# LEGISLATIVE COUNCIL

Thursday 16 August 1984

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

## WOMEN AND HEALTH

**The Hon. J.R. CORNWALL (Minister of Health):** I seek leave to table the State Government's policy on women and health and the report of the Working Party on Women's Health, chaired by Mrs C.A. Prior.

Leave granted.

**The Hon. J.R. CORNWALL:** I seek leave to make a statement.

Leave granted.

**The Hon. J.R. CORNWALL:** I have much pleasure and pride in tabling this policy today, as the South Australian Government is the first in Australia to develop a policy on the relationship between women, health needs and health services. The policy statement is based on a clear recognition of the relatively disadvantaged position of women as both users and providers of health services. Despite the fact that women comprise almost 80 per cent of people employed in the health industry, and the fact that they tend to use health services more often than men (especially at particular times in their lives), they have been, and still are, severely underrepresented in those ranks where decisions are made that affect the kinds of health services delivered. This has contributed to the situation where significant groups of women in our community claim they are not always well served by our services.

The policy's main thrust, therefore, is to increase the influence that women in general have on the health services as both users and providers, commensurate with their numbers in society. I am confident that the policy provides the necessary framework within which women can act to increase their influence on the health system. The policy emphasises that health services must be appropriate to the needs of women and recognises that problems associated with access must be addressed and rectified. It stresses the importance of women making informed decisions about their health and health care.

Both the Working Party and the policy statement express specific concern about the problems associated with access faced by Aboriginal women, migrant women, disabled women, and women in isolated areas. The overriding emphasis of the statement is on the importance of women achieving much greater influence on the health system. To ensure that the recommendations of the Working Party Report are considered and an implementation strategy developed, Cabinet also approved the setting up of a Women's Consultative Committee. The role of this committee is to advise the South Australian Health Commission, through its Women's Adviser, on matters pertaining to women and health and watch over the implementation of policy. The consultative committee comprises experienced and qualified women from a wide range of health and associated services who collectively have formidable skills to deal with this important issue.

In addition, the South Australian Health Commission will initiate and support the development of networks of women in the community and in health services to take issues up for themselves. I believe that the adoption of this policy is an important landmark in the development of strategies to ensure that women achieve greater equality in the formation and delivery of health services, whereby we have a health system in South Australia which is responsive to the needs of women and enables them to fully participate in the planning, implementation and delivery of these services. Finally, this policy is in keeping with the wider Government policy of improving the position of women in society and provides the ongoing impetus for effective initiatives in this area.

## DISTINGUISHED VISITORS

**The PRESIDENT:** I draw to the attention of honourable members the fact that there are members of the Australian Parliamentary Joint Committee on the Broadcasting of Parliamentary Proceedings in the gallery. I extend to them a cordial welcome on behalf of honourable members. I ask the honourable Attorney-General and the honourable Leader of the Opposition to escort Senator Douglas McClelland, President of the Australian Senate, to a seat on the floor of the Council to the right of the Chair.

Senator McClelland was escorted by the Hon. C.J. Sumner and the Hon. M.B. Cameron to a seat on the floor of the Council.

# QUESTIONS

## HOUSEHOLD EXPENDITURE SURVEYS

**The Hon. M.B. CAMERON:** I seek leave to make a brief explanation before asking the Attorney-General a question about household expenditure surveys.

Leave granted.

**The Hon. M.B. CAMERON:** Members will have no doubt read an article today by Des Colquhoun, that wellknown columnist, concerning the details of household expenditure surveys that are conducted under Federal legislation, which is probably a pertinent subject due to the presence here today of members of the Federal Parliament. This survey goes into the sorts of detailed questions that I would not have expected citizens of this State to be compelled to answer. It is a survey conducted on the basis of diaries.

As you would be aware, Sir, these diaries are filled out daily, or hour by hour, or minute by minute, showing details of a person's expenditure on every item purchased during the day. People in this country are selected at random and are required to record all payments and purchases in this diary that they are provided with once they are selected by computer. The diary must record each particular item. The person must fill it in each day so that each item is recorded on the day it occurs. The person must record payments made on credit cards; payment of accounts other than credit cards; and record items bought on credit cards or any other card on the day they are purchased.

Detail is given on how to fill in the diary. One must show the date on which one makes a purchase or payment; the type of store or outlet; the weight, volume or number of items as appropriate in the quantity column (that is, 1½ kilograms, two litres or six oranges, whatever the item might be)—

**The Hon. J.C. Burdett:** Big oranges or small oranges?

**The Hon. M.B. CAMERON:** Yes, big oranges or small oranges, and a full description of the item, whether petrol or ladies gloves; also, the type of payment, whether cash, cheque or bankcard; the exact amount of the item down to the dollars and cents; and winnings from lotto, bingo, lottery tickets, TAB or the pools. I am sure that many people in this community might not want their wives to know that they participate in such events. The document goes on to add injury to the person concerned.

**The Hon. J.C. Burdett:** Are examples given?

**The Hon. M.B. CAMERON:** Yes. I will get to that in a minute. It has a page which lists 'some easily forgotten items'. They are as follows: takeaway and restaurant meals; beer and wine; icecream and lollies; cigarettes; petrol; newspapers and magazines; theatre and football tickets and lottery, TAB and raffle tickets.

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

**The Hon. M.B. CAMERON:** I will come to that in a moment. It goes on to list birthday presents saying to specify the item purchased; postal charges; door-to-door sales; milk and bread bills; laundry and dry cleaning; bus, train and taxi fares; parking and toll charges; club fees and subscriptions; children's pocket money; donations to charities and churches; layby payments (and specify the item); and items deducted from wages such as tax and health insurance, superannuation, life assurance and union fees.

It goes on to give examples. When one goes to the supermarket one has to detail that one bought one large tin of powdered milk, whether one paid by cash and the amount one paid for it. It goes through every item that one could possibly think of, down to lottery tickets, oranges, cabbages, mushrooms and potatoes.

Mr President, you will be aware, because this subject has been raised with you, that a citizen has complained—and I am surprised that more people have not complained. Although she first agreed, she did not have much choice. This citizen went ahead with the diary and, when supplied with a second diary, she said that she did not wish to participate. In the meantime, I gather that one of the people who had been doing the survey retired with some sort of nerve problem because of the abuse she had been receiving when she had to fill out these surveys.

When the citizen who complained said that she did not want to go on with this whole business she was told that, if she did not, should would be subject to action, with a fine of $100 a day and then, once the fine was delivered, it did not absolve her from her responsibility to then again fill out the diary. So, it would be a continuing problem—that is what happens if one does not co-operate. The survey requires the diary to be kept and completed for a number of weeks and for every item of expenditure, no matter how large or small, or for what purpose, to be included.

*The Hon. J.R. Cornwall interjecting:*

**The Hon. M.B. CAMERON:** Let me tell the Minister that it is about a quarter of the size of some of his answers. It appears to me that the Federal Parliament or somebody has gone mad. Will the Attorney make representations to the Federal Government to have the household expenditure surveys withdrawn? Will the Attorney discuss this matter with his fellow Attorneys-General at their next meeting to ensure that the liberties of citizens are more adequately protected, as it is scandalous that citizens of this country are compelled, under the provisions of the statistics legislation, to supply such personal details of their lives?

**The Hon. C.J. SUMNER:** I am pleased to see that the honourable member has raised a matter relating to the individual privacy of citizens of this State. It is obviously a new found enthusiasm, and all honourable members will know that the Labor Party, up to the election in September 1979, had a working party on privacy operating in this State. That working party had prepared a draft report, which was almost ready for release. The Government changed in September 1979, and what did the new Government or the Hon. Mr Griffin as Attorney-General do? They scrapped it! The Hon. Mr Griffin did not release the report and ignored it, as he did with many other issues such as freedom of information and other work that had been done by the Labor Government until 1979. So, it is interesting to see members opposite—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.J. SUMNER:** —with a new found enthusiasm for the rights and privacy of citizens of South Australia—a concern they showed no interest in while they were in Government. On the specific topic I can say that the privacy committee has been reconvened at the State level.

*The Hon. K.T. Griffin interjecting:*

**The Hon. C.J. SUMNER:** No, this is not a survey that the South Australian Government or I conducted. The Hon. Mr Griffin seems to me to be showing some enthusiasm and suggesting that Ministers and members in the Legislative Council in South Australia are somehow responsible for a survey produced by the Australian Bureau of Statistics.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.J. SUMNER:** The Australian Bureau of Statistics is a Federal Government instrumentality, and I should have thought that even the Leader of the Opposition in this place would know that. That is the first point.

**The Hon. M.B. Cameron:** Isn't there a Labor Government?

**The Hon. C.J. SUMNER:** Yes, indeed, there is a Labor Government at present. However, the Australian Bureau of Statistics has existed for much longer than the term of the current—

*The Hon. M.B. Cameron interjecting:*

**The Hon. C.J. SUMNER:** That is not true. The Australian Bureau of Statistics has existed for much longer than the currency of this Federal Government.

**The Hon. J.C. Burdett:** This has been going on for a long time.

**The Hon. C.J. SUMNER:** Honourable members have ascertained that this has been going on for about six months, but they also know that the ABS collects information on a wide range of topics. I suppose that, if honourable members wanted to push the question of privacy to its extreme, they would be unhappy about the census that is conducted every five or six years. Governments require certain information to plan and to assess and formulate policies that benefit the community.

*The Hon. M.B. Cameron interjecting:*

**The Hon. C.J. SUMNER:** No. I know about this matter only because the honourable member raised it this morning. I mean no disrespect to Mr Des Colquhoun, but I did not read his article this morning.

**The Hon. M.B. Cameron:** You would have been wise to read it.

**The Hon. C.J. SUMNER:** All I can say is that I am particularly gratified to note that the honourable member is showing a new interest in privacy, having ignored the topic for all of his political career. The Hon. Mr Burdett and the Hon. Mr Griffin did absolutely nothing about the issue, except to cancel the initiatives that were well in train under the Labor Government prior to 1979. In view of the honourable member's new interest (and I am pleased to note that new interest in the privacy of citizens), I will have his questions considered.

## EAST TERRACE PRIVATE HOSPITAL

**The Hon. J.C. BURDETT:** I seek leave to make a brief explanation before asking the Minister of Health a question about the East Terrace private hospital.

Leave granted.

**The Hon. J.C. BURDETT:** When Medicare was introduced, all private psychiatric hospitals were placed in category 3. The report of the Commonwealth Department of Health task force on the categorisation of private hospitals is being considered by the Federal Minister, but in the meantime the Fullarton private psychiatric hospital has been upgraded

to category 2, as a matter of urgency, it was said. The East Terrace private hospital has 45 acute psychiatric beds and it is about the same size as the Fullarton hospital. The East Terrace hospital was purpose built in 1983 and has maintained a high occupancy rate. The hospital is wholly Australian owned and operated, its standards are of the highest order and it enjoys an excellent reputation.

