LEGISLATIVE COUNCIL

Tuesday 19 September 1978

The PRESIDENT (Hon. A. M. Whyte) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS

MOSLEM MEAT PAYMENTS

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation prior to asking a question of the Minister of Agriculture about Moslem meat payments.

Leave granted.

The Hon. R. C. DeGARIS: In the *Sunday Mail* last weekend, a letter from the Editor states:

> Dear Mr. Chatterton, We've been waiting for a couple of days now for your apology. Of course, we didn't ask for it. Nor do we really expect it. But knowing your Government's quest for truth and honesty in all matters, we had thought we might have a chance of hearing from you. See, last Sunday, you told sections of the media that the *Sunday Mail* story on Moslem meat sales payments "did not have any factual basis".
>
> That wasn't surprising in itself. Several other Ministers have performed in like fashion when confronted with issues of which they were either not aware or, perhaps, too aware. Time has proved them incorrect as well. But, in your case, time hasn't been a factor at all. You branded our story as not factual when the facts themselves had already been presented in an Adelaide court.
>
> Subsequent events have once more shown that not only did our report have a factual basis but that it was spot on. It could be assumed that your silence in the face of this means that you were either unaware of the Moslem meat payments or wrong in your appraisal of our report. The former would seem amazing, particularly as your office was contacted at least three times before we printed the report, which was discussed with your officers. The latter only you can now tell us. We're waiting.
>
> Sincerely, the Editor.

Does the Minister wish to comment on this allegation?

The Hon. B. A. CHATTERTON: The press reports appearing in the *Advertiser* and other newspapers since that original *Sunday Mail* story have confirmed the press statement I made and have shown that the *Sunday Mail* story that sparked this whole thing off was not only confused but irresponsible in terms of the export of meat from this country. I do not think that the people who wrote that story fully understood the situation in South Australia, the way that the Hallal Meat Board operates, or the certification of meat in South Australian abattoirs.

They tried to imply that something improper was occurring in relation to the provision of the certificates and that there was some sort of exporting racket, and so on. This matter has been checked out, and the Hallal Meat Board performs the specific function of certifying that the beast has been killed in the proper Moslem manner. It makes spot checks on abattoirs so that it can provide those certificates, and the board has a small administration in Adelaide to do the necessary paper work. The charging of fees to undertake that service is quite legitimate and proper.

The matter of contributions by the Hallal Meat Board to the Australian Federation of Islamic Councils and what the latter organisation does in terms of its market is a separate one, which should not have been confused with the provision of these "Moslem-killed" certificates. I have said that the report in question was irresponsible in relation to this State's meat industry, because the inspection of meat for Moslem markets is another cost for the industry and, if this inspection must be done separately for each customer country, it will involve considerable extra cost for the industry generally. That situation is likely to occur if people challenge the credibility of the Hallal Meat Board. This has already occurred in relation to one or two countries that insist on their own inspectors being present when meat for export to those countries is being killed. As more countries could insist on separate inspections, it could create increased costs for the industry.

Another considerable problem is that, if meat must be inspected separately for each customer country, it will be impossible for exporters to kill meat without their having a specific order in front of them. At present, exporters frequently kill and have the meat inspected to ensure that it is proper Moslem-killed meat, and that meat can then be allocated to any market that is available. The market does not have to be specified at the time, and, if the Hallal meat inspection process was to break down and each country insisted on its own inspection, that sort of flexibility between markets would no longer exist.

PRAWNS

The Hon. F. T. BLEVINS: I seek leave to make a statement before asking the Minister of Fisheries a question regarding prawn fees.

Leave granted.

The Hon. F. T. BLEVINS: The press has announced a stand-off position between the Government and prawn fishermen over the matter of increased prawn fees. Will the Minister tell the Council whether this is correct and give details of negotiations that have taken place to date in an attempt to fend off what seems to be a potentially serious situation?

The Hon. B. A. CHATTERTON: It is unfortunate that negotiations seem to have broken down. Yesterday, I met representatives of the prawn fishermen's associations to negotiate an interim fee for this fishing season. I made considerable concessions to the fishing industry, suggesting that an interim fee of 40 per cent, or about $2 000, should apply this fishing season.

I agreed to an independent economic survey to be used to formulate a permanent fee structure, and I agreed to a research and management liaison committee between the fishing industry and the officers of my department on the question of fisheries research and management. Those are three very substantial concessions to the industry, and I had hoped there would have been some positive response from the representatives who came to see me. Unfortunately, because they seemed to be bound by a resolution of the general meeting of prawn fishermen held last week, they were not in a position to make any genuine negotiations possible. I sincerely hope that they go back to their association and discuss the matter more fully, because otherwise, as the honourable member said, a potentially serious situation could occur.

MINISTER'S REMARKS

The Hon. C. M. HILL: I seek leave to make a short statement before asking a question of the Minister of Tourism, Recreation and Sport concerning a report in the *Sunday Mail* about some dissension between the Minister and the head of his department.

Leave granted.

The Hon. C. M. HILL: An article, headed "Not so beaut", in the *Sunday Mail* of 17 September by a journalist known as Cassandra, who reports on Federal and State politics, states:

> If two senior Government men needle each other in public, what happens when they are alone?
>
> That is the question South Australia's tourist industry has been asking itself since the not so "beaut" launching in Adelaide of the Government's "Beaut" tours.
>
> People at the opening were not over impressed by an exchange between the Tourism Minister, Mr. Casey, and the Director of Tourism, Mr. Joselin.
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> After being introduced by Mr. Joselin, Mr. Casey thanked him but pronounced the Director's name "Joe-slin".
>
> "The name is Joslin, Minister," interrupted the Director, loudly.
>
> Which brought an irritated "I would have expected that from you," from the Minister.
>
> Mr. Casey then said something about Mr. Joselin's holiday in New Zealand which coincided with the Sydney and Melbourne launchings on the tours.
>
> Left a nasty taste in a lot of mouths and posed the question as to what exactly is going on behind Adelaide's closed doors.

Are the facts in that report correct? If so, what explanation can the Minister give, especially in view of the fact that confidence and respect between Ministers and their departmental heads are essential ingredients of good government under the Westminster system, and any dissension made public is a reflection upon the Government as well as the State generally?

The Hon. T. M. CASEY: I can assure the Hon. Murray Hill that the relationship between the Director of Tourism and myself is absolutely 100 per cent. The honourable member can check it out with the Director of Tourism.

The Hon. R. C. DeGaris: Do you mean 100 per cent good or bad?

The Hon. T. M. CASEY: I mean 100 per cent correct and good. People who write this sort of jargon ought to be thoroughly ashamed of themselves. Mr. Joselin spoke before I did, and he mentioned that he had been in New Zealand on holidays, and it was the first holiday he had had since coming to Australia. He is a very keen skier and he wanted to try out the snow in New Zealand. It was all part of a jovial attitude between us. If some people liked to take it the other way, I feel terribly sorry for them.

The Hon. ANNE LEVY: As the Hon. Mr. Hill has said, the Minister recently launched Beaut Tours locally and interstate, at which some criticism has been levelled by certain honourable members. Can the Minister tell the Council whether any transport company has shown an interest in Beaut Tours?

The Hon. T. M. CASEY: Beaut Tours has got off to a very fine start. Although many people have tried to rubbish the project, generally speaking it has received the praise it so richly deserves. I am very pleased that the honourable member has asked this question, because the Director of my department told me this morning that we have already had inquiries from an airline. This airline has shown great interest in the tours and wants to incorporate its South Australian ground arrangements with Beaut Tours. This will generate increased interest in tourism in South Australia, and that is what we are trying to do.

MARY WHITEHOUSE

The Hon. J. C. BURDETT: I seek leave to make a brief explanation prior to directing a question to the Minister of Health, representing the Premier, on the subject of statements by the Attorney-General concerning Mary Whitehouse.

Leave granted.

The Hon. J. C. BURDETT: In the media on 3, 4 and 5 September there were reports that the Attorney-General had called Mary Whitehouse an "agent of darkness", a "notorious pom" and an "opponent of freedom". However, the *Advertiser* of 5 September contained a report of a more guarded statement by the Attorney-General that was said to have been made following a Cabinet meeting the previous day. On 5 September, after the Cabinet meeting, the Attorney-General was a guest on the 5DN Jeremy Cordeaux programme, during which he said that he did not regret having made these statements. He said the only way in which he was representing the Government was that which involved receiving the demands of the demonstrators. Jeremy Cordeaux then asked him, "Did you make the comments as Attorney-General, or were they merely personal comments?" The Attorney-General answered, "Oh no, I made them as the Attorney-General; I am the Attorney-General."

First, does the Premier approve of the Attorney-General making this comment, especially after the issue had been discussed in Cabinet and a press release made? Secondly, if the Premier does not approve, what action has the Premier taken or does he intend to take?

The Hon. D. H. L. BANFIELD: I will refer the honourable member's question to my colleague.

RYEGRASS TOXICITY

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture regarding ryegrass toxicity.

Leave granted.

The Hon. M. B. DAWKINS: In a season such as the one we are experiencing, we may expect some problems with ryegrass toxicity, although I understand that thus far the Agriculture Department has not located any such outbreak; no doubt, in most cases, it is far too early yet for it to occur. However, I am pleased to see that the department is well aware of the risk, and has made some public statements about the management of properties in the meantime, with particular reference to hard grazing, because ryegrass toxicity has been a serious problem in the past, especially in the Mid-North. Has the statement which appeared in the daily press been made available to the country press? If it has not, will the department make it available, bearing in mind that it is well known that country people often read their country papers more thoroughly than they read the daily paper?

Further, will the department stress to the editors of these newspapers the need to give wide publicity to the likelihood of this problem occurring in a season such as we are now having, particularly in those areas where ryegrass toxicity has caused problems previously, such as the Mid North?

The Hon. B. A. CHATTERTON: The statement from the Agriculture and Fisheries Department has been made available to all the rural media, such as the country press and rural radio stations, and I hope that in areas where there are serious problems with ryegrass toxicity, particularly for farmers with livestock, the media will use that statement and give it the widest possible publicity.

STRESS EVALUATORS

The Hon. ANNE LEVY: I seek leave to make a brief explanation before directing a question to the Minister of Health, representing the Premier, on the matter of psychological stress evaluators.

Leave granted.

The Hon. ANNE LEVY: This morning's newspaper contains a disturbing report about machines known as psychological stress evaluators being used in this country without the knowledge, much less the consent, of the people who are being tested with them. Doubtless, many of us share the concern of the New South Wales Privacy Committee in this matter and would regard the use of these machines as a gross invasion of personal privacy, very damaging to mutual trust, and likely to lead to general fear and a mentality of being spied on; in other words, the sorts of attitude associated with dictatorships with official and all-pervading secret police. The report mentions that so far these psychological stress evaluators are being used in this country by two multi-national companies and two semi-government bodies. Can the Premier assure us that no such machines are being used by any semi-government bodies in South Australia and that the Government does not intend to permit or condone their purchase or use in this State?

The Hon. D. H. L. BANFIELD: I will refer the question to my colleague and bring back a reply.

TRUST FUND ACCOUNTS

The Hon. J. A. CARNIE: I seek leave to make a brief explanation before directing a question to the Minister of Health, representing the Treasurer, concerning trust fund accounts.

Leave granted.

The Hon. J. A. CARNIE: Pages 580 and 581 of the Auditor-General's Report for the year ended 30 June list the balances in the trust fund accounts, in two sections. The first is a list of amounts held by the Treasurer on behalf of various bodies and upon which interest is paid, and the total amount is $14 038 409. Then there is a list of amounts held by the Treasurer on behalf of the Australian Government and other bodies and upon which no interest is paid. For that the total is $21 941 176, making a total of moneys for which the Government is liable in these trust accounts of $35 979 575 at 30 June. Will the Minister find out from the Treasurer what amount was held in cash at 30 June to cover the Government's liability for these amounts?

The Hon. D. H. L. BANFIELD: I will seek the information for the honourable member.

DRUGS

The Hon. J. R. CORNWALL: Has the Minister of Health obtained replies to questions I asked recently about drugs and drug education?

The Hon. D. H. L. BANFIELD: The following comments are in response to the three-part question. First, there are no statistics available which identify the relationship of heroin addiction to the incidence of crime, violent or otherwise, against property. However, it has been the observation of police that persons with a dependency on dangerous drugs such as heroin generally suffer a diminished income-earning capacity and they are consequently forced to resort to illegal means to satisfy their drug habit. Crimes against property, being a ready cash-producing source, are therefore often found to be a feature of the activities of addicts.

Secondly, the honourable member's statement and question of 8 August have been taken into account, together with a wide range of other scientifically established data, in the development of the drug and health education programmes conducted by the South Australian Health Commission and the Education Department. The emphasis of these programmes is that drug education must be placed within a wider health education framework concerned with the growth and development of personal coping resources within individuals. This approach has been endorsed by the Health Education Subcommittee of the National Health and Medical Research Council and the Drug Education Subcommittee of the National Standing Control Committee on Drugs of Dependence. The latter committee has stated a national policy on drug education as follows:

1. To prevent drug abuse.
    1.1 Prevent the non-committed from adopting habits which could lead to drug dependency or any other deviations harmful to society or the individual.
    1.2 Encourage people to make informed choices about their own behaviour by increasing knowledge and facilitating the formation of discriminatory attitudes about drug use.
2. To allay public anxiety about the drug problem.
3. To increase the amount of information in the community about drugs and the drug problem.
4. To increase communications between the generations about drug use and abuse.
5. At the individual level, to help people develop personal resources which will enable them to:
    5.1 cope constructively with life's stresses and problems;
    5.2 develop self-satisfying lifestyles which will benefit others as well as themselves.

The South Australian Health Commission and the Education Department are satisfied that this is the most productive and effective approach and that it is based on the latest scientific and educational research information. Finally, overseas authorities visiting Australia, who are recognised as experts in their field, have been invited to give evidence to the South Australian Royal Commission into the Non-medical Use of Drugs, and have done so. Mr. Dennis Muirhead has been engaged as counsel to the commission and has extensive overseas experience in this area.

The Royal Commission has corresponded extensively with overseas experts and gathered material from them. Further, the Chairman, Professor Ronald Sackville, and Mr. Muirhead have undertaken an overseas trip to seek material from relevant authorities and to examine the British system for the treatment of narcotic addicts.

GAWLER RAILWAY YARDS

The Hon. C. W. CREEDON: Has the Minister of Lands an answer to my recent question about the Gawler railway yards?

The Hon. T. M. CASEY: In accordance with the State Transport Authority's policy of encouraging commuters to "park and ride", the following work at the Gawler Railway Station will be carried out shortly:

1. Regrading of existing areas to correct and improve drainage.
2. Surfacing of all parking areas with bituminous hotmix.
3. Delineation of parking areas with kerbing and painted lines.
4. Provision for the entry and exit of buses from the front of the station.

The estimated cost of this project is $57 000.

HILLCREST HOSPITAL

The Hon. C. M. HILL: I seek leave to make a statement prior to directing a question to the Minister of Health concerning the changeover to the Health Commission administration at Hillcrest Hospital.

Leave granted.

