YOUTH COURT BILL

Adjourned debate on second reading.

(Continued from 1 April. Page 2858.)

The Hon. D.C. WOTTON (Heysen): This is one of the three Bills resulting from the deliberations of the House of Assembly Select Committee on Juvenile Justice. The Bill seeks to establish a Youth Court, which is to comprise judges, magistrates, justices and special justices of the court. The senior judge of the court is to be a District Court judge designated by proclamation as the senior judge of the court. The other judges are to be District Court judges designated by proclamation as judges of the court; and magistrates are to be designated by proclamation as magistrates of the court. No judge or magistrate may serve for a period exceeding five years as a judge or magistrate of the court. The court will hear all matters relating to children, unless otherwise provided, and it will have criminal and civil jurisdiction. The court, when constituted of a judge, may determine a charge of a major indictable offence and judges and magistrates may hear other offences. There is provision for appeal. An appeal on an indictable offence is to the Full Court of the Supreme Court. If the court were constituted of a magistrate or two justices or a special justice, the appeal is to the senior judge or to the

Supreme Court; and in any other cases appeals are to the Supreme Court constituted of a single judge.

The Bill largely mirrors the relevant provisions of the legislation that has just passed through this House, except that judges and magistrates will serve in the Youth Court for a maximum of five years. The Opposition has considerable difficulties with this part of the legislation. We believe that this provision will undermine the independence of the court if judges and magistrates have to look over their shoulders and may be influenced by whether or not a short-term appointment will be renewed.

I want to spend some time on this matter. I refer to a letter, dated 5 April 1993, written by the Chief Justice to the Attorney-General. It is an interesting piece of correspondence and I hope that the Minister will pay attention to this letter if he has not already seen it. It relates to the Bill. The Chief Justice writes:

I have considered this Bill and its impact upon the courts system has been discussed by the inchoate State Courts Administration Council. The council is strongly of the opinion that the five-year limitation in clause 8 on the designation of judges and magistrates as members of the Youth Court judiciary is unworkable. Your urgent attention is drawn to its practical consequences.

It will be necessary in the future as it has been in the past for most, if not all, District Court judges and magistrates to be designated as Youth Court judges or magistrates. That is necessary because they must deal with youth matters on circuit. Magistrates have to clear the cells and country courts and therefore deal with youth offenders. The two Youth Court judges stationed in Adelaide would be incapable of discharging their obligation under clause 13(2) to hear and determine charges of major indictable offences unless assisted by District Court judges. It will clearly be necessary for District Court judges on circuit to hear and determine such cases.

The five year limitation would mean that at the expiration of the five year period, the whole of the District Court judiciary and the magistracy would be ineligible to hear Youth Court cases.

I believe that that is a very serious situation. The letter continues:

Apart from the fact that the provision is unworkable, it is undesirable for other reasons. Persons are appointed to the judiciary for work in the youth area because of their special interest in and suitability for that work. They may not be suitable for or interested in general District Court duties. To require that judges who have accepted appointment with a view to working in the Youth Court should then go into general judicial work is most undesirable from the point of view of both the judges and the quality of the District Court.

An even more important objection is the anticipated difficulty of attracting the best candidates for appointment to the District Court if appointees may be required to spend up to five years in the Youth Court. If there were a five year turnover most of them would be required to serve full-time in the Youth Court for some years. Youth Court work is specialised in nature. It is most important judicial work but it appeals only to a limited section of the legal profession. Most highly qualified legal practitioners would regard themselves as unsuited to that type of work and would be unwilling to undertake it. It is of the utmost importance to the judicial system and the service which it provides to the community, that the quality of the judiciary and the District Court may be maintained and enhanced. The prospect of long periods in the Youth Court would make it impossible to attract the best qualified persons to the District Court bench.

I believe that that is a letter that the Minister and the Government must take into account. I believe the fact that the Chief Justice has found it necessary to write to the Attorney-General in those terms indicates the seriousness of this situation. I might say that the five-year limitation is quite unprecedented in any other court in Australia. If it is necessary for it to be introduced in the Youth Court, why has it not been necessary for the same action to be taken with regard to the Family Court, the High Court or any other court if it comes to that? I would have thought that if it was necessary for the Youth Court it certainly would have been necessary for the Family Court. As I understand it there has been no move in that direction. It is vitally important that the Minister responsible for this legislation in this place give explicit reasons why this action is being taken.

Mr Speaker, there are other matters that need to be considered in this legislation. I refer again to the letter from the Chief Justice to the Attorney-General as it relates to clause 22(2)(b) of the Bill before us. I quote again from the Chief Justice:

The council also draws attention to the appellate provision in clause 22(2)(b). There is an appeal from a decision of a magistrate to the senior judge or a judge of the Supreme Court. The choice of appellate tribunal is that of the appellant. The respondent has no say in that. It is plainly unjust that a prosecutor or a defendant should be able to force the other party to accept the senior judge of the Youth Court as the appellate tribunal and deprive that other party of recourse to the Supreme Court.

The Supreme Court is the accepted appellate body for all the courts of the State. The District Court judges have no appellate jurisdiction, except the special and anomalous jurisdiction in small claims. The conferral of appellate jurisdiction on a judge of a court below the level of the Supreme Court is out of harmony with the judicial structure of the State. It is strongly recommended that the appeal from a magistrate or justices be to the Supreme Court constituted of a single judge.

I would hope that the Minister takes that matter into account and comments on it. Clause 14(2) refers to major indictable offences. As I understand it, a major indictable offence means virtually everything that now goes to the District Court judge in the adult courts. As was pointed out in the Chief Justice's letter, there are only two Children's Court or Youth Court judges in South Australia, both of whom are stationed in Adelaide. They have many other duties and responsibilities, including appeals, etc. What will happen if one is sick or on holidays, leaving only one other to carry out these duties?

Judges spend much time dealing with other matters, such as child abuse and other very sensitive issues that are very stressful. The current legislation that we have been dealing with for some time states that, when a judge is not available a magistrate can be used. That could be referred to as having justice on the cheap, but as far as I am concerned, and I am sure as far as the majority of South Australians are concerned, that system has worked well. So, that is another matter that I would hope that the Minister would refer to in his reply.

The other matter that I want to refer to briefly is the naming of the Youth Court, because there has been some concern in the community about the change in that name. As I understand it South Australia will now have the only Youth Court in Australia. I understand why the name of the court has been changed, but there is some concern because it will mean that South Australia will now be out of step with the other courts around Australia, when, as I understand it, all the other States are falling into line with South Australia in having a Children's Court. I understand that, as a result of the select committee having visited New Zealand, it has followed the New Zealand system in having a Youth Court. There are examples where, if we look at England, there are two courts, namely, the Youth Court and the Children's Court. That system seems to work well. However, it does seem to me that it is—

The Hon. T.H. Hemmings: It is the United Kingdom, not England.

The Hon. D.C. WOTTON: I can see the member for Napier has been out of the Chamber for most of the day, because many of us have been debating for a very long time—

The Hon. T.H. Hemmings: There is not a man living that could listen to you—

The SPEAKER: Order! I ask the member for Heysen to direct his remarks to the Chair.

The Hon. D.C. WOTTON: I would be delighted to—

Members interjecting:

The Hon. D.C. WOTTON: I would hate, just because the member for Napier has re-entered the Chamber—

The Hon. T.H. Hemmings interjecting:

The SPEAKER: Order! Will the member for Heysen resume his seat. The member for Napier has just appeared back on the scene, and if—

An honourable member interjecting:

The SPEAKER: Order! The member for Napier is disrupting the House, and if he continues in this manner the Chair will be forced to take action.

The Hon. D.C. WOTTON: I thought there was a point of order, Mr Speaker.

The SPEAKER: There is no point of order. The member for Heysen will direct his remarks through the Chair.

The Hon. D.C. WOTTON: Well, Mr Speaker, there are just so many members standing up on the other side of the House—

The SPEAKER: If the member for Heysen wishes to stay standing, he will direct his remarks through the Chair.

The Hon. D.C. WOTTON: Yes, Mr Speaker. I do not want to waste the time of the House talking about the member for Napier, so we will leave it there. The appointments of judges are made from the District Court. Because the Bill in its present form limits tenure, although I hope that will change, the Opposition believes that appointments should be made after consultation with the Chief Judge of the District Court. The Opposition suggests that the appointment of magistrates ought to be made after consultation with the Senior Judge. I know that other members, particularly those who served on the select committee, wish to speak in this debate, so I will refer to a number of other matters during the Committee stage. The Opposition supports the legislation and will seek the support of the Committee at a later stage in the amendments that it will put.

Mr SUCH (Fisher): I wish to make a brief contribution to this debate, particularly in relation to the name of the court. As we have just heard, the member for Heysen has expressed some concern about the name. Clearly, the continuation of the name Children's Court is inappropriate. That arises partly from recent concern in the community about the behaviour of some juvenile offenders, so the focus has switched from seeing the offenders as children to seeing them as youths. That is quite understandable, but I suggest that this court be called the Children's and Youth Court. That is the preferable title because the court does not simply deal with juvenile offenders. In fact, it is a misnomer to call it a Youth Court, just as it is a misnomer to call it a Children's Court.

Over time, the media and others would refer to the court by whatever was the appropriate part of that title. If a 17-year-old was being dealt with, the media would refer to it as the Youth Court, but if a matter relating to a young child was being heard it would be referred to as the Children's Court. I am not being pedantic, but it is a question of being accurate in terms of the role of the court and giving it a title which is accurate in terms of what the court actually does.

As I said before, the court deals not only with matters relating to young offenders, but it deals also with matters relating to the care and protection of very young children. It also deals with matters relating to adoptions, which in many, if not most, cases happen to involve very young children, if not babies. It is not simply a matter of trying to be pedantic but it is a matter of trying to be accurate. I see no reason why the court cannot be called the Children's and Youth Court.

As I indicated at the start, the reason for the preference for the title of Youth Court is because of the preoccupation in the community in recent times, a justifiable outrage, at the behaviour of a minority of young offenders, particularly that small number of repeat offenders. I do not believe that is a justification for ignoring the very important role of this court which also encompasses matters affecting very young children. In trying to deal with matters involving those of 17 years of age, as well as those of, say, three years of age, a more appropriate name for the court would be the Children's and Youth Court. I would be keen to pursue this matter during the Committee stage.

The Hon. M.J. EVANS (Minister of Health, Family and Community Services): I appreciate the support in principle that the Opposition has extended to this Bill. It flows from the report of the select committee. Many of the matters raised by the member for Heysen in the course of his second reading contribution are addressed by the amendments that will he considered by the Committee, so I will not canvass those issues here and now.

I make the point that the issue of the name of the court, which seems to have become a rather contentious matter with the Opposition, was suggested by the member for Newland, and the Committee was persuaded

to her point of view. I remain persuaded to that point of view at this stage, but I am prepared to hear any discussion on the matter which the Opposition may wish to mount in Committee.