Naturally, because it is in category 3 the hospital is at an enormous financial disadvantage. I understand that the hospital has written to the Minister seeking his good offices in taking up the matter with his Federal colleague. I do not know whether the letter has come to the Minister's personal knowledge. Will the Minister take up with his Federal colleague as a matter of urgency the matter of upgrading the East Terrace private hospital to category 2?

**The Hon. J.R. CORNWALL:** That letter came to my attention within the past few days, and the matter was brought to my attention by third parties in the past week or two. This is actually the first official correspondence that I have had from the proprietors of the East Terrace private hospital.

I have also received a letter from Kahlyn private hospital. It is quite true to say that Fullarton was reclassified from category 3 to category 2. On the face of it, East Terrace seems to be a psychiatric hospital similar in many respects to Fullarton.

I might also point out that Fullarton was very quick off the mark. It made representations to both the Federal Minister and me as State Minister based on an audited summary of its first three months of operation as a category 3 hospital from 1 February. I am in a rather unfortunate position in these matters, and I will certainly make representation to the Federal Minister about that as well.

The fact is that under the legislation the State Minister may make representations to the Federal Minister on behalf of particular hospitals. Of course, that is a no-win situation in regard to the State Minister. If those representations are unsuccessful, the Minister is immediately unpopular with one hospital or a number of hospitals. If they are successful in individual cases but unsuccessful in others, then one is even less popular. As far as I can see at the moment it is a situation that I find increasingly intolerable. I did take what I hoped had been some insurance initially by setting up a Chairman's Categorisation Review Committee. I specifically asked Professor Andrews to convene a committee of senior Health Commission officers to examine the data presented by various hospitals which wish to make representations in a completely impartial way and very much at arms length from my office.

That has had a limited degree of success in operation to this time. Inevitably, one is of course only a popular Minister in that situation while the appeals are being successful. On the face of it, East Terrace hospital seems to have quite a good case. The fact is that Fullarton was recategorised on the basis that failure to have done so in view of the unprofitable way in which it operated in the first few months as a category 3 hospital meant that the owners had indicated that they intended to close it. If that had happened, it would have had a deleterious effect on the acute psychiatric patients with private insurance.

The decision was ultimately taken by the Commonwealth Department of Health (I stress that) that it should be recategorised. The short answer is that the East Terrace representative is, I believe, talking to the Deputy Chairman of the Health Commission today. A representative from Kahlyn, as a result of the letter that has been received from it, will talk to the Deputy Chairman early next week and, acting on the advice of my Chairman's Categorisation Review Committee, I will be making some urgent representations to the Federal Minister.

## LOITERING CHARGES

**The Hon. K.T. GRIFFIN:** Can the Attorney-General say whether the 232 loitering and other charges from the 1983 Roxby blockade, which the Attorney in April this year said were unresolved, are still unresolved? Secondly, if they are not, what was the result of those charges? Thirdly, if they are unresolved, is it proposed that they will be proceeded with? What is the reason for the delay?

**The Hon. C.J. SUMNER:** The simple answer is that, if the honourable member had been doing what I would have thought any shadow Attorney would do, he would be perusing the results of decisions in the courts. He would have known that the 232 loitering charges are still unresolved and that the prosecution taken by the police in the court of summary jurisdiction in Adelaide was not upheld. The case was dismissed.

**The Hon. K.T. Griffin:** I mentioned that in April. You said there were still 232 charges outstanding.

**The Hon. C.J. SUMNER:** The honourable member knows that a test case was taken and that the court of summary jurisdiction ruled against the police. An appeal was then taken before a single judge of the Supreme Court, Mr Justice Cox, who dismissed it. Therefore, the matter was resolved in favour of the defendant. The Crown Law Office advised me that it would be better to present another case in a court of summary jurisdiction with further evidence on the point that was in dispute, which was the question of whether the offences occurred in a public place.

The second case was put before the court and, again, the decision went against the prosecution. That matter will be appealed to the Full Court of the Supreme Court. I understand that, while the test case is going through the court system, the other charges have been held in abeyance.

*The Hon. K.T. Griffin interjecting:*

**The Hon. C.J. SUMNER:** That is all that I am saying.

**The Hon. K.T. Griffin:** You're getting uptight.

**The Hon. C.J. SUMNER:** Not in the least; I am perfectly relaxed about the whole business. I was keen to point out to the honourable member that I would have thought, had he studied what was happening in the courts as shadow Attorney-General, he would know what the position was in relation to this matter. He has not got—

*The Hon. K.T. Griffin interjecting:*

**The PRESIDENT:** Order! The honourable member can ask a supplementary question if he desires.

**The Hon. C.J. SUMNER:** Obviously, he has no officers; that is fairly obvious from his performance in the Council. I have now outlined the position. Obviously, the other cases cannot proceed until the test case has been resolved. It will be resolved in due course when the Supreme Court hears the case.

## PARLIAMENT HOUSE SECURITY

**The PRESIDENT:** Before calling further questions I will reply to questions asked of me yesterday by the Hon. Mr Cameron in relation to the new Parliament House security system. The cards have now been issued to all members of the Legislative Council. It is unfortunate that prior advice was not received from the contractors involved in the changeover from one system to another. However, the cards were issued by the Black Rod at the first opportunity after receipt from the people concerned with the operation.

I now refer to the question of expenditure. Members will recall that in the Estimates of Payments for the year ended 30 June 1984, under the Minister of Public Works line at page 161, provision was made for an allocation of $150 000 for security improvements at Parliament House. Advice has

been received that the actual expenditure incurred in relation to the installation of an electronic security system was $99 000, as well as a further $18 000 for alterations carried out in the entrance areas of both the Legislative Council and the House of Assembly.

I have been informed by officers of the Public Buildings Department that a breakdown of the amount expended on each House is not feasible as obviously the expenditure was allocated not to each House separately but to Parliament as a whole. The question of security for Parliament House has been a matter of discussion over many years, with successive Administrations pointing out the need for improvement in this area. Members will recall the theft of microphones from the House of Assembly Chamber some years ago; that is one of the reasons why discussions were accelerated at that time. Approval for the expenditure was voted by the Parliament, and the Minister of Public Works was then able to give approval for the work to proceed at the request of the Presiding Officers.

I think the Leader also mentioned little boxes in the entrance foyers, referring to alterations to the front offices. I must say that I am delighted that that work was carried out. It has provided more accommodation and has given officers freer access to people making inquiries at Parliament House.

## COCHLEAR IMPLANTS

**The Hon. R.J. RITSON:** I seek leave to make a brief explanation before asking the Minister of Health a question about cochlear implants.

Leave granted.

**The Hon. R.J. RITSON:** As the Minister will know, it has become possible through the wonders of modern microelectrics to implant surgically a device within the inner ear that has prospects of restoring some valuable hearing to the profoundly deaf. The surgical skills required to do this exist already within this State, and some of the support services that go with such a procedure are available, spread throughout the Adelaide metropolitan hospital system. As the Minister will also know, the electronic devices are extremely expensive and beyond the ability of most people to afford the cost. I ask the Minister:

1. Can he inform the Council as to whether the Government intends to establish a cochlear implant programme and whether there will be Government financial assistance to enable suitable patients to afford the purchase of the device?

2. The question arises of forming a unit in a way that does not involve reduplication. Some of the skills necessary to form such a unit or team exist in some hospitals, and in other hospitals some of the other skills are located. Does the Minister foresee a trans-hospital service rather than a service possessed by any particular hospital?

**The Hon. J.R. CORNWALL:** I am very pleased to inform the Council that the Government intends to establish a cochlear implant programme in the very near future; indeed, I might say 'in the immediate future'. There will be Government assistance. I believe—I would not be held to this on a penalty of the loss of a Ministerial career—from my recollection that the cost of a cochlear implant approaches $10 000. So, quite clearly, Government assistance will be given. It is not an enormously common operation, but certainly there are clear indications for it, as the Hon. Dr Ritson would know. So, to recap: yes, we will establish a cochlear implant programme or support the establishment of one; it will be at one of the major teaching hospitals; there will be no reduplication; and there will be integration of services across the teaching hospital area as a matter of policy.

## *IN VITRO* FERTILISATION

**The Hon. R.C. DeGARIS:** I seek leave to make a brief explanation before asking the Attorney-General or the Minister of Health a question about *in vitro* fertilisation and experimental medicine.

**The Hon. C.J. SUMNER:** I raise a point of order, Mr Acting President. I raise the question that if this matter relates to the Bill that is currently before the Council—

**The Hon. K.T. Griffin:** Come off it. It is about experimental medicine.

**The ACTING PRESIDENT (Hon. G.L. Bruce):** Order! There is a point of order.

**The Hon. C. J. SUMNER:** It is a legitimate point.

**The Hon. K.T. Griffin:** You are being sensitive.

**The Hon. C.J. SUMNER:** I am not sensitive at all. It is a legitimate point. A Bill is before the Council in which these questions can be raised. I merely make the point that, under Standing Orders and the practice of the Council, if a Bill is before it questions that relate to that material are out of order.

**The Hon. R.C. DeGARIS:** There is no reference to the Bill that is before the Council in the question that I wish to direct.

**The ACTING PRESIDENT:** I take that as being all right, and the point of order is not upheld.

Leave granted.

**The Hon. R.C. DeGARIS:** In my Address in Reply speech I referred to the views expressed by Professor Ian Kennedy, Professor of Medical Ethics at Oxford University. I quote a further comment from his views:

> After debate, what then? There is a danger of leaving behind a trail of muddle as we dash on to the next issue more as voyeurs than as social analysts.

Kennedy correctly asserted that the problems cannot be solved, nor the public reassured, by any one professional group, whether doctors, lawyers or politicians. An indisciplinary approach is essential, according to Kennedy. *Ad hoc* inquiries are not likely to serve the long-term public interest in this question. Kennedy suggested that England should establish a standing advisory committee charged with responding to the whole range of problems. Its brief would be to offer ethical guidelines in the form of codes and practices and, where appropriate, suggest changes to the law.

In Australia a start has been made in this direction. The Medical Research Ethics Committee, which was announced in December 1982, has a potential to fulfil at least some of these hopes in view of its membership and terms of reference. The proposed membership comprises a moral theologian, two lawyers, an eminent laywoman, and six medical experts. The terms of reference include a number of questions related to this interesting question. It must report to the Standing Committee of Attorneys-General and to the Health Ministers Conference.

My questions are: has this committee been appointed? If so, have any reports been made to the Standing Committee of Attorneys-General and the Health Ministers Conference? If so, has that committee made any recommendations for changes in State laws? If it has, what changes does the committee recommend?