The Hon. C. M. HILL: I have a copy of a circular, headed "Change in central structure", sent by the Superintendent at Hillcrest Hospital to members of the staff, and dealing with the many problems and delays associated with the changeover of the staff to the new Health Commission system. Part of the circular states:

> Since the passing of the South Australian Health Commission Act in 1976, the Hospitals Department has been allowed to decline and there is a continual transfer of function, funds and power to the South Australian Health Commission. The Hospitals Department as we know it will cease to exist—probably in 1979. What will happen to us—a question which is not answered at the moment? Nobody has decided yet and, as a hospital like Hillcrest is such a complex structure, no single person can know enough to be able to make the right decisions.
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> The power to make the decisions rests with the Minister of Health, the Hon. Don Banfield, who is ultimately responsible both for the South Australian Health Commission and for the disappearing Hospitals Department. He will be relying to a large extent on the advice of the Chairman of the Health Commission, Dr. Brian Shea. The Health Commission as such has given little direction about the organisational structure of what is still the Mental Health Services, a sub-unit of the Hospitals Department. Broad guidelines have been set down, and hospitals like Hillcrest have been encouraged to work towards incorporation.

The article continues with information to the staff about what they ought to do if they have any ideas regarding the changeover. Obviously, there is uncertainty about the plans for incorporation and the final decision that the Minister will make. Can the Minister comment upon any special problems associated with the proposed incorporation of Hillcrest Hospital, and say whether these problems relate to the composition of the board or to the fact that the Mental Health Act passed in April 1977 has not yet been proclaimed?

The Hon. D. H. L. BANFIELD: The answer to the last two questions is "No". The answer to the first question is that the constitution in relation to the general hospitals is at present being drawn up and will be incorporated before the psychiatric hospitals become incorporated. In the meantime, there is communication between the South Australian Health Commission and the psychiatric hospitals, as the circular indicates. The part that the Hon. Mr. Hill left out was that stating that people were being asked to put their views in order to assist the Health Commission when the time came for the psychiatric hospitals to be considered for incorporation.

DAIRYING LEGISLATION

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture regarding the proposed new dairying legislation.

Leave granted.

The Hon. M. B. DAWKINS: Honourable members will be aware that there has been much discussion about the new dairying legislation and that many objections have been raised to it. I believe that some of these objections are valid, but I am also aware that some may be ill-founded. However, I was glad to see that the Minister listened to representations from members of the industry, perhaps indicating that he would agree to reconstructing the Bill or at least changing those parts of it to which serious objection has been taken. Will the Minister indicate when, if such a review is undertaken, the suggested legislation is likely to come before the Parliament, and will he say what objections may be corrected by the Government before it introduces this legislation?

The Hon. B. A. CHATTERTON: I have always adopted a policy of consulting with the industry, and this consultation has been going on for some time. When I released the draft dairying legislation to the industry I made it quite clear that I was prepared to listen to any problems people might be experiencing, and that I would consider altering that draft in the light of the submissions made. It is impossible to say yet exactly when that will be done, because consultation with the various producer organisations is taking longer than we originally anticipated, and there are many more meetings to be held by those organisations before they put their submissions to me. I hope they will do that as soon as possible. Once those submissions are in my office I can look at them. I then intend to arrange a meeting with the various dairy farmer organisations, manufacturers, and other people in the industry, and I hope that we can reach a consensus. Finally, if this consultation takes place reasonably quickly, I intend to introduce the legislation in the Council this session.

POLLUTION CONTROL

The Hon. N. K. FOSTER: Has the Minister of Lands a reply to my recent question regarding pollution?

The Hon. T. M. CASEY: At the February 1978 meeting of the Australian Transport Advisory Council, Ministers agreed to defer the introduction of the third stage of ADR 27A until January 1981. At the last meeting of the council, which was held in Darwin on 21 July 1978, the implementation of the third stage of vehicle emission control, rule ADR 27A, was again discussed.

Ministers agreed to discuss the rule again at their meeting in February 1979 after they had studied the results of a number of reports and assessments on issues associated with rule ADR 27A. The South Australian and New South Wales Ministers of Transport were not prepared to agree to a further 12 months deferral of the implementation of ADR 27A to January 1982, which had been suggested by the Commonwealth Minister for Transport (Hon. P. J. Nixon).

MODBURY HOSPITAL

The Hon. C. M. HILL: Will the Minister of Health say whether he or his department has any plans to reduce staff numbers at Modbury Hospital and, if so, will he say what is the extent of the proposed reduction?

The Hon. D. H. L. BANFIELD: This matter is being investigated by the Health Commission with a view to reducing staff numbers, where possible, without decreasing the delivery of health care to patients.

The Hon. C. M. HILL: It has been reported to me that plans are afoot for the dismissal of 60 staff members at Modbury. Will the Minister therefore say whether there is any truth in the report that about that number of people is

to be dismissed?

The PRESIDENT: Order! I have asked a number of times that honourable members who wish to discuss a matter with another honourable member in the Chamber should be seated as near as possible to one another and that their conversation be as inaudible as possible. I intend to ensure that that request is implemented. This is a courtesy that honourable members owe not only to the honourable member who has the call but also to *Hansard*.

The Hon. C. M. HILL: Will the Minister say whether there is any truth in the rumour that about that number of people might be so affected?

The Hon. D. H. L. BANFIELD: I understand that no-one will be dismissed. True, the Health Commission is examining the matter of reducing staff numbers by natural wastage. I understand that this applies to various hospitals and that there is no question of dismissals occurring.

The Hon. C. M. HILL: Will the Minister ascertain from the Health Commission whether it is expected that, by "natural wastage", as he terms it, staff numbers will be reduced by 60?

The Hon. D. H. L. BANFIELD: The object is to save costs overall, and it might or might not involve the figure to which the Hon. Mr. Hill has referred; it might involve fewer people. The honourable member's question related to the dismissal of employees. The whole matter is being examined to ensure that the delivery of health services to patients will not be affected. I am not aware of the staff numbers that are to be reduced in any hospital.

The Hon. C. M. HILL: I ask the Minister a final question on this matter. Does he expect staff numbers at Modbury Hospital to be reduced by 60 persons?

The Hon. D. H. L. BANFIELD: No figure has been set in relation to the reduction of staff.

LOCAL GOVERNMENT

The Hon. C. J. SUMNER: Has the Minister of Lands a reply to the question I asked recently regarding local government?

The Hon. T. M. CASEY: Following the 1977 meeting of the Constitution Convention and a subsequent meeting of Local Government Ministers, the South Australian Government agreed to amend the South Australian Constitution Act to provide recognition of local government, provided that all other States agreed to do likewise.

FUN RUN

The Hon. C. J. SUMNER: I ask the Minister of Tourism, Recreation and Sport, first, whether he was present at the *News* fun run on Sunday? Secondly, is the Minister aware that, once again, the Labor team comprising the Attorney-General (Mr. Duncan), the member for Ross Smith (Mr. Bannon), the member for Gilles (Mr. Slater), and I completed the course in the best ever time for the Labor team and that, again this year, no challenge was forthcoming from Liberal members of Parliament? Thirdly, will the Minister use his good offices to encourage a team comprising Liberal members of Parliament to enter the run next year in order to provide some competition for the Labor team? Finally, will the Minister say whether the lack of a challenge means that the Opposition is far from up and running?

The Hon. T. M. CASEY: I assure the honourable member that I was present at the fun run on Saturday morning and that I was delighted to know that so many people participated in the run from the Adelaide Town Hall to Glenelg. I did not see one Opposition member taking part, although Labor Party members came out in force and did a fantastic job, on which I congratulate them. If I can do anything to stimulate Opposition members not only in the Council but also in another place and get them to participate, I will certainly do so. Indeed, I will use my best endeavours in that regard.

RICE STRAW CONVERSION

The Hon. C. M. HILL: Has the Minister of Agriculture a reply to the question I asked on 22 August regarding rice straw conversion?

The Hon. B. A. CHATTERTON: Agreement has been entered into with Stramit Industries Proprietary Limited to use padi rice straw harvested in Kedah for roofing material. A factory is soon to be erected in either Penang or Kedah for this purpose. At the same time, the Malaysian Government is arranging and financing a study into the possible use of padi rice straw for conversion to stock feed. The study is being watched closely by officers of the World Bank.

MIGRANTS

The Hon. C. M. HILL: Has the Minister of Lands, representing the Minister of Community Welfare, a reply to the question I asked on 12 September regarding grants to the Italian organisation known as FILEF?

The Hon. T. M. CASEY: The Minister of Community Welfare reports that a salary grant of $6 500 for FILEF to employ a community welfare worker/co-ordinator during the 1978 calendar year was recommended by the Community Welfare Grants Advisory Committee and approved by the Minister on 24 January 1978.

CHRISTIES BEACH FACILITIES

The Hon. C. M. HILL: Has the Minister of Health a reply to my recent question regarding health facilities at Christies Beach?

The Hon. D. H. L. BANFIELD: The new ambulance station in the Christie Downs area is expected to be completed by April 1979, and will be equipped with EM-Care ambulances as well as standard ambulances and clinic cars. The possible involvement of local practitioners in the provision of emergency services in the Noarlunga area is under active consideration. A three-month ambulance emergency transport survey will begin in mid-October, to determine the number of cases in which local practitioner involvement would have been helpful to either ambulance crew or the patient. Arising out of the findings of this survey, a pilot scheme of local practitioner involvement can be planned.

The Flinders Medical Centre retrieval team is available at a few minutes notice to provide specialist medical care with sophisticated resuscitation equipment. The team is transported to the Noarlunga area by St. John Ambulance vehicle and has the facility of radio contact with Flinders Medical Centre if necessary. In the four months (April to July inclusive) there were no calls from the Noarlunga area for the use of a retrieval team. The use of a helicopter for emergency medical work, as a vehicle for both the transport of retrieval teams and rapid transport of patients, is still receiving consideration.

HOSPITAL BOARDS

The Hon. C. M. HILL (on notice):

1. Is it a fact that, at the recent August conference of the South Australian Hospitals Association, the association passed a resolution rejecting the Government's proposal for worker participation on hospital boards of management?

2. Is it a fact that the association represents up to 60 country Government-subsidised hospitals and the said rejection was unanimous?

3. Is it a fact that the Minister of Health addressed the conference and urged the conference to vote against the resolution?

4. Is it not a fact that it is the Government's policy that worker participation shall be introduced voluntarily in all areas and without any compulsion whatsoever?

5. Can the Minister assure the Council that the Government will bring no pressure to bear whatsoever on these hospitals as a result of the association's rejection of the Government's proposals for worker participation?

6. Does the Minister intend to incorporate these hospitals under the Health Commission if the hospitals continue to reject the Government's proposal for worker participation on their boards?

The Hon. D. H. L. BANFIELD: The replies are as follows:

1. Yes.

2. Yes.

3. No. However, the Minister opened the conference, but was not present when agenda items were being discussed.

4. The Government is in no position to compel non-government hospitals on any matter.

5. See above.

6. The incorporation of these hospitals is the sole prerogative of the hospitals concerned.

The Hon. C. M. HILL (on notice):

1. In regard to the Government hospitals at Port Lincoln, Whyalla, Port Pirie, Wallaroo, and Mount Gambier, the Queen Elizabeth, Lyell McEwin, Royal Adelaide, Modbury and Queen Victoria Hospitals and also Flinders Medical Centre, have the members of the boards of management of these hospitals been appointed so that incorporation under the Health Commission can occur and, if so, did the Government insist on the principle of worker participation on such boards as a compulsory requirement before incorporation could be achieved?

2. If the Government did so insist, is this not in conflict with the Government's stated plan that worker participation shall not be introduced anywhere as a result of compulsion?

3. If the boards have not as yet been appointed, what are the reasons in each case for the delay?

4. If the boards have been appointed, either with or without worker participation, were any members in each case elected or nominated by local communities or sectional interests, and how many members in each case were so elected or nominated, and how many members on each board were nominated by the Minister?

5. Is it still the Minister's intention to allow the said boards the autonomy and independence which was promised when the Health Commission legislation was introduced into and passed by Parliament and, if so, and the Minister has nominated or is nominating his own board members, how does he justify that answer?

The Hon. D. H. L. BANFIELD: The replies are as follows:

1. No. The honourable member should be aware that the Lyell McEwin Hospital and the Queen Victoria Hospital are not Government hospitals. In regard to Government hospitals, when the proposed constitutions were being drawn up the matter of worker representation on boards of management was discussed with the hospitals, and it was readily agreed that employees should be represented on the boards.

2. See above.

3. Boards of management have not yet been appointed. They will be appointed when the constitutions are finalised and the hospitals become incorporated. The constitutions are presently being examined and put into legal form by the Crown Solicitor.

4. In considering the composition of hospital boards due regard is being given to achieving a balance of expertise, experience and backgrounds (for example, finance, business, medical, education, legal, consumer and community).

5. The boards will have autonomy and independence in accordance with the legislation and constitutions.

LEGAL SERVICES COMMISSION

The Hon. J. C. BURDETT (on notice):

1. How many admitted legal practitioners will be employed on a salaried basis by the Legal Services Commission in 1978?

2. What will be the approximate monthly salaries bill of admitted legal practitioners employed by the Legal Services Commission in 1978?

3. How many admitted legal practitioners will be employed on a salaried basis by the Legal Services Commission in 1979?

4. What will be the approximate monthly salaries bill of admitted legal practitioners employed by the Legal Services Commission in 1979?

The Hon. D. H. L. BANFIELD: Unfortunately, because the reply is not yet available, I ask that the question be put on notice for next Tuesday.

PAYNEHAM ROAD

The Hon. J. A. CARNIE (on notice):

1. On how many occasions have traffic restrictions due to work on underground services applied in Payneham Road during the current calendar year?

2. What is the total length of time that restrictions have applied during this period?

3. What work was done on each of the separate occasions?

4. Is it anticipated that there is to be more work done in Payneham Road in the immediate future?

5. Is any of this work being done in anticipation of the widening of Payneham Road, and, if so, when is it intended that road-widening will take place?

The Hon. T. M. CASEY: Because the reply is not yet available, I ask the honourable member to put the question on notice for next Tuesday.

SOIL CONSERVATION ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

COMMUNITY WELFARE ACT AMENDMENT BILL

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

The Hon. T. M. CASEY (Minister of Lands): I move:

That this Bill be now read a second time.

The principal object of this Bill is to effect amendments to the principal Act that are consequential upon the recently introduced Children's Protection and Young Offenders Bill. As the principal Act now stands, children may be placed under the "care and control" of the Minister in various circumstances. To all intents and purposes, a care and control order vests the Minister with all the powers of a guardian, and so it is proposed that the terminology of the principal Act be changed to the extent that such orders will be referred to as "guardianship orders".

No major substantive amendments are proposed by this Bill, as the principal Act is currently being subjected to a general review that probably will result in proposals for further legislative changes.

Clause 1 is formal. Clause 2 provides for the commencement of the Act on a day to be proclaimed. Clause 3 amends the arrangement of the principal Act. Clause 4 inserts a further transitional provision dealing with care and control orders made under the principal Act. These orders will be deemed to be guardianship orders as from the commencement of this amending Act. Clause 5 repeals definitions that are redundant and amends other definitions to accord with the Children's Protection and Young Offenders Act. The terms "neglected child" and "uncontrolled child" will no longer be used, as such children will be known as "children in need of care".