The issue of rotation was another suggestion of the select committee, which felt that it was appropriate that there should be some turnover in judges of the Children's and/or Youth Court to ensure that the judiciary were exposed to a wide range of experiences including in adult courts so that therefore they were aware of what was going on in other jurisdictions, and I am sure that that matter can also be further discussed. At this stage, I do not believe there is any further value in discussing the matter at length; the House would be better advised to proceed to the Committee phase.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

Mr SUCH: I would like briefly to pursue the matter that I raised a short time ago relating to the name of the court, and I believe that it is appropriate that that matter be considered under this clause. Is the Minister satisfied that the name Youth Court is appropriate given that that court will deal with adoptions and matters that affect babies and very young children in terms of their care and protection? People might approach that court and have dealings with it, for example, in relation to an adoption, and say that they have gone to the Youth Court on that sort of a matter. Does the Minister see some merit in considering a dual title such as the Children and Youth Court?

The ACTING CHAIRMAN (Mrs Hutchison): I point out to the member for Fisher that, whilst I have allowed him to ask the question under this clause, it could have been dealt with under clause 3.

The Hon. M.J. EVANS: It may be more appropriate if the member for Fisher directs his question to the member for Newland, as she took a particular interest in the name of the court and fought quite vigorously for the use of the word 'youth'. Eventually with the eloquence and force of her argument she persuaded the remaining members of the committee to go along with that name. I agree that, in the area of adoption or care and control orders in respect of very young children, obviously such courts are not used as such. I would seek to avoid the use of too clumsy a name for the court.

I think the suggestion of the member for Newland was quite appropriate, because those cases which attract attention and discussion in the community where the use of the name and its implications are particularly appropriate tend not to involve an uncontroversial adoption order for a two-year-old child or a care order for someone in a similar situation. Therefore, while the name may be not as appropriate in such cases, I think it is worth having the title Youth Court because of its simplicity and because of the fact that those cases which receive public consideration and where that understanding needs to be present are better described as having been heard in a Youth Court. It is a matter of balance—as lawyers would say, 'On the one hand this; on the other hand that'—but I think on balance that the title of Youth Court is the appropriate one.

Mrs KOTZ: Having listened to the Minister's comments, I felt I should rise and support them. The many discussions that we had on the naming of this court took place over a number of meetings. I must admit that I did attempt to initiate the change to 'youth' particularly away from 'children' specifically because the number of cases that actually go through the court relates more to youth than to children, although I believe the fact that we are talking about youth does embody young people, and that includes children. The point I specifically raised initially was to include both words, to look at 'children' and at 'youth'. After listening to the debates and the criticisms of other members I relented, but did insist on 'Youth Court' rather than talking about a children's court, which I believe is totally inappropriate, with the number of youth that we deal with through those courts who, from the age of 14 through to 18, hardly consider themselves as children. Considering that 15-year-olds, in effect, are entitled to leave school and become individuals within their own right outside in the community—I may not necessarily agree with this contention, but that is the reality—I think it is far more appropriate to refer to this new court that is being established as a youth court.

I also point out that South Australia led the world when it came to the introduction of a children's court, and we are moving in the same direction by this new move to call this new juvenile justice system a youth court. I had the opportunity last year to visit some of the court systems in Britain and arrived at one of the courts in London on the day when they were changing their system and had named their courts 'youth courts'. So I was very pleased that South Australia had again taken another step that is one of the first in the world. I believe that it is most appropriate and, therefore, I support the Minister's comments.

Clause passed.

Clauses 2 to 6 passed.

Clause 7—'Jurisdiction.'

The Hon. M.J. EVANS: I move:

Page 2, after line 17—Insert paragraph as follows:

(ba) has the same jurisdiction as the Magistrates Court to make a summary protection order under the Summary Procedure Act 1926 where the person for or against whom protection is sought is a child or youth, and has power under that Act to vary or revoke such an order previously made by the court;

This amendment is to insert a new paragraph which enables the Youth Court to deal with issues of restraining orders and to have the same power as the Magistrates Court under the Summary Procedure Act. I believe the amendment is very much a technical matter to vest the court with the appropriate jurisdiction.

Amendment carried; clause as amended passed.

Clause 8 passed.

Clause 9—'The court's judiciary.'

The Hon. D.C. WOTTON: I move:

Page 3—

After line 13, insert:

(3a) A District Court judge may not be designated as a judge of the court except with the concurrence of the Chief Judge of the District Court.

After line 15, insert:

(4a) A magistrate may not be designated as a magistrate of the court except with the concurrence of the Chief Magistrate and the Senior Judge of the court.

The Opposition believes that appointments to the District Court and to the Magistrates Court should be made after consultation with the Chief Judge of the District Court and, as far as magistrates are concerned, it should be after consultation with the Senior Judge. The Opposition believes this to be an important event and seeks the support of the Committee for the amendments.

The Hon. M.J. EVANS: The Government does not support the amendments. It is entirely appropriate that, notwithstanding the proposal that the judges should rotate, the judiciary's independence is protected by other means. This simply provides a process whereby they may gain broader experience in matters of the community's justice affairs. I do not think it is appropriate to provide that kind of veto power.

The Hon. D.C. WOTTON: I would make the point that this matter will be reconsidered in another place.

Amendments negatived.

The Hon. M.J. EVANS: I move:

Page 3, lines 16 to 20—Leave out subsections (5), (6) and (7) and substitute:

(5) The justices and special justices of the court are justices and special justices designated by proclamation as justices and special justices of the court.

(6) The designation of a person as a member of the court's judiciary does not prevent the person from performing judicial functions unrelated to the court.

(7) A proclamation designating a person as a member of the court's judiciary must classify the person either as a member of the court's principal judiciary (i.e. those members of its judiciary who are to be occupied predominantly in the court) or as a member of the court's ancillary judiciary (i.e. those members of its judiciary who are not occupied predominantly in the court).

(8) A proclamation designating a person as a member of the court's principal judiciary must, subject to subsection (9), state a term for which the person is to be a member of the court's principal judiciary.

(9) A person cannot be a member of the court's principal judiciary for a term exceeding five years, or a series of terms exceeding five years in aggregate, unless that person is one of the first members of the court's judiciary, in which case the proclamation designating that person as a member of the court's principal judiciary may provide for a term of up to 10 years.

(10) A proclamation under this section may, subject to this section, be varied or revoked by subsequent proclamation.

This gets over some of the problems raised by the member for Heysen in his second reading contribution in relation to the whole of the judiciary virtually being appointed as Children's Court judges. It requires that some should be appointed as principal judiciary members—those who are occupied predominantly in the court—and others merely as ancillary members, where they take part in the jurisdiction only on a temporary basis, as judicial exigencies require. That way, the term limitation process can work more effectively. I will not canvass the other issues, because we have already been through them, but I believe that this gets over some of the difficulties the member for Heysen correctly raised in his second reading contribution.

The Hon. D.C. WOTTON: Certainly, that is an improvement on what was in the legislation previously, but the Opposition is still not satisfied. We feel very strongly about this; it is a matter that will be dealt with in another place, and I believe it will be dealt with successfully. I request that the Committee give support to this amendment in particular, bearing in mind the strong point of view that has been put forward to the Attorney-General in another place by the Chief Justice.

Amendment carried.

The Hon. D.C. WOTTON: I move:

Subclause (8) of the Minister's amendment—Insert '(being not less than five years nor more than 10 years)' after 'term'.

Subclause (9) of the Minister's amendment—Leave out this subclause and insert:

(9) A person cannot be a member of the court's principal judiciary for a term exceeding 10 years, or a series of terms exceeding 10 years.

The Minister has just indicated that this provision will not be supported in this place. That being the case, and because the Opposition feels very strongly about this matter, it will be brought forward in another place, where I believe it will be supported. It concerns me that the Minister has not been able to provide any real reason why this subclause should be introduced into the legislation.

I cannot understand why the Youth Court, as it will now be called, has to be singled out. I understand the Minister is not in a position to refer to the Family Court, for example. However, as I said in my second reading contribution, I would have thought that if it were necessary for this legislation it is 10 times more necessary for the Family Court. It is quite unprecedented. It is not in any other court in Australia, as I understand it.

The Hon. H. Allison: There is no rationale for it.

The Hon. D.C. WOTTON: As my colleague the member for Mount Gambier says, there is no rationale for it. I would urge the Minister again to give the members of the Committee a reason why this clause has been included.

The Hon. M.J. EVANS: The Government does not support the amendment. The reality is that this legislation is particularly innovative. That is why the honourable member does not see these provisions elsewhere.

The Hon. D.C. Wotton: That's rubbish.

The Hon. M.J. EVANS: Well, the select committee of which his colleagues were members unanimously recommended this provision. I think that to say that the legislation is not innovative is indeed to contradict his own earlier observations on the matter. This provision also is very innovative because it is not, as the honourable member said, mirrored elsewhere. The reality is that, because the committee felt that the Youth Court jurisdiction offers a limited area of experience, it was appropriate that members of the judiciary in that area should gain broader experience by serving in other parts of the judiciary and, indeed, that those in the adult jurisdictions should share part of the responsibility and workload and gain the experience which comes from serving in the youth jurisdiction. It was for those reasons, and for no other particular reason beyond that, that the committee unanimously advanced this suggestion. I believe that it will improve the experience of members of the judiciary and the quality of justice in this State.

I understand that the honourable member has some difficulty with it, and I accept his basis for moving the amendment. However, the committee considered the matter and felt that it would assist the legislation if indeed there was that degree of rotation. The honourable member will note that the amendment which I have circulated does provide that, in the first instance, the term may be up to 10 years so that the Government will have the opportunity to space out those terms and all the members will not retire at one time. So we will certainly not have any difficulties of that kind. I believe that the scheme that the select committee has recommended and as amended is appropriate.

The Hon. D.C. WOTTON: I can only say that, as I said earlier, the amendment that has been moved by the Minister improves the situation—I do not think anyone denies that. But the fact is that many of the concerns that have been referred to by the Chief Justice still exist. I can only presume from that that the Attorney-General has not recognised those concerns and has not considered the advice that has been forwarded to him by his own Chief Justice. I find it difficult to accept the reasons that the Minister has given for this particular move. The Minister has indicated that the Government will not support the amendment in this place and so there is very little further action that the Opposition can take.

Amendment to the Minister's amendment to clause 9(8) negatived; amendment to the Minister's amendment to clause 9(9) negatived; clause as amended passed.

Clauses 10 to 13 passed.

Clause 14—'The court, how constituted.'

