LEGISLATIVE COUNCIL

Thursday 26 February 1981

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

QUESTIONS

WOODS AND FORESTS DEPARTMENT

The Hon. B. A. CHATTERTON: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Forests, a question about the sale of Woods and Forests Department's assets.

Leave granted.

The Hon. B. A. CHATTERTON: I have been contacted by a number of people in the Woods and Forests Department who were very disturbed indeed by the statement of the Minister of Forests reported in the *News* earlier this week. In that statement the Minister said that the operations of the Woods and Forests Department were under review in terms of what could be done by private enterprise. It is quite obvious that a very large sector of the Woods and Forests Department, in fact all the sawmilling activities, could be undertaken by private enterprise. There are other very large concerns in the South-East which conduct sawmilling operations.

There is considerable concern in the department that the Minister intends to dispose of the sawmilling activities to private companies. What is the Minister's policy on the sawmilling activities of the Woods and Forests Department? Is it the Minister's intention to sell that operation to private enterprise? If so, when does he intend to carry that policy out?

The Hon. J. C. BURDETT: I will refer the honourable member's questions to my colleague in another place and bring back a reply.

PROSTITUTION

The Hon. C. J. SUMNER: I seek leave to make a brief explanation prior to asking the Attorney-General a question about prostitution.

Leave granted.

The Hon. C. J. SUMNER: Members will recall that in February of last year in the House of Assembly a Select Committee report on prostitution was presented and that following that report a private member's Bill was introduced to give effect to the recommendations of that report. That private member's Bill was defeated in the House of Assembly, with the Government not accepting the recommendations of the report. The recommendations, in essence, supported decriminalisation of prostitution. The report stated:

> It was difficult to find many advantages in maintaining the present law.

It further recommended:

> That the maintenance of existing legislation, with increased police powers and penalties, be not considered.

However, the committee said in its report, which was tabled on 19 February 1980, that prostitution and brothels exist in South Australia and, furthermore, that most premises operating as massage parlours are fronts for acts of prostitution. They were the committee's conclusions in February last year. Presumably, that situation still pertains. The law still prohibits the keeping of brothels and receiving money therein for prostitution.

In view of these facts and the Government's failure to support the recommendations contained in the Select Committee's report regarding the decriminalisation of prostitution and the obvious continuation of the practice of keeping brothels and prostitution in South Australia, what action does the Government intend to take in this area?

The Hon. K. T. GRIFFIN: Regarding the Select Committee's report, the Government has not considered whether or not any action should be taken. As everyone knows, the Select Committee resulted in a private member's Bill being introduced, which Bill has only in the past couple of weeks been defeated in the House of Assembly. So, at present the Government has no plans to take any action in relation to that report.

The Hon. C. J. SUMNER: Does the Attorney-General concede that the conclusions of the Select Committee's report that prostitution and the keeping of brothels was a prevalent and existing practice in South Australia would still be the position today? Does he concede that the law prohibits such actions and, if he does, what does the Government intend to do to see that the law is enforced?

The Hon. K. T. GRIFFIN: I am not prepared to concede the conclusions that the Select Committee reported. The policing of the law is a matter for the police, who are responsible to the Chief Secretary, with whom I will take up the matter.

COAST PROTECTION BOARD

The Hon. J. R. CORNWALL: I seek leave to make a short explanation before asking the Minister of Community Welfare, representing the Minister of Environment, a question regarding the Coast Protection Board.

Leave granted.

The Hon. J. R. CORNWALL: More than 12 months ago, I asked a series of questions in the Council concerning the projected role of the Coast Protection Board. Since then the Minister has announced that the provision of major boating facilities has been transferred to the Department of Marine and Harbors, which I think was a very sensible and practical move. However, there were two other major matters which I raised at the time and which do not appear to have been resolved at all.

One was the fact that the board over a number of years had got into a position where one of its major activities had become the provision of foreshore facilities throughout the State. The Coast Protection Board has probably been responsible for the construction of more toilets than any other organisation in South Australia. It seemed to me that that was a very inappropriate function for the board.

At that time, the Minister indicated that he thought that this was more properly a matter for the State Planning Authority or for planning authorities generally. He said that he intended to have these functions transferred to the local authorities, but it seems that that has not happened. I am alarmed that the Coast Protection Board, instead of protecting coasts, may still be involved in sanitary operations.

I also raised at that time the matter of sand replenishment on Adelaide beaches. For many years we have had a ridiculous situation where the Department for the Environment, through the Coast Protection Division and funded by the Coast Protection Board, has been involved annually in transferring an enormous amount of sand from the Outer Harbor area to Brighton, where mother nature duly proceeds to take it back up the coast. That goes on year after year. I appreciate that it is absolutely essential that sand be replenished in areas such

as Brighton, but it was a matter of great concern to me as Minister that someone could not devise some other method of sand replenishment.

I know it is difficult but it seemed to me that, with the knowledge of coastal engineering that is available around the world, someone could surely have found a solution to this recurring annual problem. It may be that this scheme creates some employment, but it is quite ridiculous that we cannot find any solution other than to transport huge quantities of sand at very great expense as a recurring annual event. To the best of my knowledge, nothing has been done in this field, either. These two matters cause me a great deal of concern.

Who are the present members of the Coast Protection Board and what is its relationship with the Coast Protection Division of the Department for the Environment? What funds are available to or from the board this financial year? Has the provision of foreshore facilities been taken away from the board and, if so, by whom is it administered? Is the Minister contemplating any changes to the Coast Protection Act and, if so, when will they be introduced? Has the Minister addressed the recurring problem of sand replenishment on Adelaide beaches and, if so, is he considering any alternative to the present method?

The Hon. J. C. BURDETT: I will refer the honourable member's questions to my colleague in another place and bring down a reply.

MINISTERIAL STATEMENT: WATER SUPPLIES

The Hon. J. C. BURDETT (Minister of Community Welfare): I seek leave to make a statement.

Leave granted.

The Hon. J. C. BURDETT: The identification of the disease-causing amoebae, *naegleria fowleri,* in the water supply system of the northern towns and Yorke Peninsula has aroused widespread public concern in those areas and throughout the State. Late yesterday the Government received information which indicates that *naegleria* amoebae are present on a widespread basis throughout our water supplies. The advice indicated that it is neither possible nor practicable to eliminate them entirely from South Australia's water supply.

The advice confirms previous statements by the Minister of Water Resources and the Minister of Health that these amoebae are widespread in the natural soil and water environments in the State and, indeed, beyond its borders. I must stress that the preliminary survey results reported yesterday, whilst they indicate the existence of *naegleria,* have not yet proceeded to the stage where their high temperature tolerance and pathogenicity has been determined.

In this regard it is important that the information I provide to the Council not be used by either the Opposition or the media to arouse a sense of unfounded alarm throughout the community. Nevertheless, the information given to us yesterday is of a nature which requires immediate action in order to ensure that the community is aware of the situation and is provided with information which ensures that simple precautions can be taken to avoid what is a remote risk of contracting amoebic meningitis. It has been well established that the disease can be contracted only if infected fresh water is allowed to enter the nose. It cannot be contracted from sea water.

Following the identification of the pathogenic amoebae *naegleria fowleri* in the Whyalla and Yorke Peninsula water supplies, the State water laboratories initiated a survey of other State water supplies on 17 February 1981. Less intensive surveys of this nature have been done in the past in the knowledge that this organism and the non-pathogenic *naegleria* species is widespread in the natural soil and water environment. Previous surveys of water supplies have, however, proved to be negative for *naegleria fowleri.*

The preliminary results of the current survey have been summarised in a report which I now table and which I will seek leave to have inserted in *Hansard.* The report confirms the presence of *naegleria* (that is, amoebae which survive at a temperature of 42°C) in water supplies in the following locations: on the West Coast as far west as Ceduna, which receives its water from the Tod distribution system orginating in the Tod reservoir, in the North-East of the State from the open dam supply at Mannahill on the Broken Hill line, in the Keith water supply in the South-East which is piped from the Murray River, and in a private Murray River water supply at Walkers Flat.

The results are from water samples taken last week. The present isolates have only been detected in samples cultured at 42°C at this stage. The next step in identifying whether or not they are the pathogenic *naegleria fowleri* is to culture them at 44°C to determine whether they are "high temperature tolerant" and then to confirm them by pathogenicity tests using mice. Past experience is that approximately 30 per cent of *naegleria* isolated at 42°C are confirmed as *naegleria fowleri.* However, even the presence of *naegleria* at 42°C is sufficient evidence to confirm that the pathogen is widespread in the natural water and soil environment in South Australia and may be present in the warm public water supplies of the State.

I mentioned earlier that it is neither possible nor practicable to eliminate *naegleria fowleri* entirely from our water supplies in South Austrlia. In other words, amoebic meningitis must be considered as an endemic, although extremely rare, disease in South Australia—that is, in much the same way as is Australian *arboencephalitis,* commonly known as Murray Valley encephalitis.

The Government will maintain all existing chlorination programmes and will proceed with its filtration proposals. However, because of the widespread State distribution network and the use of private water sources by some country residents, it is quite impracticable to maintain the required chlorine residual levels at every hamlet and individual consumer's supply.

On being informed of the results of the survey, the Minister of Water Resources and the Minister of Health initiated the development, by senior health and water resources officers, of a submission which was considered by Cabinet this morning. As a result, the following action will now be implemented:

1. A comprehensive ongoing State-wide public awareness programme (particularly prior to and during summer) will be mounted by the South Australian Health Commission. The estimated cost is $75 000 per annum.

   This programme will be directed to the South Australian community generally, with added attention being given to communication through schools and local government. The programme will also stress that the active pathogen may be present in any warm water body and is not confined to public water supplies.
2. The Amoebic Identification Unit of the State Water Laboratories will be upgraded to enable more comprehensive ongoing surveillance of State water resources and public water supplies, and to provide resources to carry out appropriate fundamental research in this field. The estimated cost is $150 000 per annum.

3. We will establish an expanded Standing Committee on Water Quality to report to the Ministers of Health and Water Resources on all health aspects of water quality in South Australia. It will comprise senior level representation from the South Australian Health Commission and the Engineering and Water Supply Department. The membership and terms of reference of this committee will be developed by consultation between the Ministers, and the terms of reference will specifically include responsibility for recommending procedures by which local health officers in local government will be kept informed of the results of the surveillance programme.

Notwithstanding the establishment of a State-wide health education awareness programme on amoebic meningitis, the Government recognises the importance of ensuring that local government can respond quickly to the presence of high temperature tolerant *naegleria* in local water supplies by intensifying the general awareness programme in local areas.

4. A medical officer of the South Australian Health Commission and a microbiologist of the State Water Laboratories will undertake an overseas visit to the amoebic meningitis research centres in the U.S.A. and Europe during the coming winter (Northern Hemisphere summer) to evaluate the relevance of work being done on this disease in those centres.

This recommendation takes into account that, while the South Australian experts are recognised internationally, considerable value should be obtained by personal interaction with their counterparts working in the field overseas.

It is known that amoebae exist everywhere but that high temperatures are conducive to the rapid multiplication of the high temperature tolerant species, which include the pathogenic *naegleria fowleri*. This summer has been the hottest on record since the 1930's. Similar conditions may not recur. Nevertheless, in the light of results of surveys initiated earlier this month, the Government is taking every responsible measure to protect the State's water supplies and to inform the public of its own responsibilities in regard to amoebic meningitis.

The PRESIDENT: The Minister asked to table a paper and to have a table inserted in *Hansard*.

The Hon. J. C. BURDETT: I seek leave to table the document referred to and also to have inserted in *Hansard*, without my reading it, the document referred to.

Leave granted.