Clause 6 provides that the Minister and the department may provide supervision and counselling for children generally. Clause 7 amends a heading to a subdivision of the principal Act. Clause 8 provides that a guardian of a child who is in need of care may apply to the Minister for an order placing the child under the guardianship of the Minister. The criteria for deciding whether a child is in need of care are substantially the same as those provided in Part III of the Children's Protection and Young Offenders Act. It is made quite clear that a guardianship order under this section must be for a specified period, and may not extend beyond the time at which the child turns 18.

Clause 9 re-enacts section 40 of the principal Act in a clearer form, without making any change to the substance of the section. This section deals with temporary guardianship orders that may not exceed three months. An order may be made under this section in an energency situation, whether or not the child is in need of care. Clause 10 effects sundry consequential amendments. Clause 11 repeals a heading, thus amalgamating subdivisions 1 and 2 of this Division. Sections 42 to 49 will now apply only to guardianship orders made under this Act, and not to orders made under the Children's Protection and Young Offenders Act.

Clause 12 deletes a reference to the "correction" of children, as young offenders will no longer be within the ambit of this division. Clause 13 effects a consequential amendment. Clause 14 gives the Director-General the same powers in relation to a child under guardianship under this Act as he has in relation to a child under guardianship pursuant to the Children's Protection and Young Offenders Act. Clause 15 replaces references to the "apprehension" of a child with the terminology used in the Children's Protection and Young Offenders Act. Clause 16 removes inappropriate references to the "detention" of children under guardianship under this Act. Clause 17 effects consequential amendments.

Clause 18 repeals a section that provided for the extension of guardianship beyond the age of 18 years. This is now seen to be unnecessary. If a child is incapable of managing his own affairs upon becoming an adult, then proceedings could be taken, if appropriate, under the Mental Health Act. Clause 19 provides that either a guardian, or the child himself if he is of or over the age of 15, may apply to the Minister for an order discharging the child from his guardianship. As the principal Act now stands, a child cannot make such an application. Appeals from decisions of the Minister under this section will be dealt with by the Children's Court. Clause 20 is a consequential amendment. Clause 21 provides that the Director-General may constitute assessment panels. Clause 22 is a consequential amendment. Clause 23 enacts an interpretation section, with the effect that certain of the sections in this Miscellaneous Division will apply not only to children under the guardianship of the Minister pursuant to this Act, but also to children under the guardianship of the Minister pursuant to the Children's Protection and Young Offenders Act, and children detained in any place pursuant to that Act.

Clause 24 amends section 74 so that the section will apply to the categories of children referred to in the explanation of clause 23. Clause 25 re-enacts section 76 in a form that includes all necessary consequential amendment. It is now thought to be inappropriate to have an offence of absconding from a home, particularly in relation to children who are merely under the guardianship of the Minister. The Children's Protection and Young Offenders Act makes provision for children in detention who prove to be uncontrollable. Such a child may be transferred to a prison in certain circumstances. Clause 26 is consequential upon clause 25.

Clause 27 deletes the prohibition against persons who communicate with children in homes without first getting the approval of the Director-General. It is now seen to be quite sufficient merely to prohibit a person from communicating with such a child where the Director-General has expressly forbidden communication. Clauses 28 and 29 effect consequential amendments. Clause 30 repeals the section that deals with the transfer of children from homes to prison where they prove to be uncontrollable in the home. Such a provision is of course quite inappropriate in relation to children under guardianship. A similar provision appears in the Children's Protection and Young Offenders Act in relation to children who are being detained in any place pursuant to that Act. Clauses 31, 32, 33 and 34 effect consequential amendments.

Clause 35 makes it quite clear that the Minister and departmental officers are not liable in tort for the acts of any child under the guardianship of the Minister under any Act, or a child being detained in any place pursuant to the Children's Protection and Young Offenders Act, whether or not the child is actually on the premises in which he is being detained. Clause 36 strikes out a provision relating to proceedings against a child for an offence. This matter is now covered by the Children's Protection and Young Offenders Act. Clause 37 effects a consequential amendment.

Clause 38 repeals a section that provides for the management of the estate of a child whom the Minister believes is incapable of properly managing his own affairs. The Mental Health Act now provides the proper machinery for dealing with such a situation. Clause 39 expands the regulation-making power to cover the treatment of children detained in any place pursuant to the Children's Protection and Young Offenders Act. For the

sake of convenience and simplicity, it is better to have in one place all the regulations dealing with homes under the direction of the Director-General of Community Welfare.

The Hon. J. C. BURDETT secured the adjournment of the debate.

CONSTITUTION ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 14 September. Page 910.)

The Hon. J. C. BURDETT: If someone tried to devise the most unpropitious possible time to expand the Ministry he could not have done a better job than the Government has done. The Budget demonstrates that the Government is in dire straits as regards finances. The cost to the taxpayer of having an additional Minister has been falsely estimated. I have heard figures of $60 000 per annum and $150 000 per annum, but I should have thought that the figure would be closer to $200 000 per annum.

The Hon. C. J. Sumner: How have you calculated that?

The Hon. J. C. BURDETT: I calculated the figures having regard to the additional salary of the Minister, the driver of his car, the premises that the Minister would have to occupy, and the additional salaries of the staff whom he would have to employ. There will be many other expenses. This Government has been very quick, for example, to incur considerable expenses by advertising through the media. With the particular portfolio that it has been suggested the new Minister will have (community development), I am sure there will be considerable expenditure of that kind.

The Premier has just delivered his Budget speech, in which he blamed the Federal Government for our financial situation. I have calculated that on about 100 occasions in his speech he alleged that the cause of our present financial situation was the Federal Government's actions.

The Premier outlined some cuts, but it was not a realistic outline of economies. The Leader of the Opposition in another place (and at about this time) is outlining a proper and responsible course of economies; a much more realistic course than is being undertaken by the Government. Max Harris, in the *Sunday Mail* of last week, slated Mr. Tonkin for his weak-kneed attack on the Budget. As usual, poor old Max has not done much research, because the Leader of the Opposition had not even made his reply to the Budget at that time.

With this Bill, far from making cuts, the Government is imposing an added burden on the taxpayer. This is quite irresponsible at this time, and it is quite apparent that it is an act of sheer political opportunitism. It is clear that the Government has decided, come hell or high water, that it wants the member for Ross Smith in the Ministry. One of the purposes for this is that it is hoped that he will counter the influence of the Attorney-General, and this in itself is a good thing. The Government has decided that the most painless way of getting this member into the Ministry is by this Bill.

The Hon. C. J. Sumner: I cannot understand why you have 13 shadow Ministers, but we can have only 12.

The Hon. J. C. BURDETT: You have said that many times. The Leader of the Opposition in another place has given a comprehensive answer, and other members intend to give an answer on this matter; I am not concerned with this matter. I am concerned with the irresponsibility of the Government in doing this at a time when the Government is broke, when it is in dire financial straits, and when it is acknowledging that it needs to make economies.

I am not saying that ultimately 13 Ministers may not be the optimum, but the change is being made now when the Government is desperately short of money. The Government has clearly decided that the most painless way of getting the honourable member into the Ministry is by doing it in this way: increasing the number instead of sacking a Minister. It is most disgraceful that the taxpayer is asked to shoulder the extra burden for reasons of sheer political expediency. To introduce this Bill at this time for these reasons is a grossly irresponsible act, and that the number to which the Ministry will be increased is 13, is not without significance.

I now turn to the entirely different question of the right of the Government to introduce this Bill: the right to increase the number of the Ministry from 12 to 13. Opposition members in another place, in their speeches and in their votes, were quite justified in expressing their opinion about the Government's financial irresponsibility and political expediency. The House of Assembly is the money House: it is the House in which Governments are made and broken. This Council is not a money House, and the Government is not made here. The position in this Council is entirely different regarding this Bill. It has been the tradition of this Council that, when we are dealing with Bills of House of Assembly origin, and particularly Government Bills, we act as a House of Review. We generally acknowledge the right of the Government to govern, unless the Government acts in a blatantly unreasonable way. It has been the traditional stance of this Council not unreasonably to interfere with the administration of the Government. Whether the Government should have 12 or 13 Ministers to carry out its administration is peculiarly a matter for the Government.

We should not, within reason, tell the Government how many Ministers it needs to undertake its administration; that is an Executive and an administrative matter. I say "within reason"; certainly, if the Government appointed all members of the Labor Party of both Houses to be Ministers, I believe we would then have the right to throw the Bill out. However, where the Government acts within reason, I believe that that is peculiarly a matter for the Government. It is worth considering, as the Hon. Mr. DeGaris did, the interstate position.

If this Bill passes, we will still have the smallest Ministry of any mainland State. Queensland has 18 Ministers, Western Australia has 14 Ministers, and in Tasmania, where they have one-fifth of our population, there are 10 Ministers. It cannot be said that the number of Ministers which the Government seeks is unreasonable. I repeat that it is financially irresponsible to make this move at this time: it has been made for political reasons.

Since I have been a member in this Council, I have stressed that I believe that the separation of the three functions of government is necessary for the maintenance of the rule of law. The three functions of government, namely, the Legislature (which makes the laws), the Executive (which carries them out), and the Judiciary (which adjudicates on matters before the courts), should be separate and should not interfere with each other. In the past, when I have made these statements and have supported the separation of powers, it has usually been to complain about the Executive interfering with the Legislature.

This Government has often tried to provide for things to be done by way of proclamation and regulation, which is properly within the field of the Legislature. This Government has often tried to reserve for itself the power to do things that are really the function of the Legislature, and the function of Parliament itself, by way of

proclamation and regulation. I complained about this last week in regard to the Urban Land (Price Control) Act Amendment Bill. I acknowledge that the principle of the separation of the three functions of government cuts all ways.

When I have spoken about it, I have had cause to complain about the Executive Government interfering with the Legislature, but I acknowledge that it also means that the Legislature should not interfere unduly with the Executive. I believe that the Legislature (and this Council in particular, because it is largely a House of Review in matters such as this) should not interfere with the Executive in deciding whether the Executive should use 12 or 13 Ministers to undertake its Executive function. That is really what this Bill is about.

The matter seems to be in very small compass and it seems very much a matter for the Executive Government to say how many Ministers it has the right to have and how many it will have. At the next election the electors will judge this Government for its financial irresponsibility in introducing this measure now and for its political opportunism in ignoring the financial situation. It is very much for the electors to make that judgment. However, I do not think it is for this Council to tell the Government whether it shall have 12 Ministers or 13, and I feel constrained to vote for the second reading.

The Hon. D. H. LAIDLAW: I, too, am prepared to support this Bill, although I do so for somewhat different reasons from those given by the Hon. John Burdett. I am supporting it for the same reasons as I gave in September 1975, soon after I entered this Chamber, when the Labor Government last sought to increase the size of the Ministry.

South Australia had four Ministers from Federation until 1908, when the number was increased to six. That position continued for 45 years until, in 1953, the size of the Ministry was increased to eight. Since then, one further Minister was added in each of the years 1965, 1970, 1973, and 1975, and now it is proposed to increase the number of Ministers to 13. This shows a steady rate of increase and, if this Bill passes, the most recent five appointments will have been made under a Labor Administration.

The Minister of Health, when explaining the Bill, stressed that South Australia at present has the smallest Ministry of any mainland State, having regard to mainland States of comparable size. The National Party and Liberal Party Government in Queensland, with a seeming rush of blood to the head, in 1975 increased the size of its Ministry from 14 to 18.

The Hon. C. J. Sumner: Did they have some political problems up there?

The Hon. D. H. LAIDLAW: I do not know. Western Australia had 10 Ministers until 1965, when the number was increased to 12, and in 1975 the Liberal-Country Party Government added one more.

The Hon. R. C. DeGaris: There has been a fair amount of development in Queensland.

The Hon. D. H. LAIDLAW: Yes. The Minister of Health was correct when he said that South Australia had the smallest Ministry of the mainland States. However, I do not accept that as a valid reason for increasing the size of the Ministry, in this time of financial stringency.

My concern is that taxpayers of this State must rely upon Ministers of the Crown to impose restraints on any excesses in the private sector in the same way as shareholders look to directors of public companies to do likewise in the private sector. The Public Service has grown enormously in this State since the Labor Party came to office in 1965 and the Budget of revenue and expenditure has increased at an even larger rate. It must be extremely difficult to control the public sector today.

According to the Auditor-General's Report 74 600 persons were employed by Government departments at 30 June 1978, excluding statutory authorities. That was an increase of about 30 000 since 1965. In monetary terms, the expenditure by the public sector was $1 192 000 000 in 1977-78, compared to $258 000 000 in the year that the Playford Government went from office, or an increase of 362 per cent, whereas during the same period the consumer price index for the Adelaide area has increased by 164 per cent. I do not accept that these increases in numbers or expense are justified, but the Government, having created the problem itself, is now confronted with a large and complex organisation to administer.

The Premier said during the debate in another place that an additional Minister would cost the State about $60 000 a year, whereas the member for Mitcham estimated that, after allowing for extra Ministerial salary and allowances, plus a private secretary, a press secretary, a research officer, a steno-secretary, a clerk, an assistant to the clerk, a receptionist-typist, and a driver, the cost would be more than $150 000 a year. I am more inclined to accept the estimate given by the member for Mitcham than that given by the Premier.

Perhaps the Premier was thinking in terms of money in the pre-Whitlam era, or perhaps he forgot the trappings and finery that attaches to Ministerial office in our progressive State. Whatever the reason, the appointment of an extra Minister imposes a material burden on the taxpayer. On the other hand, if the Labor Government feels compelled to take such action (and it may be necessary to do so to control an expansive-minded Public Service), I shall not vote against the Bill. The problem is one of the Government's own making. It is a pity, however, that this expense cannot be directed instead to the training of young unemployed persons, which to my mind deserves a higher priority than does the appointment of a thirteenth Minister.

The Hon. ANNE LEVY: I support the Bill, and feel that some points need to be made, without my necessarily reiterating the point about South Australia having a smaller Ministry than has any other mainland State. I refer to criticism by the Opposition of the expense of providing another Minister, despite the need to create such a position. On 19 December 1977 the Federal Ministry was increased from 26 to 28, a proportionately larger increase than is proposed for South Australia. This was an increase of two Ministers at one time, and it was estimated then that the increased cost to Australian taxpayers in salaries alone would be about $95 000.

I stress that that was for salaries alone: no allowance was made for cars, accommodation, or extra administrative cost, such as has been used in some calculations by Opposition members about the increase here. Certainly, I did not notice any complaint then being made by Liberal members of either this Parliament or the Federal Parliament about the extra expense. Perhaps that was because it was near Christmas time and an announcement being made so soon before Christmas, with the season of goodwill coming, meant that opposition on grounds of cost was muted. However, I suspect that with members opposite it is a case of sauce for the goose not being sauce for the gander.

The Hon. Mr. Burdett has spoken about our present economic circumstances, but the economic circumstances of the Federal Government were just as drastic and self-imposed. In December 1977 there was an enormous and

increasing Federal deficit that far outweighed any deficit that may have occurred in South Australia. There was also a considerable cut-back in the number of Federal public servants at that time, not a freeze on Public Service growth as we in this State have been forced to impose, but an actual cut-back in Federal Public Service numbers, yet at that time about $95 000 was suggested as the cost to increase the number of Federal Ministers. Not one Liberal member objected, whatever the economic circumstances of the country might have been.