**The Hon. C.J. SUMNER:** I thank the honourable member for his question. My recollection is that reports of that committee have not been produced for the Standing Committee of Attorneys-General, but the issues that he raises are important and I will certainly have them looked into. As the Standing Committee will meet in Darwin later this

month, I will ensure that inquiries are made about the question that the honourable member raises.

## TRANSPORT OF ABORIGINES

**The Hon. PETER DUNN:** I seek leave to make a brief explanation before asking the Minister of Health, representing the Minister of Aboriginal Affairs, a question about the transport of Aborigines to their home lands.

Leave granted.

**The Hon. PETER DUNN:** It was reported in yesterday morning's *Advertiser* that Aborigines were being stranded at Port Augusta after having been found not guilty in the local court. I quote from that report:

> Some Aborigines charged with criminal offences were being stranded in Port Augusta if they were found not guilty, an Aboriginal legal rights lawyer said yesterday.

It goes on to say:

> 'Aborigines flown by police from Far North communities to face trial spoke little English and had no money to return home if released in Port Augusta . . . (If) they are found not guilty, many are stuck in Port Augusta with no money and nowhere to go,' Mr Swan said. 'If they are imprisoned for more than two weeks, at least they get a bus ticket home.'

The report stated that 15 to 20 people had been stranded since January. If these people are stranded as is reported and considering their inherent disabilities, why are they not taken to the agencies that facilitate their rapid return? Or because of the distances that they travel—and some of them travel in excess of 1 500 km—on humanitarian grounds why are they not given a bus ticket to return home?

**The Hon. J.R. CORNWALL:** I will refer those questions to my colleague, the Minister of Community Welfare and Aboriginal Affairs, because it might concern him in both roles, and bring back a speedy reply.

## VALUATION OF PROPERTIES

**The Hon. ANNE LEVY:** I seek leave to make a brief explanation before asking the Minister of Health, representing the Minister for Environment and Planning, a question about valuations of properties.

Leave granted.

**The Hon. ANNE LEVY:** I direct this question through the Minister of Health to the Minister for Environment and Planning in his capacity as Minister of Lands, as I understand that the Valuer-General comes under the auspices of the Minister of Lands. I have been approached by a constituent who had the great misfortune to have his house burnt down not long ago. He will, of course, be having the house repaired, but it will be six months before he can again occupy his property, and he and his family have to live elsewhere until then.

This person has recently been told that, despite the fact he cannot live in his house for the next six months, he will have to pay full local council rates and, also, full water and sewerage rates to the Engineering and Water Supply Department for this year, both based on the valuation of the house before it was burned down, even though for half of this year he will not be able to occupy that house and that it is vacant land. The local council, and I think the E&WS Department, have told him that they will be quite happy to charge lower rates for the six months that he is out of his house but that they can only do so if the Valuer-General will give a new valuation of the property, that value being as vacant land.

Apparently, the Valuer-General's office will not agree to do that. Will the Minister investigate this matter? I realise that it will add to the work of the Valuer-General, but situations such as this must be rare and would not make much difference to the total work of the Valuer-General's office, and would certainly be more equitable to the individual concerned. Will the Minister consult with the Valuer-General and request that, in such unusual circumstances, a revaluation of the property as vacant land be provided on which both the local council and the E&WS Department can base their rates.

**The Hon. J.R. CORNWALL:** I will refer those questions to the Minister for Environment and Planning and bring back a reply.

## STATE DEVELOPMENT BROCHURE

**The Hon. L.H. DAVIS:** I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of State Development, a question about a State development brochure titled 'Living in South Australia'.

Leave granted.

**The Hon. L.H. DAVIS:** The Department of State Development has produced a brochure titled, 'Living in South Australia'. A front piece signed by the Premier, Mr Bannon, states:

> We want you to know more about our State and perhaps to share with us the quality of life that we believe to be one of our greatest assets. If you are considering business relocation, expansion, or investment, we would like to talk to you about assistance and incentives. We look forward to meeting you, soon, in South Australia.

The 48-page brochure is certainly colourful and comprehensive covering such topics as the arts, health, shops and outdoor living. However, what is surprising and particularly disappointing is that a two-page spread on housing in Adelaide, on any reckoning, fails to accurately reflect the true situation. There is a large photo of a gracious but quite unrepresentative high gabled house and six small photographs of houses all appearing to have been constructed in the past 30 or 40 years.

Quite clearly, the quality and style of housing is a vital ingredient in promoting this State. Surely one of the most important and obvious features in any brochure promoting the ambience of Adelaide should be the elegance of the bluestone and sandstone houses, and the iron lacework found so commonly in North Adelaide, Norwood, Unley, Hyde Park and other inner suburbs. However, this new and lavish brochure ignores this fact—a fact that attracts such favourable comment overseas and interstate. My questions are as follows:

1. How many copies of the brochure 'Living in South Australia' were produced?
2. Where are they being distributed?
3. What consultation took place with respect to the section on housing?
4. Will the Government, in future, take greater care to ensure that when producing brochures promoting Adelaide such brochures properly represent the lifestyle of Adelaide, because it is time that we got these things right?

**The Hon. C.J. SUMNER:** I think that the previous Government should have taken greater care with the brochure that it produced on South Australia.

**The Hon. L.H. Davis:** I am not on about that.

**The Hon. C.J. SUMNER:** I know, but the honourable member is talking about greater care by Governments, and I will tell him about the greater care that the previous Government should have taken when it produced a large, glossy booklet.

**The Hon. C.M. Hill:** That's just tit for tat. Why don't you answer the question?

**The Hon. C.J. SUMNER:** I will, but the honourable member is talking about greater care.

**The Hon. L.H. Davis:** Be a statesman!

**The Hon. C.J. SUMNER:** The question is ludicrous, to start with. The honourable member has not been able to find anything to ask about and he has drubbed up this question to ask us about the photographs in the brochure 'Living in South Australia'.

**The Hon. L.H. Davis:** It is being sold around the world and is trying to promote South Australia.

**The ACTING PRESIDENT (Hon. G.L. Bruce):** Order!

**The Hon. C.J. SUMNER:** It is not being sold. It is a very good brochure. All I am saying to the honourable member is that greater care should have been taken by the previous Government, because when it produced its glossy booklet it actually included a front piece with a photograph of Mr Tonkin and a spiel from him as Premier.

*The Hon. L.H. Davis interjecting:*

**The Hon. C.J. SUMNER:** The fact is that Mr Tonkin did that a few months before the election, when anyone, even Mr Tonkin, should have had prescience to realise he was not going to be in Government when the booklet was distributed.

*The Hon. L.H. Davis interjecting:*

**The Hon. C.J. SUMNER:** That is right, anything can happen in politics.

*The Hon. C.M. Hill interjecting:*

**The Hon. C.J. SUMNER:** That might well be.

**The ACTING PRESIDENT:** Order! A question has been asked of the Minister and he should be allowed to reply.

**The Hon. C.J. SUMNER:** All I can say is that a number of copies of the brochure were produced. I do not know how many, but I can find out for the honourable member. They have been distributed widely and used as the basis of a campaign by South Australia throughout Australia, a campaign that also found its way into the national press. I can say that the number of inquiries received as a result of this campaign exceeded even the best and most optimistic forecast of the Department of State Development.

The number of inquiries was very good, with a number of them being serious inquiries about coming to South Australia. Obviously, in a campaign of this kind, one has a number of people inquiring because the question has been asked, but the Department of State Development is pleased with the response to the brochure. It has been a good campaign. It is a good brochure, and I am surprised that the honourable member denigrates it because it does not have a photograph of a bluestone house in it. That is the gravamen of the honourable member's complaint. He is complaining about the brochure 'Living in South Australia' because it does not have a photograph of a bluestone or sandstone house in it—that is what he said.

**The Hon. L.H. Davis:** It is not representative.

**The Hon. C.J. SUMNER:** All I can say, and I repeat what I said previously, is that I do not believe that the honourable member can have very much to do, if all he can do is come into this Council and raise a criticism of a very good brochure on the basis that it does not have a photograph of a bluestone or a sandstone house in it. How absurd can the honourable member be!

**The Hon. L.H. Davis:** It holds itself out to be—

**The Hon. C.J. SUMNER:** The poor brochure prepared by the Department of State Development—

*The Hon. L.H. Davis interjecting:*

**The Hon. C.J. SUMNER:** I will make sure that tomorrow the Director is got down here by the Premier and is severely castigated for not having gone out, taken a photograph of a bluestone house and a sandstone house and included them in the brochure! The Director deserves to be hauled up before the Public Service Board or the Bar of the House! It is absurd. The question is absurd. The honourable member has nothing to do with his time. He criticises a very good pamphlet because it does not include a photograph of a bluestone house or a sandstone house. How nonsensical can one get! I will find out how many copies of the brochure were distributed and advise the honourable member where they were distributed. I will find out what consultations there were on the housing section. I will ask the Director of State Development, through the Premier, why he did not include a sandstone or bluestone house in the brochure. All I know is that the publicity has been very successful and that the Department of State Development is very pleased with the promotional effort that has occurred as a result of this pamphlet.

## MEAT

**The Hon. PETER DUNN:** I ask a question of the Minister of Agriculture. As the Port Augusta abattoir is now closed, what facility is now providing meat to the towns of Whyalla (a population of 35 000), Port Augusta (a population in excess of 12 000), and Port Lincoln (a population in excess of 12 000), and all towns north and west of this area?

**The Hon. FRANK BLEVINS:** The source of meat obtained by butchers in those towns is their business. I suppose that I could write to every butcher in the area and ask where they get their meat from, but I cannot see the purpose of that. Meat is supplied from a whole range of areas, sometimes interstate, to those butcher shops. That really is the way that it ought to be: that butchers have the right to buy meat where they wish. The largest of the towns mentioned by the Hon. Mr Dunn, Whyalla, has not had a slaughtering facility for quite a long time. I cannot remember how long.

**The Hon. Peter Dunn:** Three years.

**The Hon. FRANK BLEVINS:** For three years I have not noticed a lack of meat in Whyalla. I understand that meat comes from as far away as interstate. Of course, we export meat interstate, and some South Australian meat goes to Perth. It is pretty much an Australia-wide trade and I have no quarrel with that at all.

## QUESTION ON NOTICE FORMS

**The Hon. ANNE LEVY:** I ask the following questions of you, Mr President:

1. Approximately how many 'Notice of Question' forms remain to be used before new ones can be printed?

2. At the current rate of usage, how long will it be before a new printing need be ordered?

3. Will you ensure that, when a new printing is required, the offensive 'Mr' is removed from the form, as it implies that there are no women members of this Council?

**The PRESIDENT:** I will obtain a reply for the honourable member.

## VICTOR KUZNIK

**The Hon. K.T. GRIFFIN:** Has the Minister of Correctional Services a reply to a question I asked on 7 August concerning Victor Kuznik?