STATE WATER LABORATORIES

Naegleria isolates at 42°C—High Temperature (44°C) Tolerance and pathogenicity not yet determined

Location	Sampled	Water Temp.	Free Chlorine Residual (mg/L)	Recognised	Action Taken
Morgan-Whyalla Pipeline					
Wright Street, Port Pirie	17.2.81	32	0·5	24.2.81	Increased surveillance
Loudon Road, Port Augusta	18.2.81	30	1·5	24.2.81	Increased surveillance
Whyalla-Lincoln Gap Main (before Whyalla)	18.2.81	28	<0·1	24.2.81	Rechlorinated prior to Whyalla
Crystal Brook	17.2.81	31	<0·1	24.2.81	Mains disinfection to achieve 0·5 mg/L free chlorine recommended
Yorke Peninsula Water Supply					
Paskeville No. 2 (after chlorination)	20.2.81	20	<0·1	24.2.81	Operations Division advised—investigating
Clinton Reservoir	17.2.81	24	N.D.	24.2.81	Rechlorinated at Kainton Corner
Warawurlie Tank	18.2.81	23	<0·1	24.2.81	
Muloowurtie North Tank	17.2.81	28	<0·1	24.2.81	
Curramulka North Tank	18.2.81	26	<0·1	24.2.81	
Port Vincent Town Supply	17.2.81	27	<0·1	24.2.81	
Stansbury Tank	17.2.81	24	<0·1	24.2.81	See Note 3 below
Stansbury Town Supply	17.2.81	23	<0·1	24.2.81	
Yorketown Town Supply	17.2.81	27	<0·1	24.2.81	
Edithburgh Tank	17.2.81	25	<0·1	24.2.81	
Edithburgh Town Supply	17.2.81	25	<0·1	24.2.81	
Other Northern Water Supplies					
Brinkworth Town Supply	18.2.81	27	<0·1	24.2.81	Chlorinated at Walladges Corner from 24.2.81 (chlorine dose rate—3 mg/L)
Blyth Town Supply	18.2.81	27	<0·1	24.2.81	
Port Broughton Town Supply	20.2.81	27	<0·1	24.2.81	Checking disinfection at Upper Wakefield
Tod-Ceduna Trunk Main System					
Lock Town Supply	17.2.81	27	N.D.	24.2.81	
Kimba Town Suply	18.2.81	22	N.D.	24.2.81	
Minnipa Town Supply	18.2.81	17	N.D.	24.2.81	
Wuddina Town Supply	18.2.81	22	N.D.	24.2.81	
Ceduna Town Supply	17.2.81	N.D.	N.D.	24.2.81	

STATE WATER LABORATORIES

Naegleria isolates at 42°C—High Temperature (44°C) Tolerance and pathogenicity not yet determined

Location	Sampled	Water Temp.	Free Chlorine Residual (mg/L)	Recognised	Action Taken
Tailem Bend-Keith Trunk Main System					
Keith	18.2.81	N.D.	N.D.	24.2.81	Checking disinfection at Tailem Bend
Mannahill Open Dam Storage					
Mannahill Town Tank	9.2.81	28	N.D.	13.2.81	
Mannahill Town Supply	9.2.81	28	N.D.	13.2.81	

Notes:

1. N.D. = not determined
2. High temperature tolerance (at 44°C) has not been demonstrated for these isolates. Testing for high temperature tolerance will commence on 25.2.81.
3. Lower Yorke Peninsula tanks including Minlacowie, Minlaton, Port Vincent, Stansbury, Yorketown and Edithburgh were disinfected on 17-18.2.81. Many of the *Naegleria* sp. from this area could have been isolated from samples collected before tank disinfection. The chlorine dose rate at the Upper Mount Rat chlorinator was increased to 6 mg/L on 18.2.81.
4. Mannahill was not included in the original planned survey but a sample taken on 9.2.81 for bacteriological testing was examined.

The Hon. N. K. FOSTER: I seek leave to make a brief statement before asking the Minister of Community Welfare a question.

Leave granted.

The Hon. N. K. FOSTER: First, I want to say that the document that the Minister has just referred to has no significance where my question is concerned. Temperatures this summer have been higher than any recorded since the 1930's. I remind the Council and the Minister that the last outbreak of this disease was in the 1970's. I think the year in which the first outbreak occurred was 1972, and since then higher temperatures have been recorded than those applying in 1972. The precautions undertaken by the previous State Government were sufficient throughout the 1970's to hold off this disease. It is no good if the present Government takes remedial action after the coffin has been closed, which is what has happened. The Government deliberately set about cost savings—

The Hon. K. T. Griffin: What did your Government do about it—nothing.

The Hon. N. K. FOSTER: What the hell are you talking about?

The PRESIDENT: Order!

The Hon. N. K. FOSTER: I have already said that, if the Minister examines the temperatures recorded since the outbreak in 1972 and since the discovery of the cause of the outbreak, the consequential deaths that have occurred and the remedies that have been taken, he will find that there were higher temperatures in the 1970's following 1972 than there actually were in that year.

The Hon. R. J. Ritson interjecting:

The Hon. N. K. FOSTER: I do not care, I am confining it to the period 1972 to 1981. There was a need to take extra precautions, especially because of the long-range weather forecasts indicating that it would be a long, hot and dry summer, but the Government has taken no additional precautions. In fact, it allowed Cabinet decisions to permeate down to the department, at the same time squeezing its financial allocations. The Government has had departmental heads turning themselves inside out, when they could have given a monthly report to the Cabinet meetings.

The PRESIDENT: Order! The honourable member must restrict his statement to an explanation.

The Hon. N. K. FOSTER: It is an explanation of my strong feeling on the matter. Relevant to this question is the matter of dams and swimming pools, and the like. All sorts of proprietary lines are widely advertised which allegedly take the place of chlorine. We know the amount (parts per million) of chlorine necessary to render the normal swimming pool safe, heated or otherwise. Incidentally, something ought to be said to the public about the danger of heated pools in connection with this matter. Will the Minister say what is going to be done about the proprietary lines to which I have referred? Whilst one may chlorinate a swimming pool after sundown and get a specific reading next morning up to, say 9 a.m., after the sun has been on that pool for about 2½ hours the reading can be nil or very much reduced. What does that mean in terms of the safety of that water? Why was the Government responsible for introducing a programme of over-caution based on monetary savings, eliminating the safety factors that existed throughout the 1970's?

Is the Government prepared to immediately have all proprietary lines of pool chemicals investigated so that the public can be advised whether there are adequate replacements for chlorine that can be used safely in public pools? Will the Government continually monitor those areas of the State at risk, and will it consider implementing a long-term project, particularly in the hotter parts of the State, with a view to making it impossible for the temperature of drinking water in those areas to exceed 32 degrees?

The Hon. J. C. BURDETT: It seems necessary to tell the Opposition over and over again that there were no cutbacks and no saving of money whatever in regard to chlorination of the Whyalla water supply. In regard to the questions asked by the honourable member, I will refer them to my colleagues, the Ministers of Health and Water Resources, in another place and bring back a reply.

The Hon. J. R. CORNWALL: It is now obvious that, because of the diligence of the Opposition, the true story of *naegleria fowleri* is emerging. We have been told that almost the entire population of the State has been at risk throughout the summer season.

Members interjecting:

The PRESIDENT: Order! The Hon. Dr. Cornwall.

The Hon. J. R. CORNWALL: I am basing that statement on what the Minister has told the Council—that

naegleria is widespread throughout the State and that 30 per cent of the *naegleria* isolated is, on the Minister's own admission, the pathogenic form of *naegleria fowleri*. Throughout the summer there is now clear evidence that that organism has been widespread, that a large percentage of the population of South Australia, including the residents of the metropolitan area, have been at risk, and that the Government's monitoring programme has quite obviously been totally deficient.

The Hon. L. H. Davis: Oh!

The Hon. J. R. CORNWALL: Never mind "Oh". On the Minister's own admission, the organism has been found to be widespread throughout the State. We have had, as he says, one of the hottest summers in 30 years. Clearly and obviously, that organism has been in water supplies over wide areas of the State, including the metropolitan area. That is cause for grave alarm on two bases: first, the Government has been derelict in its duty in protecting the citizens of this State; and, secondly, there has been an obvious dereliction of duty in not monitoring swimming pools throughout the State, where people are most likely to contract the disease. There does not appear to be any monitoring programme in the State involving swimming pools.

Will the Government, as a matter of urgency, conduct tests on public swimming pools throughout the State? Further, will it organise a programme as rapidly as possible to make facilities available to private pool owners to test water in their pools?

The Hon. J. C. BURDETT: I will refer the honourable member's questions to my colleague the Minister of Water Resources and bring down a reply.

The Hon. R. J. RITSON: I seek leave to make a statement before asking a question about pathogenic amoeba.

Leave granted.

The Hon. R. J. RITSON: The pathogenic amoeba under discussion was first identified as a cause of disease in South Australia by Dr. Fowler. Since that discovery, the cases of amoebic meningitis (I think 13 in 30 years) have been given that diagnostic label. Undoubtedly, these episodes of amoebic meningitis have been occurring undiagnosed in the South Australian and pre-South Australian population for centuries. The amoeba did not suddenly evolve at the time Dr. Fowler discovered it. It has probably been in the Murray system and all fresh water supplies for centuries. It has the ability to form cysts when it dries out and it can be carried on the wind and in dust, as well as on the feet of water birds. I do not see how anyone can legislate to prevent that.

The Hon. L. H. Davis: Dr. Cornwall will try to.

The Hon. J. R. Cornwall: Yes, I will.

The Hon. R. J. RITSON: It is a rare disease and will probably continue to occur rarely, and I do not see how the Government can legislate to prevent that entirely. Will the Minister arrange for continuing education regarding swimming pool hygiene, without causing grave alarm?

The Hon. J. C. BURDETT: To endeavour to educate the public without causing grave alarm was the purpose of the Ministerial statement. I will refer the honourable member's question to my colleague and bring down a reply.

CIGARETTE LEVY

The Hon. BARBARA WIESE: Has the Minister of Community Welfare a reply to my question of 12 February regarding a cigarette levy?

The Hon. J. C. BURDETT: The Minister of Health supports the principle of an anti-smoking campaign. The South Australian Health Commission, in conjunction with the Australian Bureau of Statistics, is currently conducting the most detailed survey of smoking habits and attitudes ever undertaken in Australia. This survey will provide the information on which to base a concerted anti-smoking campaign. The Minister supports Federal funds being made available to conduct such a campaign and will be approaching the Federal Government for assistance.

LEGAL SERVICES COMMISSION

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Attorney-General a question regarding the Legal Services Commission.

Leave granted.

The Hon. ANNE LEVY: The Legal Services Commission of South Australia is currently desperately short of funds. As I am sure the Minister would know, the published figure in the State Budget for the commission does not mean what many people think it means, as much of that sum goes towards paying for cases that have been started in previous years.

Two sums are very relevant to the commission, namely, one allocated for running the office and staff, and one that is allowed to be committed for outside work in the State area: cases started in the State courts now but not paid for until later financial years.

I understand the Legal Services Commission is so short of money for these forward commitments for State cases that it can only accept cases involving murder and rape. The commission is currently having to tell all other applicants for help in the State jurisdiction that no finance is available to take up their case, even when they satisfy the very strict means test provisions.

I am sure that some of the cases being turned away are serious ones with a possible four-year or five-year gaol sentence as an end result. I am equally sure that the Attorney-General would agree that a lack of legal representation for these people is against the interests of justice and could result in miscarriages of justice.

I understand also that the commission has officially requested extra financial help for these forward commitments for the remainder of this financial year, particularly as applications for its assistance are increasing at a rate of something like 13 per cent on last year's figures. As yet, the Legal Services Commission has not received a reply from the Government, although its request for a further forward commitment for funding was made some time ago.

Will the Minister regard this as a matter of extreme urgency and consider favourably the request from the Legal Services Commission, and so allow forward commitments to be made by the commission so that no more needy people will be denied their rights to legal representation?

The Hon. K. T. GRIFFIN: I had some discussions with the Chairman of the Legal Services Commission on 17 February or thereabouts regarding a particular difficulty that the commission indicated it was having in allocating assignments for legal aid to members of the private profession. I took up with the Treasury Department the matters that the Chairman of the commission raised with me, and the matter is still being considered by the Treasury and my office. I am hopeful that I will have an answer within the next few days to enable some forward planning to be done by the commission.

It ought to be stressed that the commitment level provided in the Budget was considered towards the latter

part of last year and, as a result of an under-utilisation of commitment, the Government through me authorised an increase in the weekly commitment that the Legal Services Commission was able to make. That resulted in more aid being available at that time.