The Hon. D.C. WOTTON: I refer again to the letter of the Chief Justice when he adverts to the fact that two Youth Court judges stationed in Adelaide would be incapable of discharging their obligation under clause 14(2) to hear and determine charges of major indictable offences unless assisted by District Court judges. I raised this matter during my second reading contribution and the Minister has not commented on it, and I would like him to do so.

The Hon. M.J. EVANS: I understand, and the select committee understood when preparing the draft, that it was a practical matter for the judges of the Youth Court to have the jurisdiction to hear major indictable offences. I have not previously had advice that that was not a practical proposition. The committee certainly believed that it was. Obviously that issue was raised. It will have to be reconsidered, and I undertake to do that before the matter is considered in another place. I really do not see the difficulty with that given that the workload of the court ought to be less under this proposed scheme of arrangement that we have now and given the diversionary processes which are in place prior to the court stage. The number of major indictable offences being heard by the judge should not be such as to make the workload prohibitive. The point is a reasonable one, and I am prepared to have the matter looked at before it gets to another place.

Clause passed.

Clauses 15 to 21 passed.

Clause 22—'Appeals.'

The Hon. M.J. EVANS: I move:

Page 8, lines 7 to 24—Leave out subsections (2), (3) and (4) and substitute:

(2) The appeal lies to the Supreme Court constituted of a single judge (but may be referred, if the court thinks fit, to the Full Court), but this principle is subject to the following qualifications—

(a) if the judgment was given by the court constituted of a magistrate, two justices or a special justice and the parties to the proceedings in which the judgment was given agree—the appeal lies in the first instance to the court constituted of the senior judge; and

(b) if the judgment is a judgment of the Senior Judge given in appellate proceedings referred to in paragraph (a) or a judgment given in proceedings founded on a charge of an indictable offence—the appeal lies to the Full Court.

(3) On the appeal, the appellate court may exercise any one or more of the following powers:

(a) it may confirm, vary or quash the judgment subject to the appeal and, if the court thinks the interests of justice so require, it may vary or quash any other judgment given in the same or related proceedings;

(b) it may remit the matter for hearing or further hearing;

(c) it may make any other order (including an order for costs) that may be necessary or desirable in the circumstances.

The member for Heysen drew attention to certain matters in relation to appeals which I understand. I think it is appropriate that appeals should lie to the Supreme Court. On further reflection, it is proposed to embody the scheme that we now see before us in relation to appeals to ensure that the Supreme Court or, as appropriate, the Senior Judge of the court hears appeals in accordance with the normal arrangements for appeals. This is not a reconsideration but a genuine appeal situation. I commend the amendment to the Committee.

The Hon. D.C. WOTTON: The Opposition supports the amendment.

Amendment carried; clause as amended passed.

Clause 23 passed.

Clause 24—'Persons who may be present in court.'

The Hon. M.J. EVANS: I move:

Page 9, lines 9 to 12—Leave out paragraphs (e) and (f) and substitute:

(e) a guardian or the child or youth to whom the proceedings relate;

(f) if the proceedings relate to an offence or an alleged offence—

(i) an alleged victim of the offence and a person chosen by the victim to provide support for the victim;

(ii) a genuine representative of the news media;

(iii) if a guardian of the youth who committed, or is alleged to have committed, the offence is not present—an adult person nominated by the youth who has had a close association with the youth or has been counselling, advising or aiding the youth.

This amendment seeks to include the concept, if there is no guardian available, of having an adult person who has been associated with the youth in the past and who has been counselling, advising or aiding the youth to ensure that the process is a more effective one. This concept was accepted by the Committee in relation to a previous Bill and I think it improves the clause.

Amendment carried; clause as amended passed.

Remaining clauses (25 to 32) and title passed.

Bill read a third time and passed.

The Hon. M.J. EVANS (Minister of Health, Family and Community Services): I move:

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

Motion carried.

EDUCATION (TRUANCY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 April. Page 2856.)

The Hon. D.C. WOTTON (Heysen): This Bill is also part of the package of three Bills arising out of the bipartisan recommendations of the Select Committee on Juvenile Justice. The two main changes in the Bill are, first, the removal of truancy as an offence for children and, secondly, the extension of powers available to authorised officers to remove truanting children from public places and return them either to the school or to their parents or guardians. The select committee rejected the current approach to truancy—

The Hon. T.R. Groom: It's not working.

The Hon. D.C. WOTTON: Exactly, it is not working—which means that a child could be dealt with, first, by a children's aid panel and then by the Children's Court. Evidence presented to the committee indicated clearly that these processes were not seen as an effective way of tackling the problem and were therefore being ignored. As the Minister on the bench says, it is obvious, and there is considerable evidence to suggest, that the present situation is not working. For example, over the past six years there was an average of only four Children's Court cases each year and 14 children's aid panel appearances each year.

The select committee recommended that if all reasonable action had been taken to ensure attendance the young person should be considered as a child in need of care and protection rather than being dealt with as an offender. To ensure that care and protection proceedings are initiated for truanting children only as a last resort, the Bill places an obligation on authorised officers to take all possible steps to resolve the problem at the school level.

A number of questions need to be asked, and I understand that Opposition members will ask those questions at the appropriate time. One question that needs to be asked, for example, is what power an authorised officer has to take a suspected truant back to school if the child refuses to move. Whilst it is clear that the current processes to handle truancy have not worked effectively, questions remain as to whether the new arrangements will work usefully. On balance, it would appear reasonable to support the select committee's recommendations. However, the Opposition would suggest that, after a suitable period—I suggest three years—we should review the legislation to see if the changes have been effective.

It would be appropriate and worth while for that review to be carried out. There is uncertainty in the community whether the legislation will move, but we recognise the bipartisan support that has been given. As I said earlier, there are some questions to be asked about authorised officers. We all recognise the strains that many teachers are working under in the education system at present as a result of a reduction of resources, etc. The Opposition is concerned about the added responsibility for authorised officers who are members of the staff of schools.

There is also concern, and it is concern that has been picked up from the community, that the previously existing system has been given only lip service and that teachers find themselves in no win situations, for example. It is quite obvious that nobody has been prepared to take the responsibility for truancy. Other members of the Opposition wish to participate in this debate. The Opposition would support the legislation. It is not our intention at this stage to introduce amendments, and again that indicates the success and the commitment of the members of the select committee in bringing down this legislation, which has bipartisan support.

Mr FERGUSON (Henley Beach): I want to say at the outset that I am duty bound to support the proposition in front of us. You would know, Mr Speaker, from past experience that, once I have given my word, wild horses would not stop me from carrying out the functions that I must carry out. It is a bit like the charge of the Light Brigade: onward they charged, volley and thunder; into the valley of death rode the 600. It is no secret that I opposed this proposition in the committee, in Caucus and at every meeting in which I have been able to express a view.

At our meetings, all around the State and in the metropolitan area, the question of truancy was one that rose time and time again because, when one seriously discusses juvenile crime, one must consider the problems of truancy. It is true to say that not all truants are criminals but all those people whom I questioned and who were involved in the juvenile justice area, being charged in one way and another, were, generally speaking, truants. One of the problems that they are faced with is illiteracy, and I believe that illiteracy has a strong connection with juvenile crime.

I was disappointed that the committee was unable to investigate the problems of truancy and behavioural management, which were part of its brief, to the extent that it would have liked because of its other tasks which, in a sense, overwhelmed it. But I agree with the opening remarks of the member for Heysen; it was very difficult in the education system—and representatives of the education system attended every public meeting—to find anybody who would be prepared, or is prepared, to take the responsibility for truancy—even the truancy officers.

The truancy officers to whom I spoke just threw their hands in the air and said that the problem of truancy was beyond them. Although we give lip service to compulsory education in this State, and have done so for about 100 years, we do not have compulsory education. The school teachers and the school communities are really not concerned about the problem of truancy, because the numbers involved are very small. Further, when these students attend school, they usually create so many problems for the other students and the teaching staff that they are very glad not to see them in the system. Nobody cares a lot about whether or not they are attending school.

In our travels around the country I was amazed to find—and we have this in the transcript and I plead guilty to asking the questions—that the teaching staff in the schools could not tell us how many students were enrolled in their classes at any time and how many students were actually attending the classes. I find this absolutely astounding. The teachers whom I cross-quizzed in our meetings—particularly those meetings in the country—could not tell me the number of students that they were supposed to have in their classes at any one time.

Mrs Kotz: Irresponsible.

Mr FERGUSON: I accept that comment and hope it is picked up by *Hansard*. I think it is irresponsible. I was absolutely amazed at the attitude of some of the teaching profession in relation to this question. Everyone in the Education Department, from the top to the bottom, is running away from it.

I pay tribute to some of the evidence that was given to us. I refer specifically to the evidence that was presented at Port Augusta by the combined high schools in that area. They produced a paper that was the best evidence that I saw in our travels around the country and metropolitan areas in relation to truancy. It was a blueprint for trying to overcome this problem. I hope that the Education Department gets hold of that proposition and follows it line by line.

In the evidence given to us, we were told that the Education Department is taking this matter seriously, that it is including it in its behavioural management studies, and that the matter of truancy will be taken up seriously in due course. I know that studies on behavioural problems have been going on in our schools for at least two years. We have had a two-year start on this problem, and there is not much evidence around the place that anything is occurring to try to amend the problems of truancy.

In my own electorate I have taken the opportunity of discussing this matter with the truants themselves. I have gone down to the local shopping centre—and the local chicken shop is, to use their own expression, where they hang out. They ask each other, 'Where do you hang?' and the reply is, 'I hang at the local chicken shop.' They are the colloquialisms that they use.

I have been down there to speak to these youngsters, who ranged in age from about 11 through to 15 years, and they gather at the local chicken shop on a Friday afternoon when everybody knows that they should be at school. I cross-quiz them about why they are there. They quite openly and blatantly tell me that nobody at school cares where they are, that they always take Friday afternoon off to make it a long weekend and that nobody is doing anything about it. I invited one of the attendance officers to discuss this matter with me, and we had a long and interesting discussion. I asked him, 'What is the answer to this question of truancy?'; he threw his hands up in the air and said, 'I haven't got an answer; I don't think there is an answer.' That is not good enough, because we know that crimes such as shoplifting, daylight entering and other petty crime are related to the truancy that is occurring in South Australia.

I did take the opportunity. to go with my colleague Kevin Hamilton, the member for Albert Park, over to Western Australia to discuss this matter with the police there and, when measures were taken against truancy, in particular areas in Western Australia the incidence of daylight breaking in certain areas dropped by 80 per cent. I believe that this question is very closely connected to juvenile crime, and it should be taken seriously.

I do have a problem with the Bill, even though I support it. I am committed to support the proposition that is in front of us; I will honour the pledge that I signed; and I will support this proposition. What we are doing in the Bill is taking out of the education system, so far as the students are concerned, the truancy problem, and we are handing it over to another organisation that is not in the education system. Admittedly, last year only four cases were taken to court and four cases referred to a children's aid panel, but the reason for that ought to be obvious: the problem is being ignored. If the number of prosecutions that ought to have been launched had been proceeded with, the courts would be full and people would be running in and out of there night and day, because this situation is not being taken seriously, especially by our teachers in the system.