**The Hon. FRANK BLEVINS:** The reply is as follows:

1. The criteria used to determine the transfer of Mr Kuznik to Cadell Training Centre were as follows:

*(a)* Period of good behaviour during term of imprisonment. In the case of a prisoner serving a life sentence where no parole period has been set, this period is normally five

years. Some 4¾ years of Kuznik's life sentence had been completed at the time of his transfer to Cadell. It was considered that his circumstances, together with the pressure on the Department of Correctional Services to close 'C' Division in Yatala Labour Prison, qualified Kuznik to be considered for low security status.

*(b)* Application to industry.

*(c)* Adaption to increased levels of responsibility as his security rating was lowered during his sentence.

*(d)* Length of time served in prison. (At the time of his transfer he had spent four years and nine months in prison from his remand on 23 April 1979. At the time of his escape he had spent five years and one month in prison.)

*(e)* The likelihood of his attempting to escape and the risk to the community.

*(f)* No evidence of psychiatric disturbance.

*(g)* Prisoner physically fit to undertake work at Cadell Training Centre.

*(h)* Previous history.

*(i)* Extreme accommodation pressures at Yatala Labour Prison at that time.

2. There has been no change to the criteria since May 1984.

3. The Executive Director, Department of Correctional Services, conducted the inquiry into the Kuznik transfer and he has reported to me.

4. A report relating to the inquiry into the transfer of Victor Kuznik has been received, but will not be released publicly. The Government's policy in relation to the public release of these files is that reports containing information on prisoners are not public documents for the following reasons:

(1) Security of the prisoner, the prisoner's family and other prisoners who may be named in a report.

(2) Security of departmental staff who may be named in a report.

(3) The potential legal issues arising if the Government released personal information on particular prisoners contained in the reports.

(4) Information contained in the reports may be prejudicial.

(5) The publicity associated with the release of a report on a prisoner may encourage other prisoners to attempt similar activities.

(6) The release of information on prisoners in relation to the security rating or their behaviour in an institution may be detrimental to a person's long term prospects for re-establishment in the community upon release.

I am, however, prepared to make available to the Opposition, on a confidental basis, all information in the files of the Department of Correctional Services regarding the escape of Mr Victor Kuznik from Cadell Training Centre. A *precis* of that report has been given to the Hon. Mr Griffin.

## PRISON SITES

**The Hon. L.H. DAVIS:** Has the Minister of Correctional Services a reply to a question I asked on 2 August concerning prison sites?

**The Hon. FRANK BLEVINS:** The reply is as follows:

1. No.

2. The Department has no plans to use the facilities at Brookway Park for any purpose.

3. No.

## SISTER ELIZABETH

**The Hon. C.M. HILL:** Has the Minister of Ethnic Affairs a reply to a question I asked on 9 August about the loss of salary of Sister Elizabeth from the Indo-Chinese Australian Women's Association?

**The Hon. C.J. SUMNER:** The Minister of Community Welfare informs me that an examination has been conducted into the funding to the Indo-Chinese Australian Women's Association by the Community Welfare Grants Committee and the Department for Community Welfare and kept under regular review. This follows requests from the Indo-Chinese Australian Women's Association and submissions on its behalf from several parties, including the Hon. Diana Laidlaw.

The funding difficulties experienced by the Indo-Chinese Australian Women's Association have resulted from the cessation of funding from the Australian Refugees Trust. Officers of the Department for Community Welfare have examined the situation and have on two occasions prepared reports to the Community Welfare Grants Committee. The committee considered that, because of the group's financial reserves and the Association's application for additional and long term funding from the Department of Social Security, it would recommend against additional funding from the Community Welfare Grants Fund at this time.

The Indo-Chinese Australian Women's Association has applied to the Department of Social Security for long term funding for Sister Elizabeth's salary and the salaries for two child care staff. In May, a letter was sent to the Minister for Social Security stressing the urgency of the situation and indicating support for the Association's application. Department for Community Welfare staff have been following up the progress of the Commonwealth decision making. It is now anticipated that a decision will be made by the Commonwealth in September on additional funding for the Indo-Chinese Australian Women's Association. Sister Elizabeth's salary is currently being met from a community welfare grant of $10 000 and from the Association's general and reserve funds, which are in excess of $14 000.

I understand that there is a component in the funding of the Associaton from the community welfare grant. The need for additional funds for the Association will be reassessed by the Community Welfare Grants Committee after the level of funding by the Minister for Social Security has been determined.

**The Hon. C.M. Hill:** You should be ashamed of yourself.

**The Hon. C.J. SUMNER:** Why?

**The Hon. C.M. Hill:** Your Government is supposed to represent the ethnic people.

**The Hon. C.J. SUMNER:** It is $14 000.

**The ACTING PRESIDENT:** Order!

## SELECT COMMITTEE ON LOCAL GOVERNMENT BOUNDARIES OF TOWN OF GAWLER

**The Hon. ANNE LEVY** brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Report received and read. Ordered that report be printed.

## ACTS INTERPRETATION ACT AMENDMENT BILL

**The Hon. C.J. SUMNER (Attorney-General)** obtained leave and introduced a Bill for an Act to amend the Acts Interpretation Act, 1915. Read a first time.

**The Hon. C.J. SUMNER:** I move:

*That this Bill be now read a second time.*

This Bill seeks to implement significant law reform measures. It has been prepared largely, though not exclusively, in response to the 9th Report of the Law Reform Committee of South Australia on the law relating to the construction of statutes which was published in 1970. The courts of this State, as well as their counterparts in other States and other parts of the common law world, have long adhered to the general rule of law which forbids them from looking behind an Act of Parliament when they have occasion to construe or interpret the language of that Act.

This self-denying ordinance has, in recent times, come under closer scrutiny and its fundamental value has been questioned. Indeed, the Victorian Parliament has recently passed measures similar to this Bill in its Interpretation of Legislation Act, 1984. The Victorian legislation arose from a 1982 report of the Parliamentary Legal and Constitutional Committee and that report made the following observations:

> The committee is aware that allowing reference to extrinsic aids may increase the complexity of the interpretation process. The decision to be made must take into account a question of justice: litigants are entitled to be dealt with justly through the court process; 'justice' may be thwarted by the too great expenditure of court time on irrelevancies (although judges are not averse to refusing argument on what they consider irrelevancies); however it is also thwarted by a refusal of courts to look at relevant material that can give the just answer. Complexity abounds, and justice is also not served if judges are left to 'grope about in darkness'.

In 1982 the Attorney-General's Department of the Commonwealth issued a policy discussion paper on 'Extrinsic Aids to Statutory Interpretation' and an Act has been passed which amends the Acts Interpretation Act, 1901, of the Commonwealth and which seeks to achieve the same results for the law of the Commonwealth. That amendment came into operation on 12 June 1984. This Bill will ensure that the courts of this State will be better able to ascertain the intention of Parliament when questions of doubt arise from the language that Parliament has chosen to use. This means that *Hansard*, for example, could now be called in aid by the parties to proceedings before a court in cases of difficulty; reports of Royal Commissions which have led to legislative measures being implemented can also be consulted.

In many ways this Bill is a Parliamentary acknowledgment of the existing practice in some courts. It is an important law reform Bill that endeavours to improve the administration of justice in South Australia by improving the method of dialogue between those who make the law and those whose duty it is to administer it. As well, the Bill seeks to overcome a difficulty that can arise when a provision of a Statute has received a particular construction in the hands of the courts and is later repealed and picked up again in a new, consolidating Statute. Some authorities think the old judicial construction of the provision should continue to apply: other authorities consider that the courts should be at liberty to reinterpret the provision. This Bill puts these doubts at rest.

Finally, it is proposed to amend section 26 to insert a complementary provision to that which provides that the masculine gender is to be construed as including the feminine gender by providing that the feminine gender is to be construed as including the masculine gender. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

**Explanation of Clauses**

Clause 1 is formal. Clause 2 provides for the insertion of new sections 18 and 19. Proposed new section 18 relates to the presumption that the re-enactment of a provision constitutes Parliamentary approval of a prior interpretation. This presumption, applying as a principle of statutory interpretation, cannot be described as being other than highly artificial. Commentators have explained how it has become hedged about with qualifications, and decisions of the High Court have raised doubts as to whether it should ever be followed. It is certainly most tenuous to argue that Parliament re-enacts provisions having considered earlier interpretations by courts. The Law Reform Committee recommended in its Ninth Report that the presumption should not be applicable in this State. Accordingly, by virtue of new section 18 it is proposed that the presumption should no longer apply.

Proposed new section 19 clarifies the status of various parts of an Act. It has been argued that schedules and headings are not proper parts to an Act. Thus, for example, if there was any conflict between the body of the Act and the schedule, the schedule was to give way. This does not accord with modern methods. However, there is no doubt that marginal notes and footnotes should not form a part of the Act. Although useful to facilitate references, they are not subject to consideration by Parliament and are not intended to contribute directly to the meaning or effect of the substantive provisions. However, there is authority to suggest that a marginal note or footnote can sometimes be used as an aid to statutory construction. This would appear to be a satisfactory view. As noted by one author, a marginal note may be a poor guide to the scope of a section, but a poor guide may be better than no guide at all. This approach ties in with a proposed new section relating to extrinsic aids to statutory construction.

Clause 3 provides for the repeal of section 22 and the substitution of two new sections relating to the construction of Statutes. Proposed new section 21a, as does present section 22, requires a purposive approach to be adopted in the construction of Statutes. It provides that where a provision is reasonably open to more than one interpretation, a construction that would promote the purpose or object of the Act should be preferred to a construction that does not. This provision is consistent with approaches applying in several States and the Commonwealth. Proposed new section 22 makes it clear that extrinsic aids may be employed to assist in the construction of a provision. The section lists a number of possible aids to interpretation that may legitimately be used. It is modelled on Commonwealth and Victorian legislation of similar purport. It will clarify the status of extrinsic aids in the processes of statutory construction. Clause 4 inserts a new paragraph in section 26 relating to the use of words of the feminine gender.

**The Hon. K.T. GRIFFIN** secured the adjournment of the debate.

## CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (No. 2)

**The Hon. C.J. SUMNER (Attorney-General)** obtained leave and introduced a Bill for an Act to amend the Criminal Law Consolidation Act, 1935; and to make consequential amendments to the Justices Act, 1921. Read a first time.

**The Hon. C.J. SUMNER:** I move:

*That this Bill be now read a second time.*

It makes an amendment to the Criminal Law Consolidation Act, 1935, and a consequential amendment to the Justices Act, 1921. In recent years, various pre-trial procedures have been introduced with a view to expediting criminal trials. The Criminal Law Consolidation Act has been recently amended to enable the court to determine the admissibility of proposed evidence and other questions of law before the

jury is empanelled; the criminal rules have been amended to provide for pre-trial conferences, and so on.