I might say that I was somewhat surprised to hear that for the past five months of this year the commission has been having budgetary difficulties notwithstanding the review that I undertook at the end of last year and in the light of the increased commitment that was approved. We are looking at a number of ways in which the problem can be solved, and I hope that I will be able to indicate a decision to the commission within the next few days.

PERSONAL EXPLANATION: MEMBER'S STATEMENT

The Hon. J. E. DUNFORD: I seek leave to make a personal explanation.

Leave granted.

The Hon. J. E. DUNFORD: You, Sir, will recall certain things which I said during my contribution to the debate on the Electoral Act Amendment Bill but which could have been misunderstood. I have adopted this procedure only once before in the six years that I have been in this place. I used words such as "bloodshed" and "civil war". It seems to me that you, Sir, knew when I made the speech that I attributed those words to you in a speech on a similar Bill in 1975.

When we discussed this matter ourselves outside the Chamber, you, Sir, suggested that I had said this. I did say it in 1975, but only after you had said it. I think that I must clear up the record, because I honestly believed that there was misquoting. I am not making this personal explanation to say that I did not misquote you, but I think that we should go back to that previous speech, which was a very good one.

The PRESIDENT: Order! Before the honourable member goes too far back, he should realise that he is making a personal explanation and is not to repeat what was said in a previous debate.

The Hon. J. E. DUNFORD: It is not a repeat of what was said previously. I am merely clearing the air between you, Sir, and me and some people who overheard us in the Chamber. Those people believe that you did not say these words. Although you may not have said all of them, Sir, I wonder whether you would like to hear what you did say.

The PRESIDENT: No. I remind the honourable member that I did not comment on his speech in the Chamber. What we refer to outside the Chamber should remain outside this Chamber. If the honourable member wishes to make a personal explanation, he has obtained leave to do so. However, he does not have permission to read the report of a certain debate.

The Hon. J. E. DUNFORD: My personal explanation is that I was correct in saying that you said these things. Indeed, if you refer to pages 1257 and 1258 of 14 October *Hansard*, you will see that I am correct.

PIE CART

The Hon. M. B. DAWKINS: I seek leave to make a short statement before asking a question of you, Sir, and indirectly at least of the Leader of the Government and the Leader of the Opposition, regarding the possible relocation of the pie cart, which has caused some concern among honourable members.

Leave granted.

The Hon. M. B. DAWKINS: Along with other honourable members who have expressed concern about this matter, I believe that it is completely undesirable that the pie cart should be relocated immediately adjacent to this House, especially late at night and in the small hours of the morning. My friend the Hon. Mr. Cameron expressed his concern about the pie cart being placed near his window, which is, however, on the first floor of this building.

My window, as well as those of several other honourable members, is on the lower ground floor immediately adjacent to this area. I have always felt that those windows have not been adequately protected. I believe that it is quite ridiculous that people should be congregating in that area in the small hours of the morning, and that an approach should be made to the Lord Mayor or to the Town Clerk regarding this matter.

Members interjecting:

The PRESIDENT: Order!

The Hon. M. B. DAWKINS: When members opposite stop cackling I will continue. Mr. President, will you confer with the Attorney-General and the Leader of the Opposition with a view to making an approach to the town council authorities on behalf of Parliament, on the one hand, because it is undesirable that this facility should be placed alongside Parliament House, and also on behalf of the piecart owner, who should not be asked to move his piecart at midnight from one location to another?

The PRESIDENT: I will confer with the Leaders of both Parties with a view to taking this matter up with the city council. I cannot speak on behalf of the piecart owner or Parliament, but since the request comes from this Council I will most certainly lodge a protest on behalf of the members of this Council.

The Hon. ANNE LEVY: I desire to ask a supplementary question. As I understand it, Mr. President, you have interpreted a request from the Hon. Mr. Dawkins as a request from all members of this Council. It may or may not be true that all members of the Council would wish to be associated with such a request, but I suggest that, before speaking on behalf of all members, you first ascertain the views of all members on this matter.

The PRESIDENT: I think that was covered in the explanation made by the honourable member: that I would confer with the Leaders. If the Leaders themselves cannot give me a consensus of the opinions of their Parties I will then proceed with whatever the majority suggests.

CONSUMER TRANSACTIONS

The Hon. L. H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about consumer transactions.

Leave granted.

The Hon. L. H. DAVIS: Section 36 of the Consumer Transactions Act provides that where a person purports to acquire title to goods subject to a consumer lease or a consumer mortgage, without actual notice of the interest of the lessor or mortgagee in the goods, that person will obtain title to the goods, provided that he acts in good faith. This provision operates whether the goods are purchased from a dealer or a private individual. However, this protection operates only where the transaction the subject of a consumer lease or consumer mortgage is for an amount not exceeding $10 000. In a recent judgment handed down, the judge in commenting on the $10 000 limit observed:

> Obviously enough, many transactions intended to be caught by the legislation will not be caught now simply because of inflation.

Although many of the matters pertaining to consumer transactions subject to consumer mortgages or consumer leases have already been raised and discussed in this Council, will the Minister indicate whether he will review or is reviewing the present maximum amount which attracts the protection of section 36 of the Consumer Transactions Act?

The Hon. J. C. BURDETT: A couple of such cases have been brought to the notice of the public through the press. I think it has been in a very small number of cases that consumers have been disadvantaged through this means, but it is a problem. With respect, what his honour the judge said is perfectly correct; protection to consumers has been whittled away through inflation. When it was inserted in the Act, $10 000 was a very different figure in practical terms from what it is now. The department is actively reviewing what the limit should be. It was hoped to get the amendments to the Act, including that one, before the Council during this part of the session, but that has not been possible. Investigations are proceeding, and amendments, including amendments to lift that limit, will certainly be brought to Parliament as soon as practicable.

LITTLE DOLLAR SAVER

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about the Little Dollar Saver.

Leave granted.

The Hon. C. J. SUMNER: I have had brought to my attention by a constituent an advertisement which appeared in the *Weekly Times*, which is a suburban newspaper in the western suburbs, of Wednesday 11 February 1981. The advertisement was apparently inserted by a company called Little Dollar Saver of 151 South Terrace, Adelaide. The advertisement is headed:

> Dollar woman says—"My Little Dollar Saver saves you over $400!"

The advertisement then continues:

> The Little Dollar Saver sells for only $29·00 and contains many hundreds of dollars worth of free items from merchants in the western suburbs. Including—
>
> 16 meals at leading restaurants! (Worth over $120!!)
>
> Free entertainment & sporting offers! (Worth over $100!!) (Including cinema admissions), ten pin bowling, etc.
>
> Free beauty and health! Including hairdressing, beauty and skin care treatment, chiropractic, various modelling and self improvement lessons, two weeks membership at a leading fitness centre, etc. (Worth over $140!!)
>
> Free automotive service! (Worth over $100!!)

In other words, the purchase of a $29 Little Dollar Saver from this company will enable one to obtain all these benefits. The advertisement concludes:

> Buy my Little Dollar Saver and support the South Australian Surf Life Saving Centre.

That indicates that some of the money from this project goes to that organisation. I understand that this company then called many people in the area in which this advertisement was distributed and offered them the Little Dollar Saver for only $29.

As you know, Mr. President, one does not get anything for nothing, and there is no such thing as a free lunch. Under this scheme one is apparently able to receive benefits worth over $400 for a Little Dollar Saver costing only $29. To my mind that seems a little strange. I do not know whether there is anything wrong with the activities of this company. Is the Minister aware of the activities of this organisation? What are the details of its operation and, in particular, the Little Dollar Saver scheme? What is the turnover from this project, and how much money does the South Australian Surf Life Saving Centre obtain from it?

The Hon. J. C. BURDETT: I am aware of the Little Dollar Saver scheme and have been for some time. I have not seen that particular advertisement and, certainly, the department will look at it to see whether it can be said to be misleading or unfair, but the scheme has been in operation for some time and it involves the sale, if people wish to purchase them, of coupons for which they get benefits at various trading outlets.

The department so far has not found anything wrong with the scheme or any kind of impropriety. Various schemes like this, under various names, have been in operation for some time. The Surf Life Saving Centre does receive a benefit (this has been verified) from the company that promotes the scheme. I cannot, off the top of my head, tell the member what the amount is but there is certainly a benefit.

The Hon. C. J. Sumner: What is it in relation to the overall—

The Hon. J. C. BURDETT: I cannot quantify the benefit in any way but there is a benefit.

The Hon. C. J. Sumner: You will find out those details?

The Hon. J. C. BURDETT: Yes, I will find out those details for the member. The department receives a number of telephone calls from consumers who have seen the advertisement and who are interested in taking up the offer about the *bona fides* of the scheme. Officers of my department have prepared a very careful set of notes as to what officers are to say in response to telephone questions. They are very guarded. I cannot remember the notes in detail but the first comment is that it is a business name registered with the Corporate Affairs Commission. The second is to explain the nature of the scheme and to say that the consumer must evaluate the scheme for himself or herself to determine whether he or she thinks benefit will be got out of the $29, or whatever is paid. It is a very guarded reply but the department so far has not had any valid complaints regarding the organisation and cannot fault its operations.

I have not seen that particular advertisement previously. I do not know whether the department has seen it, but certainly that will be looked at. A part of the standard reply that officers give to people who telephone for information about the scheme is in relation to the Surf Life Saving Centre and that is to say that there is a benefit to that centre. I will obtain for the member information on the amount of money or the percentage that goes to that organisation, but, as I have said, the department is well aware of the operation of Little Dollar Savers and so far has nothing adverse to comment on in regard to that operation.

GOVERNMENT CARS

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to asking a question of the Minister of Community Welfare, representing the Minister of Public Works, regarding Government cars and their replacement.

Leave granted.

The Hon. M. B. DAWKINS: Members will be well aware that some of the Government car fleet have been in the service of the Government for a rather longer period than usual and that a number of the cars, particularly LTDs, have done an excessive number of kilometres and

are overdue for replacement. I ask the Minister whether he will secure from his colleague information on the policy of the Government regarding replacement of Government cars and on whether the Government can say what types of car will be purchased for replacement of the present vehicles.

The Hon. J. C. BURDETT: I will refer the question to my colleague in another place and bring back a reply.

SWIMMING POOLS

The Hon. J. R. CORNWALL: Will the Minister of Community Welfare, representing the Minister of Health, say how many swimming pools in South Australia have been monitored for *naegleria fowleri* since 1 December 1980, how frequently they have been monitored, whether *naegleria* has been isolated on any occasion, and whether the Minister is aware that three public swimming pools in Perth were closed during January because *naegleria fowleri* was isolated?

The Hon. J. C. BURDETT: I will refer the question to the Minister of Health and bring back a reply.

KANGARILLA TEMPERANCE HALL (DISCHARGE OF TRUSTS) BILL

The Hon. M. B. CAMERON, on behalf of the Hon. K. T. Griffin (Attorney-General), brought up the report of the Select Committee on the Bill, together with minutes of proceedings and evidence.

Ordered that report be printed.

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That the Bill be recommitted to the Committee of the Whole Council on the next day of sitting.

Motion carried.

POLICE REGULATION ACT AMENDMENT BILL

Third reading.

Bill read a third time and passed.

COMMUNITY WELFARE ACT AMENDMENT BILL

In Committee.

(Continued from 19 February. Page 2936.)

Clause 5—"Interpretation."

The Hon. J. C. BURDETT: I move:

Page 3—

Lines 16 to 19—Leave out all words in these lines and insert paragraph as follows:

(c) by striking out from subsection (1) the definition of "child care centre" and substituting the following definition:

"child care centre" means any premises or place in which more than three children who under the age of six years are, for monetary or other consideration, cared for on a non-residential basis apart from their guardians and relatives:

Line 23—Leave out "children are" and insert "more than three children are, for monetary or other consideration,".

These amendments will result in the definition of a child care centre and children's home being altered so that the number of children is stated in the definition instead of in the later sections of the legislation dealing with child care centres and licensed children's homes. These amendments do not change the substance of the Bill but, instead of leaving what are, in effect, definitions to later clauses, they put them in the definition clause.

