LEGISLATIVE COUNCIL

Wednesday 9 September 1987

The PRESIDENT (Hon. Anne Levy) took the Chair at 2.15 p.m.

The Clerk (Mr C.H. Mertin) read prayers.

QUESTIONS

KALYRA HOSPITAL

The Hon. M.B. CAMERON: I seek leave to make a statement prior to directing to the Minister of Health a question about the Kalyra Hospital.

Leave granted.

The Hon. M.B. CAMERON: The Minister has made much of his plans to save $1 million a year by closing Kalyra Hospital at Belair. However, it seems that his figures do not add up. The current funding arrangement is that a $3.4 million subsidy is provided to patients of Kalyra—not to the hospital itself. If those patients are redirected by the Health Commission, the subsidy goes with them to whichever institution they are sent to—and that applies to new patients. The Minister says that he wants to reduce that subsidy by $1 million, to $2.4 million annually, and this seems to be the only way he can justify closing Kalyra.

However, I understand that Kalyra has told the Minister that it is prepared to accept a cut in the subsidy of $800 000 annually. This would be just $200 000 short of the Minister's goal to save $1 million. I understand that this $200 000 would be quickly soaked up in the costs of redirecting patients to other institutions, namely, Julia Farr Centre and Daw House, because of the additional services that they will be required to provide. So, in effect, the savings to the Health Commission will be nil, but the inconvenience to those involved with Kalyra, Daw House and Julia Farr Centre will be enormous. Kalyra is an excellent institution, which needs only minor upgrading. This is outlined in a report, dated 26 August 1987, by Haddrick Harris Wyman Architects. That report states:

> The cost of upgrading the patient accommodation in the Old Colonists wing, Goode wing, Bellevue and McBride wing is estimated to be of the order of $160 000 to $170 000 on a direct contract basis. The hospital buildings are structurally sound, well maintained and require only very minor maintenance work.

I seek leave to table a copy of that report.

Leave granted.

The Hon. M.B. CAMERON: Kalyra, I understand, has told the Minister and the Health Commission that it is prepared to pay the full cost of that work out of its own James Brown Memorial Trust. The Minister now appears to have accepted that Windana was unsuitable for hospice care—something that should have been obvious to him and the Health Commission right from the beginning—but he seems for some reason, known only to himself and the commission, absolutely determined to shift hospice and rehabilitation care away from Kalyra. Kalyra, incidentally, is the very place that was used in a presentation of the hospice care policy of the South Australian Health Commission in 1985, in which there was a glowing foreword, written by none other than the Minister. I previously tabled a copy of that document. No fewer than eight photographs out of 16 in that document depicted Kalyra, the beautiful surroundings of that institution, and the inside of the institution itself.

In addition to this, I will quote an extract on Kalyra from the 1985-86 annual report of Southern Region Hospice Care. It states:

> Fifty-five per cent of admissions were transfers from the predominantly acute care hospitals (Flinders Medical Centre, Royal Adelaide Hospital, Repatriation General Hospital). The hospice function at Kalyra thereby helps release some of the pressure for beds in the acute care institutions by providing what is recognised as appropriate terminal care.

Public opposition to the closure of Kalyra has been overwhelming, and my office alone has received a number of calls from staff of the institutions involved and relatives of patients expressing their anger at the plans. If the Minister has had the number of telephone calls that I have had, he would understand that people at Daw House are furious that their excellent service which has been built up over many years is to be destroyed and likewise Kalyra. I understand Julia Farr Centre is not keen to receive respite patients. It seems the only people in favour of this move are the Minister and the Health Commission, but because there appears to be no financial incentive many people are wondering just what has prompted this decision. My questions to the Minister are as follows:

1. Why is the Minister determined to close the excellent hospice and rehabilitation services at Kalyra?

2. Why did he make the original decision to shift the services to Windana, which has now been found to be totally unsuitable?

3. Will the Minister outline exactly how closing Kalyra and relocating services at Daw House and Julia Farr Centre will save money?

4. Will he table all correspondence, financial details and, in fact, the entire file on Kalyra so that the exact motives behind the closure of Kalyra can be known?

The Hon. J.R. CORNWALL: I sincerely thank the Hon. Mr Cameron for raising this matter as he has done, as it gives me the opportunity (and he has asked me to do this) to outline in very considerable detail the initiatives taken in the 1987-88 budget to very significantly and further upgrade hospice services and rehabilitation services in South Australia. First, let us put to rest the business of Kalyra producing the master plan to save $800 000. Kalrya did produce a scheme quite recently and it has been analysed in detail by the commission. It would, on our estimates (that is, the estimates of the South Australian Health Commission), involve annual savings of about $600 000 a year. It would achieve that saving by reducing by one hour the number of nursing hours per patient per day for all of the convalescent and rehabilitation patients. So, the firm proposal put to us by Kalyra involves a significant reduction in the level of nursing care—something in excess of a 20 per cent reduction in nursing time per patient per day. That is how it is proposed to save money.