The Bill furthers this trend by dealing with a situation which can arise in the course of a criminal trial, that is, the introduction by the defendant of evidence of an alibi of which the Crown had no notice. In such a case, the Crown is left with only two options: to let the evidence stand without attempting to rebut it, or to seek an adjournment for the purpose of investigating the alibi. Clearly, the first of these alternatives is not in the interests of justice; the second produces undesirable delay and forces those responsible for investigating the alibi to do so hastily. There is also the possibility that, had the Crown had the opportunity to investigate the alibi, it may not have proceeded with the prosecution, thus saving a considerable amount of public time and money.

This Bill provides that a defendant must notify the prosecution if he proposes to rely on an alibi by way of defence to the charge with which he is to be tried thus obviating the delay and inconvenience that could otherwise result from the sudden and unexpected introduction of such a defence.

The Bill does not render evidence inadmissible by reason of failure to give notice, but provides that the failure may be made the subject of comment to the jury. The Bill provides for a consequential amendment to the Justices Act. When committing a person for trial, a justice must, *inter alia*, inform him of his obligation to give notice of certain kinds of evidence that he may wish to give or adduce at his trial, and provide him with a written memorandum explaning the nature of that obligation. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

**Explanation of Clauses**

Clause 1 is formal. Clause 2 provides for the insertion in the Criminal Law Consolidation Act, 1935, of new section 285c. The new section provides in subsection (1) that, if a defendant proposes to introduce, at the trial of an indictable offence in the Supreme Court or a district criminal court, evidence of alibi, prior notice of the proposed evidence must be given. Subsection (2) qualifies subsection (1) by providing that notice is not required under the latter of evidence of alibi if evidence to substantially the same effect was received at the preliminary examination at which the defendant was committed for trial. Under subsection (3), the notice must be in writing; must contain a summary stating with reasonable particularity the facts sought to be established by the evidence, the name and address of the witness who is to give the evidence and any other particulars that may be required by the rules; must be given within seven days after committal for trial; and must be given by lodging the notice at the Crown Prosecutor's office or by serving it on the Crown Prosecutor by post.

Subsection (4) provides that non-compliance with the section does not render evidence inadmissible but the non-compliance may be the subject of comment to the jury. Under subsection (5) evidence in rebuttal of an alibi shall not be adduced after the close of the case for the prosecution except by leave of the court. Under subsection (6), leave must be granted under subsection (5) where the defendant gives or adduces evidence of alibi in respect of which no notice was given or notice was given but not with sufficient particularity (but the discretion of the court to grant leave in any other case is in no way limited). Under subsection (7), in any legal proceedings, a certificate apparently signed by the Crown Prosecutor certifying receipt or non-receipt of a notice under this section, or any matters relevant to the question of the sufficiency of a notice given by a defendant under the section, shall be accepted, in the absence of proof to the contrary, as proof of the matters so certified. Subsection (8) provides that 'evidence' includes an unsworn statement, and 'evidence of alibi' means evidence given or adduced by a defendant tending to show that he was at a particular place or within a particular area at a particular time and thus tending to rebut an allegation made against him either in the charge on which he is to be tried, or in evidence adduced in support of the charge at the preliminary examination at which he was committed for trial.

Clause 3 makes an amendment to section 112 of the Justices Act, 1921. Subsection (3) of that section is struck out and a new subsection substituted, providing that, if a justice is of opinion that the evidence received at a preliminary examination is sufficient to put the defendant on trial, he shall inform the defendant of his intention to commit him for trial; inform the defendant of his obligation to give notice of evidence of an alibi that he may wish to give or adduce at his trial, and provide him with a written memorandum explaining the nature of that obligation; make a direction under subsection (4); commit the defendant to prison or some other place of detention to which he may lawfully be committed, or admit him to bail as provided by Division IV; make or cause to be made a written record in the form prescribed by the rules containing a statement of the offence or offences on which the defendant is to be put on trial, a statement of whether the defendant has been committed into custody or released on bail, the terms of the direction made under subsection (4) and any other prescribed particulars. Further drafting changes are made to subsection (4), and subsection (5) is struck out, as it is redundant. New subsection (8) is inserted, providing that, where the record referred to in subsection (3) contains a certificate by the justice to the effect that he provided the defendant with the information and memorandum as required by subsection (3) *(b)*, the record shall be accepted in any legal proceedings, in the absence of proof to the contrary, as proof of the fact so certified.

**The Hon. K.T. GRIFFIN** secured the adjournment of the debate.

## ADDRESS IN REPLY

Adjourned debate on motion for adoption.
(Continued from 15 August. Page 279.)

**The Hon. K.T. GRIFFIN:** I take this opportunity to thank His Excellency the Governor for the Address with which he opened this session of Parliament and I reaffirm my loyalty to Her Majesty the Queen. I express my personal sympathies to the families of those former members of Parliament who have died since the opening of the last session and I extend to them my condolences on their sad losses.

This Government claims to protect civil liberties and to hold Parliament as supreme—high-minded ideals, but the practice is contrary to this Government's rhetoric. I need to refer only to several of the Government's Bills which were considered in the last session to demonstrate that practice has not matched the words.

The Planning Act Amendment Bill, under the pretence of dealing with vegetation control regulations, in fact applied across South Australia to prejudice, quite significantly, areas of established rights, particularly in the urban parts of this State. That Bill overrode established rights which allowed property owners to continue to use their properties for

particular uses, described as 'existing uses', in accordance with the law. Those rights had accrued over many, many years. So, the Government sponsored legislation largely to wipe out those accrued rights, paying no compensation and taking no heed of the infringement of the established rights of citizens.

The Government sought by regulations to establish a comprehensive licensing scheme for tow-truck operators. Those operators previously had the opportunity to work in the whole of the metropolitan area of Adelaide, but the Government's regulations limited tow-truck operators to a zone being a small portion of the metropolitan area. More significantly, those regulations put a minimum limit on the number of trucks that a licensed operator could have. This meant that a single operator was automatically out of business—a ruthless course of action—by regulation and not even by an Act considered by the Parliament. I will refer more particularly to regulations later.

Under the Controlled Substances Act massive penalties (up to $250 000 fines and 25 years imprisonment) were imposed, but all the detail of the offences to which they would apply, the drugs and the quantities of drugs to which they would apply, were left to regulation. Although the second reading speech identified the Minister's current thinking in respect of the drugs to which the penalties and the quantities to which it would apply, there was no guarantee that that would be the position in the regulations. In any event, there was no opportunity for Parliament to be involved in making decisions on these fundamental issues. It is wrong in principle for regulations, in effect, to create the offence and make the citizen liable to imprisonment—that must be a responsibility only of the Parliament.

The Industrial Conciliation and Arbitration Act compromised on a wide range of citizens' rights in favour of unions and gave extensive rights to unions. The Government's Bill to amend the Industrial Conciliation and Arbitration Act:

(1) enshrined a power in the Industrial Commission to give preference in employment to members of unions over those who are not members;

(2) gave unions greater power to intervene in Industrial Commission hearings even where those unions were not parties to the matters which were being considered and had no legitimate interest (for example, in respect of the registration of industrial agreements involving persons who are not members of registered associations), and in respect of the granting of the 'slow worker' permits for persons with disability; and

(3) severely curtailed the rights of a citizen to take unions or their members to the civil courts where, in the course of an industrial dispute, loss and damage is caused either directly or indirectly to the employer or any member of the community.

This latter amendment above all else has put unions and unionists in a position largely above the civil law. While the Attorney-General earlier this week claimed that there was no substantive change to the law, the fact is that there are now such obstacles in the way of citizens seeking access to the ordinary courts of the State that the right to take unionists to those courts will rarely, if ever, be used. In the past that access was a matter of right and was not in any way abrogated. When used, the full force of the law has brought some sanity to unionists and unions. While the Financial Institutions Duty Act is a Bannon broken promise, there is one particularly objectionable provision which the Government strongly supported and, in fact, defended. That is section 76.

Honourable members will recall that the scheme of the legislation is to impose a tax or duty on receipts by financial institutions which are entitled to pass on that tax or duty. No obligation is placed upon the ordinary customer of a registered financial institution. However, section 76 departs from that procedure and imposes a liability to pay the tax or duty directly on a citizen who may have no knowledge at all of the circumstances of the financial institution with which he has deposited funds but which determine whether or not that citizen is liable to pay the duty directly and, in default of payment, to a substantial penalty. The relevant parts of the section are as follows:

(1) Where—

*(a)* a person deposits money with a financial institution that is not a registered financial institution under this Act;

*(b)* that financial institution has—

(i) during the preceding twelve months had dutiable receipts totalling more than $5 000 000; or

(ii) during the preceding month had dutiable receipts totalling more than $416 666;

and

*(c)* the deposit constitutes a receipt by the financial institution for the purposes of this Act, the person—

that is, the depositor—

shall, within twenty-one days after the end of the month during which the deposit was made with the financial institution, furnish to the Commissioner, in a manner and form approved by him, a return stating—

*(d)* the total of the deposits that he has made with the financial institution during that month other than deposits referred to in paragraph *(e)*;

and

*(e)* the number of deposits of, or exceeding, $1 000 000.

(2) A person who is required to furnish the Commissioner with a return under subsection (1) is liable to pay financial institutions duty in respect of each such deposit of money made with the financial institution.

The depositor who becomes liable has to ascertain the facts set out in paragraphs *(a)*, *(b)* and *(c)* of subsection (1) in respect of the financial institution—facts which are only within the knowledge of the institution and are not within the knowledge of the depositor. The Government at the time indicated that this section was included to compel the Commonwealth Bank, a Commonwealth Government instrumentality, to deduct and pay financial institutions duty under threat that if that were not done its clients would be compelled to pay the duty themselves. What an objectionable way to legislate—the citizen becomes the meat between two Governments.

In considering the Public Intoxication Act, I drew attention to the provision for detention without trial of persons who are in a public place under the influence of alcohol or a drug. They have no right to be brought before a court. An authorised officer may detain a person who is drunk, but the officer may not necessarily have had any training at all in recognition of civil rights. The terminology of the Act quite clearly envisages the holding of such persons in 'lawful custody' subject to defined limits. But it is still detention without trial.

The other problem with the Public Intoxication Act is that its application could be extended to any substance declared by proclamation to be a drug for the purposes of the Act. That, too, was objectionable because proclamations cannot be subject to any Parliamentary scrutiny at all, and yet the power of detention without trial could be applied to any substance so proclaimed.