The Hon. BARBARA WIESE: The Opposition supports these amendments, which are really just a drafting change and which make the Bill and the definition provisions much tidier. As the Minister said, this certainly does not change the substance of the provision at all, and we support it.

Amendments carried; clause as amended passed.

Clause 6—"Repeal of Parts II, III and IV, and substitution of new Parts."

The Hon. BARBARA WIESE: I move:

Page 5, line 26—After "to promote" insert "the dignity of the individual and".

The Opposition believes that it is necessary to include these words in this part of the Bill, because we believe that it is important to make it clear that we support the rights of the individual, and that the rights of the individual should be protected. As the Bill currently reads, those rights may be excluded. We believe, and we agree with the Minister, that the family is a very important basic unit in society and that its welfare should be protected. However, there may be situations where all-out efforts to preserve the family unit may seriously affect the well-being of an individual within that family, which is why we are moving this amendment. We believe that the law should recognise and provide for that situation.

For example, one can imagine a family situation where a teenage child may be living in a household with an alcoholic father who has a history of child battering, and perhaps a psychologically disturbed mother. In such a situation one can see that there may be a good argument for the child to be taken away from that family. That is the first point. The second point is that a policy which has emphasis on the family only may ignore the interests of individuals who do not live within a family structure at all, and those sorts of people would include homeless men who are not living within the family structure but who have definite needs, and that those needs, too, have to be protected. Those are the reasons for the amendment. I hope honourable members will support it.

The Hon. J. C. BURDETT: The Government will accept the amendment.

Amendment carried.

The Hon. BARBARA WIESE: I move:

Page 5, line 26—Leave out "basis" and insert "bases".

This amendment is consequential to the amendment just accepted and the explanation is the same.

The Hon. J. C. BURDETT: The Government accepts it.

Amendment carried.

The Hon. BARBARA WIESE: I move:

Page 5, lines 28 to 46—Leave out all words in these lines.

Page 6, lines 1 to 40—Leave out all words in these lines.

These amendments are designed to give greater clarity to this area of the Bill. We consider it to be a drafting improvement. We believe it is important to more clearly separate this area than the Bill presently does. On the one hand we have the objectives of the Minister and the department and on the other hand we have methods by which these objectives will be achieved. For that reason we want to clearly separate those two areas.

The Hon. J. C. BURDETT: The Government cannot accept the amendments. The honourable member has said it is simply a drafting amendment, but I am afraid that the reverse applies. The object of the Government was to put all of the objectives together because, whereas the

objectives in the clause standing in the Bill strictly speaking are (1) *(a)* and *(b)*, paragraphs *(c)* to *(r)* are really virtually made part of the objectives of the Bill. It was one of the things inserted in the original Bill in 1972. It set out a realistic and extensive set of objectives, something which I think had not been done in Australia before and which has been the envy of people interstate, because the Act of the previous Government set out the objectives of the previous department so that in interpreting the Act one knew what it was all about. This Government has accepted that and further extended the objectives.

The way that the clause stands in the Bill as it reads, it is fair to consider that paragraphs *(c)* to *(r)* are really becoming part of the objectives in the Bill, and I think it is better to leave them that way rather than to remove them and put them in somewhere else, as the honourable member has sought to do. It is largely a matter of semantics, as I think the Hon. Miss Wiese has partly admitted. It is simply a matter of draftsmanship. The amendment does not change the substantive nature of the Bill at all but, because the honourable member does seek a change, I cannot agree that the change is correct.

I think it is better to leave it in the way in which the Bill was originally drafted by the Parliamentary Counsel, to leave these paragraphs *(c)* to *(r)* as, in effect, part of the objectives in the Bill and, if it is passed, to be objectives of the Act or at least closely related thereto. Whilst it is not an important matter, I must oppose the amendments.

The Hon. BARBARA WIESE: I must agree with the Minister when he says that this is not a substantive change to this area of the Bill, but it is clear that new section 10 (1) *(a)* and *(b)* is clearly talking about objectives of the Minister and the department when it talks about the promotion of welfare in the community and the promotion of the family and the individual, etc. Paragraphs *(c)* to *(r)* which follow are really talking about the way that that welfare might be promoted. Reference is made to services that might be provided and the way they will be provided. We think it is desirable that those two matters should be clearly separated, and I hope that members will support the amendments.

Amendments negatived.

The Hon. BARBARA WIESE: I move:

Page 8, line 7—Leave out "Director-General" and insert "Minister".

This amendment is one of many which seeks to achieve the same end.

The CHAIRMAN: If the honourable member moves the first one we will take that as a test case.

The Hon. BARBARA WIESE: Yes, although if this amendment is defeated, I would like to reserve my right to move other similar amendments as we proceed, as there may be one or two of these amendments that the Minister might accept. The Opposition moves this amendment and several others like it because we believe that it is important to establish the principle of Ministerial responsibility and control. We believe that in matters where some discretion may be exercised the Minister should have the ultimate responsibility for exercising that control. Of course, if he chooses to delegate that responsibility, he is at liberty to do so. I would think that in many cases in practice that would be exactly what does happen. We believe that the principle stands that the Minister ought to have that responsibility ultimately and that that principle ought to be established in this legislation. The Minister, after all, is the person responsible and accountable to Parliament. He should know exactly what is happening in his department and should have the ultimate control over that. That is the main reason for moving this and other amendments.

The Hon. J. C. BURDETT: I oppose the amendment. The question of whether the Minister or the Director-General should be mentioned in various parts of a Bill depends very much on the Bill. It is the policy of my Party (and I believe a policy which most people in the Chamber would accept) that there are certain matters with which the Minister ought to deal and certain matters for which the Director-General or some other officer ought to be responsible. Many Acts refer to the Minister, the Director-General and various other officers. It depends on the kind of Bill that we are dealing with.

I suggest that, where the matter concerns policy and policy-making, the Minister should be mentioned. When it is purely an administrative function it should be the Director-General or the officer who is undertaking that function. Throughout this Bill the Hon. Miss Wiese, in her 12 pages of amendments is attempting to have "Minister" inserted in place of "Director-General". While I may be justifiably excused for taking that as a personal compliment, I hasten in all seriousness to point out that the relationship between a Minister and his Director-General is ideally, and in my experience, a matter of balance and a two-way flow. The fact remains that in our system of Westminster Government, in a time-honoured tradition the Ministerial responsibility and accountability, the Minister is responsible for the actions of his Director-General, in fact, the actions of the whole department. In turn, the Director-General is directly responsible to the Minister, and must put into effect all directions of the Minister. Whether "Director-General" or "Minister" appears in many sections of the Act is not of great practical significance.

The fact is, as I have just said, that the Director-General and the total staff of the department are subject to direct Ministerial control. If the Minister directs a certain course of action, the Director-General must comply with that direction. The reason why we oppose some of the Hon. Miss Wiese's amendments in this regard but agree with others is that this is a Community Welfare Act. It is not, in all respects, the same as some other Acts. It is something like a Criminal Law Consolidation Act or a Companies Act. One does not merely set out the law and try to preach philosophies. The Community Welfare Act is not construed in such a strict way. It is regarded by many workers of the department, including those in the voluntary sector and also clients of the department, as being the bible or handbook of what community welfare is all about. The previous Government in its Act (which is a good one) made that clear. The previous Act and this Act set out to be a handbook for the workers, volunteers and clients of the department.

My advisers have told me that a number of parts of the Bill do not need to be included, but we have put them in any way, because people can pick up the Act and say, "That is what the department is doing." Whether we use the term "Minister" or the term "Director-General", it is preferable to set out in the Bill what in fact happens. Whether it is done by the Director-General or somebody very much further down the track by way of delegated authority, it ought to be in the Bill. Where, on the other hand, it is a matter that will come to the notice of the Minister, who will personally make a decision on it, the Act should provide "Minister". We have to strike a balance, and that is not always easy to strike.

The Hon. Miss Wiese has addressed this matter generally as I will do. My remarks do not pertain to a particular line. One of the amendments seeks to make the Minister, in lieu of the Director-General, responsible for the appointment of community aides. They are volunteers who are placed on the register as recognised voluntary

community workers. In all frankness, I am not going to appoint the community aides. They are not going to come to my notice, anyway. To say that if I see fit to delegate that power is my affair is not the way it works. It is the kind of thing that will not be done. In this Bill it is the philosophy of the Government, and also my philosophy as Minister, that matters of policy are determined and directed by the Minister while matters of administration, which come under the jurisdiction and control of the Director-General, are subject always to overriding Ministerial control. For this reason, wherever "Director-General" appears in the Bill, it is the Minister who accepts the responsibility for and directs the ultimate decision.

We have in this Bill deliberately acknowledged this principle, and we consider that it should be enshrined by statute. The Community Welfare Act is perhaps different from many other Acts, in that it is in fact the hand book for the Department for Community Welfare, and incorporates the practical operations of the department and sets out, in plain and concise language, the practice.

I can see nothing wrong in calling a spade a spade, and, where the "Director-General" appears in the Bill, it is an indication that it is the Director-General who should be making that decision (subject always, as I have pointed out previously, to the over-riding power of the Minister).

There are many actions contemplated by the Act where the Director-General is charged with the practical responsibility of seeing that something occurs and, in practice, through his powers to delegate, the action is often initiated, or even implemented by a departmental officer considerably further down the chain of command than is the Director-General.

In asserting that it would be inappropriate in the instances where the Hon. Miss Wiese seeks to amend the Act, to accept her amendments to substitute "Minister" for "Director-General", the Government has taken all of what I have said into account and, in addition largely followed the previous Act.

I think that, in most cases where the Hon. Miss Wiese is seeking to change "Director-General" to "Minister" and we do not agree with her (we agree with her in some cases), we are following the Act that was passed by the former Government.

Furthermore, we have sought to be consistent with the terminology and lines of responsibility embodied within the Children's Protection and Young Offenders Act, which was passed fairly recently by the former Government. The Minister is, in any case, able to control the Director-General, although in practice it does not make a great deal of difference. I oppose the amendment, because I think that it is more frank and honest and more practical and proper to refer to the officer who will make the decision and have the responsibility.

Although the Hon. Miss Wiese has moved an amendment to line 7 on page 8, I indicate that I oppose similar amendments on lines 11, 15, 16, 18 and 19, 22, 25, and 27. The amendment to line 7 relates to the appointment and operation of programme panels. That is something new. It means that, where a specific new programme is being considered, there is an ability to appoint a panel to consider it.

The honourable member has also moved amendments to delete "Director-General" wherever appearing and substitute "Minister" therefor. Programme panels will consider how programmes proposed or discussed at community welfare forums and elsewhere might be put into operation or improved. They will not have the status or importance of Community Welfare Advisory Committees and other committees appointed by the Minister.

It is therefore perhaps unfortunate that the first of these amendments regarding "Director-General" and "Minister" have arisen in regard to something new. However, I acknowledge that, because they are new and fairly informal and not of the status of the advisory panels appointed by the Minister, there ought to be some nexus with the Minister. I have placed on file two amendments which will have the effect that, although the Director-General appoints the panels, it shall be reported to the Minister that the appointment has been made. Also, the purpose for which the appointment was made and the reasons for the recommendation will be referred back to the Minister. I oppose this amendment and the other amendments to which I have referred.

The Hon. BARBARA WIESE: I agree with much of what the Minister has said. In the time-honoured tradition of Parliament, the Minister has the ultimate responsibility for the actions of the officers within this department. However, I know that there have been situations in the past where, unless the responsibilities of the Minister and the Director-General have been spelt out clearly in the legislation, some Directors-General have interpreted the legislation to mean that in certain areas they have the ultimate responsibility and, indeed, have used that as an excuse not to communicate the information to their Ministers.

By moving this amendment, the Opposition does not intend to cast any aspersions on the current holder of this position in the department. We see this as a matter of principle. One can envisage situations where perhaps the Minister and his Director-General do not have as co-operative a working relationship as the current Minister and his Director-General apparently have. The Minister may in fact want the protection that we seek to give with these amendments. He may want it spelt out that the ultimate responsibility for what happens in the department should be his.