As honourable members know, the new Ministry will involve fostering community development plans in this State. It will cover all areas of community development from urgently needed libraries to arts centres, arts development and other projects. When this matter was debated in the other place members of the Opposition suggested that the Minister of Community Welfare should be able to perform these functions. I am glad that no honourable member in this place has raised such an argument, as it is obviously a baseless one.

The Minister of Community Welfare is extremely hard working and has a very large portfolio to administer. There is no obvious relationship between community welfare matters and community development matters. Welfare deals with individuals who need help, whereas community development deals with groups of people and their needs as groups within the community—a totally different matter.

I am glad to see that members opposite have acknowledged that an extra Ministry is really an administrative matter that the Government should have the right to decide as it sees fit. I look forward to seeing them carrying their words into deeds by voting for this Bill at the opportune time. I support the Bill.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

ART GALLERY ACT AMENDMENT BILL

(Second reading debate adjourned on 23 August. Page 684.)

Bill read a second time.

The Hon. C. M. HILL moved:

That it be an instruction to the Committee of the whole Council on the Bill that it have power to consider a new clause dealing with constitution of the board.

Motion carried.

In Committee.

Clause 1 passed.

New clauses 1a, 1b, 1c and 1d.

The Hon. C. M. HILL: I move:

After clause 1—Insert new clauses as follows:

1a. Section 5 of the principal Act is repealed and the following section is enacted and inserted in its place:

5. (1) Until the appointed day, the board shall consist of seven members appointed by the Governor.

(2) After the appointed day, the board shall consist of—

(a) five members appointed by the Governor; and

(b) two members elected by the subscribers to the Art Gallery.

(3) In this section—

"the appointed day" means a day appointed by proclamation for the purposes of this section.

1b. Section 6 of the principal Act is amended—

(a) by inserting after the passage "all persons appointed" in subsection (1) the passage "or elected";

(b) by inserting after the passage "member appointed" in subsection (2) the passage "or elected";

(c) by inserting after the passage "is appointed" in subsection (3) the passage "or elected"; and

(d) by striking out subsection (4).

1c. Section 7 of the principal Act is amended by striking out subsection (2) and inserting in lieu thereof the following subsection:

(2) Upon the occurrence of a casual vacancy in the office of a member of the board, a person may be appointed or elected (as the case may require) to fill the vacancy.

1d. Section 8 of the principal Act is amended by inserting after the word "appointment" wherever it occurs the passage "or election".

The object of moving these amendments is to permit persons who might be known as subscribers to have some representation in future on the Art Gallery Board. By "subscribers", I mean those who have associated themselves with the Art Gallery through their membership of associations deeply involved in the affairs of the gallery. Particularly amongst these associations one can name the Friends of the Gallery, whose membership (according to the recent annual report of that organisation) numbers 1 858 but, as the President emphasised in his annual report, allowing for family memberships it effectively represents about 3 000 people. There are other organisations (of which I think the Contemporary Art Society is one) that associate themselves with the gallery. I intend that all such persons, through the regulations provided for in my amendments, should be termed subscribers.

A very important aspect of the amendment is to allow subscribers to the gallery to have representation on the board, but it is not worded so as to bring about such change immediately. It simply provides machinery through which the Government of the day, at its discretion, can implement such a change, by proclaiming an appointed day. Provision for that proclamation is in the amendments. Then the machinery would be set in motion, and subscribers would have the opportunity to vote for two of their representatives to take their place on the board, these two nominated persons becoming full board members.

It is the Government's right to choose when it wishes to implement that change, but it is proper for the machinery to be in the legislation, so that it has that legislative power. There is some similarity in my proposal to the structure of other boards appointed since the Labor Government came to office in 1970. There are seven members on the Art Gallery Board. The South Australian Theatre Company Act of 1972 provides for a board of six, three of whom shall be appointed by the Government, two of whom shall be nominated by the subscribers in an almost identical fashion to that which I am proposing, and one of whom shall be appointed by the company of players. The State Opera of South Australia Act, 1976, provides for a board of seven, five of whom shall be appointed by the Government, and two of whom shall be elected by subscribers. On those two boards we have the involvement of subscribers provided for by this Government in the respective legislation.

People who are interested in the gallery support this approach. I have not had direct contact with the Friends of the Gallery, but I have heard it said (and I am a member of that association) that at some stage it would be very fitting for the Government to acknowledge the presence, involvement and contribution of such membership by allowing for their nomination to the board. In February

this year the *Advertiser* art critic wrote a feature article in which he touched on this subject. Fully supporting the principle that I am trying to write into the legislation, he said:

> Gallery trustees are appointed by the Premier as Minister for the arts, after consultation with the director. There is no formal consultation with the art community or the wider public.

Later, he said:

> It is my view that up to half of the trustees ought to be elected by the Friends of the Gallery. Its 2 000-odd members have, by joining, made a commitment and identified themselves with the gallery.

I am not pursuing his suggestion that half the board members should be so appointed. I am holding to the precedent already established by the Government in relation to the other two boards to which two persons should be so nominated. I make strongly the point that I am not in any way implying criticism of any present member of the Art Gallery Board. I have not intended in any way to criticise them by introducing this Bill. I can justify that statement by stressing again that, if the amendment passes, immediate change will not occur. In other words, the position of the board members is not in jeopardy in any way at all at present.

However, if the Government wants to change the board membership in future, it will, if this amendment passes, be empowered under the Act to do so. It can be said in all fairness that the Government's general and commendable attitude of wanting the widest possible representation on boards in all its cultural activities in this State stands. It has proved that this is its intention. If that is so, and the Government is sincere in that view, it ought to support the amendment.

The Hon. D. H. L. BANFIELD (Minister of Health): The Government cannot support the amendment. Although it is legitimate for honourable members to consider this matter, the Government is at present considering the composition of the board. That is not meant to imply that the Government does not have confidence therein. The Government hopes that the proposed flexibility will be developed and that amendments providing therefor will be introduced later this session. The Government would like an opportunity further to consider the board's composition. It may come up with an answer similar to that provided by the Hon. Mr. Hill, or it may come up with something better that the honourable member might accept. I ask honourable members not to accept the amendment, because of the action being taken by the Government.

The Hon. C. M. HILL: I am disappointed with the Minister's reply and the Government's view that there is apparently no need for legislation of this kind. I appreciate the Minister's point that the Government intends to look further at other questions relating to the Art Gallery and its board, and that the Government hopes to introduce legislation later this year.

However, I see no harm in a proposal of this kind being considered separately or in its being agreed to by the Government. The Government, as its records show, has not paused when change regarding the board has been considered. The Government has not previously adopted the attitude that it will not make alterations but will wait until some sort of package deal regarding the board can be introduced. Earlier this year, the Government made a radical change in relation to the board: when Dr. Earle Hackett retired as Chairman, a director of the Gallery (an executive member of staff) was appointed to the board.

The Hon. Jessie Cooper: It also changed the Minister.

The Hon. C. M. HILL: That is so. It transferred the administration of the Act to the Premier some time back. So, the Government has not shown by its example in this area that it prefers a policy of aggregating all proposed changes and implementing them at the one time. It has adopted somewhat of a piecemeal approach, with which there is nothing wrong.

In fact, I warn the Government that, if it intends to bring about considerable change to the Art Gallery or the board's structure in one package deal, that kind of approach may be examined carefully indeed by those who are interested in the Art Gallery. The public generally would prefer change to be made slowly and cautiously in relation to the Art Gallery and its board. There is, therefore, a danger in trying to lump together and consider ideas in one package deal when amendments to the Act are considered.

The Minister's rebuttal to my submission for support of this amendment was not strong. It would be in the Government's best interests if it seriously considered the matter further, because it would indicate to those who are interested in this matter that the Government was willing to back up what it believed in, namely, the optimum involvement of people interested in the control of specific cultural projects. I therefore urge support for the amendment.

The Hon. D. H. L. BANFIELD: The Hon. Mr. Hill said that he had not discussed the matter with the Friends of the Gallery, who I understand were anxious to speak to him. Although the honourable member said that this matter should be considered widely and that we should not rush into it, he then asked the Committee to accept the amendment. The Government is anxious to speak to as many people as possible regarding the board's composition. Indeed, this has already happened. To allow the Hon. Mr. Hill to talk to people interested in the question, I ask honourable members not to insist on the amendment.

The Hon. C. M. HILL: The point I intended to make was that representatives of the friends association have not come to me specifically to promote this change. I have noted that there is a general feeling amongst the members of this association that they feel they are entitled to representation on the board. The Friends of the Gallery have not recently come to me to promote it and have not looked upon me as their spokesman to bring the matter into the Council.

In regard to the other point, it was not the Friends of the Gallery who were seeking to have discussions with me: it was the Chairman of the board and the Director. They initiated an interview with me, and we had frank and amicable discussions in Parliament House yesterday.

The Hon. D. H. L. Banfield: You indicated you had not spoken to them on this question.

The Hon. C. M. HILL: I have not spoken to the Friends of the Gallery on this question specifically. I would like to place on record now that I appreciate the fact that the Chairman of the board and the Director gave their time and had a discussion about this matter and other relevant matters, but I hope I have explained my point: I have not had direct contact with the Friends of the Gallery in regard to this amendment.

The Hon. D. H. L. BANFIELD: That was the point I wanted to make, that the Hon. Mr. Hill has not had the time to talk to these people. Since it is likely that this legislation will again be before honourable members this session, the honourable member can discuss the matter with the Friends of the Gallery.

The Hon. C. M. HILL: It is in the Minister's best interests that I do not make contact with the Friends of the Gallery, because I think, if I did, they would make the

strongest possible representations to the Minister and the Government to support this proposal. So, by not contacting them at this stage, I think I am doing the Minister a favour, if I can put it that way. There is no doubt in my mind that, if the Friends of the Gallery knew that this amendment was before the Council at this moment, they would be making very strong representations to the Government to accept it.

The Hon. D. H. L. BANFIELD: The Government likes to have the widest opinion on art and likes people who are interested to know what is going on. We are giving the Hon. Mr. Hill the opportunity to contact them, because at this stage it is only his opinion.

The Hon. M. B. DAWKINS: Why does the Government object to the amendment? Is it because it was not introduced by the Government? It provides for almost precisely what the Government did with regard to the State Opera and the South Australian Theatre Company. I am a Friend of the State Opera, having voted at elections of delegates. The Hon. Mr. Hill is not insisting that it happen until the Government is ready. This amendment improves the Bill, and surely we are here to improve legislation. There is no Party politics in this whatsoever.

The Hon. D. H. L. BANFIELD: Has consideration been given by the Opposition to the composition of the board? Neither the Hon. Mr. Dawkins nor the Hon. Mr. Hill has discussed this matter with the Friends of the Gallery. They have plucked it out of the air without talking to anybody about it. Honourable members opposite should have the opportunity of discussing the matter with the people whose barrow they are trying to push. The Hon. Mr. Hill has known about this measure for some time now, and he could not even talk to anybody about this amendment. He has not asked them what they think about it. How often have members opposite got up and complained if they claim that the Government has not discussed certain matters with the people who are likely to be involved? They have criticised the Government time and time again because of the attitudes they believe we have adopted, yet the two honourable members opposite have already said that they have not discussed this matter with the people concerned.

The Hon. R. C. DeGARIS (Leader of the Opposition): I suggest that the Government is suffering from legislative paranoia. This has happened in other matters where some suggestion has been made or amendment moved in this Council, where the Government has got into a flap and has then introduced the same legislation some months later. This is exactly what has happened.

The Hon. D. H. L. BANFIELD: The Leader has criticised the Government for not discussing the matter with the people concerned. Has he contacted the Friends of the Gallery about this matter? If the Government was not doing something, the Leader's statement would be justified. Honourable members opposite have not even discussed the matter among themselves.

The Hon. C. M. HILL: I am surprised at the Minister clinging to this straw and saying that I have not contacted the Friends of the Gallery. I challenge the Minister to report progress. I will contact the friends on the condition that, if they then contact the Minister and say that they want this, come hell or high water he will change his attitude and vote for it.

The proposal to involve the Friends of the Gallery at board level is very important to the future success of the gallery, and I use the example of the Friends of the State Opera. During recent performances of *La Traviata,* an Australian record was established for attendances for the number of nights that that opera played in this State. The pressure behind those attendances was the organisation known as the Friends of the State Opera. One of the main reasons for their enthusiasm is that they are involved with the whole operation, right up to board level. If the Minister would change his thinking and accept this amendment, in due time a great deal more enthusiasm would be noticed in the gallery and its activities, and membership would increase, because friends would take a greater interest.

There is a very important principle at stake, apart from the little tit-for-tat arguing here as to whether they have been contacted or not, and I urge the Minister to think again. I return to the point which the Minister makes and which is the main plank in his argument, criticising me for not contacting the friends on this issue. I am prepared to contact the friends on the understanding that, if they support the amendment, the Government will support it also.

The Hon. D. H. L. BANFIELD: I do not see why the Friends of the Gallery should be put under pressure. Although this Bill was introduced almost a month ago, the Hon. Mr. Hill has not had the time or the inclination to contact the friends, yet he now wants to contact them, and I do not know how he is going to do so. Is he going to ring them individually, or will he call a special meeting between now and 4.30? He has had a month to do this.

The Hon. C. M. Hill: I'll ring the President.

The Hon. D. H. L. BANFIELD: What right has the President to decide? Is that how the honourable member does business? Is it not a democratic association? The honourable member wants one man to say, "Go ahead and do it." He does not want it discussed by a meeting of the friends. That is not the way we do business, but I will certainly give the Hon. Mr. Hill the opportunity to contact the friends, and he can do it before we introduce the Bill later in the session.

The Committee divided on the new clauses:

Ayes (8)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, R. C. DeGaris, K. T. Griffin, C. M. Hill (teller), and D. H. Laidlaw.

Noes (8)—The Hons. D. H. L. Banfield (teller), T. M. Casey, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, N. K. Foster, Anne Levy, and C. J. Sumner.

Pairs—Ayes—The Hons. M. B. Dawkins and R. A. Geddes. Noes—The Hons. F. T. Blevins and J. E. Dunford.

The CHAIRMAN: There are 8 Ayes and 8 Noes. I give my casting vote for the Ayes.

New clauses thus inserted.

Clause 2 passed.

New clause 3—"Amendment of principal Act, s.23—Regulations."

The Hon. C. M. HILL: I move to insert the following new clause:

3. Section 23 of the principal Act is amended by inserting after paragraph II of subsection (1) the following paragraph:

IIa. For—

(a) providing that persons may become subscribers to the art gallery on conditions fixed by the regulations;

(b) fixing annual subscriptions to be paid by subscribers to the art gallery;

(c) prescribing conditions under which a person ceases to be a subscriber to the art gallery;

(d) prescribing rights and privileges to be enjoyed by subscribers to the art gallery;

and

(e) providing for the election of members of the board by the subscribers to the art gallery.

This new clause is consequential and deals with

regulations.

New clause inserted.

Title passed.

Bill read a third time and passed.

EVIDENCE ACT AMENDMENT BILL

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

CHILDREN'S PROTECTION AND YOUNG OFFENDERS BILL

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

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill be now read a second time.