Fortunately, we were able to amend that to provide for the substance to be declared by regulation. However, it is still not really satisfactory that constraints of this sort are imposed by regulation. Imposing penal provisions, depriving citizens of their rights, putting them out of business or devaluing their assets is bad enough by Statute, but when it is done by regulation it is most objectionable and ought to be resisted at every opportunity. But when this very point of principle has been raised in the debate on each of the Bills or regulations to which I have referred, the Government and the Australian Democrats have shrugged away these criticisms and principle has been expediently compromised

or abused. And the Australian Democrats, the Party whose members here profess to be concerned for principle, have turned away.

Let me remind honourable members that under the Subordinate Legislation Act a regulation is made by the Governor and immediately upon promulgation is a valid law. It must be laid before both Houses of Parliament and either House can move to disallow it. If the numbers are available and the regulation is disallowed, it can be promulgated by the Governor in Council on the same day or on some subsequent occasion and again it becomes a valid law until disallowed. Until it is disallowed, everything done pursuant to the regulation has the force of law. But the Parliament has no power other than to disallow. It is true that the Subordinate Legislation Committee calls evidence in respect of a regulation and may make a recommendation to disallow, but that is rare when taken in the context of the huge volume of subordinate legislation which the Government passes without consideration by Parliament.

There is no opportunity to amend any regulation (as there is with a Statute) and, as I have said, there is the unsatisfactory aspect that even if disallowed it can be re-enacted on the same or a subsequent day. The trend which this Government is following must create considerable alarm—more and more legislation is being enacted by the Executive through regulation, and less of the specific details of proposed laws affecting the citizen are being dealt with in Statutes. Thus, less is subject to the scrutiny of the Parliament, debate and, where necessary, amendments. The trend is dangerous and ought to be arrested. But our protests are conviently brushed aside by this Government. So much for principle!

The other area to which I wish to direct some attention is the Special Branch of the South Australian Police Force. On 8 June 1984 the Attorney-General made a speech to the Adelaide Jaycees and used that occasion as an opportunity to announce the abolition of Special Branch. To some extent, the impact of that announcement was moderated by the Police Commissioner's statement that, as part of the police strategic planning, the functions of Special Branch were to be absorbed in other branches of the Police Force, although it was by no means clear that the Commissioner proposed the sorts of significant constraints underlying the Attorney-General's statement.

The Government's announcement was made just before the Annual Conference of the Labor Party and obviously was designed to quieten the Left wing of that Party who have always required successive Labor Governments to abolish Special Branch. That Left wing objective is understandable because it seeks power in some so-called 'class-war', and is no respecter of the maintenance of law and order within our community. It was also obvious that the announcement about Special Branch was linked with the subsequent move to 'rehabilitate' David Coumbe within the Australian Labor Party, and a general push to reduce the powers of ASIO. The Labor Party at all levels has been paranoid about Special Branch for many years, culminating in the peremptory dismissal of Police Commissioner Harold Salisbury in 1978.

Far from the Government believing 'at the time that existing controls over records kept by Special Branch could be unsatisfactory', as claimed by the Attorney-General in his speech to Adelaide Jaycees, the fact was that the then Premier, Mr Dunstan, who had known of Special Branch and its activities for many years, sought to manufacture an excuse to dispose of Commissioner Salisbury and to emasculate Special Branch. In that context it ought to be repeated, yet again, that the report prepared by Mr Acting Justice White in respect of the records kept by Special Branch, used to sack Mr Salisbury, was never commissioned as the basis for determining whether or not the Police Commissioner should be dismissed.

That report has been criticised, in any event, on a number of grounds, as has the unjustified action of the Dunstan Labor Government in sacking the Commissioner, and I do not intend to deal with those matters here. They are important background and show a long pattern of antagonism of the ALP to Special Branch.

The directions given by the Labor Government on 18 January 1978 under the Police Regulation Act in respect of Special Branch were not, as the Attorney-General claims, clearer than those guidelines which replaced them in 1980. The 1978 direction covered the following records or other material (I quote a portion of that direction):

No records, or other material, shall be kept in Special Branch or elsewhere in relation to security matters by the Commissioner, or any person under his control as Commissioner, with respect to any person unless:

(1) That record or material, either alone or with other existing records or material, contains matters which give rise to a reasonable suspicion that the person, or some other person, has committed an offence relevant to matters of security, or

(2) That record or material, either alone or with other existing records or material, contains matters which formed the whole or part of the facts with respect to which that person has been charged with an offence relevant to matters of security in respect of which proceedings have not been dismissed or withdrawn, or

(3) That record or material, either alone or with other existing records or material, contains matters which give rise to a reasonable suspicion that that person, either alone or with other persons, may do any act or thing which would overthrow, or tend to overthrow, by force or violence, the constitutionally established Government of South Australia or of the Commonwealth of Australia, or may commit or incite the commission of acts of violence against any person or persons.

The concept of 'security' referred to there was not defined. That extract from the 1978 directions should be compared with the 1980 directions which gave the following directions to the Police Commissioner, and it is necessary to quote from those 1980 directions as follows:

2.1 The Special Branch of the Police Force shall be concerned with those areas of crime or breaches of the peace committed or possibly to be committed by individuals or groups of individuals whose activities are directed to terrorism, sabotage, or the overthrow or the undermining or the weakening by unlawful means of democratic government or its processes and whose activities may lead to endangering the safety of persons or the security of property.

2.2 The Special Branch of the Police Force shall exercise its functions by:

2.2.1 Gathering information regarding individuals or groups of individuals about whom there is a reasonable suspicion that their activities involve matters referred in paragraph 2.1 hereof;

2.2.2 Assessing information gathered by it and where pertinent recording it for retrieval as required;

2.2.3 Disseminating such information as is gathered to those persons or organisations who have demonstrated to the Commissioner of Police a legitimate need for it;

2.2.4 Providing operational assessments and advice to other members of the Police Force involved in the prevention and containment of situations in which breaches of the peace or other unlawful acts are likely to occur;

2.2.5 Assisting in the detection of offenders;

2.2.6 Maintaining liaison with other government bodies carrying out similar functions to the Special Branch of the Police Force.

2.3 The Special Branch of the Police Force shall only gather, assess and disseminate information relative to:

2.3.1 Individuals or groups of individuals who are reasonably suspected of engaging in, assisting or supporting others in or advocating:

2.3.1.1 Acts of violence, civil disorder or the commission of other offences directed towards overthrowing, weakening or undermining, by unconstitutional means, the Governments of the States or the Commonwealth or any of the processes of democratic government,

2.3.1.2 The promotion of violent behaviour within or between community groups,

2.3.1.3 Threats, menaces or acts of violence against the safety or security of visiting dignitaries or other persons,

2.3.1.4 Acts of sabotage;

2.3.2 Individuals or groups of individuals who may be able to provide information about other individuals or groups of individuals of the type mentioned in paragraph 2.3.1 hereof;

2.3.3 Protecting individuals or groups of individuals whether in formally structured organisations or not who are or can be reasonably believed to be the subject of threats of terrorism or other acts by individuals or groups of individuals of the type mentioned in paragraph 2.3.1 hereof.

What reasonable person can quarrel with the ambit of these directions? The 1980 guidelines provided comprehensive provisions for access to information collected by Special Branch, and the vetting and retention of the information as follows:

2.4 All information gathered by the Special Branch of the Police Force shall be examined by the Officer-in-Charge of Special Branch or his delegate who shall decide whether such information shall be recorded by the Special Branch of the Police Force, referred to another authority approved of by the Commissioner of Police, or destroyed.

2.5 For the purpose of determining whether the information for the time being recorded by the Special Branch of the Police Force is redundant, out of date, or irrelevant such information shall be examined periodically by the Officer-in-Charge of the Special Branch of the Police Force, who shall thereupon report the result of each such examination to the Commissioner of Police.

2.6 The Assistant Commissioner of Police (Operations) shall at least once in each calendar year inspect the records of the Special Branch of the Police Force and report thereon to the Commissioner of Police particularly with regard to the need for maintaining any information recorded by the Special Branch.

2.7 No member of the Police Force other than the Commissioner of Police, the Deputy Commissioner of Police, the Assistant Commissioner of Police (Operations), the Officer-in-Charge Region 'A', or officers for the time being appointed to the Special Branch of the Police Force shall have access to information recorded by the Special Branch of the Police Force without the express permission of the Officer-in-Charge of the Special Branch of the Police Force or the Commissioner of Police, the Deputy Commissioner of Police, the Assistant Commissioner of Police (Operations) or the Officer-in-Charge Region 'A'.

2.8 No other person except as may otherwise be entitled for the time being by Order-in-Council shall have access to information or records kept by the Special Branch of the Police Force.

2.9 All information supplied from the Special Branch records shall be released only through the Officer-in-Charge of the Special Branch according to instructions relating thereto issued by the Commissioner of Police.

2.10 The Commissioner of Police may only give security assessments of persons seeking employment in security risk areas outside the Police Department if there is statutory authority therefor, or upon written application by the employer together with the written authority of the applicant for employment.

Those directions were drafted in consultation with the Commissioner and the Crown Solicitor, and were more specific and comprehensive than the 1978 directions. They provided a clearly defined charter for the operation of Special Branch consistent with the sort of charter and controls which Mr Justice Hope recommended for ASIO.

The Attorney-General's announcement in June 1984 indicates that Special Branch activity (or activity of the police akin to that presently conducted by Special Branch) will in future be confined to the following categories of behaviour:

(1) Acts of violence that are directed to the overthrow of the Government of the State or any of the processes of democratic goverments;

(2) the promotion of violent behaviour between or within community groups;

(3) acts of violence against VIPs and visiting dignitaries.

These categories are very much narrower than the 1980 directions. The Attorney-General says that these functions will be more closely assimilated to the day-to-day criminal intelligence functions of the Police Force. But, of course, if they are so limited, they constitute a severe restriction on the collection of information and material which in isolation may appear to be harmless but when taken with other information may build up a clear picture of a real threat. This becomes even more of a concern if, as the Attorney-General proposes, contacts with and assistance to ASIO are to be limited, and South Australian police are not to have any real role in national security matters. The Attorney-General says of his proposed categories of activity:

Moreover the opportunity for harmless personal and private information on citizens being gathered and held by the police should be reduced virtually to nil.

Furthermore, there should be only a very small passage of intelligence information on citizens being gathered and kept by the Police Force and ASIO.

All of this shows a naive (or, perhaps, a deliberate) view of protection from criminal activities and in respect of intelligence gathering. In the ordinary course of their work, police gain information which may be relevant to security questions. Likewise, ASIO may be in a similar position. It seems incredible that the present Government is not prepared to allow very much of that sort of information to be freely exchanged between ASIO and the State police. The 1978 directions by the former Dunstan Government placed a very real brake on exchange of information. Direction 7 reads as follows.