I will be quite honest: I was responsible for including provision for any authorised officers who have the ability to round up the children and take them back to school. Not only have we now included in this clause every school teacher but also every authorised FACS officer, every police person and every other person we could think of, to allow them to round up the children and take them back to school or, more importantly, to take them back to their parents. I saw this practice introduced in Western Australia with great success. The problem that occurred in Western Australia was that, when the police took the children back to their school, they often took them in the front gate and the children left by the back gate.

That is the reason why we have included in this proposition that the responsible person, the authorised officer—whoever he or she might be—will have the opportunity to take the child back to their parents. In other words, if a parent does not care where his or her child is and has gone to work, maybe in an office, the authorised officer has the opportunity to take the child to the parent's place of work. I hope that will cause embarrassment, because it is deliberately designed to do so. We should be stamping out truancy, and in my view there is no reason why we cannot.

Another recommendation, which cannot be included in legislation, relates to early intervention with regard to literacy. I was surprised at the number of students who are slipping through the net who cannot read or write. The evidence from various teachers at the public meetings that we attended was that they do not have the resources. If it means that the State has to spend another $2 million to $4 million to provide resources for early intervention regarding literacy, I hope that the State has the courage and can find the wherewithal to do it. In my view, there is no bigger problem than being unable to read or write.

When the committee visited the institutions, members interviewed every person, and the common thread running through those interviews was that many of those young persons could not read or write. In order to check whether the situation was rife only in South Australia, on my visit to New Zealand I spoke to children in

institutions there and found the same problem. In this computerised world, everything relies on whether one can read or write. Everything now goes up in digital letters. Whether one is at the Adelaide Railway Station or anywhere else, one needs the ability to read or write. The man in blue who used to be at the railway station has now gone. We now rely on everybody to—

Members interjecting:

Mr FERGUSON: Members may find this a laughing matter, but it is extremely serious. If literacy is not available to our students, we shall be setting them off on a life of crime. Truancy and literacy go together. I am disappointed that this proposition takes away the ability of students—

Members interjecting:

Mr FERGUSON: I know that these cross-Chamber comments are extremely interesting, but I should like to get out what I want to say. We should not take away from the Education Department the responsibility for prosecuting these matters. The Bill goes in the wrong direction. I hope that the Parliament will in due course set up a special select committee to look into behavioural management and truancy in our schools. The committee, because of time constraints, did not have the opportunity properly to look into this aspect.

People in the Education Department are undoubtedly running away from this question. I would have no hesitation in attending any meeting they cared to convene and put this proposition to them in the same way that I am putting it to the House. Major sections of the Education Department are actually running away from this problem. I hope that we might be able to come up with an answer. We have partially got there but we have taken away from the Education Department the right to prosecute this matter and it should lie with the Education Department. In my view you cannot take it away from the Education Department and give it to another department, as we are doing here, and have it handled properly. I hope that my remarks will at some time in the future move somebody to do something about this very serious matter in our community.

An honourable member interjecting:

The SPEAKER: Order!

Mr SUCH (Fisher): I agree with the member for Henley Beach. This is a most serious matter and I was pleased to hear him speak in that vein. Truancy is a problem at the moment, and it is not being dealt with adequately or satisfactorily. I am not sure that this new measure will work; I hope it will. It has my support although I have concerns about some administrative aspects of it which I will get to in a moment. I believe the objectives of this Bill are very laudable.

The reasons why people truant are obviously varied and complex, and many schools, if not most schools, treat this matter very seriously. For example, one of our local high schools, Blackwood High School, can tell you whether a child is in a lesson or is absent from the school and I cannot see any reason why other schools cannot do the same. They put a lot of effort into knowing where the children in their care are at any time of the school day. I believe other schools should follow their example.

In terms of the wider aspects of truancy, which this Bill obviously does not and cannot address, I believe that the Select Committee on Primary and Secondary Education, looking into the matter of truancy, can come up with some strategies, which I would imagine would follow some of the suggestions of the member for Henley Beach, focusing on things like literacy and numeracy, and ask the question why children truant.

It is important, for example, to look at aspects I have mentioned in previous debates: the need to boost the self-esteem of children in our schools. I refer to that proportion of children who have little faith and confidence in themselves, who have a negative self-image, and that is reflected in the wider community in the way they relate to others and in the way they treat property and so on.

The education system must address the question of why young people truant; it must come to grips with that matter so that people actually want to go to school. It seems incredible that in this day and age, when people in third world countries are queuing up to get into schools, many of our young people are queuing up to get out of them. We have to ask the fundamental question why that is so, because there is obviously some mismatch going on. It is a very serious problem; it results in crime and, importantly, it results in the obviously related aspect that young people miss out on their education.

I do not wish to be negative in terms of what is proposed here but I want to highlight a couple of aspects which I believe can be addressed down the track, and I hope the Minister will take them into account. What this amendment proposes is that authorised officers will constitute or include any member of the teaching service, and we are talking about something like 17 000 people, which is a very large number of people. I quote from section 80 (3) of the Education Act, as follows:

> An authorised officer may, at any time in the day, call at a dwelling house and request any person to furnish him with the following information:
>
> (a) the full names of all children of compulsory school age resident in the dwelling house;
>
> (b) the respective ages of those children; and
>
> (c) the schools (if any) in which those children are involved in pursuance of this Part.

That is a significant authority that is being conferred upon people, and it opens the possibility for abuse. I believe it is a matter that the Minister needs to consider. Under the Bill an authorised officer now includes 17 000 teachers, the overwhelming majority of whom are excellent people, but if we refresh our memory we will note that in recent times some bad eggs have been discovered among the teaching fraternity who have done wicked things in relation to their behaviour with children. Clause 4(2b) provides:

> If it appears to an authorised officer, after inquiring into the child's reasons for not being at school, that the child does not have a proper reason for being absent from school, the authorised person may take the child into his or her custody and return the child—
>
> (a) to someone in authority at the school; or
>
> (b) to a parent or guardian of the child.

On the face of it that seems quite a reasonable thing to do, and I believe it will work well in areas such as the

country. However, I believe that there is the potential for very serious abuse of that provision, and I would hope that the Minister, in developing the necessary administrative arrangements, will ensure that authorised officers have appropriate public identification, because it is not hard to envisage a situation, particularly with very young children, that once it becomes known that teachers can bring children back to school, take them home or put them in their car, people in our community who have evil intentions towards young children may impose upon them. In the case of very young children who may be out of school early, a person could prevail upon them to get into a car on the pretext that they are going to be returned to school or taken to their family home.

I do not believe I am being over dramatic. I believe that this matter can be dealt with, but potentially there is the opportunity for those who have evil intent to abuse the system, and very young children would be vulnerable to persons who sought to do that. I believe the identification aspect must be addressed, so that young children are in no doubt as to the authenticity of the particular authorised person, with very severe penalties for people who abuse that position.

I am not a lawyer, but I would imagine that people who seek to act illegally in this way would attract some criminal penalty, but I am looking at the possibility of people who are in fact authorised officers—and there might only be a handful out of 17 000 teachers—who could abuse this, and I ask the Minister to consider how he will tackle that aspect and the penalties that will be set, so that they will serve as a deterrent to anyone who would seek to abuse this system.

This amendment puts a great deal of pressure on teachers. The question arises as to whether there is an onus on a teacher, who is an authorised officer, to act when, for example, they may be shopping in their lunch hour, on annual leave or accouchement leave, etc., and may see children whom they know to be children attending the school from which they have taken leave. So, I would be interested to hear how the Minister will deal with those particular aspects. As I said at the outset I am not trying to be negative, because I believe this is a very welcome initiative.

I hope it works. I know that the Minister is committed and feels very strongly about this aspect of young people not only getting themselves potentially into criminal activities but also denying themselves an education. If this section of the new set of proposals works, I believe that, as the member for Henley Beach indicated, we will see a dramatic reduction in some of the criminal behaviour carried out by some of the juveniles in our community. Like the member for Henley Beach, I am amazed at the number of children who seem to have flexitime on a permanent basis. I realise that in today's education system we have moved towards a more open learning situation.

Young people often have so-called free periods when they can do independent study. They do not always have to go to school, so the task of policing these sorts of arrangements is much more difficult. Nevertheless, that makes the challenge all the more significant. I believe that this matter can be dealt with. I believe that to allow the present situation to continue would be a betrayal of responsibility that we have as a community, that teachers have and that the Education Department has towards our young people.

I do not believe that the current situation can be tolerated any longer. Whilst the proposal before us tonight is not perfect and may need refining over time, I believe it is a step in the right direction. For those reasons, on behalf of the Opposition, I support this measure even though, as I indicated, I have some concerns about some of the administrative aspects related to identification and the possibility of a small minority of people with evil intent abusing the provisions contained in the Bill. I commend the measure to the House and look forward to a dramatic improvement in respect of the current serious problem of truancy that exists in our community.

Mr HAMILTON (Albert Park): It is with a great deal of pleasure that I enter this debate on what I consider to be a very important issue. Many years ago, when I first started raising my concerns about the problems of juvenile crime in the community, particularly in relation to vandalism graffiti, there were those within and outside the Parliament who said I was almost right of Genghis Khan. I do not believe that that is the case. I believed at the time, and I still believe, that I was reflecting the views of people within my community who expressed their dismay and anger at the amount of vandalism graffiti in the community.

That led me, together with other members of the Parliament, to attend a conference in Melbourne which addressed the problems of vandalism graffiti. As a result of that conference, a number of us had the opportunity to talk with other people involved in the area of juvenile crime. Eventually, that led me, along with three of my colleagues, to have discussions with representatives of the City of Gosnells in Western Australia. With the member for Henley Beach, the member for Stuart and the Hon. Ron Roberts, MLC, I attended a conference in that city—

Mrs Hutchison: An excellent conference.

Mr HAMILTON: As my colleague the member for Stuart said, an excellent conference. Following that, I had the opportunity to talk with many people both in the judicial system and in the Police Force. One of the things that came across was the problem with truancy. I was taken by Mr Michael O'Doherty, a senior officer in the City of Gosnells, to speak with representatives of the local constabulary. One thing they indicated to me was that they could tell when the schools were in session.

From a study of their crime mapping program on a daily basis they could see the amount of break and enter offences that occurred in and around those schools. When the students were on holiday the pattern rapidly diminished, but it would break out in other areas around shopping centres and industrial sites. I have spoken with police officers, in particular Detective Inspector Bob Kuchera of the Western Australian Police Force, who pointed out to me the problems in this particular area. I may be talking out of school but I do not think he would be offended; although he is not of my political persuasion, I have great admiration for his frankness and forthrightness in addressing this problem. The attitude adopted by him and officers of his department was to confront these students who were not at school on the

street. As I related in an earlier debate today, if they had seen little Kevin Hamilton on the street when he was supposed to be at school, they had the right to pull up and ask him what he was doing and take him back to school.