It repeals the Juvenile Courts Act, 1971-1975. In October 1976 the South Australian Government established the Royal Commission into the Administration of the Juvenile Courts Act, 1971-75, and other associated matters. The report of the Royal Commission was in two parts. Part 1 of the report dealt with two terms of reference relating to the administration of the Juvenile Court and allegations made by Judge Andrew Wilson; part 2 of the report dealt with the third term of reference of the Commission, namely:

> Whether having regard to the policy of the Government as enacted in Section 3 of the Juvenile Courts Act, 1971-1975, namely:
>
> 3. In any proceedings under this Act a Juvenile Court or a Juvenile Aid Panel treat the interests of the child in respect of whom the proceedings are brought as the paramount consideration and with the object of protecting or promoting those interests shall in exercising the powers conferred by this Act adopt a course calculated to—
>
> *(a)* secure for the child such care, guidance and correction as will conduce to the welfare of the child and to the public interest;
>
> *(c)* conserve or promote as far as possible a satisfactory relationships between the child and other members or persons within his family or domestic environment and the child shall not be removed from the care of his parents or guardian except where his own welfare or the public interest cannot in the opinion of the court be adequately safeguarded otherwise than by such removal.—
>
> any and, if so, what changes by legislation or otherwise are necessary or desirable for the proper implementation of that policy.

The Royal Commissioner presented part 2 of his report to the Government on 18 July 1977. I would take this opportunity of recording the Government's appreciation for the work done by Judge Mohr and his staff. Following the report of the Royal Commission a working party was established to develop legislation based on the report. The working party consisted of Judge Kingsley Newman (Chairman), Senior Judge of the Juvenile Court; Mr. Gordon Bruff, Deputy Director-General of the Community Welfare Department; and Ms. Anne Rein, Research Officer, Attorney-General's Office. The Royal Commissioner, Judge Mohr, was consulted on a number of occasions in relation to the preparation of the Bill, and the Government would like to thank him for his assistance.

The area of young offenders and child protection is a complex one involving both legal and social issues. In any period of rapid social change such as we are experiencing now, it is important that social legislation is flexible and is regularly reviewed to ensure that it is meeting changing needs. In recent years, South Australia has become the leading State in Australia in the field of juvenile justice and child protection. This Bill represents a further development in the juvenile justice system. It provides a balance between the needs of the child and the need to protect the community.

Under the Bill a number of important changes in the system of administration of justice for juveniles is proposed. While the composition of the Children's Court will be substantially the same as that of the Adelaide Juvenile Court, the judges of the court will go on circuit to Mount Gambier, Berri, and Port Augusta as from 8 January 1979, in accordance with the Government's policy.

Under the Bill there will be much clearer distinction between the civil jurisdiction (dealing with cases of children in need of care) and the criminal jurisdiction (dealing with children who are alleged to have committed offences) of the court. Existing care and control orders, and ancillary orders committing a child to a home for 21 days, will be abolished. The Juvenile Courts Act appears to a certain extent to make no satisfactory distinction between children who are neglected or uncontrolled, and children who have allegedly committed offences—both are treated as children "in need of care and control". The provisions in the Bill make quite clear the distinction between the two categories of children and the way in which they are to be dealt with.

The court has a wider range of powers in relation to children in need of care than formerly. This flexibility will enable the court to make orders which are most appropriate in relation to the special circumstances of the case rather than having to necessarily remove the child totally from the guardianship of his parents.

The concept of screening panels as outlined in the Bill is new in South Australia. With the expansion of the children's aid panels to cover all children up to the age of 18 years (other than those charged with homicide), the screening panel procedure will provide a uniform method whereby cases can be referred to either the Children's Court or the children's aid panels. A screening panel consisting of a police officer and a community welfare officer will meet quickly and informally for the purpose of deciding whether a child should be dealt with by the court or an aid panel.

Throughout the Western world there is a consistent trend towards the development of juvenile justice systems under which as many children as possible have their cases dealt with by some less formal means than formal court procedure. In South Australia the less formal means will be through the children's aid panels. Under the Bill, the children's aid panels will have similar powers to those of the existing juvenile aid panels, which have proven a very effective means of dealing with offenders. The recidivism rate for children appearing before juvenile aid panels has been very low: 87 per cent of children appearing before a panel do not subsequently appear before a Juvenile Court.

Under the Bill, children will be able to request trial by jury where the child is charged with an indictable offence if he or she so desires. Hence, in such circumstances the child will have the option of being dealt with by a Children's Court or an Adult's Court.

One of the major features of the Bill is the procedure whereby a child can be committed to an adults court for trial or sentence upon application of the Attorney-General. This will provide a means whereby children who have committed a very grave offence or have persistently committed serious offences can be dealt with by an adults

court.

The increased flexibility in sentencing which will be available to the Children's Court under the Bill will enable the court to deal more appropriately with the child concerned. The court will be able to sentence a child to a fixed period of detention in a training centre, following the abolition of care and control orders. If the court decides to place a child on a bond, there is a wide range of conditions which the court may impose. The court also has power to impose fines and order suspended sentences.

Another major initiative in the Bill will be the establishment of a Training Centre Review Board to review the progress of children who are detained in training centres. The Training Centre Review Board will have power to order the release of a child from a training centre subject to such conditions as the board determines. Children on bonds will be reviewed by departmental review boards. Where the child is under the guardianship of the Minister, a review of the progress and circumstances of the child will be made at least once a year.

The question of whether the press should have free access to the Children's Court is an area where competing interests are involved. On the one hand there is the idea that it is in the interests of the child that no publicity should surround his appearance before the court, and on the other hand that the public has the right to know what goes on in courts of justice. Of course, there are other views between these two extremes. The Bill has followed the recommendations of the Royal Commissioner in re-enacting a provision similar to the provisions of the Juvenile Courts Act, 1941. In most cases the result of proceedings in relation to offences committed by children may be published provided the identity of the child and of any witness who is a child is not revealed.

Finally, the Bill provides for the establishment of a Children's Court Advisory Committee. The major function of the advisory committee is to monitor and evaluate the operation of the new Act. This will assist in the development of a flexible system of juvenile justice which can be adapted to changing needs and social situations. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that, should it be necessary, the operation of certain provisions of the Act can be suspended. Clause 3 sets out the arrangement of the Act. Clause 4 provides the necessary definitions. The definition of "child" provides that a person who had not attained the age of 18 years at the time of committing an offence is to be treated as a child notwithstanding that he may be well over that age at the time he comes to trial.

Clause 5 repeals the Juvenile Courts Act, 1971-1975. Clause 6 effects the necessary transitional provisions. Generally speaking, orders made under the existing Juvenile Courts Act will be treated as if they were orders made under the new Act so that the benefits of the new Act will be available to all children. Orders made under the present Juvenile Courts Act placing a child under the care and control of the Minister pursuant to a complaint arising out of an offence will expire either upon the expiration of two years from the date of the orders or upon the expiration of three months from the commencement of the new Act, whichever last occurs. These orders at the moment often continue until the child attains the age of 18 years even though the alleged offence may have been committed at an early age.

Clause 7 sets out the principles to be observed by any court or person who deals with a child under this Act. The overall aim is that a child will be treated in a manner that will lead to the proper development of his own personality and also to his development into a responsible citizen. On the one hand certain factors must be considered which would lead to the rehabilitation of the child, but on the other hand the desirability of making the child responsible for his misdeeds, and the need to protect the community at large from the wrongful acts of a child, must also be kept in mind in appropriate cases.

Part II sets out the constitution of the Children's Court. Clause 8 constitutes a separate court to be known as the Children's Court of South Australia. Judges of the Children's Court will be drawn from the body of judges or acting judges under the Local and District Criminal Courts Act. Certain special magistrates will be designated as members of the Children's Court, and all special justices and justices of the peace will automatically become members of the court. The Governor is given the power to appoint a senior judge and an acting senior judge of the Children's Court. The senior judge is given power to delegate to another judge or magistrate of the Children's Court certain of his purely administrative powers.

Clause 9 provides that no complaint against a child, whether it be a complaint for an offence or a complaint dealing with another matter, may be heard in any court other that the Children's Court. Where the Children's Court is dealing with guardianship proceedings under this Act or under the Guardianship of Infants Act or is hearing an appeal under the guardianship provisions of the Community Welfare Act, it has all the powers of a local court. Where the Children's Court is dealing with criminal proceedings in relation to child it sits as as a court of summary jurisdiction and the provisions of the Justices Act apply subject to any necessary modifications.

Clause 10 provides that the jurisdiction of the court is exerciseable by a judge, special magistrate or special justice sitting alone, or by two justices of the peace sitting together. Clause 11 provides that the Children's Court should not sit in any building while adults court proceedings are being conducted therein.

Part III deals with the protection of children who are in need of care. Clause 12 gives the Minister of Community Welfare the power to apply to the Children's Court in any case where he is of the opinion that a child is in need of care because of maltreatment, neglect, inadequate supervision, failure to maintain or abandonment. Such an application will be dealt with as an *inter partes* matter and the child and each guardian of the child are independent parties.

Clause 13 obliges the Minister to serve a copy of the application upon each guardian of the child and also upon the child if he is of or above the age of 10 years. Clause 14 sets out the various orders that the Children's Court may make if it finds that a child is in need of care. First, the court may place the child under the guardianship of the Minister for a specified period of time. Alternatively, the court may order that, without making any change to the guardianship of the child, the child be placed under the control of the Director-General for a specified period of time in respect of specified matters. Orders may also be made in the latter situation directing the child to reside with a specified person or directing any guardian of the child to take certain specified steps in relation to the care and control of the child.

The court may not place a child under the guardianship of the Minister unless it has considered a report on the child from an assessment panel. The court is given power to make interim orders for a period of not more than three months where it thinks it proper to do so. Any party to the application can apply to the court before the expiration of that three month period for a final determination of the

matter. No order made by the court under this section can extend beyond the time when the child turns 18. A guardian who fails to comply with an order of the court under this section is guilty of an offence and liable to a penalty not exceeding $500.

Clause 15 sets out the manner in which any orders made under the preceding section may be varied or discharged. A child of or over the age or 10 is permitted to make an application under this section. Clause 16 sets out the general power of the court to adjourn any proceedings under this Part. In order to ensure that proceedings under this Part do not trail on for inordinate periods of time, it is provided that the court may only adjourn proceedings for two successive periods of 28 days. Any further adjournment may only be made with the approval of the senior judge. If it deems it to be necessary, the court may place a child under the guardianship of the Minister for the period of the adjournment.

Clause 17 makes provision for several procedural matters. First, the court is not bound by the rules of evidence. Secondly, it is provided that a fact is proved if it is proved on the balance of probabilities. Certain persons who have an interest in the welfare of a child are permitted to make submissions to the court in any proceedings under this Part in relation to that child. The court is given the power to seek medical reports in respect of any child. Clause 18 provides that the court may make an order for costs against the Minister in a case where the court dismisses an application made by the Minister under this Part.

Clause 19 provides that, if an application under this Part has been made in respect of a child, a member of the court may order that the child be removed from any place. An authorized departmental officer or a member of the Police Force may, without any warrant, remove a child from any place if he suspects that the child is in immediate danger. Such a person is given the power to enter or break into any place for the purposes of removing a child. Where a child has been removed from any place, the Director-General may cause him to be held in custody until the application in relation to the child is heard. Where a child is held in custody his application must come on for hearing before the court no later than the next working day.

Clause 20 provides that only a judge or special magistrate of the Children's Court can hear and determine an application under this Part. However, a special justice or two justices of the peace may take the initial hearing of an application for the purposes of adjourning the matter. Such a special justice or justices of the peace could place the child under the guardianship of the Minister for the period of the adjournment, if necessary.

Clause 21 spells out the duties and powers of an assessment panel that is required to furnish a report on a child before the child is placed under the guardianship of the Minister. Clause 22 provides that the Minister is the lawful guardian of the child to the exclusion of all other persons while the child is under guardianship pursuant to this Part. Clause 23 sets out the various ways in which the Director-General can provide for a child who is under the guardianship of the Minister under this Part. The child may stay with or return to any guardian or relative or may be placed with a foster parent or any other suitable person. If necessary, he may be kept in a home established or licensed under the Community Welfare Act. The Director-General is obliged to inform the guardians of a child of all steps taken by him in relation to the child. An authorized departmental officer may, without any warrant, remove a child that is under the guardianship of the Minister under this Part from any place. Clause 24 provides that the Minister shall cause each child who is under his guardianship under this Part to be reviewed at least once in each year of that guardianship. Part IV deals with the treatment of young offenders. Clause 25 provides that the screening panel provisions do not apply in relation to a child who has been charged with homicide, certain offences under the Road Traffic Act (the more serious offences under this Act will be prescribed) or truancy. Truancy is automatically dealt with by a children's aid panel.

Clause 26 requires the Director-General to maintain a list of persons who are qualified to act as members of screening panels. Members of the Police Force approved by the Chief Secretary and officers of the Community Welfare Department approved by the Minister are qualified to be members of screening panels. Clause 27 provides that each screening panel shall consist of one member of the Police Force and one departmental officer. Clause 28 provides that no complaint may be laid against a child for an offence unless the matter has first been referred to a screening panel. Where a child has been apprehended without warrant (that is, no complaint having at that point been laid) the child's case must forthwith be referred to a screening panel. A screening panel must consider the allegations made against a child and any departmental or police reports on the child, but is not permitted to take submissions from any person. The screening panel then decides whether the child should be dealt with by a children's aid panel or whether he should be brought before the Children's Court on the complaint.

Clause 29 provides that in the event of disagreement between the two members of a screening panel, a judge or special magistrate of the Children's Court shall make a final decision on the matter. Clause 30 provides that, if a screening panel has decided that a child should be dealt with by a children's aid panel, then no complaint shall at that point be laid against the child and if the child has been detained or required to enter into a recognizance for the purpose of bail then he may be released from that detention or discharged from that recognizance. If a screening panel has decided that a child should be brought before the Children's Court in relation to that offence then a complaint shall be laid against the child. It is made clear that this does not oblige the police to lay a complaint if in fact they decide not to proceed with a prosecution.

Clause 31 obliges the Director-General to keep a list of the persons who are qualified to be members of children's aid panels. Members of the Police Force approved by the Chief Secretary, departmental officers approved by the Minister, and Education Department officers approved by the Minister of Education are qualified to be members of children's aid panels. Clause 32 provides that a children's aid panel shall consist of a member of the Police Force and a departmental officer where an offence is alleged. Where the offence of truancy is alleged a departmental officer and an Education Department officer constitute a panel. Where the offence of truancy is alleged in addition to any other offence then the panel consists of a member of the Police Force, a departmental officer, and an Education Department officer. A person who has sat on a screening panel is not debarred from sitting on a children's aid panel for the purpose of dealing with the same child.

Clause 33 provides that as soon as a matter is referred to a children's aid panel then the panel must immediately inform the child of that fact. It should be made quite clear at this point that all cases of truancy will be dealt with by children's aid panels in the first instance. At the same time as notifying the child of the children's aid panel hearing, the panel must inform the child clearly of the allegations made against him and must advise him that if he does not admit the allegations then his case will be brought before

the Children's Court for hearing.

Clause 34 provides that a children's aid panel may request certain reports to be made on the child. Clause 35 imposes certain obligations upon a children's aid panel that is dealing with a child. The panel must explain the allegations to the child and must satisfy itself that the child admits those allegations. The child must be informed that he is entitled to ask for a trial in the Children's Court. A panel may, in dealing with a child, warn or counsel the child and his guardians, request the child or his guardians to enter into certain written undertakings and may at any time vary the terms of an undertaking or request a fresh undertaking. An undertaking may not extend for a longer period than six months. A panel is not empowered to require a child to change his place of residence.