The approval of the Chief Secretary shall be obtained before information gathered or held by Special Branch is made available to the Australian Security Intelligence Organisation, the Special Branches of other Police Forces, or any other organisation, group or individual.

That direction suggested that, on each occasion, the Chief Secretary's approval had to be given before any information held by Special Branch could be communicated to ASIO. The previous Liberal Government regarded this as too limiting, and in the 1980 directions permitted freer exchange of information subject to controls which were specified in those directions. An agreement with the Commonwealth for interchange of information and intelligence was negotiated consistently with the recommendations of the Hope Royal Commission Report. Mr Justice Hope said the following in his Fourth Report:

446. Each of the State Police Forces has a Special Branch which carries out duties which yield intelligence about matters within ASIO's functions. The Commonwealth Police Force and the Territorial Police Forces also obtain this type of intelligence. Commonly, the police do this work on their own account but on occasions it is done in co-operation with ASIO. In either type of situation and where appropriate, intelligence obtained by the Police Forces is provided to ASIO.

447. Thus far, as regards the Police Forces of the States, the relationship has been based on arrangements of a rather informal kind made between ASIO and each Police Force; the arrangements have not been made between the Commonwealth Government and the relevant State Government. Sometimes it has appeared that a State Government is not aware, either of the details of operations or intelligence collected and communicated or even the nature of the arrangements made between ASIO and its own Police Force. The relationship should be regulated by proper arrangements made at Government level. Subject to this degree of regulation, I have no doubt that it is quite proper for ASIO to co-operate with, and to seek the co-operation of, the Police Forces of the Commonwealth and States in respect of matters falling within its charter.

So, Mr Justice Hope has, in fact, supported close co-operation between the State Police Forces and ASIO. The agreement for collection and exchange of information between the South Australian Police and ASIO, both ways, was consistent with that view and the agreement was formalised on a Government to Government basis. Now the Attorney-General appears to want to constrain that reasonable arrangement considerably—for what purpose, one can only surmise.

I do not accept that the Attorney-General's position in respect of the protection of the integrity of the Commonwealth is proper. He said the following in his speech:

Whilst conceding that ASIO has a role to play in protecting the integrity of the Commonwealth, I do not believe that the State Special Branch should have an extensive charter. The State's security apparatus should be the Police Force. But it should have no direct role in relation to matters of national security concern.

That is arrant nonsense. The State Police Forces have a responsibility, and a positive responsibility, in respect of

protection of domestic institutions, whether State or Commonwealth, and it is incredibly naive for any Minister and Government to assert that a State Police Force should turn its back on matters of national security concern. Although such matters may relate to matters of national security, Australia is a federation, and matters of national security can impinge directly or indirectly upon the stability of our democratic institutions.

I am perturbed that the Attorney-General is proposing that the records of Special Branch are to be culled yet again. It is quite clear that what the Government is proposing in fact weakens the intelligence material available to the Police Force and to ASIO.

Honourable members should remember that Mr David Hogarth, QC, a former judge of the Supreme Court of South Australia, has been involved in the regular audit of Special Branch since 1980 consistent with the guidelines promulgated by the Tonkin Liberal Government, and in each of the years since he has been appointed he has had nothing to say which would reflect upon the compliance with the 1980 directions or the conduct of Special Branch operations. It has all worked exceptionally well in balancing individual freedoms with community protection, safety and security.

As I indicated earlier, the Police Commissioner publicly indicated that he had some proposals for dropping the name 'Special Branch' and incorporating its functions into an operations area. If that is the extent of the change, so that it is in name only and is better integrated into normal police activity with adequate intelligence being collected, collated and retained, and, where necessary, transmitted to ASIO and other Police Forces, there can be no general objection to that. However, if the Commissioner proposes a scaling down of the responsibilities of the police in line with the Government's restricted proposals, it is a matter of serious concern.

In the *Advertiser* on 9 June 1984 Mr Stewart Cockburn, the author of *The Salisbury Affair* who took a very keen interest in the injustices occurring in respect of Commissioner Salisbury, said:

> Only a tinpot State on the fringes of the known world should permit itself a luxury—or folly—of downgrading its security services. By abolishing the Police Special Branch the State Government signals its belief that South Australians form such a community.

Mr Justice Hope in his reports has affirmed the need for a security and intelligence organisation at the Federal level, and it is ludicrous to divorce that from State Police Forces and, in fact, require the duplication by ASIO of the information gathering processes and facilities. They all ought to be able to, and be allowed to, work together in the protection of our democratic society. It is ridiculous to suggest that ASIO has a function which is totally distinct and separate from that of State Special Branches and State Police Forces. Likewise, it is ridiculous to propose that ASIO ought to set up its own network for collecting information totally indepedent of State Police Forces.

The left wing of the Labor Party must be delighted with the decision that has been taken by the Government and announced by the Attorney-General. If implemented as the Government proposes, it can only be a matter of grave concern to all the people of South Australia. I support the motion.

**The Hon. DIANA LAIDLAW:** I, too, support the motion for adoption of the Address in Reply. In so doing, I intend to comment on a number of matters referred to by His Excellency in opening the session. First, I wish to refer to the emphasis placed on employment and, specifically, the reference to the creation of over 20 000 jobs in the 12-month period from June 1983 to June 1984. Since I entered this Chamber I have used most opportunities available to me to highlight the insidious problem of unemployment and to call on the Government to adopt a comprehensive, positive and long-term approach to unemployment—an approach that acknowledges the complex nature of this problem. I regret to observe that, to date, the Government has shown neither the capacity nor the inclination to grapple with unemployment in this manner. The programme for the coming session simply offers more of the same—its proposals are of a piecemeal nature confirming what I believe is the short-sighted outlook and illusory foundation of the Government's approach to this major problem.

For the Government to claim with such fanfare that 20 000 jobs have been created over the 12 months to June 1984, conveniently overlooks the fact that fewer people were employed in South Australia as at 30 June 1984 than when this Government was elected some 18 months earlier. I repeat: fewer people were employed in South Australia as at 30 June than when this Government was elected. This claim is confirmed by the Australian Bureau of Statistics labour force figures on the number of employed persons which, at November 1982 was 560 500, compared with 559 300 at June 1984. The false impression that the Government is trying to perpetuate in respect to its successes on the employment front extends also to the nature of the jobs being created.

Significantly, the Government did not see fit to state how many jobs that had been created owed their existence to the Community Employment Programme. It is worth noting that CEP jobs are of a temporary nature created for periods of only three months to a year. Such jobs are in stark contrast to jobs of a more permanent nature generated in the private sector due to growth in the economy. The distinction between the two types of jobs is important, and it is wise to use caution in assessing the Government's success in creating employment in South Australia.

When CEP was launched it was described by the economics editor of the *Age*, Mr Kenneth Davidson, as a cruel delusion to people seeking employment. The CEP has, indeed, proved to be such a delusion to those people, and I suggest in the strongest terms that this Government is magnifying the scenario of delusion by incorporating CEP temporary jobs with figures of overall employment in the private sector. By this incorporation it is also deluding itself on its own success.

The State Government's con job in respect to unemployment is compounded by the rather gratuitous statement to the private sector that 'The main thrust of the Government's economic development strategy will continue to be directed towards encouraging South Australian industry to become more competitive both interstate and internationally.' While I applaud this objective, I remind the Government that there is only one way in which South Australian industry will have any hope of selling its products on the Australian or international market place and, that is, by ensuring the cost structure of our industry is lower than that existing around the rest of Australia and among our international trading partners.

The goal of a competitive industrial base cannot be achieved by any other means than a lower cost structure. It certainly cannot and will not be achieved by wishful thinking and gratuitous statements on the part of the Premier and the Government. Industry is not naive—it is part of the real world. The Premier and the Government tirelessly seek to reassure industry that it is aware of and attuned to its interests, is keen to promote economic development, and to develop a competitive industrial base.

However, there is an old saying that actions speak louder than words and, in this instance, the actions of the Premier and the Government are clearly at odds with their public

statements. For instance, the Government has imposed the new FID tax on South Australian industry. It has increased above the CPI a whole range of charges. It has introduced initiatives that have added to the total cost of employing people in this State. It proposes to introduce further such initiatives in the coming session in respect to occupational health and safety. It has tacitly endorsed a recent landmark decision by the Federal Arbitration Commission in respect to redundancy and severance conditions. All these factors impact on the ability of industry to keep down its costs, to remain competitive, to maintain its labour force and employ more people.

I have highlighted the two-faced attitude of the Premier and the Government in its statements of support for a competitive industrial base. Not only are these statements diametrically opposed to its actions, but its actions are dramatically affecting the livelihoods of the very people they claim to champion—the blue-collar workers. At times I find it hard to believe that the union movement as a whole in this State is just so gullible. I believe that some day—and the sooner the better for the sake of those blue-collar workers—they will wake up to the fact that a business that is not viable and does not make a profit does not have the capacity to employ people.

The equation is simple, yet if the equation continues to be ignored by the Government and the union movement, unwittingly many people may be sacrificed. My warning is timely in view of the remarks made by Mr Rob Nettle in the *News* yesterday on behalf of the South Australian Chamber of Commerce and Industry. He stated:

> Australian industry is facing huge new employment costs of around $8 000 million over the next year . . . This is in addition to expected wage rises totalling $6 500 million. South Australia's share [of these figures] could be as high as $1 320 million. Mr Nettle said . . . employers were facing huge costs explosion which for some could mean the difference between profit and loss . . . benefits [that] . . . include superannuation, health and safety regulations, and job protection provisions such as those laid down by the Arbitration Commission last week . . . to workers have begun to outstrip wages as a burden on company profits. As far as employers are concerned [Mr Nettle said, these costs] are the same as wages . . . they are a cost that has to be borne . . . Industry is running out of room in which to move . . . [Mr Nettle continues] Eventually it will come down to a need to cut the work force to meet the cost of employing people . . . Wage rises of about 7 per cent were likely over the next year, but 'on-costs' were expected to outstrip this amount. Superannuation, health, job security, safety provisions, affirmative action . . . and hours reductions would add a further 8 per cent.

The extra costs imposed on industry by Government charges and union demands cannot continue to be absorbed by the industry. I stated earlier that profit determines the capacity of industry to employ people. I remind the Council that profit also determines the capacity of Governments to provide the educational opportunities, community services and the like that we as South Australians seek for ourselves and our children. The two are intrinsically tied.

I wish now to discuss in some detail my growing concerns about the pressures that are being faced daily in women's shelters in this State. I am prompted to do so by the reference in His Excellency, the Governor's Speech, that the Government will pay particular attention to assisting socially and economically disadvantaged women throughout the State. At present there are 11 shelters operating in South Australia. Seven of these shelters are located in the metropolitan area at Adelaide, Christies Beach, Elizabeth, Fullarton, Glandore, North Adelaide and Woodville. Four shelters are located in the country at Port Augusta, Port Lincoln, Whyalla and Mount Gambier. Women's shelters were first funded in South Australia in 1974, albeit with some reluctance on the part of Governments. I regret that that attitude has not altered very much over the past 10 years. This reluctance has been dictated by a belief, and perhaps a hope, that the need for shelters was exaggerated and by a refusal of successive Governments to face facts.