While it is true that in many instances in this Bill the responsibility given to the Director-General is similar to that which existed in the previous legislation, it is nevertheless also true that some legislation passed during the last 10 years when the Labor Government was in office sought to do just this sort of thing. In fact, the Government was successful in many areas in moving amendments to the existing legislation along these lines.

In summary, the Opposition believes that it is important that we should enshrine in our legislation the principle that the Minister is responsible for the department and that he should have the ultimate authority.

The Hon. J. C. BURDETT: The Minister does not need any protection against his Director-General in the Act. The Hon. Miss Wiese is saying that there could be times when the Minister might like to say to his Director-General, "The Act says that I should do this." However, that does not apply. There is no case where the Minister needs to be protected against his Director-General by a provision in the Act. The Minister may direct his Director-General at any time he likes, and that is part of the system. It would be a sad day if legislation was needed to protect the Minister from his Director-General. If the Minister on appropriate occasions cannot control and direct his Director-General he does not deserve to be Minister.

The Hon. N. K. FOSTER: Parliament is about to go into recess for several months. Many controversial matters coming within this portfolio will be raised by members of the public with their members of Parliament during that time, and members must have the right to approach the Minister directly. Whilst the Minister has perhaps defended his position in relation to the acceptance of ultimate Ministerial responsibility, he has not demonstrated why he should not be named in the Bill instead of

the Director-General. There is nothing the Director-General can do that the Minister cannot veto. In that sense, the Minister should accept the amendment. If he will not, perhaps instead he will accept the compromise of a dual system. We cannot return to the 1972 legislation and say that we are the envy of the world, because we have not progressed from that time. The amendment in no way detracts from the respect held for the Director-General, and I urge the Minister to accept it.

The Hon. J. C. BURDETT: I regret that I am unable to agree with the honourable member. I do regret it, because this has been a very friendly and useful debate. I maintain that this Bill is an attempt to keep up the spirit of the present Act. The areas in which I oppose the amendment to remove "Director-General" and insert "Minister" are areas, as a matter of plain cold fact, where it is the Director-General who does it. In those circumstances I think the Bill should say so.

The Hon. R. C. DeGARIS: These amendments raise questions that have been debated in this Chamber previously. I congratulate the Hon. Miss Wiese on her amendments. The debate seems to fall into two fairly clear categories: that is, areas of administration undertaken by the Director-General, which areas the Minister is finally responsible for but does not interfere with in any way, unless he finds it necessary to do so; and matters of policy and Ministerial responsibility.

When I was Minister of Mines I well remember every week that I had to sign reams and reams of mineral suspensions on mining claims. Under the old Mining Act a miner could peg a claim, and there are hundreds of them pegged in South Australia, but would then have to work it to maintain his miner's rights. A person may peg a claim and not wish to work it, so every three months he would have to apply for a suspension of the conditions. The Minister had to sit down and physically sign hundreds of these suspensions every three months. That was a pure waste of a Minister's time. The Act was then changed to allow the Director of Mines to take over that particular task. The Minister then only had to look at the list and approve it.

That is one illustration which tied up a Minister in responsibilities which are purely a waste of time. Although I understand the point being made by the Hon. Miss Wiese, I think that there are some categories in the Act for which the Minister should be responsible. There are other categories which really relate to administration, where there is no reason for the Minister to be involved, and I think the Hon. Mr. Burdett mentioned one in relation to age. It is taking Ministerial responsibility a little too far to tie up Ministers with that sort of work. Once again, I congratulate the Hon. Miss Wiese for raising this point, as far as Parliament is concerned, because it is most important. I feel there are categories where the Director-General should be responsible, and there are other categories where there should be direct Ministerial responsibility under the Act.

The Hon. K. L. MILNE: I think that the key to this decision is that this is a special kind of Bill. When I saw the Hon. Miss Wiese's amendments I spoke to the Minister, and I am satisfied that this Bill is the best remedy. One is constantly dealing with people, and a large number of decisions have to be made very quickly. I think the Bill adequately covers the situation.

The Hon. BARBARA WIESE: In this and the other amendments, we have attempted to make the distinction that the Hon. Mr. DeGaris has made between policy decisions and administrative decisions. Perhaps we may differ on where the areas of policy lie. However, we, too, agree that there are areas where the Minister would not want to take responsibility, because those tasks are too time consuming. The Minister, we maintain, has the power to delegate those authorities if he wants to do so but he will still have ultimate control, if that is the way he wants to run his department, if our amendments are accepted.

The Hon. R. C. DeGARIS: Where an Act of Parliament directs that the Director-General, not the Minister, is responsible, does that remove the right of the Minister to direct the Director-General regarding any powers he may have under the Act? I have a vague recollection of something like this happening, but I cannot recall it exactly.

The Hon. J. C. BURDETT: I guess that it depends on the terms of the particular Act. In this case, proposed new section 7 gives the Minister powers that are clearly wide enough to enable him to direct.

The Hon. N. K. FOSTER: I agree with what the Hon. Mr. DeGaris has said. In the Federal Parliament, I have seen Ministers coming into the Chamber with virtually barrow loads of correspondence to sign during debates. In this State, a number of pages of provisions that the Minister did not know anything about were inserted in a Bill, and then the Minister sought to defend those provisions. That is a mistake. I was not able to attend my Party's committee meeting when this and the other amendments were drawn up, so I have not had the benefit of first-hand discussion on the points, but Ministers often sign documents when there is pressure of work. If errors are not picked up, well and good, but, if they are picked up, the matter arises whether the Minister, in accepting responsibility, has not over-protected the Director-General. The Minister would want to do that, unless there was something very gross involved. Will Mr. Burdett (I understand the Speaker of the House of Representatives said today that we should rake out the rubbish about "honourable member") consider conferring with the Hon. Miss Wiese?

The Committee divided on the amendment:

Ayes (8)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, Anne Levy, and Barbara Wiese (teller).

Noes (9)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Pairs—Ayes—The Hons. C. W. Creedon and C. J. Sumner. Noes—The Hons. K. T. Griffin and C. M. Hill.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. J. C. BURDETT: I move:

Page 8—After line 9 insert new subsection as follows:

(1a) The Director-General shall, upon appointing a programme advisory panel, advise the Minister of the appointment and the purposes for which he has appointed the panel.

I referred to this matter when I was speaking to the previous amendment. While I did not consider that the Minister ought to be the person to appoint these panels and thought that the Director-General should be, in deference to the amendment placed on file by the Hon. Miss Wiese and to discussions that I had with various members, as well as because this programme panel procedure is a new procedure, I have moved the amendment. There is a subsequent amendment that provides that the recommendations must be reported back to the Minister.

The Hon. BARBARA WIESE: The Opposition supports the amendment. It is a compromise of sorts, as the

Minister has said. It does not go as far as the Opposition would like it to go, but we accept it in the spirit in which it is moved.

Amendment carried.

The Hon. BARBARA WIESE: In view of the decision taken in regard to the previous amendment, I do not intend to pursue any of the amendments standing in my name up to line 27. I think that is as far as the Minister indicated. Line 13 deals with the composition of programme advisory panels and provides for one member to be a client of the department. I seek a definition of "a client of the department" and information about how the client will be selected.

The Hon. J. C. BURDETT: A client of the department means any person in receipt of any of the services provided by the department, for example, a person in receipt of counselling, emergency financial assistance, or child care, although such a person in that case would be below the age of 18 and for that reason would be unsuitable. A client is any person in receipt of welfare services. It is a term commonly used in the department and by people engaged in the welfare field generally. I am sure that the Hon. Miss Wiese is familiar with the term. The department has no difficulty in identifying who are clients—they are the people who are in receipt of its services.

I do not think that the department, in regard to the appointments to be made by the Director-General, has determined the procedures which will be adopted for appointing that client, but there are many Acts—the Second-hand Motor Vehicles Act is one—where consumer representatives are directed to be on boards or panels, etc. I am sure that the department will devise procedures which will ensure that the client who is chosen is a true representative client, especially because these are programme panels in relation to specific programmes. One would expect, and I am sure that this would be the case, that the client representative would be a client of the kind of service that the programme is doing.

The Hon. ANNE LEVY: Following up on what the Minister has said, what will be the situation if a client who is appointed to a panel for a particular programme ceases to be a client? Will that person immediately cease being a member of the advisory panel? I refer to subclause (3) and subclause (4). Will the client automatically have to drop off the panel so that someone else can be appointed, or can he or she continue for the full term? This is an important point.

The Hon. J. C. BURDETT: I do not see any difficulty that can arise here. My interpretation is that the operative time for being a client is at the time of appointment. If a person ceases to be a client it is not my view that he or she automatically ceases to be a member of the panel. I cannot see that any practical difficulty is likely to occur, particularly because the kind of programme that is envisaged is a short-term programme. The panel would be *ad hoc*, for the purpose of addressing a specific programme. It is not anticipated that this kind of panel will go on for long. I do not see this as being a problem, and I am sure that, if a person ceases to be a client of the department at a time when he or she was a member of the panel, the panel would still continue in its work and, if the person was doing useful work, would remain on the panel. As the honourable member said, it is an important matter.

The Hon. N. K. FOSTER: Assuming that the client is in the category of being a member of an organisation that is not well respected, and if its advice may be sought by the department, and an official of that organisation is over-persistent and is regarded by the department as being a nuisance, one would expect that the organisation should be represented, but will that provision permit the Director-General to say, "To hell with the official of that organisation, he is driving me batty; we will appoint a client from outside that organisation who meets the requirement of that area"?

The Hon. J. C. BURDETT: Human nature being what it is, I suppose personality problems are always around.

The Hon. N. K. Foster: Particularly with this department.

The Hon. J. C. BURDETT: I do not think so. They will always be around. Obviously, the Bill has to set out the procedure for nominating the panels and to nominate a client instead of nominating particular organisations. Obviously, this is sensible in regard to programme panels. One cannot nominate an organisation because one does not know in advance in what sort of area the programme will be. It could be in relation to young offenders, or it could deal with old people. It could be in relation to anything, so to keep it broad and to say "a client" is the best thing that I think could be done instead of relating to a particular organisation. I do not think there is any reason to do so or that there is any likelihood of difficulty. I certainly do not see any better way in which the Bill could be drafted. Certainly, it has been my observation from appointments by the department, or in some cases advisory committees or appointments by the Minister, on the recommendation of the department, that the recommendations made have been clear and that there has been no attempt whatever to shut up or to put the lid on some people who sometimes criticise the department. I do not see that as being a difficulty in regard to programme panels. I move:

> Page 8, after line 27 insert new subsection as follows:
>
> (3) The Director-General shall forward to the Minister a copy of any report he receives from a programme advisory panel.

This amendment is the other part of the compromise to which I referred earlier. While I do not think it appropriate that the Minister should appoint the panels, I am prepared to arrive at a compromise where the appointment of the panel should be reported to the Minister, and this amendment provides that the recommendation of the panel shall be reported to the Minister.

Amendment carried.

The Hon. BARBARA WIESE: I move:

Page 9—

> Line 17—Leave out "Director-General may" and insert "Minister shall".
>
> Line 18—
>
> After "receive" insert "such orientation,".
>
> Leave out "and supervision" and insert ", support and supervision as the Minister thinks fit".

The Opposition believes that these amendments strengthen this provision. First, they require the Minister to provide such orientation, education, training, and support and supervision as he thinks fit by adding the word "shall" instead of "may". Secondly, I believe that the range of training and education options outlined in my amendments are more comprehensive than those currently provided for in the Bill. They do not change very substantially the provisions currently in the Bill but they are more comprehensive.

The Hon. J. C. BURDETT: I oppose the amendment to line 17 but accept the principle which the Hon. Miss Wiese has mentioned of leaving out "may" and inserting "shall" so that it shall be obligatory to provide the orientation, the training courses and the supervision. I accept that. In practice, I do not believe it matters very much, because the department and the Director-General are going to see that on proper occasions there will be such orientation,

training and supervision. If the Minister does not see fit, he does not do it anyway. I am prepared to accept the principle that it shall be obligatory and that it should read "shall" and not "may". I will accept the amendment if the Hon. Miss Wiese is prepared to remove the word "Minister" and insert in lieu thereof "Director-General".