Clause 36 sets out the circumstances in which a children's aid panel may refer a matter to the Children's Court. A referral must be made if the child so requests or if the child does not admit to the allegations made against him. A panel may refer any other matter where the child or any guardian fails to appear before the panel or refuses to give an undertaking requested by the panel. A panel may also refer a matter to the Children's Court where it is satisfied that a child has broken an undertaking. No such referral may be made where a guardian has broken an undertaking.

Clause 37 provides that where a children's aid panel has dealt with a child then no criminal proceedings may be brought in relation to the alleged offence, except where the matter has been referred to the Children's Court, whereupon a complaint may be laid against the child notwithstanding any time limits provided under any Act. Clause 38 provides that a child is not entitled to be represented by any person when he is appearing before a children's aid panel but the panel is given full power to hear submissions from any person involved with the child. Panel hearings are closed hearings. Clause 39 provides that evidence given before a children's aid panel is not admissible in any subsequent proceedings in relation to the alleged offence.

Clause 40 ensures that no appearance of a child before a children's aid panel may be alleged in any proceedings before a court, except a court that is dealing with the child under this Act and, furthermore, no such appearance may be disclosed by any person acting under this Act except with the approval of the Minister. Clause 41 provides that a children's aid panel shall not sit in a courthouse or police station. Clause 42 provides that if a complaint for an offence has been laid against the child then any justice may either issue a summons against the child requiring him to appear before the Children's Court, or issue a warrant for the apprehension of the child. A member of the Police Force is given the power to apprehend the child without warrant and to enter or break into any place for that purpose. Where a child has been apprehended the Director-General may cause him to be detained until he is brought before the Children's Court for the purpose of remand. A child who is so detained must be brought before the Children's Court for remand not later than the next working day.

Clause 43 provides that a child may be released on bail firstly by the member of the Police Force in charge of the station to which the child is brought, or secondly by a justice if the police officer refuses bail. Clause 44 sets out the orders the Children's Court may make upon remand. It may allow the child to go at large, release him upon bail, remand him into the custody of any person or remand him in custody for a period not exceeding 28 days. The court may remand a child in custody only if it is of the opinion that he is likely to obscond or if it believes that it is necessary to do so for the protection of the child, the general public or any person or property. A child cannot be remanded to a prison.

Clause 45 provides that a child who is charged with homicide must be tried in the Supreme Court. Clause 46 provides that a child who does not plead guilty to an indictable offence may request that he be tried in an adult court (that is, the Supreme Court or a District Criminal Court, whichever is appropriate). Before a Children's Court complies with a request of the child under this section it must satisfy itself that the child has received independent legal advice.

Clause 47 empowers the Attorney-General to apply in certain circumstances for a child to be tried in an adults court. The Attorney-General may make such an application if he believes that the particular offence is sufficiently grave or that the child has been found guilty of a series of serious offences. An application under this section must be made to a judge of the Supreme Court. The child and each guardian of the child must be served with a copy of such an application and shall be entitled to make submissions on the application. A judge hearing an application under this section may request a preliminary examination to be held in the Children's Court before making any order.

Clause 48 provides that the Children's Court shall conduct a preliminary examination in a case where a child is to be tried in an adults court. Clause 49 firstly provides that the Children's Court has full power to record alternative verdicts. Secondly the Children's Court is obliged to deliver its verdict in any case not later than the end of the next working day after the day on which the case is concluded. The court must also give its reasons for reaching the particular verdict in relation to any indictable offence other than a minor indictable offence.

Clause 50 sets out the orders that the Children's Court may make upon it finding a charge proved against a child. It may convict the child and sentence him to a period of detention in a training centre of not less than two months nor more than two years. However, before detention is ordered the court must obtain a report on the child from an assessment panel. The court may, whether or not it records a conviction against a child, discharge him upon a good behaviour bond. Such a bond may also contain a condition requiring the child to be under the supervision of a departmental officer or other person, a condition requiring him to attend a youth project centre or any other project or programme nominated by the Director-General, a condition that he will reside with a particular person or in a particular place, a condition that he will attend before the court at specified times for review and any other condition the court may see fit to impose.

The court may, whether or not it records a conviction against the child, impose a fine which in any case may not exceed $500. Finally, the court may, without convicting a child, discharge him without any penalty at all. Subclause (2) makes it clear that the Children's Court cannot sentence a child to imprisonment, fine him, require him to enter into a bond or disqualify him from holding a driver's licence otherwise than as provided in this Part. Apart from that restriction the court may make any other order in relation to a convicted child that may be provided by any other Act or law. A bond may be for a period not exceeding two years and in the case of a simple offence or a minor indictable offence is limited to a sum not exceeding $200.

The court is empowered to suspend a sentence of detention upon a child entering into a good behaviour bond. The court is given a wide power to disqualify a child from holding or obtaining a driver's licence in any case

where the court is of the opinion that either the child is not a fit and proper person to hold a licence, or that disqualification is an appropriate penalty. Such an order for disqualification may be made even though the child has not reached the age of 16 years. The child may apply to a judge or special magistrate of the Children's Court for variation or revocation of such an order for disqualification. When a child attains 18 years he is then entitled to apply for revocation of disqualification under the Road Traffic Act as an alternative to applying for revocation under this section. Subclause (11) makes it quite clear that the court is not bound by any minimum penalty that may be prescribed in any Act. Where a child is found guilty of a group I or group II offence, the court must record a conviction against the child unless the court believes that there are special reasons for not doing so.

Clause 51 provides that if a charge of truancy has been proved against a child the only penalty that may be imposed by the court is a bond. If the court does not require the child to enter into a bond then the child must be discharged without conviction or penalty. Clause 52 empowers the Children's Court to reduce the amount of any fine having regard to the means of the child and his ability to pay a fine. The court may order that a fine be paid in instalments or on any future specified day.

Clause 53 provides that wherever it is practicable, a group I or group II offence must be dealt with by a judge of the Children's Court. The senior judge may direct that a special magistrate can deal with a group I or group II offence if a judge is not available. Group III offences must be dealt with either by a judge or special magistrate. Orders under those sections of the Criminal Law Consolidation Act dealing with offenders suffering from venereal disease and offenders who are incapable of controlling their sexual instincts may only be made by a judge of the Children's Court.

Special justices or justices of the peace are not empowered to sentence a child to detention, to impose a fine over $100, require a child to enter into a bond for more than one year, or require a child to enter into a bond upon any condition other than that the child be of good behaviour. A special magistrate is not empowered to sentence a child to detention for more than one year or to impose a fine of over $300. Where a special magistrate, special justice, or justice of the peace is of the opinion that a penalty should be imposed in any case that he is not empowered to impose he must remand the child for sentence and refer the matter to the senior judge for direction. The senior judge may in his discretion direct that the person who referred the matter should sentence the child within the limits of his powers or that some other member of the court should sentence the child.

Clause 54 provides for the treatment of a child who has been convicted of murder by the Supreme Court. Such a child shall be detained in a place during the Governor's pleasure and under such conditions as the Governor may direct. The Parole Board or, if the child is in a training centre, the Training Centre Review Board, may recommend to the Governor that the child be discharged on licence subject to such conditions as may be recommended. A licence may be revoked for breach of any condition. (This section is substantially the same as the corresponding section in the present Juvenile Courts Act.)

Clause 55 provides for the sentencing of a child who has been found guilty by the Supreme Court of homicide other than murder or who has been found guilty of any other offence by an adult court pursuant to an application by the Attorney-General. The court in these cases may deal with the child as if he were an adult or may make any order that the Children's Court is empowered to make. Alternatively, the court may remand the child back to the Children's Court for sentencing.

Clause 56 provides that where a child is tried in an adult court pursuant to his own request the court may only make orders that the Children's Court is empowered to make or may remand the child back to the Children's Court for sentencing. Clause 57 provides for the imprisonment of a child who has been sentenced to imprisonment by an adult's court. The adult's court may order that any specified period of that sentence of imprisonment be served in a training centre, but not beyond the time at which the child turns 18. A child will be subject to the Parole Board while he is in prison, but during any time that he is in a training centre, he will be subject to the Training Centre Review Board.

Clause 58 provides for the variation or discharge of bonds entered into under this Act, upon the application of the Minister, the child, a surety or a guardian. It is made clear that a child may make an application under this section notwithstanding that he has turned 18.

Clause 59 provides that the court must explain to a child the conditions that the child is required to observe and must give him a notice setting out those conditions in simple language. The Minister is obliged to cause reviews to be made of the progress of all children who are under supervision pursuant to a bond at least once in each period of six months.

Clause 60 provides that the Minister or the Commissioner of Police may cause a complaint to be laid against a child who has failed to observe any conditions of his bond. The court may make certain orders in relation to the breach of a bond where the child is before the court on a complaint laid under this section or is before the court for another offence to which he has pleaded guilty. The court may make any order in relation to the original offence that it could have made in the first instance and may make an order for the payment of any amount due under the bond. Where a child is under a suspended sentence the court may order that the suspension be revoked and the sentence of detention carried into effect immediately. An order may not be made under this section if the child is not present before the court, unless he has failed to present himself before the court pursuant to a summons.

Clause 61 provides for the establishment of the Training Centre Review Board. The members of the board consist of the judges of the Children's Court, two persons appointed upon the recommendation of the Attorney-General and two persons appointed on the recommendation of the Minister of Community Welfare. The latter four persons must have appropriate skills and experience in working with young people. When the Training Centre Review Board is sitting to review any matter it shall be constituted of a judge (who shall be Chairman) and two of the appointed members.

Clause 62 obliges the Training Centre Review Board to review a child who has been sentenced to detention in a training centre at intervals of not more than three months while he is in the centre. The Director-General can cause a review to be made at any other time. Clause 63 empowers the Training Centre Review Board to authorise the Director-General to grant a child leave of absence from a training centre. The Review Board may order the release of a child from a training centre subject to a condition that the child will be under the supervision of a departmental officer and any other condition the board thinks fit. The Minister may apply to the Training Centre Review Board for an order that the child be returned to a training centre where he has failed to observe any of the aforementioned conditions. The Board may issue a warrant for the

apprehension of the child where necessary.

Clause 64 provides that if a child has been released under the previous section the Children's Court may order that the child be discharged absolutely from a detention order. An application for an order under this section may be made by the child, a guardian of the child or by the Director-General. The Director-General may not make an application under this section without a recommendation from the Training Centre Review Board. Applications under this section may not be made at intervals of less than three months.

Clause 65 provides that a child under the age of 10 years is not capable of committing an offence. Clause 66 provides that a child may not be charged jointly with an adult except where the child has to be tried by an adult court. Clause 67 provides that reports on the social background of the child cannot be tendered to a court prior to a finding of guilt. If a child is found not guilty all reports prepared for that hearing must be destroyed. This section does not prevent a court from receiving the usual psychiatric and medical reports. When sentencing a child the court cannot take into account facts that have not been proved beyond reasonable doubt.

Clause 68 provides that the court when dealing with an offence may order that a guardian of the child shall attend at the court. A guardian who fails to attend before the court in this situation is guilty of an offence and liable to a penalty not exceeding $500. Clause 69 makes it clear that a court may hear any submissions from a guardian or a person who has been counselling, advising or aiding the child.

Clause 70 provides that a court shall not require a child to attend a youth project centre unless the court has obtained a report on the child from an assessment panel. Clause 71 sets out the duties and powers of assessment panels acting under this Part. Clause 72 provides that a judge or special magistrate of the Children's Court or an adult court may order compensation or restitution in respect of damage or loss arising out of an offence committed by a child. Such an order is made against the child and is only to be made if the court believes that it would contribute to the rehabilitation of the child. In any event such an order may not exceed $2 000. A court may give the child up to six months to satisfy such an order either in one payment or instalments. In determining the amount of the order, the court must look to the means of the child and his ability to pay the amount. The person in whose favour the order is made may recover arrears as a civil debt. The court may not make orders for compensation or restitution against a child except under this section or the Criminal Injuries Compensation Act. However, nothing in this section debars a person from suing a child for damages.

Clause 73 provides that the Commissioner of Police may furnish the name and address of a child who has been dealt with for an offence to any person who intends to commence civil proceedings against that child in relation to that offence. Clause 74 provides that the Offenders Probation Act does not apply in relation to a child unless the child has been sentenced as an adult.

Part V deals with appeals and reconsideration of sentence. Clause 75 provides that an appeal shall lie to a single judge of the Supreme Court against any order of the Children's Court under Part III of this Act (the guardianship provisions) or under any other Act (that is, the Guardianship of Infants Act and the Community Welfare Act). Clause 76 deals with appeals in relation to young offenders. Where a child has been dealt with in respect of a group I or group II offence, the Full Court of the Supreme Court shall hear any appeal. For all other offences, appeals will be dealt with by a single judge of the Supreme Court. Clause 77 makes clear that these provisions do not detract from the power of a judge of the Supreme Court to refer any appeal to the Full Court.

Clause 78 provides that the Supreme Court may on an appeal make any order in relation to a child that may be made by the Children's Court. Clause 79 provides for the reconsideration by the Children's Court of any order made by the Children's Court in relation to a child who has been found guilty of an offence. The court may confirm or discharge an order convicting a child or may confirm or vary any other order imposing a penalty on the child. An application for reconsideration may be made by the child within one month of the order or may be made by the Minister at any time. All parties concerned must be given notice of the hearing of such an application. If an appeal to the Supreme Court has been instituted in respect of the original order, an application may not be made under this section by the child unless the notice of appeal is withdrawn. Similarly, where an application for reconsideration has been made, no appeal in respect of the original order may be made to the Supreme Court unless the application for reconsideration is withdrawn. An appeal may be made to the Supreme Court against an order under this section.

Part VI establishes the Children's Court Advisory Committee. Clause 80 provides that the Children's Court Advisory Committee shall consist of three members, of whom a Supreme Court judge or a judge under the Local and District Criminal Courts Act shall be the Chairman. Of the other two members, one is appointed on the recommendation of the Attorney-General, and one on the recommendation of the Minister of Community Welfare. Clause 81 provides for the payment of allowances and expenses to members of the advisory committee. Clause 82 contains the usual provisions relating to removal from, and vacancies of, office.

Clause 83 sets out the functions of the advisory committee. The committee will monitor the whole working of this Act and will collect data and statistics in accordance with any directions of the Attorney-General. Other functions may be assigned to the advisory committee either by regulations under this Act or by proclamation of the Governor. Clause 84 obliges the advisory committee to report each year to the Attorney-General on the administration and operation of this Act. This report will be laid before Parliament. Furthermore, the advisory committee must investigate any matter referred to it by the Attorney-General.

Part VII contains sundry provisions of general application in relation to the Children's Court. Clause 85 provides that if it becomes apparent in any proceedings before any court that a person should be dealt with either as an adult or a child, then where necessary the court must remand that person to the appropriate court. However, nothing done by any court or children's aid panel is invalidated by reason of the fact that the person before it should, by reason of his age, have been dealt with in another court.