I was particularly interested in this aspect of what the Western Australian police and Government were doing. So, I came back here and posed this problem to some of my colleagues, and I addressed the matter to the Education Department. What did I find? I found a defensive situation where the arm went out to hold me off. In my opinion, they did not believe what I was saying and/or they were very defensive of the criticism that a number of my colleagues and I had posed in this area. I think it is fair to say that I am not easily put off, and I believe that a number of my colleagues, including the member for Henley Beach, are equally not easily deterred when they believe that they are on the right track.

That led to a discussion at the Orphanage between members on this side of the House, the Minister and officers of the Education Department in relation to this issue. It is fair to say that the exchange was, to put it diplomatically, very interesting—very interesting indeed. I believed that the problem was not being addressed properly, that there were kids on the street who were not being properly marked off by the system, and that there were people who were not prepared to admit that there was a problem in this area. Living in the western suburbs, I have seen students outside schools during school hours sitting on their butt smoking cigarettes. For whatever reason they were not in attendance at the schools in those areas.

Mr D. S. Baker interjecting:

Mr HAMILTON: I will ignore the inane interjection, because I think this is a very serious matter. There was a problem with some of those students, but whatever the problem was obviously I would not be aware. Whether it was a problem at home or that the student could not handle particular subject matter or subjects, I do not know, but what concerned me was that, if numerous break and enter offences were being committed during daylight hours in Western Australia, would it be unreasonable to expect that a similar situation could exist in South Australia? I do not believe that it was unreasonable to expect that that could be the case.

I have illustrated on many occasions in this House the attitudes of the Western Australian Police Force and the city of Gosnells, in conjunction with the Education Department and other authorities, who were able to reduce the incidence of daytime break and entering in that city by in excess of 50 per cent. That is quite staggering. Other matters that came into play, of course, as I indicated in this House today, included the fact that police officers were stationed in the schools where many of the students, if they had a particular problem, had confidence in the police officers and were able to go and relate to those police officers where they would not turn to other people.

I believe that these Bills are long overdue. It is an unfortunate reality that the Government, of which I am a member, is sometimes not prepared to accept the fact that there are problems in particular areas, specifically in this area of truancy, although I believe that there are people on this side of the House who are prepared to address a particular problem, albeit that sometimes it causes a bit of heartburn on our own side. Having offered some criticisms of my own colleagues, I believe the Government should address the problems of those students at a very early age with early intervention programs, of which the member for Henley Beach has been a great advocate; because, if there is a problem with a child in its formative years and it is not addressed, he or she will go on and possibly end up in the juvenile courts. The cost involved in early intervention programs *vis-a-vis* the employment of more people in the judicial system would be much better spent in early intervention programs than in trying to address the problems way down the track.

I do not believe that we should be addressing the problems 10 or 20 years after they occur. I have come across many of those students, particularly in my era. I believe I can say frankly, having come from the bottom of the heap and experiencing what it is like to have low self esteem and believing that one is inferior, that there is sometimes an anger inside that builds up. If these people do not have the capacity to talk about those issues, it is not unreasonable to expect them to lash out against society. So, unless we have programs in our schools where people have the expertise and the capacity to intervene and assist these students, I believe that society will pay a hell of a price, and I believe it is paying a hell of a price at the moment.

Behavioural management in schools is a critical issue, in my opinion, and I would ask the Minister what the Government intends to do in this area. Before I go on to that, I will reiterate a story I related earlier today about a woman who rang my office this week. Her husband had been picked up for the second time for driving without a licence, and she was very concerned at that, although he is not very old, and also concerned about the cost being incurred to her as the manager of the finances of that household. The reason why he would not sit for his licence was that he did not have, in her words, the intellectual capacity to cope with the test.

He had low self esteem. He had been through the courts and he had been through Family and Community Services. She appealed to me as her local member to try to assist her husband, who was driving around without a licence. It all came back to one very important aspect: he did not believe he had the capacity to pass the test to obtain a driver's licence, albeit in an oral way. That is only a small illustration of the sorts of problems we have out in the community, and I believe that with that low self esteem and anger that builds up inside, unless you have someone prepared to help you and sometimes take you aside and spend time with you, be it in your youth or, indeed, in your adult life, the community will pay a hell of a price. It is very easy to lock them up and throw them into gaol.

An honourable member: It's expensive.

Mr HAMILTON: I was going to use an expletive. Yes; they are very expensive. The honourable member is right, albeit interjecting out of his seat. He is spot on about that; it is very expensive to address these problems. Society must come to grips with this problem of truancy. Why is it that other States can compel parents to attend at schools and talk about these

problems? As I understand it, we do not have that power here. I believe that parents should be made to attend at their child's school and talk through any problems with the teaching fraternity. If the parents are not particularly interested in their children, the community will eventually pay the price. It is even worse for those children who do not receive the proper love and attention from their parents and support to address their problems in maths or any other school subject. We will pay the price in terms of higher taxes and more kids going through the courts.

I have spoken about the problems of breaking and entering and the statistics. I believe that, if we can address these problems and have early intervention programs in schools, we can address the problem of truancy. I believe, as the member for Henley Beach believes, that those powers should be vested in the Education Department, not other authorities, because that is where the problem stems from. I believe that society will be better off, and that will flow on through a number of other areas, particularly in terms of insurance policies and premiums. So, the question of truancy is not a simplistic problem; it is one that causes a great deal of concern. The teaching fraternity has to be given the back-up resources and the tools to be able to address those problems. I suspect that there are many other social issues associated with the problem of truancy. Therein lies another field in which other Government instrumentalities have to be involved.

The question of appropriate records for students in these schools has to be addressed in a very serious way. I believe that every student, when he or she goes from one classroom to another, should be marked off. Too often we see students out on the streets who, for whatever reason, in many cases are not even recorded as being outside the school system. I think that is very sad indeed. I am not saying that that happens in every school, but it does happen. So, I hope that my contribution to the debate will give the Minister and the Government some room for thought. However, I believe in the thrust of the Bill.

The Hon. B.C. EASTICK (Light): On this, the 136th anniversary of the first meeting of the House of Assembly in South Australia—a fact which has quite recently been conveyed to me by the member for Goyder—we are indeed debating some very important legislation. This area of the select committee's activity was the most disappointing of the lot. It is disappointing to the point that, if we had in our Standing Orders the crime of perjury by witnesses, there would be a number of people, particularly divisional officers of the Education Department, before this House answering to the statements which they made and which we saw, when given subsequent information, were quite obviously not factual.

It was great for the select committee to be sitting out in front of a number of the audiences, seeing the faces of those in attendance and the look of incredulity of a number of people. Subsequently, those people were identified as the school teachers at the coal face who did not themselves believe what the departmental officers were saying and were able the give word and verse of the reason why the information before the committee was very dubious, to say the least.

We did hear some very interesting evidence from the people involved in the schooling system on the West Coast, where they have a particular problem directly associated with members of the Aboriginal community. It was somewhat startling, but subsequently shown to be factual on a number of occasions, that the senior schools on the West Coast—up to five of them—quite often have the same students registered at some stage during the school year. Not infrequently, there is a period of three months between the time that they leave one school and clock on again at the next school.

Whilst I am not suggesting that we should necessarily create any problems for the nature of the Aboriginal culture, it does explain a lot of the problems which consequently flow through and which have been referred to here this evening. I refer to illiteracy, an inability to come face to face with the reality of the world or to be able to involve themselves in other activities. That is not belittling of the Aboriginal race, nor is it intended to be so. It is an indication of the problems that exist in one area of the truancy issue which will have to have special attention. I am quite sure that the Minister, having been a member of that committee, is aware of the difficulty and will follow that through.

I want very briefly to pick up the point made by the member for Henley Beach, who extolled the virtue of the information that was made available to us at Port Augusta. I agree with him: it was most informative, as was the information given to us at Murray Bridge. We had a situation that the law did not permit it, but the people in the Police Force, the Education Department and the community generally were totally supportive of an excellent move to get the truants back into the schools and reduce the problem as much as possible within the community. I hope that the experience which comes out of the Murray Bridge area can be transposed into a number of other areas when this aspect of the Bill is followed through.

I do not want to end on a negative note or by creating any mischief for some of my colleagues on the other side. I recognise the sincerity with which the member for Henley Beach and the member for Albert Park spoke, but I ask them to consider two things which became evident from the evidence that we took. They, Mr Speaker, are members of a Government which has taken two very serious actions to the disadvantage of the education system and to increase this whole problem of juvenile crime. They are members of a Government which withdrew truancy officers from the education system. They should understand that the whole of the northern district has but two officers directly associated with truancy. I would like to believe that those honourable members have taken up this matter with their Cabinet colleagues, because thereby hangs a major problem.

The second problem is that they are members of a Government which gave free transport to people in the education system. Many youngsters went missing from the school system when they found that they could get on a train at Colonnades and finish up at Gawler, Outer Harbor or wherever, and that is an indictment against the Labor Party, which said publicly that it was interested in

coming to grips with the problems of juvenile crime. In fact, however, it was fostering it.

They are facts of life. They came out in the evidence. Fortunately, the second of them has been corrected. However, that does not stop the mobility of some young people who are still involved with the former of the two, that is, truancy. Whilst we might not have the exact formula that is necessary to enable us to return to a proper understanding of education responsibility, parent responsibility and an improvement in the education system, at least we are trying. I hope we have the right formula. If it is not the right formula and a better mouse trap can be demonstrated to the Parliament in the not too distant future, I for one will be putting up my hand to support it.

Mrs HUTCHISON (Stuart): I rise to support the legislation. There is no doubt that a great deal of the information which came to the select committee related to truancy. Again there can be no doubt as to the very real concerns of the member for Henley Beach regarding this topic, about which he was very vocal at every one of the 20 committee meetings. Personally, I felt that it was too big a subject on its own to be dealt with in the select committee and that we could only fiddle around at the edges (to put it in positive terms, I suppose). We need to do more investigation on this.

I know that not all truants are involved in juvenile crime, but very obviously there was a link between it and truancy. In our deliberations, a lot of information that was of great concern to me personally was raised. The member for Light did touch on that when he spoke about the education problems for Aboriginal students. Truancy is very high, particularly in the area where I come from and across on the West Coast. In the northern parts of the State it is high indeed. One of the real problems is the high mobility rate of the Aboriginal people.