The Hon. BARBARA WIESE: I will accede to that arrangement but I still believe that in all the circumstances the Minister ought to have ultimate responsibility. However, if it is the will of the Council that that should not be so, I am prepared to agree to that suggestion.

Amendment amended; amendment as amended carried.

The Hon. BARBARA WIESE: I refer to line 30. This part of the Bill deals with consumer forums and is a new provision. It is a concept which the Opposition agrees with wholeheartedly, as I stated in my second reading speech. It is certainly part of the Labor Party policy and would have been introduced by a Labor Government had it still been in power. Will the Minister say how often he expects the consumer forums to be held?

In relation to the people who are invited to attend the consumer forums, would the Minister consider opening the consumer forums to the public as well as to clients of the department? I make this suggestion because, as we have discussed on a number of occasions, there are some people in the community who are not being provided with services. There is a gap in services. That is partly because the department is not able to collect information from some individuals about the sort of services they require. Will the Minister consider opening consumer forums to members of the public so that individuals and groups not being served by the department will also be able to come forward and pass on information which may be of great assistance to the department in planning future services?

The Hon. J. C. BURDETT: The time scale has not been worked out in detail. That is fairly obvious and natural, because the Bill has not yet been passed. We were thinking of something like once a year in each community. Regarding its being open to the public, we would want the consumers to be there and not to be overruled or overshadowed by people with certain philosophies or politics. We want the emphasis to be on consumers. The forums will be called by public notice, and there will not be anyone standing at the door to ensure that persons trying to attend are consumers.

The Hon. BARBARA WIESE: When I was having discussions some weeks ago with members of some non-government associations, one person raised with me a fear that he had about the consumer forums, programme advisory panels, and the participation of clients of the department on those forums and panels. This person held the fear that clients of the department would be rather reluctant to attend meetings like this and to be critical of the services that the department currently provides because their future benefits could be affected in some way as a result. Although I do not think that that will happen, some consumers would be reluctant to speak because of that fear. Does the Minister share the concern, and, if he does, has he any plans to deal with it, should the problem arise?

The Hon. J. C. BURDETT: I do not think that I have any specific plans. Of course, this is a real possibility, but one can only do as much as one can. At present, there is no provision at all for consumer forums. The Hon. Miss Wiese has said that the Opposition supports such forums because they are a way of getting consumers to come forward. However, whatever procedure is set up, some people will be frightened, for some reason or another, to come forward.

All I can say is that a fear could exist in the minds of some people, but it would certainly be my wish and that of the department at all levels to make these forums work and, therefore, to try to educate people that there will not be any kind of victimisation. We will want to make the forums as open as possible so that people can have a free and open say. People are being educated towards this and, as a result of the Mann Committee proceedings, with its contact with consumers and consumer forums, and the surveys that were conducted, people will get greater confidence and realise that they are truly being invited into the department's confidence, to participate in decision making, and that they will not be victimised.

The Hon. BARBARA WIESE: I move:

Page 9, line 35—After "representatives from" insert "any Government department or instrumentality,".

This amendment is fairly self-explanatory. The Opposition would like to add the words "any Government department or instrumentality" to the list of organisations that will be notified of consumer forums and be invited to participate in them. We believe that there are other Government departments (for example, the Department of Social Security) which may have very relevant information and views to advance at consumer forums and which may not be invited to attend unless it is stated clearly in the legislation that they ought to be considered. I hope that the Committee supports the amendment.

The Hon. J. C. BURDETT: The amendment would strengthen such representation, and the Government is happy to accept it.

Amendment carried.

The Hon. BARBARA WIESE: I move:

Page 11—After line 10 insert new subsections as follows:

(2) Subject to subsection (3), the Minister may enter into such an agreement with—

(a) a person, or a group of persons, with appropriate experience, qualifications or expertise in the field of community welfare:

(b) an organization established for the purpose of promoting child, family or community welfare; or

(c) a local government authority.

(3) The Minister shall not enter into any such agreement unless he is satisfied that it is not an object of the other party to the proposed agreement to make a profit out of providing the service that is the subject of the agreement.

As I said in my second reading speech, this provision, which gives the Minister power to enter into agreements for the provision of community welfare services, concerns the Opposition very greatly indeed, because at present the power is so wide open that the Minister could contract out almost any service that he wanted to.

For that reason, the Opposition has moved this amendment, which seeks to provide guidelines regarding the type of people who may enter into contracts with the department. It tries to ensure that those persons or groups of persons will have appropriate experience, qualifications or expertise in the field of community welfare. It also seeks to ensure that any organisations that enter into contracts with the department should be established for the purpose of promoting child, family or community welfare. The amendment also suggests that the local government authorities ought to be suitable for that purpose.

Proposed new subsection (3) specifically prohibits contracts being entered into for the purpose of profit. This is really the main fear that the Opposition has about the Bill as it stands. We are very concerned that the Minister ought not to have the power to contract out to organisations that employ people with little experience or few qualifications in the area of community welfare.

It is important that we should maintain a high level of community welfare services in South Australia and that we ought to have guidelines about the sort of organisations that can enter into contracts with the department, in order to prevent unscrupulous bodies whose prime motive is profit making from being involved in the community welfare area in this State. I have no reason to believe that the Minister would want to do that, but certainly he has not given me any reasons to make me believe that he does not want to do so.

I raised these questions during the second reading debate and the replies that I received were very vague, to say the least. To satisfy my mind and the minds of other people in the community, we think it is important that some guidelines should be laid down. We accept the view that the Minister should have considerable flexibility and that guidelines should not be so strict that the Minister is prevented from entering into contracts with suitable organisations. However, we do not think it should be as wide open as the current Bill makes it. For that reason we seek to establish the guidelines outlined in my amendment.

The Hon. J. C. BURDETT: I strongly oppose the amendment. I ask members of the committee and the mover to listen to my reasons, because there may be some matters that I raise which the mover may not have thought about. Mr. Chairman, when the amendment is put, I ask that you consider putting new subsection (2) separately from new subsection (3). New subsection (2) sets out the qualifications of the person with whom the contracting out is undertaken. New subclause (3) is quite separate and relates to whether or not contracting out may be undertaken by a profit-making body. Therefore, some members may wish to vote differently on each provision. However, I will speak to both provisions, as the Hon. Miss Wiese has done.

I strongly oppose the amendment because, first, contracting out is already done and has been for quite a number of years without any specific provision for it in the Act. There has been no restrictions or guidelines set down for contracting out in the Act. It has been put in the Bill for two reasons. The main reason, as I have mentioned before, is to try and make the Bill, and therefore the new Act if it is passed, a handbook. It will become a manual setting out everything that may be done. The present Act does not state that contracting out may be undertaken, so one does not know whether it is permitted or not. At the moment it is permitted and without any restrictions whatsoever.

The Hon. K. L. Milne: In what areas?

The Hon. J. C. BURDETT: I will come to that later. There are all sorts of areas where contracting out is undertaken and some of them are quite small. My approach to welfare makes it perfectly clear that I would not be making any kind of attempt to contract out the whole of the operations of the department to private enterprise. My approach and the Government's have been quite clear on that. The welfare initiatives of this Government have been quite strong and follow quite a good record established by the previous Government. Any suggestion that either I or the Government intend to contract out the whole of the operations of the department is quite unwarranted.

I am aware that the value of Ministerial assurances has often been queried, and with some justification, because they are personal to the Minister. However, for what it is worth, I give an unequivocal assurance that it is not my intention in any way to run the department down by contracting out to private enterprise. It is not my present intention to change the *modus operandi* of the department in that regard at all, but to simply make it clear in the Act that this may be done. It is done at the present time but that fact is not clear in the present Act. I give a firm undertaking that I have no present intention of making any kind of change. It may be that in some individual areas, which I cannot foresee, there may be a need in the future to make some small change, and that is why I do not wish to be restricted in this way.

When I give the examples requested by the Hon. Mr. Milne, the Committee will see that the contracting out that is presently being undertaken is relatively small and isolated. However, those clients who receive that service find it quite important. I have discussed this matter with members of the P.S.A. The Hon. Miss Wiese, in her second reading speech, said that the P.S.A. had not been consulted by the Government. That was true, but at their request I have had discussions with them. I had not consulted them previously because I did not believe that this clause or the rest of the Bill jeopardised their position in any way.

I have met with members of the P.S.A. and given them the assurance, which they appeared to accept quite gratefully, that there was no intention of undertaking any course of action at the present time which was different from what occurred in the past or which would jeopardise members in any way whatsoever. I gave them the assurance that if any changes were contemplated at any time which may have any considerable effect on the employment of their members I would consult with them. When the Bill is implemented its effect will be favourable to members of the P.S.A. who are officers of the department. One can see from the Bill that when it is implemented it will involve the hiring of more personnel and the provision of more money in various areas. First, the setting up of consumer forums is obviously a labour-intensive undertaking which is not undertaken at the present time. The Children's Interest Bureaux will also have to be staffed, and that is an activity which, once again, is not undertaken at the present time. The Bill, as a whole, will assist the Public Service and eventually in some small way will increase the staff of the department.

I object to both new subsections (2) and (3) because they are restrictive. They set out the persons with whom contracts can be undertaken. I am advised by Parliamentary Counsel, and it appears to be perfectly clear, that unless that list is adhered to, the contract cannot be undertaken. When something is stated in a Bill, which becomes law, there is no doubt that one is restricted to what it says.

First, this would destroy the whole scheme by which young offenders are placed with parents who are paid a specified sum per week and who are trained to look after the offenders for a period of not more than three months, unless the period is extended, instead of the children going to some kind of institutional area. Certainly, it would be argued that there was profit involved in that. The parents are all dedicated parents, and I am sure that they are not over-paid. The amount paid is $105 a week and, on the face of it, that more than pays the expenses. It could be argued that there was a profit motive there, and this scheme would be cut out by proposed new subclause (3). There are all these small things that are important.

In a particular case, it could be desirable to place children in professional foster care for which payment would be made. It is sometimes necessary to use commercial child care centres in such cases, and the centres are paid. Both the previous Government and this Government have had cases of children (perhaps only one or two a year) who have had behavioural problems, when psychiatrists and other people who have advised us have

considered that the best way to care for the child would be to place him in a private boarding school.

That has been done on a few occasions, and that would be prevented by the proposed amendment, because I do not think that it could be said that a private school would have a group of people with qualifications or expertise in the field of community welfare. Therefore, we would be cutting out that kind of treatment. Further, private schools are profit-making organisations, although I do not think they make much profit. Professional persons such as psychiatrists and others whom we use are profit-making people. All those people would be cut out under the two headings. First, if we try to spell out the kind of expertise that the people may have we are bound to exclude someone whom we want to use and who is quite suitable but does not fit into the category. An example of that arises in the case of private schools.

The more important, I suppose, is the third, namely, that we could not use anyone where a profit-making organisation was involved. That would be the more restrictive, but even the first part is restrictive, because by subsection (2) we would be confined fairly strictly to people who fit into those categories. We cannot always know in advance what kind of person we want to use. I ask the Committee to consider all these things. I recognise that members may not have considered them and they would not expect to know them. We do not contract out on any large basis. The cases are usually few and isolated, but there are occasions when the best thing for the client is that we make arrangements with some other person, and sometimes that is a person who may not fit into proposed subsection (2).

The Hon. K. L. MILNE: I am sympathetic towards what the Hon. Miss Wiese is trying to do, but I think that the wording is probably wrong. It is too restrictive and covers matters that are not meant to be covered. A private boarding school would not come under this provision, in my view, because private schools are not really profit making. It will not make the slightest difference to a school if one child goes there.

I am wondering whether it would be possible to defer this amendment so that we can give the matter more thought. I have no doubt about the Minister's attitude or about what he has promised, but Ministers change and attitudes may be different. It is ridiculous to suggest that the Minister wants to contract out until there is hardly any of the department left. That would be impossible. The department handling welfare has to be a big and expensive department. If the Minister and the Hon. Miss Wiese agree, I would like the matter deferred to find out whether we can come up with something suitable. The Opposition feels strongly on the matter of contracting out.

The Hon. R. C. DeGaris: It has always been part of the department's work.