Clause 86 empowers a member of the Children's Court to seek the directions of the senior judge in relation to the hearing and determination of proceedings if that member believes that they should be dealt with by some other member of the court. Clause 87 provides that a child and his guardian must be given copies of all reports received by the Children's Court or an adult court in relation to that child and that they must be given the opportunity to cross-examine all relevant persons in relation to that report. However, the court may withhold the whole or any part of a report that the court feels may be prejudicial to the

welfare of the child.

Clause 88 makes it clear that officers of the department may appear before a court for the purpose of conducting proceedings under Part III of this Act or for tendering any report in relation to the sentencing of a child under Part IV of this Act. Clause 89 puts an obligation upon the Children's Court or an adult court to satisfy itself as to whether or not a child needs legal representation in any proceedings and, where necessary, to make such provision for the legal representation of the child as it thinks appropriate. Clause 90 provides that the Children's Court or an adult court must satisfy itself that a child before the court understands the nature of the proceedings. Furthermore, where the child is not represented by counsel or solicitor, the court itself must explain to the child all allegations against him and the legal implications of those allegations, and in relation to an offence, explain to the child the elements of the offence that must be established if he is to be proven guilty. A child charged with an offence must be handed an information sheet setting out his rights as to legal representation and assistance.

Clause 91 sets out the persons who are permitted to be present in court where the Children's Court or an adult court is dealing with a child. The persons who must obviously be present are the officers of the court, the officers of the department, the parties and their lawyers, the prosecutor where an offence is being dealt with, witnesses and the child's guardians. The court may specifically authorise other persons to be present and any member of the Children's Court Advisory Committee may be present at any sitting. The news media representatives may be present at a sitting of the court when the court is dealing with a child for an offence.

Clause 92 provides that reports of proceedings before the Children's Court or an adult court in relation to a child shall not be published by any means whatsoever. However, the result of proceedings in relation to offences committed by children may be published provided that the identity of the child and of any witness who is a child is not revealed. The court is given power to prohibit the publication even of the result of such proceedings if it thinks fit. At the other end of the spectrum, the court may, if it thinks fit, permit the publication of the result of such proceedings in such a manner as will reveal the identity of the child. A person who contravenes this section shall be guilty of an offence and liable to a penalty not exceeding $10 000.

Clause 93 empowers an authorised departmental officer to search any child who is under his care for the purpose of any court proceedings and to remove any object that he considers could be used to injure any person or property. Clause 94 provides that a person who hinders a departmental officer in the exercise of his powers under this Act shall be guilty of an offence and liable to a penalty not exceeding $200. Clause 95 provides that the Minister may delegate any of his powers, duties, responsibilities or functions under this Act to the Director-General. The Director-General in turn may delegate to any officer of the department any of his powers, duties, responsibilities or functions, whether vested in him or delegated to him under this Act.

Clause 96 provides that no person may issue any order or warrant for the removal or apprehension of a child unless that person is satisfied by evidence given on oath that the allegations in relation to the child have been substantiated. Clause 97 provides that a child may not be sentenced by any court to imprisonment for contempt of court or for the enforcement of any order for the payment of money. Such a child must be detained in a place approved by the Minister. The child is given the opportunity to apply to the Children's Court, right up to the time of the execution of any mandate for his detention, for further time in which to satisfy any order for the payment of moneys.

Clause 98 provides that a court making an order for the detention of a child in a training centre must issue a mandate in the proper form. Clause 99 provides, first, that the Director-General, with the approval of the Training Centre Review Board, may transfer a child from one training centre to another. Secondly, it is provided that the Director-General may apply to a judge of the Children's Court for the transfer of a child who is of or over the age of 16 years from a training centre to a prison if he cannot be properly controlled in that training centre or is a persistent trouble maker. The court may revoke any order transferring a child to a prison. While a child is in prison pursuant to this section, the Prisons Act applies in relation to him.

Clause 100 provides that proceedings in respect of offences against this Act shall be disposed of in a summary manner. Clause 101 empowers the Senior Judge of the Children's Court to make rules of court. Such rules may incorporate the rules or regulations made under any other Act. Clause 102 provides for the making of regulations for the purposes of this Act. Such regulations may prescribe the practice and procedure of screening panels, children's aid panels, and the Training Centre Review Board, may prescribe forms, may prescribe how a child is to be dealt with while he is being held in detention prior to court proceedings or while he is being conveyed to or from the court or is in the court, and may prescribe penalties not exceeding $200 for breaches of the regulations.

The schedule to the Act provides for consequential amendments to four Acts. First, the Criminal Injuries Compensation Act is amended so that all references to a juvenile court under the Juvenile Courts Act are substituted by references to the Children's Court. The definition of "appropriate court" is amended to the effect that an order for compensation from a child who is alleged to have committed an offence will be heard and determined by a judge or a special magistrate of the Children's Court. The Education Act is amended by the substitution of a new section relating to truants. A child of compulsory school age who habitually or frequently absents himself without lawful excuse from school when the school is open for instruction shall be guilty of an offence of truancy. No penalty is provided for this offence and such a child will be dealt with in the manner set out in the Children's Protection and Young Offenders Act.

The Guardianship of Infants Act is amended by vesting the jurisdiction under that Act in the Children's Court as constituted by a judge. At present, this jurisdiction is vested in the Supreme Court or any judge of the Supreme Court or the local court of full jurisdiction closest to the residence of the child. The Justices Act is amended to the effect that a child who is of or above the age of 16 years and is charged with an offence under the Road Traffic Act may plead guilty to that offence in writing in the manner prescribed by section 57a of the Justices Act. The provisions of that section will not be available to a child charged with any other offence. As the Justices Act now stands, the provisions of that section are not available to a child at all.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

AUSTRALIAN MINERAL DEVELOPMENT LABORATORIES ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 14 September. Page 744.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I congratulate the Hon. Trevor Griffin on his speech on this Bill; he obviously researched his material very well. Anyone who does research on any Bill associated with AMDEL can only find that we in this State are singularly fortunate to have an organisation such as AMDEL. The Hon. Trevor Griffin gave due credit for the work that AMDEL has done for both the Government and for the private sector. It has established itself as the foremost organisation of its type in Australia.

South Australia has had a remarkable record in providing educational and research facilities for the mining industry, not only in South Australia but also throughout Australia and in other countries. The record of the old School of Mines is well known and we are all aware of its contribution over many years to the development of the mining industry in Australia. In 1969 we had the establishment of the Mineral Foundation to provide facilities to the mining industry, and this has tended to keep this State well to the fore in the mining industry in Australia.

The establishment of AMDEL was largely associated with the discovery and mining of uranium in this State in the 1940's. It seems a strange twist of fate that, unless we are careful, the facilities available in South Australia for research and development in AMDEL may be established in some other State. If the uranium enrichment industry establishes itself in Western Australia, New South Wales or Queensland, it is doubtful whether AMDEL will be able to justify its existence in South Australia. Therefore, the South Australian policy on uranium mining is important for the future of AMDEL.

The Bill does three things: first, it widens the range of industries and services provided by AMDEL. I do not object to enlarging the scope of AMDEL. Secondly, it changes the constitution of the council from three representatives of the Australian Mineral Industry Research Association, two from the State Government, and two from the Commonwealth, to two representatives from each organisation.

I checked with the Australian Mineral Industry Research Association, which does not object to having only two representatives. I have not checked with the Commonwealth, but I would not expect any objection, as it maintains its two members on the council. Thirdly, it allows AMDEL to be considered as a public authority, whose employees can contribute to the South Australian Superannuation Fund.

At some stage the Public Service superannuation scheme will create a severe financial problem for taxpayers of this State. This is not the time to delve into that question, except to remind the Government that the standards being set by the Public Service superannuation scheme cannot be maintained without causing severe financial embarrassment to taxpayers and to the Treasury. What can be done to rectify the position is to increase contributions. I saw some figures today that show that, if there is a 3 per cent increase in pension entitlement because of inflation or something like that, the contribution to cover that must increase by 25 per cent. At present we have an indexed system, and one can realise from those figures the tremendous problem that this fund will encounter.

Regarding the borrowing capacity of AMDEL, the Bill requires that a certificate be given by the Treasurer. In a recent amendment to the Administration of Acts Act the consent of the Treasurer can be varied by a simple advertisement in the *Gazette* and another Minister can act for the Treasurer. Why include in this Bill that the Treasurer's certificate is required? By an advertisement in the *Gazette* any Minister can sign in relation to the requirement for the signature of the Treasurer concerning the raising of a loan by AMDEL. If we are sincere in requiring the Treasurer to sign an authorisation for loan raising by AMDEL, we should insist that the Treasurer or the Acting Treasurer makes that signature, and that the Treasurer should not be able to permanently move his responsibility somewhere else in matters such as this.

Apart from those comments, I support the second reading. I repeat that I support the views expressed by the Hon. Trevor Griffin about the contribution of AMDEL to the mining industry in this State and in Australia. I hope that we can maintain continuing expertise to assist the mining industry here and throughout Australia.

The Hon. C. M. HILL secured the adjournment of the debate.

SHEARERS ACCOMMODATION ACT AMENDMENT BILL

(Second reading debate adjourned on 14 September. Page 907.)

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Powers of inspectors."

The Hon. R. A. GEDDES: I move:

Page 1, lines 13 to 15—Leave out all words in these lines and insert paragraphs as follows:

(a) examine any building or object;

(b) after informing the owner or occupier of the land on which he is carrying out the inspection of his intention to do so, photograph any building or object relevant to the inspection;

(c) require any person to answer any question put to him by the inspector;

The amendment is self-explanatory. It is only fair and reasonable that the owners or occupiers of a property that is to be photographed should be advised of an intention to photograph it. I trust that the Government will accept the amendment.

The Hon. B. A. CHATTERTON (Minister of Agriculture): As I have not had an opportunity to study in detail the honourable member's amendment, I ask that progress be reported.

Progress reported; Committee to sit again.

HARBORS ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 12 September. Page 746.)

The Hon. M. B. DAWKINS: I rise to discuss this Bill, which makes several amendments to the principal Act, some of which are unrelated, and some of which relate to changes of the metric system, to the size of vessels, and to the interpretation sections of the Act, which amendments make several subsequent sections either redundant or in need of further amendment. To those amendments, I take no exception. However, there are some amendments which I query and with which I will deal later.

One significant amendment which I found reasonable enough increases from 100 tons to 200 tons the minimum size of a vessel for which pilotage is required. It should be noted that this is referred to in the old measurement of tons, and not the new one of tonnes, as the former measurement of weight is apparently still used world-wide in relation to shipping.

The move from 100 tons to 200 tons may seem to be a large increase. However, on examination, one sees that it reflects the very considerable increase in the size of fishing vessels which are local and the masters of which know local waters. It would seem to be superfluous to insist on pilotage for such vessels. Further, it appears nowadays that few vessels, if any, between the 100 tons and 200 tons range would be other than fishing boats. So, this seems to me to be a sensible amendment.

The amendments to the interpretation section of the Act, which occur in clause 11, raise no objection in my mind. The definition of "harbormaster" is amended to cover present-day needs, and a wider term of "navigational aid" is substituted for "buoys and beacons". These are two examples of such amendments. Another one that may be of interest is that the term of "mile" is defined as meaning a nautical mile of 1 852 metres, which is surely a strange mixture of the old and new measurements. The definition of "vessel" is appropriately widened.

I draw honourable members' attention to the way in which some of these amendments are widened. Instead of the old definitions of "buoys" and "beacons", the new definition of "navigational aid" covers all these things. That term is defined as follows:

> "Navigational aid" means—
>
> *(a)* any lighthouse, lightship, beacon, buoy, or other mark or structure (whether equipped with a light or not);
>
> *(b)* any device (including a radio beacon),
>
> intended to be an aid to marine navigation.

The term "vessel" is also being widened, I think appropriately, to include such modern-day vessels as hovercraft, as well as any part of such a vessel or a wreck thereof. I take no great objection to those definitions. In fact, they are an improvement.

However, I have some objections to clause 12. Before dealing with that, however, I refer to clause 7, which amends section 8 of the Act, subsection (1) of which provides:

> Subject to section 9, any property of any kind or kinds mentioned in subsection (2), which is situated anywhere in the State, may at any time be taken and acquired by the Governor as provided by this Part.

It is admitted that subsections (2) and (3) and section 9 that follows limit to some extent the types of land that can be taken. Clause 7, which seeks to amend section 8, strikes out "Governor" and inserts in lieu thereof "Minister".

I cannot find any enthusiasm for that at all. I have said that the conditions are limited to some extent by the subsequent clauses. Subsection (1) is very wide, and I believe that the matter should go further than just to the Minister. Clause 7 also provides:

> Section 8 of the principal Act is amended . . .
>
> *(c)* by inserting after subsection (3) the following subsection:
>
> (4) the Land Acquisition Act, 1969-1972, shall apply to the acquisition of land under this Act.

That is a reasonable and sensible amendment which causes other amendments. For example, clause 8 provides:

> Division III and Division IV of Part II of the principal Act are repealed.

Division III refers to the mode of acquisition, and Divison IV refers to compensation. Those things are now provided for by the Land Acquisition Act, 1969-1972, and I do not complain about that situation. Clause 10 provides:

> Sections 34, 35, 36, 37, and 40 of the principal Act are repealed and the following section is enacted and inserted in their place:
>
> 34. Subject to this Act the Minister may deal with, or dispose of, property acquired, or vested in him, under this Act as he thinks fit.

The existing sections 34, 35, and 36 are adequately covered by the Land Acquisition Act. The first portion of existing section 37 refers to acquisition in a rather more moderate way, providing for the possibility of the Government and the people knowing a little more about what is going to be acquired or disposed of. As this is to be deleted, I suggest that new section 34 should be amended so that it reads as follows:

> Subject to this Act, the Minister may, with the approval of the Governor, deal with, or dispose of, property acquired, or vested in him, under this Act as he thinks fit.

I do not believe that too much power should be vested entirely with the Minister without some reference to the rest of the Government through Executive Council. Clause 12 repeals sections 44 and 45 of the principal Act, which relate to the control of the foreshore, jetties, and waters. I do not complain about that, nor do I complain entirely about new section 44, which the Bill inserts, but I do object to some portions. New section 44 provides:

> (1) Subject to subsection (2) and subsection (3) of this section—
>
> *(a)* the foreshore of the sea;
>
> *(b)* any water or other reserve, wharf or breakwater situated within any harbor, in the sea, or upon the foreshore of the sea,
>
> shall be under the care, control and management of the Minister.
>
> (2) Subject to subsection (3) of this section, any part of the foreshore of the sea (not being within a harbor) that is within the area of a municipal or district council shall be under the care, control and management of that council.
>
> (3) Notwithstanding the provisions of subsection (1) and subsection (2) of this section, the Governor may, by proclamation, place—
>
> *(a)* any part of the foreshore of the sea;
>
> or
>
> *(b)* any water or other reserve, wharf or breakwater situated within any harbor, in the sea, or upon the foreshore of the sea,
>
> under the care, control and management of—
>
> *(c)* any Minister of the Crown;
>
> *(d)* a council;
>
> or
>
> *(e)* the Coast Protection Board.