As the member for Light rightly said, some of those students could be at five different schools during a school term. If we translate that over the whole school year, we really do have a problem. The rate of literacy with Aboriginal students was low and the fact that literacy was not high led to a lowered self-esteem. Because of that lowered self-esteem, Aboriginal students did not want to attend school because they thought that they were too far behind. One of the worrying statistics was that the Aboriginal children in many instances were five years behind their white counterparts.

That problem was too big to deal with in the committee, because we had much other work to cover in the other areas. Therefore, I believe that more investigation is necessary. I am sure that all other members of the committee would agree with that. As to the evidence given to the committee by the schools in Port Augusta, it was excellent and I am aware that those schools have been working over the past three years to deal with this problem. They have been collaborating with schools at Coober Pedy, Ceduna and Port Lincoln to try to deal with the problem and get special solutions.

We cannot deal with that problem under the present system. We need special conditions to deal with that problem. The schools giving evidence in Port Augusta were the two high schools—Port Augusta High School and Augusta Park High School—and the Carlton Primary School. I would pay credit to the three Principals of those schools, who spent much of their own personal time dealing with that problem and trying to find solutions to it. I would be supporting them right down the line in trying to get their recommendations taken up in the education system.

Through the Bill we have dealt partly with the problem, but that is not to say that we do not have much work to do. One matter that came up in the committee was the recommendation that we needed to appoint Aboriginal truancy officers. The member for Henley Beach was much in favour of that, as were all members of the committee and I. I hope that that point will be noted by the Minister responsible, because it is so much easier for an Aboriginal truancy officer to deal with Aboriginal people than it is for a white truancy officer.

One real problem that I have found in my dealings with the school system, particularly as it relates to Aboriginal students, is that they feel isolated in the white school system. Often there are only a limited number of Aboriginal students in an almost all white class, and obviously they feel that they are behind the system and have no support within the system. One way that we can partly address this—I say 'partly' advisedly—is by having Aboriginal truancy officers. I hope that that recommendation will be taken up. I am happy to support the legislation as part of the total package of the recommendations of the select committee, and I urge the House to support it.

Mr BRINDAL (Hayward): I commend members of the committee for trying to address this problem. Certainly, I acknowledge the sincerity of the members for Henley Beach, Albert Park and Stuart, and those members on this side of the House who have spoken in this debate. Albeit, I want to challenge some of the facts presented. If I have this wrong, I apologise to the member for Henley Beach in advance, but I understood him to say something to the effect that teachers have not done their job properly or are not really serious about it. I would challenge that and build upon the point made by the member for Light.

I understand that it is still compulsory for teachers to mark the roll twice a day. That was a requirement of law. The member for Henley Beach shakes his head, but I know that I had questions on notice about a new roll system that was to be introduced. It was introduced as a requirement of the department. As the member for Fisher said, I know that many high schools go to great lengths to ensure that students remain in schools.

So what I am saying is that most schools and most teachers that I know do their best with a serious problem but, as the member for Light said, once a child is found to be truanting, something has to be done about it. When there are so few officers in the department and when there is a lack of will—and I acknowledge that from experience—from the department to back up the teaching staff in schools in doing anything about truancy, there is a real problem. I believe the problem is clearly to be sheeted home to the departmental administration, to the lack of will to police truancy and to a lack of proper resourcing in the area of truancy. I believe that is some of the problem.

Another issue we must address, and address seriously, is that there will always, I believe, be truancy in our schools while there has to be coercion to keep children there. One of the problems is that boredom can lead to truancy and, if there is relevance, fulfilment and enjoyment in our schools, there may well be less truancy. So, to have a roll and to mark the roll to coerce children to stay in schools is not necessarily good enough. I commend the member for Henley Beach for referring to early intervention programs. I believe early intervention programs are one of the most important uses of Education Department and Government resources, and I know many members on this side of the House will back the member for Henley Beach and the Government in any move made to put extra educational resources into that area.

I do not think it is fair to make some of the assumptions that have obviously been drawn by the committee. I know that there is a high degree of illiteracy in our schools, but I have done some work—and I would like to talk to members of the committee afterwards—but I could find no proper studies by places of higher education and universities to show that there is a link between truancy and illiteracy and a link between illiteracy and criminality. It is true that in our gaols many criminals are illiterate, but it is also true that some of the most spectacular criminals are highly literate and highly intelligent.

I believe it is one of those things that we take almost as an article of faith. We say that people are illiterate, therefore they truant, therefore they commit crime, and I do not know that that can be proved or whether—and this is very important to the debate at hand-making a person literate means that they will not necessarily become a criminal; they may be illiterate because of factors of parenting. It might well be factors in their socialisation and upbringing which caused them to truant and which causes them, as the member for Albert Park said, to lack self-esteem and which therefore cause illiteracy. Just because we can wave a wand and, perhaps, with good education make the person literate does not necessarily mean, if there are social factors, that they will not become criminal or that they will not truant. These things may be related but they are not necessarily a cause and effect.

Another important factor could well be that, when we have a society that demands ever increasing qualifications of people seeking employment, when it demands degrees almost from people working in McDonald's, the people who are not going to get employment are the less educated because they are unemployed. They could well be those people who are bored and get involved in petty crime. So, we could say that, rather than illiteracy causing criminality, unemployment may cause criminality. It is the unemployment that is the chief cause, not the illiteracy. So I do not think that some of the arguments that have been presented tonight are valid.

In conclusion, I would like to take up the member for Fisher's point about authorised officers. I understand and support the thrust of the committee, which is to make parents more responsible, but I believe there is a real worry in the area of authorised officers, especially if there is a mandatory requirement on authorised officers in this respect. I draw the attention of the House to the fact that my office is at Westfield at Marion and at any time one could easily find 100 truanting students there. I therefore acknowledge the extent of the problem; it is very serious. But I put to the Minister—

The Hon. D.C. Wotton: Which Minister are we talking to?

Mr BRINDAL: Whichever Minister is taking charge of this Bill. If every teacher is an authorised officer, and doing something about the problem is mandatory, they would need a considerable vehicle. From Brighton High, if they were on a purchasing expedition, their attention would be drawn to 100 or so children. How many of them is that person, as an authorised officer, obliged to collect? Does the teacher collect the whole 100 and return them individually to either their parents or their school? Do they collect one and then discharge their duty; or do they collect something between one and the whole 100? I am not saying that flippantly.

If they are authorised officers, and if it is mandatory that they do something about this truancy when it is drawn to their attention, it would be chaos in a place like Westfield. One would need almost a dog catcher type vision and paddy wagons to drive these children back to their schools and their parents. I acknowledge what the committee is trying to accomplish here, but I am not sure that this will be the answer, or that we will not have to seriously modify it.

I also take up the member for Fisher's point on being quite clear who are authorised officers. Frankly, if I was a parent and my child was truanting at Westfield at Marion, I would tell them to bite, kick, scratch and scream rather than go off with somebody who could not identify themselves as having a reason to take custody of a child. As a parent I would rather take the consequences of the law and have the child safe.

An honourable member interjecting:

Mr BRINDAL: I admit the child should be at school, but we are talking about when the child is not at school and the parent would want that child safe. I would not want any child of mine going off with some strange person on the grounds that that person said that they should. One of the first things police constantly say in their Care For Kids campaigns and in the schools is not talk to or go with a stranger. If kids are going to be presented with all these strangers, who say they have a perfect right to take them away, I think there is a problem.

In deference to your health, Sir, I commend this Bill to the House. There is a lot of good in it, but like the curate said, 'It is good in parts', and I hope the Minister will seriously address those parts where the legislation appears to be slightly deficient.

The Hon. M.J. EVANS (Minister of Health, Family and Community Services): This short Bill has drawn substantial and informed debate from the Parliament. Obviously, this topic is a very serious one and I know it has exercised the minds not only of the members of the Committee over a long time but also of most members of the House. Of course, as many members have pointed out, there are a number of difficulties when addressing the problem of truancy, and it is never going to be the case that there is a

straightforward legislative solution to what is a very complex social and educational problem.

No one legislative proposal will ever address all of those issues. I do not think the committee in formulating this draft felt that in any way it could propose a solution to truancy. That certainly was not our objective and the House should be well aware of that. The committee was proposing a mechanism whereby it could more effectively address the problem of truancy, which is much more one of care, control and education than it is of a criminal act on the part of the young person.

Clearly, those young people who truant on the odd isolated occasion—perhaps a day out of 10 years at school—do not have a serious long-term problem; they will return to school the next day, either of their own accord or because they are found to be truanting by an authorised officer, and that will be dealt with at a school level. It is not a thing for which they should be made to suffer a criminal process: that would be entirely inappropriate. On the other hand, those who are what we might call recidivist truants, those who truant on a regular and routine basis, clearly have other problems, and those problems relate to their interaction with the education system, or alternatively they may relate to family problems at home. Those issues are best dealt with through child protection mechanisms and the family care meetings which are proposed to be established under a Bill which the select committee has also tabled this week.

I do not think that under any circumstances it is possible for us to treat this as a criminal act on the part of the child and to expect that that mechanism will produce more positive results. It is much more likely that the mechanism which has been recommended by the select committee will move us in the correct direction, although I acknowledge the many difficulties which members have raised, and I am sure that many of those matters will need to be addressed in the future. In particular, for example, it will be necessary to consider identification of the authorised officers; it will be necessary to consider authorisations for the use of force, indeed, to ensure that the children accompany those—

Mr Brindal interjecting:

The Hon. M.J. EVANS: Well, clearly the authorised officers will need to ensure that those students who ought to be at school are at school. That is the practical mechanism which the select committee is proposing, and it is one which in the long term will be more successful. As I have indicated, I am more than prepared to take on board the many issues that have been raised by members this evening. There has been a wide-ranging debate, just as there was in the select committee. Members on both sides of the House have reflected a range of views, because this is a complex problem, and obviously we each have a perspective to bring to it.

So, in summarising the debate, I commend the committee's recommendations to the House. It is essential that we remove this issue of the criminal act on the part of children although, of course, it is still an offence for the parents. Indeed, the most important clause in this recommendation is the one which reads:

Authorised officers must take all practical action to ensure the attendance at school by children of compulsory school age.

That is the appropriate policy to be adopted, and it is one which I believe that this recommendation will help to prosecute, although it will not, of course, help address all the issues: that needs to be done over time. I thank the House for its cooperation in this matter.

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

DRIED FRUITS BILL

Adjourned debate on second reading.

(Continued from 24 March. Page 2614).

Mr D.S. BAKER (Victoria): The Dried Fruits Bill has caused more angst on both sides of the House in green and white papers with regard to the consultation that has gone on over the past few years. It has a very interesting history because, if ever there is a matter that is the epitome of what has happened to many primary production entities in Australia over the past 70 years, it is that of dried fruits. All the reasons for bringing in the original Act in the 1920s were correct. It started off when settlers came back from the First World War. It was quite correct that employment was found for them in the dried fruits industry.