The Hon. K. L. MILNE: Yes, but the Minister has put in things that have not been there previously. The amendment does not try to prevent him from doing it, but the Opposition is trying to prevent an unscrupulous Minister from paying people who are not qualified or who are over-charging. The Opposition wants safeguards, and I think we could do what is wanted if we had time to think about the matter.

The Hon. J. C. BURDETT: I am prepared to consider this matter and to confer with the Hon. Miss Wiese, the Hon. Mr. Milne, and officers of my department to find out whether we can devise guidelines that will not be too restrictive. We cannot postpone the clause, because we have amended part of it. I suggest that the Hon. Miss Wiese withdraw the amendment, and then we can go on through the Bill and, if the Bill is recommitted after a report has been made for the purpose of considering further amendments, I undertake to follow that procedure.

The Hon. BARBARA WIESE: If I withdraw this amendment now and if we are unable to reach a suitable agreement, can I move the amendment again?

The CHAIRMAN: Yes.

The Hon. BARBARA WIESE: I am happy to accept that arrangement, and I seek leave to withdraw the amendment.

Leave granted; amendment withdrawn.

The Hon. BARBARA WIESE: I do not wish to proceed with the amendment standing in my name to line 39 on page 13 or the amendment on page 14 to lines 19, 20 and 34. However, I now move:

Page 14—

Line 27—leave out "Director-General" and insert "Minister".

Line 37—leave out "Director-General" and insert "Minister".

The Hon. J. C. BURDETT: I accept these amendments, because they are consistent with the Children's Protection and Young Offenders Act.

Amendments carried.

The Hon. BARBARA WIESE: I move:

Page 14—

Line 42—Leave out "shall not hinder" and insert "who hinders".

Line 43—After "under this section" insert "shall be guilty of an offence".

We want to make this provision consistent with the previous provision, which relates to a child being placed in the care of any person or home or hospital where the child may be removed from custody. Under that provision a person who hinders an authorised officer in the exercise of his powers is guilty of an offence, and the same provision should apply as applies in clause 33. If a person hinders a member of the Police Force or an officer of the department in the exercise of his powers, we think the same sort of penalty should apply, and that it should be considered to be an offence in regard to this matter as well as the other. I hope the Committee will support the amendments.

The Hon. J. C. BURDETT: The amendments are unnecessary, because the matter is covered by section 252 (2) of the principal Act. However, the amendments are consistent with section 32 (5) of the principal Act which takes the same approach that the honourable member has taken. I think it was the Hon. Mr. Milne who was involved in some discussion on this matter and who first pointed out that we had taken the same approach as the Hon. Miss Wiese in regard to section 32 (5). Her approach is consistent with that, and for this reason the Government accepts the amendments.

Amendments carried.

The Hon. BARBARA WIESE: I do not wish to proceed with the amendment standing in my name to line 15 on page 15. I now move:

Page 15—After line 16 insert new subsections as follows:

(6a) Where on any appeal the court is not fully satisfied as to whether the child should or should not be discharged from the guardianship of the Minister, the Court may adjourn the proceedings for a period of time not exceeding six months.

(6b) The court shall not exercise its powers under subsection (6a) more than once in respect of the one appeal.

The Opposition believes that it is important in these subsections to give the court as much flexibility as possible in making decisions in the best interests of the child, where

an appeal is made against the Minister's decision to refuse an application for a child to be discharged from guardianship. It is important that there should be flexibility and that it ought to be possible for the court to reconsider any decision that is made in regard to a child.

The Hon. J. C. BURDETT: This procedure is sensible and useful, and the Government accepts the amendment.

Amendment carried.

The Hon. BARBARA WIESE: I move:

Page 15—

Line 20—Leave out "or".

After line 21 insert new paragraph and subsection as follows:

or

(c) that the child remain under the guardianship of the Minister but subject to, for the period specified in the order, such conditions relating to his care or control as the court may specify in the order.

(8) Where the court has made an order under subsection (7) *(c)*, the Minister a guardian of the child or, where the child is of or above the age of fifteen years, the child may apply to the court for the termination or variation of any of the conditions specified in the order.

Again, much flexibility is required in regard to an appeal. There may be some immediate measure which could be taken between the two extremes that are provided for in this Bill, that is, between dismissing the charge or discharging a child from guardianship. Paragraph *(c)* provides for the court to specify other conditions. Subsection (8) is desirable, because it is necessary for the child and the guardian to have the right to appeal against the court's decision, which is made under this provision. This provision, giving guardians and the child the right to appeal, is consistent with provisions elsewhere in the Bill.

The Hon. J. C. BURDETT: The Government will accept the amendment.

Amendment carried.

The Hon. BARBARA WIESE: I have a question concerning line 22 on page 16 in regard to foster care. The Mann Committee referred to the need for greater support services for fostering handicapped children. It recommended that information should be given about support services available. It also talked about the need for more holiday relief to be provided for foster parents. Is the Minister planning to act on these recommendations?

The Hon. J. C. BURDETT: Particularly as it is the International Year of the Disabled, we will look at it very carefully. That part of the Mann Committee report relates to administrative matters, and we can examine ways to implement it in that regard.

The Hon. BARBARA WIESE: I move:

Page 17—After line 23 insert new section as follows:

43a. (1) Where the guardian of a child requests the Minister to place the child in the care of a foster parent, the Minister shall give at least seven days' notice in writing to the guardian, at his address last known to the Minister, of the approved foster parent in whose care the Minister intends to place the child.

(2) The Minister shall, before finally determining the question of the placement of the child, consider any objections the guardian may make to the Minister in relation to the approved foster parent specified in the notice.

This new section is designed to ensure that parents are consulted about the type of people to whom their children are fostered out. It also provides the right for parents to appeal against a Minister's decision in that regard. I know that already in most cases parents are consulted about the placement of children in foster situations, but I do not think it happens in all cases. We are moving this amendment to avoid situations that have arisen before where children have been placed with people whose lifestyle or geographical location, for some reason or other, has been unsatisfactory to the natural parents of the child. I refer to two examples which have been brought to my attention.

The first relates to a situation where a teenage child who had been having communication problems with her parents was causing serious disruption to the whole family. She was placed in the care of foster parents with the natural parents' agreement. As it happened, the foster parents with whom the child was placed lived within two or three kilometres of the family home. In that situation the natural parents of the child were quite unhappy because they considered that one of the problems the child had was that she was suffering from undue pressure from her peer group. The fact that she had been placed in a home quite close to the family home meant that she was able to maintain contact with her peer group. The parents felt that that was undesirable. I believe that in that situation the parents were not consulted about the placement of the child.

A second example relates to a family of rather modest means whose child was placed with a very wealthy family whose lifestyle was completely different from their own. The child stayed in that situation for a number of years but eventually was returned to her natural parents. As well as the ordinary problems of readjustment that one would expect the child to cope with, they were seriously complicated by the very different lifestyles that she had to reconcile. In that case, the child's parents believed that she should have been placed with a family whose socio-economic circumstances would more closely resemble their own so that the problems of readjustment could have been minimised when the child was returned to her natural parents. This amendment seeks to guarantee that natural parents will be consulted on the matter of placement of children in foster arrangements.

The Hon. J. C. BURDETT: The Government cannot accept the amendment, as it is quite impractical. The only way to overcome the problems of placement is through care on the part of the department to try to avoid those problems. The methods proposed by the amendment would require the Minister to give a guardian seven days notice of the name of the foster parents with whom he intends to place the child. That would be impractical. Crisis Care, for example, often needs immediately to place a child in an emergency foster home. This happens all the time. If the parents of the child cannot be found, the child has to be placed in foster care immediately.

One organisation undertakes voluntary foster care and is an association of business and professional men. Last month they had 100 children in emergency foster care. This amendment would cut that out altogether. I certainly sympathise with the Hon. Miss Wiese's thoughts and with what she has said. She has identified certain problems. However, this amendment would be totally impractical and would mean that many children in desperate circumstances would not legally be able to be placed in foster care. That is totally unacceptable. I cannot think of any way to draw the line or any way to amend the amendment so that it would not be unduly restrictive and would still make it practical to provide the kind of protection that the Hon. Miss Wiese desires. I believe the only answer is for extra care to be taken at the administrative level. The amendment in its present form is totally unacceptable.

The Hon. BARBARA WIESE: I agree that the points the Minister has raised are important considerations. I also agree that the department must have the ability to make

emergency placements. It seems that there must be a way of achieving that without opposing this clause in its entirety. The Minister has agreed that it is desirable to have consultation with the natural parents of the child.

The Hon. J. C. Burdett: It usually happens.

The Hon. BARBARA WIESE: I agree that it usually happens but on occasions it does not, and we seek to guarantee that it will. Perhaps we ought to defer this clause as well, because it seems that it would be possible to make some sort of addition to the Act to provide for emergency situations where it is not possible to give seven days notice. Our amendment seeks to make provision for parents whose children are being placed on a long-term basis. I am not sure that the amendment really excludes children being placed on a short-term basis. I would think that an emergency placement would be most unlikely to be a long-term placement and that, before long-term arrangements were made, even in those situations, the Minister would still have the opportunity to consult the natural parents of the child. Will the Minister comment on that?

The Hon. J. C. BURDETT: There is absolutely no doubt whatever that the amendment would preclude emergency foster care, which has to be done this minute. It is nothing else but foster care. I gave a figure of 100 children in emergency foster care with this organisation last month, and I am told that the total placement last year was 1 200. So, it is maintaining the figure of 100 children a month, and this is only one organisation. There are many other organisations in which children are placed in emergency foster care.

The honourable member can recommit the whole clause. I am prepared to talk about the matter, but I am not nearly as sanguine that we can come to an agreement. In this case, we cannot place any restraints on foster care. I think that the answer is good administration. As I have said, I am prepared to discuss the matter with the honourable member. However, it is her amendment, and it is up to her to come up with a scheme that would work in all cases and provide the kind of protection that she is trying to seek.

The Hon. BARBARA WIESE: I should like to pursue the matter further, because it is important that we provide a guaranteed means of consultation for natural parents if it is possible. I accept the Minister's point about emergency situations, and we should try to provide for that. I seek leave to withdraw my amendment so that the matter can be considered further

Leave granted; amendment withdrawn.

The Hon. BARBARA WIESE: The Mann Committee discussed the needs of natural parents in a foster situation and talked particularly about the financial needs of such parents. The committee suggested that, if it was possible to provide assistance, particularly financial assistance, in the early stages after a foster placement, continued placements might not be necessary. Will the Minister say what is his reaction to this proposal and to the recommendation that the department should establish a families of origin reconstruction scheme to provide extra financial and home management resources for such families?

The Hon. J. C. BURDETT: That part of the committee's report is under serious examination by the department at present.

The Hon. BARBARA WIESE: I move:

Page 18—Line 24, after "experience" insert "in the field of foster care, or any other related field,".

The Opposition wants to add these words to make clear that persons who are granted a licence to carry on the business of a foster care agency must have qualifications and experience in the appropriate welfare area and not just in the business administration area, as might be implied by the present wording of the provision.

The Hon. J. C. BURDETT: This amendment will clarify the kind of experience being looked for, and the Government is pleased to accept it.

Amendment carried.

The Hon. BARBARA WIESE: I refer to the provision relating to the cancellation of licences for foster care agencies. There does not appear to be a right of appeal for a person whose licence has been cancelled. Will the Minister explain why?

The Hon. J. C. BURDETT: There is a general right of appeal. Proposed new section 250b (1) provides that any person who is aggrieved by a decision made in relation to him under this Act by the Minister, the Director-General, or any other officer of the department may appeal to the Minister in the prescribed manner against the decision. The new section then goes on to provide for appeal boards to be set up by the Minister. So, there is an appeal provision.

The Hon. BARBARA WIESE: I should like to ask a question regarding the provision dealing with the conduct or control of children's homes. Will the Minister say whether that includes boarding schools?

The Hon. J. C. BURDETT: The answer is "No". I move:

Page 19, lines 14 to 16—

Leave out "in which more than three children are, for monetary or other consideration, maintained and cared for on a residential basis apart from their guardians and relatives".

This relates to the amendment made in relation to child-care centres. As I said before, it was considered to be appropriate to take it out of the provision and define child-care centres at the beginning of the Bill. This is consequential to the previous amendment.