The Hon. Mr Cameron may well ask himself why it is, if the staff he is talking about are so concerned, that the RANF has not been speaking up on behalf of Kalyra. The simple answer is that we have promised that all of the nursing staff currently employed at Kalyra will be redeployed and given the first option of working both in the rehabilitation area at Julia Farr Centre, where 43 beds will be transferred, and in Daw House—the very significantly upgraded Daw House—where the hospice inpatients will be relocated.

I think this is extremely important, and perhaps it has not been highlighted to the extent that it should have been, but one of the very highest priorities of the veterans' services in the 1980s and into the 1990s is comprehensive hospice care. Naturally, they welcome the transfer of the inpatient hospice service and, just as importantly, all of the community hospice care, to Daw House. One does not need to be a medical specialist to realise that many veterans who fought for this country in the Second World War are now

approaching an age where comprehensive hospice care is enormously important to them as it is to—

The Hon. C.J. Sumner interjecting:

The Hon. J.R. CORNWALL: No, but within the next 15 years or so, people such as the Hon. Mr Hill, who served his country with great distinction in that terrible conflagration between 1939 and 1945, could require this service. According to straight statistical evidence, there is one chance in four that he, like the rest of us who live past our seventieth birthday, may require some form of hospice care, so it is terribly important from that perspective. First, we do not accept that there ought to be a reduction in the hours of nursing per patient in the rehabilitation area. Secondly, it is imperative that we assist in expanding the hospice services for the veterans. Of course, Daw House will be significantly upgraded. It is very important also to remember that a rehabilitation team is located in Daw House and 90 per cent of its patients are community patients—they are not ex-servicemen and women or returned soldiers—so, in that sense, the move to Daw House for the Repatriation General Hospital is a very significant and positive step.

It is worth putting on record also, because it has not been raised in this ongoing discussion, that the South Australian branch of the Returned Services League not so many months ago unanimously passed a motion at its annual convention to the effect that the accommodation at Kalyra was not up to the standard that veterans were entitled to expect, and that is on the books. As a result of some of the savings which will emerge, we will have a very comprehensive and better rehabilitation service, consolidated on the campus at Julia Farr. We will have the first Chair in Palliative Care. The professor of that Chair who will be appointed, one would hope, in time for the academic year in 1988, will occupy the first Chair in Palliative Care in this country.

The Mary Potter Hospice based at Calvary Hospital will be funded for public patients to the tune initially of $100 000 a year. I take the opportunity to pay the tribute that I should to the good sisters of Calvary and everybody associated with the Mary Potter Hospice for the support that they have given for so many years to public or uninsured patients through the Mary Potter Hospice.

For the first time in the history of this State we will now make at least some contribution for the public patients whom they treat in such a wonderful way at Mary Potter Hospice. Because Mr Cameron has asked me for a full and comprehensive report, it is worth putting on record that this Government, when it came to office in November 1982, found that the hospice movement generally in South Australia was funded to the tune of a little less than $20 000 per annum. The hospice movement was based on Flinders, the Pain Unit, Kalyra and other units in the complex that was commenced by the Southern Hospice Care Association. That association is still the paradigm for this State. The entire public funding for hospice care was $20 000. In 1987-88 it will be $1 million.

The Hon. R.J. Ritson: The movement was only introduced then.

The Hon. J.R. CORNWALL: The movement was introduce more than 100 years ago. The honourable member should go back and look at his history. There is nothing new about hospice. Hospice as conducted—

The Hon. R.J. Ritson: The recognition of its importance began about the time of—

The Hon. J.R. CORNWALL: Oh, shut up, you silly old fellow!

The Hon. R.J. Ritson: You are just being dishonest and partisan to contribute the change in funding to a difference in Government.

The PRESIDENT: Order! Repeated interjections are out of order.

The Hon. M.B. CAMERON: On a point of order, I note that the Minister said, in a voice that he hoped would be picked up by the *Advertiser* but not necessarily by *Hansard*, 'Shut up, you silly old fellow.' I ask that he withdraw that statement and desist from making such disparaging remarks about members of the Opposition, and apologise.

The PRESIDENT: Order! Will the Minister withdraw those words?

The Hon. J.R. CORNWALL: If the Hon. Mr Cameron finds my description of Dr Ritson as a silly old fellow offensive or unparliamentary, I will withdraw. If he insists, I will even apologise. I am a very gracious, well-mannered fellow. I could perhaps revert to my usual appellation of Dr Ritson but I will not even do that because I do not want to be diverted from what is a very serious matter.

The simple fact is that the hospice movement is more than 100 years old. Hospice care, as it has developed, has been the hallmark of a caring and civilised society. It is an area to which this Government, and not just me as Minister of Health, and the health professions generally in South Australia have dedicated special efforts over the past five years. As a result of that, we have a diverse hospice movement right around the metropolitan area, and it is not just an institutional movement, nor must it ever be. Hospice care that works is very much something that happens in the community, and in the vast majority of cases people in hospice care are better treated and are supported with dignity in remaining with their loved ones in their own homes and their own communities. It is interesting that the average length of stay in any of the institutional hospice beds, whether they be at Mary Potter, the Philip Kennedy Centre at Largs Bay (which the Government funds for public patients to the tune of $160 000), Kalyra or, as it will be Daw House, is less than 14 days.