That is how Australia was developed. But the Commonwealth as well as the States got involved and finally we had to introduce complementary legislation in the 1920s to protect dried fruit producers in their marketing entities from the realities of the marketplace. In the 1980s the producers and packers were regulated. By Act of Parliament we allowed only 14 packers of dried fruit in South Australia, and it was a very big export market. Some 50 per cent of dried fruit production in this State is exported. Therefore, the dried fruit industry is very important. However, we would not allow competition in the industry. Some of the inefficiencies that have built up over the years, because of the regulation, did not allow free market forces to operate.

I welcome the efforts of the Minister and the former Minister, who is now temporary Premier, to have white papers and green papers and discussions with the industry to ensure that we have a closer look at this Bill. The whole thrust in the dried fruits area under this legislation will now shift from the production of dried fruits to their marketing. This raises serious consequences about Australia's ability to market dried fruits. Of course, other countries, which do not have the same standards applying to them as apply to production in Australia, are allowed by Commonwealth legislation and laxity on the part of the Commonwealth Government to export to States which have minimum standards and then distribute them around Australia. That is doing great damage to our dried fruits industry.

I support the deregulation side of the Bill. Some questions will be asked in the Committee stage. However, that side of it is very important. Above all, because of the sovereignty of the States and the lack of will by the Federal Government to ensure that our producers operate on a level playing field—that is, that they operate under the same terms and conditions for the production of dried fruits in Australia—and let in imports

which are not produced on that same playing field, there is a loophole. I hope that the Federal Government will move quickly to ensure that that loophole is blocked. It is ridiculous that it should take about 150 days to get anti-dumping legislation into the courts and through to a conclusion. We allow produce to come into Australia not properly labelled with the country of origin and not properly identified as to the standards under which it is produced. That lag time makes it impossible for our producers to compete on a level playing field.

This quite minor deregulation—it is major in the industry in South Australia but minor Australia-wide—can only operate to the benefit of producers if we are prepared to grasp the nettle. Of course we want our producers to be world competitive and to have world best practice, but we should ensure that within the industry dried apricots, for example, are competing with dried apricots. It is no good trying to have dried apricots competing with dried pears because it makes it very difficult. It is that level playing field approach that we must really look at.

Further, within the dried fruit industry there is tremendous potential for cottage industries and for value added. As we take the regulations off and as we appoint the board, I think it is pertinent to note—and this may be taken up by other speakers—that, unlike the case involving barley, the board is selected, and we have been through that lengthy argument in this Parliament. But as that board is put in place it is very important that it does not assume greater control over the producers and packers than is necessary, because there is the great potential for cottage industries in the dried fruit industry.

Many organisations with which I have consulted about this legislation say that there are many people drying fruit in the backyard or, indeed, on the front verandah. Provided they have minimal standards, we must never allow the board to require licence fees that are an impediment to those people carrying on a value added activity which is so important to this country. The Opposition supports the Bill and I commend the Minister for finally introducing it. I will be questioning matters closely in Committee stage to ensure that the powers of the board are complementary to this industry's growing and not an impediment to its growth.

The Hon. P.B. ARNOLD (Chaffey): I support the remarks made by the member for Victoria. As possibly the only dried fruit producer in this Parliament, I would like to make a few comments. By and large I believe this Bill has the general support of the growers, the processors, and that is extremely important. Probably one of the most important things that the member for Victoria mentioned is the problem involving the products that are coming in from overseas. I would venture to state that if we tried to re-export some of the products that are coming in from overseas we would be stopped from doing so on a quality basis; they would not meet the export standards that Australia sets and yet they are allowed to come into this country. I think that is an extremely important issue that the Minister must take up with his Federal colleagues in Canberra.

It is one thing to compete on a fair basis but it is an impossible situation when some of the products coming in would not meet the standards we are required to meet. I refer, for example, to dried apricots coming into this country from Turkey. For one reason or another the wisdom that prevails in Canberra gives developing country status to Turkey, which has been producing dried apricots for a thousand years and produces something like 10 times the quantity that Australia produces.

However, Australia gives Turkey developing country status as far as tariffs are concerned. It is an incredible situation. Above all else, the products to which I refer are allowed to come into this country and there is no guarantee of the standard of the quality of that product. I hope that, when the Minister responds at the end of the second reading debate, he might be able to shed some light on the problem that exists. It is not only a problem in the dried fruit industry. As primary producers we are confronted with this problem in many different areas, and it is an absurd situation. One has to recognise that the primary producers in this country still generate a vast amount of the nation's export earnings, and in many instances the people actually producing those products get very little out of it themselves. It is certainly a valuable part of Australia's overseas export earnings.

As I understand, and the Minister may be able to shed some light on this, dried fruits can be imported into this country through whichever State has the lowest standard for that particular product. Most of the dried fruit that is coming into Australia comes into Queensland, a State which virtually does not produce any dried fruit, and so the Queensland Government does not have any real interest in that particular product.

The Hon. T.R. Groom interjecting:

The Hon. P.B. ARNOLD: Fine. It does not matter where it is coming in. One way or another it is coming in, and I think it is up to the Minister to actually take some action on this, if he is really serious about having genuine export industries in this country that are going to help get this country out of the mess that it is in. I have been given the privilege of opening the Australian Dried Fruits Association conference next Tuesday, and there is no doubt that the debate at that conference will revolve around the legislation presently before the House. It would be of great benefit if the Minister could shed some light on the issues that we have raised here tonight, so that information can be passed on. The legislation does provide the flexibility that is necessary in the industry and it has my support and, I believe, the general support of most of those people involved in the industry as a whole.

Mr LEWIS (Murray-Mallee): Mr Speaker, the Opposition support for this measure is already well and truly on the record.

Mr Ferguson: Your shadow told us that.

Mr LEWIS: I reaffirm that for the benefit of the inane interjections that come frequently, almost continuously, from that poor chap called the member for Henley Beach.

Mr Ferguson: Have you taken your pills today?

Mr LEWIS: I know he suffers from cancer, Mr Speaker. Let me address the measure before us—

The Hon. T.H. Hemmings interjecting:

Mr LEWIS: The other member who interjects from out of his place is no better. What Australia needs with

respect to securing sensible marketing arrangements domestically for these products is appropriate anti-dumping legislation. After all, not the least significant role and function of the board is to ensure satisfactory marketing. The anti-dumping measures which ought to be in place in this country should assume that any import is dumped before it arrives here unless and until the importer has proven that it is not. The definition of dumping is well known to economists and legislators, and therefore it is not difficult for anyone to understand what is meant by dumping: where the price being sought after meeting the cost of freight and charges, and getting the goods from the country of origin to the Australian wharf, is less than would otherwise be paid for those goods in the country from which they emanate. That is dumping, and that has to be stopped.

The only way we will stop it is if we assume that everything that comes here is dumped, unless and until the importers have proved that it is not. Therefore it ought to attract automatically on arrival, if no such proof has been provided of that, a duty which is so high as to discourage, if not completely destroy, any importation of a commodity already produced here, without having first proved that the purchase price landed on the wharf in Australia, less the cost of freight and other charges to get it here, is at least as high as the price that would be paid in the other country.

Let me make some observations in passing about the hypocritical and holier than thou attitudes expressed by the Government about marketing and regulation, in the very recent past, particularly by that fellow who was the pretender as Minister of Agriculture, as the portfolio was then known before it became Primary Industries, the member for Unley. He has been very vitriolic and abusive of members on this side of the Chamber, saying that we would not know deregulation if we saw it. He is not even in the Chamber to discuss this measure tonight, which is a re-regulation, and a much more severe regulation of the marketing arrangements than for any other product in the entire range which we know.

That member has just as much responsibility to address the questions raised by this proposal for marketing boards as he did when he took me to task for proposing to introduce a board, not for marketing in the least but for self-regulation of the production and research into a new industry, another different, separate, new primary industry, namely, farming native animals and birds. So, it ill-behoves him or any of his colleagues who support the sort of half-witted remarks that he makes from time to time to ever again criticise any member, whether on this side of the Chamber or anywhere else, when they sit in this Chamber and acquiesce in support of a proposition which proposes to more heavily regulate the production, packing and marketing—particularly the marketing—than applies to any other commodity in our economy.

Let us now take a look at other provisions which cause me some anguish, and they relate to the proposal to register every producer. The producer is defined as somebody who actually makes the dried vine fruits or tree fruits, and the packer is defined as the person who packages them. There is no need for the Government to require anyone who wishes to become a dried fruit producer to register themselves and pay a licence fee into general revenue. There is no benefit to the consumers from that, and there is no greater benefit to the overseas customers, or no benefit derived in ensuring good quality on the market. That is better provided by simply having laws of minimum standards and random spot checks.

Already we have packaging laws in this country that require any goods that are packaged in a closed container to be labelled with the name of the packer, and the producer in the case of primary product. I know that very well. I was a fruit inspector and then a producer in my own right of a great variety of vegetables from the seed to the supermarket. In consequence of that experience, I have a clear understanding of what is involved. There is absolutely no necessity to require anyone to be registered. Already the law requires that you put your name and address, and that of the grower if you are the packer and not the grower, on the package. That address has to be the place at which the person conducting each of those businesses normally receives correspondence for the business.

That is provided now in the labelling requirements of the law. You can then take packages for sale at random and check them for those aspects of quality which should be required for the protection of the public. Those aspects are: contamination, foreign material in packages—that can be checked very easily visually and with magnets—and, more particularly, things that cause disease, such as chemicals that are toxic to humans and bacteria that will cause illness. It is easy to check that. If we sincerely believe that it is necessary to register producers and packers to do that, why on earth do we not require everyone who produces salad vegetables to register themselves as growers and packers, because the risk to public health or of being gypped is much higher from salad vegetables? They are not even treated with a preservative and, more particularly, they are consumed in their raw state with a much lower concentration of sugar than in the case of dried fruit.

As members would know, sugar, even the natural fructose in fruit itself, once concentrated by removing the moisture at those higher levels simply eliminates the possibility of a vast array of disease forming organisms ever colonising that product. That is the very reason why we have dried the damn things since antiquity: so they can be preserved. They cannot be kept in their wet state because fungi and bacteria would destroy not only the flavour but the suitability and wholesomeness of the product if it was not dried.

In addition, as all members know, the vast majority of this product has been treated by either emersion in sodium or potassium metabisulphite where the pH level of the remaining moisture in the flesh has been very much reduced along with the natural fruity acids. The ultimate concentrated solution of sulphurous acid, which results from the treatment to which I have just referred—that is, dipping in potassium or sodium metabisulphite—prevents those other organisms that would otherwise colonise it but for the fact that the pH is even lower from doing so. They cannot colonise it for either of those two reasons: the sugar levels are too high or the acid level is too low; they are preserved.