On reflection I suppose that I cannot blame those who wish that the world was a better place, that all was calm on the home front, that people would have more respect for the dignity of the individuals with whom they live and would place a much higher regard on their own integrity. It is a wish that I share. However, no amount of wishful thinking will change brutal reality. The fact is that the world can be a very ugly place for some individuals, and that in all instances all is not calm on the home front. All people do not respect the dignity of the individuals with whom they live, nor does everyone have a high regard for their own integrity. While members of Parliament and the community at large continue to turn a blind eye to the tensions that exist in many households, they are in fact condoning situations for some individuals that they themselves would find intolerable.

Many bold commentators on behalf of the women's shelters in South Australia and elsewhere suggest that the reason why successive Federal and State Governments have been reluctant to fund women's shelters adequately rests with the fact that men dominate the Parliaments around Australia. While I am loath to endorse this view, I am yet to find a better reason to explain why the funding of shelters has remained such a low priority with successive Governments for so long. The demand and the need for services offered by the 11 women's shelters in South Australia is beyond question. I understand that each shelter is accommodating 300 families a year, and it has been suggested that each shelter is turning away a further 300 families a year. Even if one assumes that the records regarding those turned away from each centre contain instances of families that have endeavoured to obtain accommodation in each of the centres, the numbers are none the less unacceptably high.

To add fuel to this dramatic situation, one must consider the pressures on the staff of these centres when they are required to turn away women and children in need and, further, the profound impact on those seeking shelter. Where are these women and children going? Where are they being accommodated? Are Governments, through lack of adequate funding for shelters, forcing women and children to sleep in parks, on beaches or in their car, if in fact they own a car. Certainly, this has been the advice I have received from a number of co-ordinators of shelters whom I have contacted in recent weeks. Alternatively, are the women and children being forced to return to the home environment from which they sought respite or permanent escape? Irrespective of the option to which they are required to resort, the fact is that they should not be turned away in the first place.

No woman, especially those accompanied by children, makes the decision to leave home unless she is unable to endure the situation. In these circumstances, her decision to seek shelter elsewhere should not be countered by the fact that that shelter is not available when required.

Each shelter in South Australia is an entity in its own right, with its own management committee responsible for determining its aims and objectives. Notwithstanding the individual nature of each shelter, shelters tend to develop a common range of services that are very broad based. These services include crisis counselling, help with organising legal and financial advice, medical assistance, accommodation, furniture and clothes. In addition, all the shelters act as advocates with Government departments: they offer support groups for women and liaise with voluntary organisations. They provide child care programmes and programmes for children in the school holidays.

The comprehensive range of services provided to women and children in crisis by the shelters is not offered elsewhere in the welfare field. As a service delivery agent, a shelter is

unique. In my experience, also, the staff are totally dedicated to their work. Relying on a small staff, on average only four, the shelters provide 24-hour crisis counselling of a highly specialised nature. The staff are on call 24 hours a day and are operational for seven days a week, 365 days of the year to receive referrals from the police, Crisis Care, the Department for Community Welfare, church groups, general practitioners, and individuals. The daily pressures under which staff work are compounded constantly by fears for their personal safety, which is an inherent part of their work. These tensions have been compounded further by the low funding priority that Governments have given to women's shelters.

In all these circumstances, I have not been surprised to learn that the 'burn out' rate of staff is increasing. Indeed, it is difficult not to conclude that the commitment of the shelter staff is being abused by Government funding policies, an impression supported by the fact that staff are not even being paid award wages. The Department for Community Welfare guidelines for funding women's shelters notes that, in order to be eligible for funding, a shelter must cater for women, and their accompanying dependent children, if any, who are without normal accommodation for such reasons as: eviction; destitution; because they have had to leave their usual home because of physical and mental violence by their partner or parents; because of their own emotional difficulties so that they are not able to cope with their usual domestic environment; and, lastly, combinations of factors such as the above examples.

The fact that shelters have been unable to meet the demand for some time, prompted some shelters 18 months ago to determine in principle that they would accept only families suffering domestic violence. Despite this restrictive policy, the demands on the shelters have not abated. The shelter at North Adelaide, for instance, is turning away one in two domestic violence cases each week. The recent recession and continuing high level of unemployment has contributed to an increase in the incidence of violence in families. Mrs Dawn Rowan, the Administrator of the Christies Beach Women's Shelter, has noted that (the actual descriptions of violence are much worse now than they were 10 years ago. Really horrific things are being done to people. The shelter is dealing with families who are in a severe state of crisis. Those people often arrive with just the clothes that they stand up in. They have been beaten and abused for many years. In some cases, kids were so stressed by continual violence that they were either suiciding or attempting to suicide). While I appreciate the decision of the women's shelters to set a priority on emergency accommodation for those families suffering domestic violence, I believe that the decision has important ramifications.

For instance, what is happening to those women, with or without children, who are homeless and who in such circumstances would normally have turned to the shelter for help? At the women's housing speakout organised by the Women's Housing Action Group last month, it was demonstrated that many women had undergone this experience. The stories they tell of the problems and the humiliations they had to face to find shelter would move even those with the coldest heart. The incidence of homelessness among women on low incomes is increasing. With access to home ownership and public housing becoming more difficult, increasing numbers of low income households are being forced to seek longer-term housing in the private sector, an area that traditionally provided short-term housing for mobile households or a stepping stone before home ownership.

As a consequence of this additional demand, private rental housing is both harder to find and more costly: landlords can pick and choose from among many applicants and those most likely to lose out are sole supporting mothers, Aboriginal women, immigrant women, young women, and women on low incomes. In March this year the average vacant rent for a house was $100 a week (or 82 per cent of the social security benefit for a supporting parent and two children), and the average vacant rent for flats was $69 a week (or 57 per cent of the benefit for a supporting parent and two children). At this cost, women on low incomes accommodated in the private rental market face living in substandard housing, paying such high rents that they are caught in an unending property cycle or, alternatively, homelessness if they are evicted for non-payment of rent.

Before concluding, I wish to raise a number of other general issues in relation to women's shelters. The first is a need for ethnic bilingual or multilingual social workers. Immigrant women, because of their specific language and cultural needs, feel particularly isolated when they are called on to use a shelter. Their problems are being magnified unnecessarily by the current absence of ethnic workers within shelters in South Australia.

At present through a Social Security Grant-in-Aid Scheme, only one such trained worker is employed to cover the needs of all the 11 shelters across the State. This is grossly inadequate. The need has been addressed by the Federal Government, and I commended the Hawke Government last year for its Women's Emergency Shelter Programme through which it earmarked funding for four full-time ethnic social workers. As I indicated yesterday in a question to the Minister of Health, representing the Minister of Community Welfare, the funding for this project has yet to be released from the Department of Community Welfare to the shelters for the employment of these four ethnic workers. I hope that the Minister of Community Welfare will see fit to disburse these funds immediately because, in the meantime, immigrant women required to call on the services of a shelter are being deprived of adequate levels of support and counselling.

Secondly, I raise the issue of the need to establish a shelter for women with psychiatric problems. I know that the Minister of Health recognises this need. Indeed, it was one of the Government's election commitments which was restated when the Minister opened the Women's Community Health Centre at its original location on the corner of Pennington Terrace and King William Street. On that occasion he made a number of commitments, one of which was to establish a shelter for psychiatrically disturbed women. That undertaking was well received at that time, because today there is nowhere for such women to go. They therefore turn to shelters, and in 1982 a survey of shelters found that in an average week shelters were housing 17 women with serious psychiatric problems.

Not only is this a disturbance for the other women who are already under some stress in the shelters but also one must recall the fact that shelter staff are not trained to cope with psychiatric problems. While the Government has a commitment to establish such a shelter, I was interested to hear at the opening of larger premises last month for the Women's Community Health Centre that the Minister made no reference to his earlier commitments.

A deputation by representatives of shelters in June this year discovered that the Minister, while still keen about this proposal, indicated that no funding was available at the present time. I accept his explanation that no State funding is available, but I would like to think that he would seek to translate the Government's commitment by at least asking the Federal Government for funding under the Community Health Programme.

A further point in respect of the women's shelters to which I wish to refer briefly involves the general question

of domestic violence and wife abuse. I will not dwell on this point for long because it would take an enormous amount of time—well beyond the endurance of honourable members, I believe—to discuss this issue in full.

I would like to acknowledge that I welcome the Government's decision to ask the Office of the Women's Adviser to the Premier to look at the adequacy of the present range of responses to this issue of wife abuse and domestic violence. I am aware that compared with other States South Australia is far in advance in the provision of services to victims of domestic violence. However, that acknowledgment does not discount the fact that there is serious concern at present about the effective enforcement procedures for restraining orders and also about the adequacy of training for police personnel in regard to domestic violence.

Lastly, I want to refer to the Women's Shelters Co-Operative Housing Project, because I am keen to highlight the success of the project, which was initiated by the Hon. Murray Hill as the then Minister of Housing. This project was Australia's first co-operative housing project and involved the Housing Trust, women's shelters and the Co-Operative Building Society. At the time of the announcement of the project, it was proposed that the Trust would subsidise the housing co-operative with funds provided under the Commonwealth-State Housing Agreement. It was initially hoped, when the Hon. Mr Hill made the announcement of the project in 1981, that in the first six months of the next calendar year about 18 houses would be purchased.

The purpose of the scheme was to aid women with children who were in crisis situations and who were unable to find alternative accommodation. Women in shelter accommodation were then able to move into this new pool of houses while continuing to relate to shelter staff for counselling and welfare needs. Eventually, if they wished, they could move into Trust houses and thus make their previous accommodation available to other women in more urgent need. As I indicated, I want to note the success of this project. Initially it was thought 18 houses would be purchased in the metropolitan area. Since the then Minister's announcement in October 1981, 46 houses have been purchased under this arrangement. It is clear that by the end of this year 70 houses in all will be purchased. This was an important initiative at the time. As I said, it was the first such initiative of its kind in Australia, and it has been well received, because shelter, indeed permanent shelter, is an extremely troubling problem for women who have undergone instances of domestic violence. While the Co-Operative Housing Agreement will not solve all the housing problems facing these women, it is at least a most positive step in the right direction. I support the motion.

**The Hon. L.H. DAVIS** secured the adjournment of the debate.

## ADJOURNMENT

At 4.35 p.m. the Council adjourned until Tuesday 21 August at 2.15 p.m.