This should not be done by proclamation. I shall suggest during the Committee stage that "proclamation" be replaced by "regulation" and that the same change be made in new section 44 (4). I also query the wisdom of placing the matters in new subsection (3) under the control of the Coast Protection Board, unless there is some consultation or liaison between the Government and local government before such a move is made. New section 44 (4) provides:

> (4) Where—
>
> *(a)* any part of the foreshore of the sea is under the care, control and management of a council or the Coast Protection Board;
>
> and
>
> *(b)* land comprising, or comprised within, that part of the foreshore—
>
> (i) is declared by proclamation to be land to which this subsection applies;

or

(ii) forms a strip of land lying under, and extending five metres beyond each side of, a wharf that is under the care, control and management of the Minister, . . .

The provision goes on to say what the council or the Coast Protection Board shall not do. The clause refers to declaration by proclamation, and here again I believe that the word "regulation" should be included, instead of "proclamation". I intend to move in that direction in the Committee stage. I am advised that new subsection (5), which also refers to proclamation, will not be necessary if that change from "proclamation" to "regulation" is effected. Clause 16 provides:

Section 68 of the principal Act is repealed and the following section is enacted and inserted in its place:

68. (1) The Minister shall have the exclusive control and management of navigational aids (other than navigational aids that are the property of the Commonwealth) within the limits of the jurisdiction of the Minister.

I am not complaining unduly about that, because the first portion of existing section 68 provides for almost precisely the same thing, but new section 68 (2) provides:

No civil liability attaches to the Minister, or any person acting in the administration of this Act for an act or omission in good faith, in relation to—

(a) the positioning;

or

(b) the operation,

of a navigational aid.

I do not like this complete removal of liability that is provided for. There are other matters to which honourable members have drawn my attention that I believe they wish to discuss. I do not intend to go further into the ramifications of this Bill. I believe the Bill, by and large, is probably a step in the right direction, but there are some objections that can be taken. At this stage I support the second reading.

The Hon. J. A. CARNIE secured the adjournment of the debate.

BOATING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 September. Page 910.)

The Hon. J. A. CARNIE: I support the Bill. As the Minister said in his second reading explanation, in the three years that the Boating Act has been operating, experience has shown that there are some areas where amendments would facilitate the administration of the Act. Most of the clauses provide for machinery amendments; for example, the requirement for a current registration label, and things of that nature. The Minister referred to clause 3, which alters the definition of "boat". In his explanation he said:

The Bill also extends the definition of "boat" to include all motor boats other than those used and operated solely for commercial purposes. Consequently, hire vessels used for pleasure boating are now clearly included under the provisions of Part II and Part III of the principal Act, which require registration of the vessel and licensing of its operator.

The only alteration in clause 3 has been to add the word "solely". On my reading, vessels for hire would come under either transportation of passengers or other commercial purposes. The Hon. Mr. Burdett referred to this when he said it is up to the Government if that is its interpretation and it is happy with that clause. However, if this clause were tested in a court, we might have the Bill back for an amendment. On reading that clause, to me it does not make any difference to the existing Act. The most significant amendment is that where present section 31, dealing with the powers of a police officer or an authorised officer, is repealed and a new section is enacted.

There are several matters I wish to raise, but before doing so I ask the question: why is the Government and the Marine and Harbors Department so secretive about this Bill? When the original Bill was first introduced in 1974, it caused much controversy, and there was plenty of opposition to it. The Bill ultimately went to a Select Committee to which interested parties gave evidence: the Bill was passed and became law. In October 1975 an amending Bill caused much the same reaction from certain sections of the boating community.

This is an Act that is of concern to thousands of people, yet neither the Government nor the department made any attempt to notify major clubs or organisations representing people who will be affected by any amendment to this Act. Following inquiries made last week, I found that nobody among the boating fraternity had heard about this amending Bill. When introducing the Bill, the Hon. Mr. Banfield stated:

The Boating Act, 1974, has now been in operation for some time. Experience has suggested a few aspects in which amendments might facilitate the administration of the Act.

Surely it is reasonable to expect that members of the boating fraternity, particularly responsible boating organisations after three years of operating under the Act, would have been able to suggest aspects in which amendments might facilitate the administration of the Act. The Government did not contact any of these organisations: at least they should have been offered the courtesy of being asked, but they were totally ignored. One is forced to ask why this is so.

If the Government is being secretive about the introduction of the Bill, it could also be secretive about the intentions of the Bill. The Bill contains regulatory powers, and it could be that the Government is being less than frank in what it intends to do under this Act. For this reason I have several questions to ask of the Minister, and I ask them at this stage rather than in the Committee stage, because he will have to obtain answers and I do not want unnecessarily to hold up this Bill. I hope the Minister will bring down the answers, either when he replies to this debate or, at the latest, during the Committee stages. Clause 9, which repeals section 31 of the principal Act, is a major amendment. Among other things it provides:

A member of the Police Force, or a person authorised in writing by the Minister, may, for any purpose connected with the administration or enforcement of this Act, exercise any of the following powers—

(a) he may direct a person who is operating a boat—

(i) to manoeuvre the boat in a specified manner.

Concern has been expressed to me by boat owners about the direction to manoeuvre in a specified manner. Under this legislation, a member of the Police Force, who may know little or nothing about the handling of a boat, may direct the boat owner how to handle the boat. Even somebody who does understand some types of boats may be quite adequate in handling a small runabout, but that is vastly different from handling an ocean-going racing yacht. Yet this Bill gives the power to either an authorised officer or a police officer to direct the person how to manoeuvre his vessel and also how to stop the boat and secure it in a specified manner.

Will the Government accept responsibility if, in the event of a boat owner performing manoeuvres under

directions from an authorised officer, some damage is caused to the vessel? I can see all sorts of problems arising unless the Government will accept this responsibility. Alternatively, if a boat owner decides that the manoeuvre which he is directed to perform will be dangerous to either himself or his vessel and refuses to comply with that direction, has he any redress in law? Under the Bill, I do not believe he has.

The Harbors Act Amendment Bill contains an almost identical clause except that it contains a provision to the effect that "where a person is charged with an offence consisting of a failure to obey a direction given under paragraph *(a)* of subsection (1) of this section, it shall be a defence to prove that compliance with the direction would have endangered life or property". Why is such a provision not included in this Bill, which deals with an identical matter? I foreshadow an amendment to that effect, but I would like the Minister to answer why the provision was not there in the first place. As I have said, I am very concerned about the wide powers inherent in this clause. For example, section 31 of the principal Act provides:

> (1) Where a member of the Police Force or a person authorised in writing by the Minister suspects upon reasonable grounds a person has committed an offence against this Act he may—

do certain things, including directing a person operating a boat to stop that boat. That provision has now been altered to read as follows:

> A member of the Police Force, or a person authorised in writing by the Minister, may, for any purpose connected with the administration or enforcement of this Act, exercise any of the following powers—

The authorised officer or police officer does not have to suspect that an offence has been committed: he can ask a boat owner to manoeuvre in a specified manner, stop his boat, and do anything else that he thinks may be necessary in connection with the administration of the Act. This is a very wide power, and I hope that it is used responsibly. Paragraph *(b)* is a much wider power than any power a policeman has elsewhere. To enter premises ashore, a policeman must have some reason to believe that a person has committed an offence or is about to commit an offence. Under paragraph *(b)* the officer concerned does not even have to have a suspicion; he may board and inspect any boat.

New subsection 31 (1) *(c)* requires the operator of a motor boat to produce his licence or permit within 48 hours. The Hon. Mr. Burdett has foreshadowed an amendment on this matter because, as he said, the provision could be used unreasonably although, as I am sure, the Government had not intended it that way. I hope that the officers administering the Act will be responsible, and I seek an assurance from the Minister on this matter.

The next matter about which I want a reply from the Minister is clause 11, which enacts new section 35a, dealing with the expiation of offences. Certainly, the provision is reasonable. Similar provisions exist in other Acts and I have no argument about the general principle. However, new subsection (5) provides for offences under the Act to be declared by regulation. I know that perhaps the regulations have not been drafted yet, but I do not believe that Parliament should pass this clause unless members have an indication from the Minister about what offences are contemplated and what amounts are contemplated for expiation of offences.

The final matter about which I want a reply from the Minister is clause 7, which amends section 23 of the principle Act and brings in a new subsection (4), as follows:

> The Governor may, by proclamation, exempt any motor boat, or class of motor boats, from the provisions of this Part and may, by subsequent proclamation, revoke, amend or vary any such proclamation.

Concern has been expressed to me that, while there is no quarrel about the exemption of boats or a class of boats, there may be difficulty about identification. When a boat is licensed or registered, it is given an identifying number. If a boat is exempted, will it not carry an identifying number? Although a boat may be exempted from the provisions of the Act, surely it will not be exempted from section 26, which provides for a boat to be operated with due care and which provides an offence if it is operated recklessly. Further, surely the boat will not be exempted from section 30, which deals with coming within 30 metres of swimmers.

I imagine that an owner, whether he was the person operating the boat or not, would be responsible for these offences and the boat would need to be identified. Not being identified would rather defeat the idea of the Act. I ask the Minister whether, when an exemption is given under subsection (5), it is intended for an identifying mark to be affixed to the boat. Subject to getting replies from the Minister on these matters, I support the second reading.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

SEEDS BILL

In Committee.

(Continued from September 12. Page 752.)

The Hon. K. T. GRIFFIN: I seek leave to withdraw my amendment with a view to moving for the insertion of a new clause 7a.

Leave granted; amendment withdrawn.

New clause 7a—"Defences."

The Hon. K. T. GRIFFIN: I move to insert the following new clause:

> 7a. It shall be a defence to a charge of an offence against this Act involving the sale of seeds for the defendant to prove—
>
> *(a)* that the circumstances of the sale were such that the defendant could not reasonably have expected that the seeds would be used for the germination or propagation of plants;
>
> *(b)* that the seeds were sold on the understanding that they would be treated or cleaned by the purchaser;
>
> *(c)* that the seeds were sold in the course of a business of primary production and the production of seeds for sale forms only a subsidiary part of that business; or
>
> *(d)* that the seeds were supplied to the defendant in a sealed parcel bearing a statement in apparent conformity with this Act.

In paragraph *(c)* of the proposed new clause it is sought to clarify one area of a defence available to a person charged with an offence. The clause has been discussed with the Minister and with representatives of the industry, and it appears to me to now provide the elements of a defence properly available to a person so charged.

The Hon. B. A. CHATTERTON (Minister of Agriculture): When this matter was before the Committee previously, I had doubts about the proposed new clause 7a *(c)*. We have had discussions, and the new form of the clause is acceptable. Paragraph *(c)* covers the situation and provides the necessary flexibility in transactions without providing a wide loophole that could cast doubts. The new clause is a reasonable compromise.

New clause inserted.

Clause 8—"Powers of authorised officer."

The Hon. K. T. GRIFFIN: I move to insert the following new subclauses:

(1a) Where an authorised officer takes a sample of seeds for analysis, he shall—

(a) thoroughly mix the sample and divide it into three approximately equal parts;

(b) place each part in a separate package and seal or fasten each package;

(c) write on each package the address of the premises at which the sample is taken, and the time of taking the sample;

(d) deliver a package containing one part of the sample to the person in charge, or apparently in charge, of the premises at which the sample is taken; and

(e) retain a package containing one part of the sample for future comparison.

(1b) A person is not to be regarded as having sold seeds taken by way of sample under this section by reason only of the fact that he accepts the ordinary market price of these seeds.

The present clause 8 deals with the authority of an authorised officer to enter any place and take a sample of seeds. The concern I expressed in the second reading debate was that no guidance was given to officers about how the samples should be taken, nor was there an indication of what procedures should be followed. The new provision follows closely the provision in the Agricultural Seeds Act on the procedure to be adopted in taking a sample.

New subclause (1b) ensures that, in the taking of a sample which is done by paying the ordinary market price, that is not deemed to be a sale under clause 5, so the person who sells in the context of giving a sample is not committing an offence of selling any seed that may contain noxious seed or seed contaminated by any noxious organism. This provision ensures that an offence is not inadvertently committed in consequence of the giving of the sample.

The ACTING CHAIRMAN (Hon. R. A. Geddes): You say, "thoroughly mix the sample and divide it into three approximately equal parts", and then you only explain what is to happen to two of those equal parts.

The Hon. K. T. GRIFFIN: Paragraph *(d)* refers to delivering a package containing one part of the sample to the person in charge of the premises where the sample is taken, and paragraph *(e)* refers to retaining a package containing one part of the sample for future comparison. I presume that the first is a sample that has to be analysed. It would seem to me that, if not expressly stated, that is certainly implicit in the amendment.

The Hon. B. A. CHATTERTON: The amendment is acceptable to me. As the honourable member said, it follows fairly closely what already exists in the Agricultural Seeds Act and clarifies this position.

Amendment carried; clause as amended passed.

Clauses 9 and 10 passed.

Clause 11—"Regulations."

The Hon. B. A. CHATTERTON: I move:

Page 4, after line 5—Insert paragraph as follows:

(ba) provides for the use of codes and marks in the labelling of seeds;

It is fairly self-explanatory, providing for the regulation of normal packaging requirements, and would be of assistance.

Amendment carried; clause as amended passed.

Title passed.

Clause 7—"Statement to be furnished in relation to sale of seeds"—reconsidered.

The Hon. K. T. GRIFFIN: I move:

Page 3, lines 10 to 16—Leave out subclause (6) and insert subclause as follows:

(6) This section does not apply in relation to—

(a) the sale of a quantity of seeds of less than the prescribed mass;

(b) the sale of seeds marked in accordance with the regulations with a statement showing that the seeds are not to be used for the germination or propagation of plants;

or

(c) the sale of seeds that have been mixed for the purpose of sale where—

(i) statements conforming with this Act in relation to the seeds from which the mixture is made are available for perusal by the purchaser; and

(ii) the purchaser is provided with a statement of the minimum proportion (expressed as a percentage) of the seeds comprising the mixture that might reasonably be expected to germinate.

This new subclause particularly relates to mixtures. I am seeking to ensure, where seeds have been mixed for the purpose of sale, that the statements that conform with the Act in relation to the seeds from which the mixture is made are available for perusal by the purchaser and that the purchaser is provided with a statement of the minimum proportion expressed as a percentage of the parcel that might reasonably be expected to germinate.

The purchaser, in requesting a mixture and purchasing it, does not have to be presented with half a dozen labels containing the fine detail referred to in subclause (3), but they are available to the purchaser. But there is a statement specifically to be given to the purchaser as to the minimum proportion of the seeds that might reasonably be expected to germinate.

The Hon. B. A. CHATTERTON: The amendment is acceptable to me. The area in this legislation involving mixtures has been complex and has required considerable discussion with the industry in order to find a solution that provides protection for the purchaser and a system that is administratively possible for the seller. A matter of great concern to me is that under this legislation seed of lower germination can now be sold legally. The truth in labelling provisions will protect the purchaser, whereas seed that previously had a lower than normal germination was not put on the market. It will now be on the market, and it is important that, if it does become involved in a mixture, the purchaser is warned that that seed has a lower germination. During the transitional period, this provision is important.

I think that subclause (6) *(c)* (ii), by providing that information on a minimum proportion that might germinate, will give the purchaser that warning. If he has any doubts, he will go through the details available for perusal. That provides the purchaser with the necessary protection and will warn him that the germination might not be what he expected from his past experience in purchasing seeds. I think the amendment is quite adequate.

Amendment carried; clause as amended passed.

Bill reported with amendments. Committee's report adopted.

ADJOURNMENT

At 5.18 p.m. the Council adjourned until Wednesday 20 September at 2.15 p.m.