The Hon. BARBARA WIESE: The Opposition agrees with this amendment.

Amendment carried.

The Hon. J. C. BURDETT: I move:

Page 21, lines 17 to 19—

Leave out "in which more than three children who are under the age of six years are, for monetary or other consideration, cared for on a non-residential basis apart from their guardians and relatives".

Once again, this is a drafting amendment.

Amendment carried.

The Hon. BARBARA WIESE: The Act states that a person shall not leave a child under the age of six years to be cared for in a licensed child-care centre for more than a prescribed number of consecutive hours over a prescribed period. What is that prescribed period?

The Hon. J. C. BURDETT: The period is prescribed in regulation 52 of the Community Welfare Act. I assure the honourable member that there is no intention to change that regulation.

The Hon. BARBARA WIESE: I move:

Page 23, line 11—leave out "such" and insert "a register of baby-sitters and such others".

This amendment seeks to provide for a licensed baby-sitting agency to maintain a register of baby-sitters as well as other records that may be prescribed. We believe that a register of baby-sitters should be kept in every licensed baby-sitting agency so that baby-sitters can be easily traced and checked. In that way we hope to prevent the situation that occurred in New South Wales some months ago when a baby-sitter murdered several small children in her care. That may not be a particularly good example because, as I understand it, that baby-sitter was hired on a private basis

and did not come through an agency. However, this provision will introduce an extra safeguard. We also believe that it would be useful for baby-sitters themselves to have their names on a baby-sitting register to help them in future job applications. A baby-sitter will be able to show that he or she has a good record with an agency and has experience in the field.

The Hon. J. C. BURDETT: The Government is pleased to accept the amendment.

Amendment carried.

The Hon. BARBARA WIESE: I move:

Page 23—After line 36 insert new subsection as follows:

(2a) Notwithstanding subsection (2), it shall be a condition of every approval given under this section that no person other than the approved family day-care provider may care for children in the terms of the approval—

(a) unless the approved family day-care provider has first obtained the consent of the Minister in respect of that other person;

(b) unless the other person is also an approved family day-care provider; or

(c) except in the case of an emergency.

This amendment relates to family care provider and seeks to clarify the position of responsibility. At the moment the regulations are rather vague and it is not clear what liability a family day-care provider has and whether or not they are able to leave children in the care of other people. This amendment seeks to clarify that position.

The Hon. J. C. BURDETT: The Government does not accept the amendment. It is optional as to whether a person, who wishes to care for more than three children under six years, applies for approval or not. The amendment would not be practicable as it would prevent someone else caring for the children for short periods while the family day-care provider took one of the other children to or from a pre-school centre or shopping, and so on.

The Hon. Miss Wiese is quite correct in saying that the guidelines are vague—so they should be. This day care, and the amendment would be unduly restrictive and difficult to police. It would also be hard to work out correct regulations to provide for it in a hard and fast way. After all, the care giver is simply doing the same things that a parent would be doing. To try and spell all that out in regulations to an Act would be well nigh impossible. The amendment is not practicable and would prevent those short periods of absence which are quite proper and necessary. It is an area which is impossible and undesirable to regulate. Therefore, the Government cannot accept the amendment.

The Committee divided on the amendment:

Ayes (8)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, Anne Levy, and Barbara Wiese (teller).

Noes (9)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Pairs—Ayes—The Hons. C. W. Creedon and C. J. Sumner. Noes—The Hons. K. T. Griffin and C. M. Hill.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. BARBARA WIESE: I move:

Page 27—After line 39 insert new section as follows:

80a. (1) A child—

(a) who is under the guardianship of the Minister pursuant to this Act or to Part III of the Children's Protection and Young Offenders Act, 1979-1980, and who has been placed, or allowed to remain, in the care of any person, or who has been placed in any home (not being a training centre or any other home used for the detention of children charged with, or convicted of, offences);

or

(b) who has, pursuant to the request of a guardian of the child, been placed by the Minister in a children's home established by the Minister, or in the care of an approved foster parent,

or any guardian of any such child, may request the Minister to investigate any complaint the child or the guardian may have with respect to the care or control the child is receiving with that person or foster parent, or in that home.

(2) The Minister shall investigate any complaint made under this section.

The amendment provides a right of appeal for children placed in children's homes and foster care situations. We believe that it is consistent with the philosophies in other parts of the Bill to provide for children to have rights of appeal in situations that affect them particularly. Those rights of appeal ought to be extended and covered in this amendment.

The Hon. J. C. BURDETT: The Government cannot accept this amendment. Clause 6, dealing with section 56, makes the suggested provision in relation to children in licensed children's homes. The proposed new section is not considered to be necessary. Section 56 has been included as the department is not always aware of and has no immediate responsibility for some children in licensed children's homes. In the situations set out in the proposed amendments, the department is aware of the placement, and can ensure that it is satisfactory and any complaints can be investigated and dealt with.

Amendment negatived.

The Hon. BARBARA WIESE: I move:

Page 28, after line 25 insert new subsection as follows:

(2) Any person who sells, lends or gives, or offers to sell, lend or give, to any child under the age of sixteen years any prescribed substance or article shall be guilty of an offence and liable to the penalty prescribed, which shall not exceed two hundred dollars in any case, in relation to the substance or article involved in the offence.

Our aim is to extend the provision which already exists and which prescribes certain substances in regard to children. We believe that the provision ought to be extended to other substances that are harmful to children and we think all those substances ought to be recorded in a register. The sorts of substances we think of are alcohol and glue. Some of those substances are probably more harmful to children than tobacco, cigars and cigarettes, which are covered in the current legislation.

The Hon. J. C. BURDETT: The Government cannot accept the amendment, because it is not suitable to be included in the Community Welfare Act. True, tobacco products are prohibited at present but I think that is archaic and out of date in the Community Welfare Act. The provision has been there for a long time and, as I explained in my reply to the second reading debate, we have retained it because it seems undesirable at this time to exclude it altogether.

As I said in the second reading debate, the Minister of Health is considering toxic substances legislation which will be far more sophisticated than this, and it is proper that it should be. It should be in the Health Act and not in the Community Welfare Act. It would be unwise to try to have that sort of provision in a fairly unsophisticated kind of way such as this. It is much better to be properly worked out in an Act that will be devoted to toxic substances.

Cigarettes and tobacco products were only retained so that there would not be a gap, and so that it would not appear that the Government was removing a provision which, although seldom enforced, exists. As I said, it is my intention to remove that provision from the Act as soon as the other legislation is proclaimed. The Minister of Health is working on a Bill that relates specifically to and specialises in the area of toxic substances, but in the present Bill I oppose the amendment.

The Hon. N. K. FOSTER: I can agree with the Minister in some respects. I raised this matter in the second reading debate. The Minister and his department should consider whether or not these provisions should be removed if this area is to be covered by the health portfolio. It is important to protect juveniles from themselves with legislation aimed at people who offend against the rights of human decency by making available by sale or otherwise certain objects and toxic substances to children. If this matter is dealt with in the area of health, and there is a need for counselling of young people in various places, it would be much better if delegation of authority could be made to the department. The Minister should consider this matter because it is his department that is being identified more than the Health Commission in this area, and it is his department that has to help the community in this area. The Minister needs to look further at this matter.

The Hon. J. C. BURDETT: I do not have to look at it further. One do not want duplication. This whole area will be addressed by a specific Bill. The practicalities of the matter are as I have already made clear, that this Bill will not be passed until the Budget session, by which time we will have the toxic substances legislation before Parliament. Passing it now and putting it in this Bill in the interim will not do any good. This matter is being addressed specifically in another area, and there will be co-operation with my department. I can see no point in putting in something which is more properly dealt with in another area and related to other toxic substances. There is no point in putting that in the Community Welfare Act.

The Hon. N. K. FOSTER: That is not my point. I have no objection to what the Minister said. In a case that recently came to my attention a distraught parent was involved with a group of children between 12 and 15 years of age who were involved in sniffing glue with a 16-year-old. He desperately sought someone with authority other than a police officer to see those kids. It is in that area that I ask the Minister to prevail on his colleague to recognise what is being said here. Where there is such a need from the department by parents, that should be included in the legislation. I am concerned about the responsibility for counselling and its importance for kids. It may be better in this department than in the Health Commission.

The Hon. J. C. BURDETT: That is really irrelevant. The area of counselling is in my department, although the Health Commission has counsellors, too. I do not agree with the honourable member. If the child or parents need counselling, it will be provided by my department. The passing of this amendment would not have any bearing on that. We will provide counselling, but I cannot agree to the amendment.

The Hon. N. K. FOSTER: The matter that I referred to was a tragedy in the real sense because finally two schoolteachers were prevailed on to enter the flat to get the children from the wayward influence. It proved to be a disaster. I discussed this matter with the Minister and his staff, and I feel that there is a better way of approaching such problems. I hope someone is looking at this.

The Hon. BARBARA WIESE: I would like to make some brief comment before we go to the vote. The Opposition supports the Minister that section 83 should not be included in the Community Welfare Act and that it would be better dealt with in the health area. The Minister has left this provision in the Bill as a stop-gap measure until the Health Act is amended. We have no indication at all about how long it will be before those amendments are made. We believe that this further amendment to the Community Welfare Act is desirable as a stop-gap measure until the appropriate changes are made and the whole matter is referred to the health area, where it properly should be. For that reason I have moved this amendment. I hope it has the support of the Committee, because it is important that we establish as quickly as possible a register of substances which are dangerous to childen and which can be acted upon.

The Hon. J. C. BURDETT: As I have already said, the Bill will not be passed until the Budget session, by which time there will be other legislation, more sophisticated legislation which will be more specific in the case of a register and that kind of thing.

The Committee divided on the amendment:

Ayes (9)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, Anne Levy, K. L. Milne, and Barbara Wiese (teller).

Noes (8)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, D. H. Laidlaw, and R. J. Ritson.

Pairs—Ayes—The Hons. C. W. Creedon and C. J. Sumner. Noes—The Hons. K. T. Griffin and C. M. Hill.

Majority of 1 for the Ayes.

Amendment thus carried.

The Hon. BARBARA WIESE: I move:

Page 28—

Line 40—Leave out ", but if" and insert "and the Director-General shall notify the child accordingly, but if the moneys are".

Line 43—After "recoverable" insert "unless the Minister directs otherwise in any particular case".

This section of the Bill deals with money deposited in the Treasury on behalf of the child under the guardianship of the Minister. The Opposition has moved these two amendments, the first of which provides for the Director-General to advise the child as to moneys being held on his or her behalf once the child ceases to be a child. At the moment there is no provision for that to occur. I have heard of instances in other areas, not with children under the guardianship of the Minister but with patients in psychiatric hospitals who have had moneys held on their behalf and have not been notified that that money exists, or their next of kin have not been notified that that money existed after the death of the patient.

It seems to the Opposition desirable to ensure that the child is aware of its rights and that he or she should be notified that money is being held. The second amendment also deals with the same clause of the Bill. We want to provide for the Minister to have discretion in the matter of money being paid to a child once the seven-year expiry period has passed. One can envisage a situation where a child has perhaps gone overseas or left the State prior to ceasing to be a child. That person may be away for a period longer than seven years and is not aware of money being held on his or her behalf until after his or her return. In situations like that, the Minister may be prepared to use his discretion in connection with making that money available to the person. The second amendment seeks to make that provision.

The Hon. J. C. BURDETT: The amendment accords with present procedures and I accept it.

Amendment carried.

The Hon. J. C. BURDETT: In view of the lateness of the hour, I ask that progress be reported.

Progress reported; Committee to sit again.

NATIONAL PARKS AND WILDLIFE ACT AMENDMENT BILL

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

BUILDING SOCIETIES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

HISTORY TRUST OF SOUTH AUSTRALIA BILL

Returned from the House of Assembly with amendments.

ELECTION OF SENATORS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

STATUTES AMENDMENT (VALUATION OF LAND) BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

IRRIGATION ACT AMENDMENT BILL

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

ADJOURNMENT

At 6.12 p.m. the Council adjourned until Tuesday 3 March at 2.15 p.m.