Under this legislation we still require producers to pay a fee to the coffers of the Government and to go to the trouble of registering themselves. It is a bureaucratic

waste, it is additional and unnecessary red tape that produces no public benefit whatever, and it is something which I believe the Government should have addressed when formulating this legislation, something which I am sure a Liberal Government will address on coming to office. There is absolutely no benefit whatever for anyone other than the salary and wage earners who are employed by the Public Service and who, as a consequence of the requirement of registration being included in the legislation, collect the taxes for the Government to help pay for the State Bank debts and other disasters.

Mr Ferguson interjecting:

Mr LEWIS: That is what the revenue is used for; the member for Henley Beach cannot deny the significance of that point. The point I wish to conclude on is the reference to cottage industries and their importance as we value add onto our basic primary product—in this case, fresh, ripe, raw fruit. We value add to that when we preserve it by dipping it and drying it. We can further value add by processing it, chopping it up somewhat, and putting it into more convenient sized packages for immediate and ready access. We can further value add by putting it with other saleable food stuffs, such as dairy products. It is an outstanding success story when we look at what Allowrie Foods in Murray Bridge has achieved with its Fruche. It is not only a success in our local market since dried fruit was added to yoghurt in sterilised form but it is now an outstanding success in the export market, and it is to be commended.

However, if we impose these kinds of regulations on this sort of production we put at risk the emergence of that kind of enterprise. In addition to that, as has been pointed out by my colleague the member for Victoria, there is the desirability of encouraging people to go into cottage industries. I can foresee sidelines to the use of water for aquaculture purposes, in the first instance, and then for irrigating horticultural crops around the fringe of the areas planted to those crops. It is quite easy to conceive of how large numbers of very diverse types of fruit, both native and exotic—things like quandong, figs and so on—could be grown, dried and sold by those producers, as their water requirements are not very great.

Mr D.S. Baker: Dates.

Mr LEWIS: Dates, indeed. In the Mallee there is an abundance of underground water. Its climate is no different from that of Salisbury, where quite a deal of dried fruit used to be produced. Indeed, it is in the same sorts of latitudes as the MIA and the Riverland. The soil types are the same. There is no reason at all why that could not be an emerging sideline industry in that part of South Australia. It is none too risky to dry the fruit there, because the summer is as dry as that of the Riverland, and that is an important consideration when contemplating the establishment of a fruit growing business.

One does not want to get caught up having to use artificial drying techniques, because they become unnecessarily expensive in all circumstances except emergencies when climatic conditions are out of the ordinary and high humidity results from rain falling in late summer when the drying is being undertaken. Let us be realistic and keep those licence fees down and, above all, let us re-examine the necessity for some of the proposed functions that are included in the legislation as and when the opportunity presents itself again.

I will not delay the House further or attempt an amendment to exclude such unnecessary provisions at this time. I will leave that for another day, having placed on record my concern about the impact of it and the unnecessarily bureaucratic aspects that will result in the industry in consequence of the legislation in its current form.

The Hon. T.R. GROOM (Minister of Primary Industries): I appreciate very much the contributions from members opposite, particularly from the member for Victoria, the member for Chaffey and the member for Murray-Mallee. I am very much indebted for the input given by the Opposition. All members, and particularly the shadow Minister, have been most constructive in their approach to this legislation. I cannot agree with everything the member for Murray-Mallee says but, nevertheless, he is supporting the legislation. In relation to the member for Chaffey's concerns about imported goods from overseas, as the honourable member knows, those concerns have been in the system for a long time. They have been looked at by Ministers throughout Australia at ministerial conferences.

A statement was issued on 1 February 1993 that really did not receive the publicity that it warranted, from the appropriate Federal Minister, stating that from Monday 1 February all imported foods entering Australia will be liable to be tested by AQIS for compliance with Australian food standards. This means that imported products will be subject to the same requirements as domestic products, and foods that do not comply with the Australian food standards code will be brought into compliance or will be denied entry. So, that is a positive start.

I think the information that the honourable member was seeking does need to be monitored to ensure that it is properly policed. As the honourable member has correctly identified, it has been possible to bring below-standard dried fruits from overseas and import them through States that do not have regulations as tight as those in South Australia. As I understand the situation interstate, we will obviously be working in conjunction with New South Wales and Victoria. New South Wales is looking to see what happens with the passage of our Bill, because a certain area of the legislation is complementary.

Likewise, Victoria has not moved at the present time, but I will also be taking this up with the Victorian Minister (as I am sure the shadow Minister has already done), following the passage of this Bill. It is partial deregulation; it will not be everyone's agenda. We have to respond to the nature of the industry and allow it to evolve properly and not in a destructive way. It is certainly not complete deregulation by any means, but it is partial deregulation. I am quite happy to explain the powers and operations of the board in that context during the Committee stage.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Interpretation.'

Mr LEWIS: I refer to the definition of 'dried fruits'. The botanical meaning of 'fruit' is probably known to the Minister and it would include such things as gourds and other cucurbits. The contemporary definition of 'vine' would also cover those products. However, I seek the Minister's assurance that in fact 'dried fruits' means not the fruits of annual or biannual species such as cucumbers, zucchinis, gourds, chokos and the like but only the fruit of herbaceous vines of the family *Vitis,* such as *Vitis vinifera.* That is the most common one; indeed, it is the only one that I know of that we use for production. I presume the Minister means grapes, in the common vernacular, not any vegetable, and that tomato vines and so on are out of the question. So, the Act will not cover dried tomatoes, dried cucumbers and dried gourds. Am I correct in that assumption?

The Hon. T.R. GROOM: With regard to terminology, it is desirable that we try to adapt and use terms that are complementary with the other States in their ordinary meaning, and we do so. There is no intention at all to go into the areas that the honourable member has adverted to. The intention is to stick to the old Bill. If there are any problems with the areas of cucumbers and the sort of thing about which the honourable member is talking, because of a very wide definition in the Bill, some court might interpret it in possibly a much wider sense than was intended. If there is any difficulty with that, we will deal with it in regulations.

Clause passed.

Clauses 5 and 6 passed.

Clause 7—'Selection committee.'

The Hon. T.R. GROOM: I move:

Page 4, lines 23 to 25—Leave out subclause (10) and insert:

(10) Subject to this Act—

(a) all members of the selection committee must be present (or participating by telephone or video conference, if a meeting is conducted by telephone or video conference) when the committee is making a nomination to the board;

(b) four members of the selection committee constitute a quorum for the purpose of the transaction of any other business by the committee.

I do not think this should cause any difficulties, and I tender my apologies for the late notice in relation to this. It represents a few technicalities. For the benefit of the member for Victoria, with regard to paragraph *(a)*, that is simply the same. Paragraph *(b)* provides that four members of the selection committee constitute a quorum for the purpose of the transaction of any other business by the committee, but where it is making a nomination the view is that all members of the selection committee should be present, because they represent the industry in that way.

However, when the committee is dealing with any other matters, other than nominations, then four members of selection committee would constitute a quorum for the transaction of any other business. Otherwise, all members would have to be present for any other business, and I have been advised by the board that that would make it extremely difficult for the selection committee actually to function. It is simply a tidying up in two parts. The first is unchanged; that is, when one is nominating a person for board membership, all members of the selection committee have to be present because they represent the different segments of the industry. However, for the transaction of any other business, other than nomination, four members would constitute a quorum. It is machinery administrative matter.

Mr D.S. BAKER: Clause 7(5) provides:

The Minister must seek nominations for appointment to the selection committee from such associations or other bodies as are, in the opinion of the Minister, substantially involved in the dried fruit industry.

I have no problem with the setting up of the board. I should have thought that with this deregulation the emphasis would be on marketing and that it was sensible, if it is on marketing, that the Minister may appoint someone not from an association but an individual who has some expertise in marketing the product and not necessarily who is substantially involved in the dried fruit industry. That is why I am one of those people who believes selection committees can operate very well, provided that the range of membership is wide enough and has expertise that is of benefit to the industry. This appears to me to be very restrictive.

I have not moved an amendment, but I would like an assurance from the Minister that it does not mean that members can come only from bodies that are substantially involved in the dried fruit industries and that it gives us the benefit of getting some people with expertise in marketing, which is what the dried fruit industry is all about.

The Hon. T.R. GROOM: Again, I think the confusion here is because the amendments I have put on file were put on very late. Of course, clause 7(5) of the existing Bill deals with nominations for appointment to the selection committee. My amendment deals with the situation when the selection committee itself is making nominations for the board. When one looks at the expertise on the board one needs to refer to clause 6(1)*(c)*. The honourable member will see that it does include 'or any other foods'. So, I think it will pick up the honourable member's concern.

Amendment carried.

The Hon. T.R. GROOM: I move:

Page 4, after line 27—Insert:

(12) An act of the selection committee is not invalid by reason only of a vacancy in its membership or a defect on the appointment of a member.

This amendment speaks for itself. It simply means that if there is a vacancy in relation to the selection committee any action of the selection committee is not made invalid by that reason or because of any deficiency in the appointment of a member. Again, this is a machinery matter to protect the selection committee.

Amendment carried; clause as amended passed.

Clauses 8 to 29 passed.

Clause 30—'Appeal against decisions of the board.'

The Hon. T.R. GROOM: I move:

Page 14, line 22—Insert 'in its Administrative Appeals Division' after 'Court'.

Again, this is a consequence of some advice, I think from the Chief Judge. Again, it is only a machinery amendment.

Amendment carried; clause as amended passed.

Clauses 31 to 33 passed.

Clause 34—'Powers of inspectors.'

The Hon. P.B. ARNOLD: I move:

Page 17, after line 5—Insert:

(6) An inspector who—

(a) speaks offensively to another in the course of exercising powers under this Act; or

(b) hinders or obstructs another, or uses or threatens to use, force against another, without reasonable grounds to believe that the inspector has lawful authority to do so,

is guilty of an offence. Penalty: Division 6 fine.

This amendment is well known to the Committee. We commonly refer to it on this side of the Chamber as the Gunn amendment. It has been accepted by the Government in numerous other pieces of legislation similar to this. I point out that division 3 relating to inspection is a significant provision of this legislation. This amendment provides a little bit of balance. A number of growers have raised concern that, human nature being what it is, some inspectors can become over-zealous. In most instances, the packers as bigger organisations are quite capable of looking after themselves, but individual, small growers—and in many instances the grower is not a male but a female—sometimes feel threatened by these inspectors. I commend the amendment to the Committee.

The Hon. T.R. GROOM: I thank the honourable member for moving the amendment. It does have merit and has been accepted in similar legislation previously. I have no hesitation in accepting it.

Amendment carried; clause as amended passed.

Remaining clauses (35 to 41) schedule and title passed.

Bill read a third time and passed.

ADJOURNMENT

At 11.34 p.m. the House adjourned until 23 April at 10.30 a.m.