We have a very proud and very good record in hospice care. We will do more, and we are continuing to explore ways to expand the hospice movement into the Eastern suburbs. We have an expanding hospice movement based and organised from both the Lyell McEwin Health Service and the Modbury Hospital and, in cooperation and conjunction with the Mary Potter Foundation, we will see a combination of public and private health enterprise which will ensure that within a relatively short time the hospice movement will spread State-wide.

I am sure that people such as the Hon. Mr Dunn and the Hon. Mr Irwin will be pleased to hear that. Those are some of the things that we are doing, and some of the reasons why as a caring Government, one concerned to see that humanity is the overriding principle in the human services area, we will continue to expand.

We will not rest on our laurels because of the initiatives taken in 1987-88, but will continue until such time as every person in this State who needs pain control, caring, or the hospice movement has access to them and until we reach a point where every citizen of this State has the entitlement they should have to death with dignity.

The Hon. M.B. CAMERON: I wish to ask a supplementary question. There were two questions that the Minister did not answer. First, will he table all correspondence, financial details and, in fact, the entire file on Kalyra so that the motives behind its closure can be known?

The Hon. J.R. CORNWALL: I have no intention whatsoever of tabling that entire file.

SUPPRESSION ORDERS

The Hon. K.T. GRIFFIN: I seek leave to make an explanation prior to asking the Attorney-General a question about suppression orders.

Leave granted.

The Hon. K.T. GRIFFIN: At the recent ALP State Convention a former State Attorney-General and now Federal Minister, Peter Duncan, participated in the debate on a resolution requiring the Attorney-General to investigate the suppressing of the name of an offender before the courts until he or she was found guilty. He referred to the specific case of a senior South Australian policeman charged with four other men with drug offences and said:

> . . . now if he is found not guilty by the court, then I think he is entitled to go on with his career, to go on and pick up the threads of his life as best as he is able, and I hope that that is not the case I might say because I think he is the sort of person who would be better off out of the Police Force, but I have not mentioned his name, nor has anyone else, and in those circumstances he is entitled not to have his name published until such time he is proven guilty before a properly constituted court.

By coincidence that same police officer today appeared in court on 10 other drug related charges, as I understand it, involving participation in sale, supply and possession for sale of heroin, amphetamines, cannabis and cannabis resin and four other charges relating to making false entries in a Government property book and stealing drugs from police exhibits. This information is already available publicly. Another suppression order has been granted to the policeman and a person charged jointly with him.

The controversy about suppression orders, obviously, will be fuelled by this event. There is a strong argument in this case that the public is entitled to know the name of the police officer particularly to ensure that the public confidence in the Police Force is maintained. At the moment, many police officers would be under a cloud as a result of the suppression of the name of the officer charged. My questions are:

1. Is the fact that a former South Australian Attorney-General supports suppression of names of all those charged until proved guilty an indication that the State Government might more favourably consider the ALP Convention proposal?

2. Does the Attorney-General condone the gratuitous public defamation of the senior police officer by Mr Duncan in making a cheap debating point?

3. Will the Crown be making any submissions on the suppression orders relating to the senior police officer and, if so, what will the representations be?

The Hon. C.J. SUMNER: As to the first question, the resolution of the State Convention of the Australian Labor Party asked me to investigate the issue of suppression of name until a person was found guilty. In fact, that is somewhat similar to the platform of the Labor Party which calls for suppression of all names until either a person is found guilty or committed for trial. That latter position was also the view of Justice Roma Mitchell, as she then was, when she produced a report on the criminal law in South Australia and reported on the question of suppression orders.

The basis for that argument is that until at least a *prima facie* case has been found against an individual the name of that individual should be suppressed on the basis that a person is considered to be innocent until proven guilty. The matter was considered by the Government three years ago, when I carried out a review of suppression orders. At that time the Government determined not to proceed with any form of blanket suppression of name up to committal or until found guilty. The honourable member will recall that a discussion paper was produced by a senior legal officer in the Crown Solicitor's Office at that time, Ms Branson, now the Crown Solicitor. That discussion paper was circulated to interested parties; anyone who wanted a copy could get one, and it was certainly circulated to the media. Following the receipt of submissions Ms Branson produced a final report, which in substance was accepted by the Government. That report recommended certain changes to the law, but basically the suppression order system which had been in place for many years was to remain.

A Bill based on that report was introduced into Parliament and was supported by all members of Parliament, as I understand it, except, I think, possibly one member from the Lower House, who advocates a different system of suppressions. However, certainly in this place, and officially, the Labor Party, the Liberal Party and the Democrats supported the Bill which was introduced and which basically provided for a continuation of the existing suppression system. Statistics show that there has not been any major change in the use of suppression orders in South Australia since 1984. In other words, the judicial tradition in respect of the use of suppression orders in this State has continued from prior to the amending legislation of 1984 up to the present time.

I would also emphasise that suppression orders are used in very few cases. I believe that the number per year in respect of individuals has been around the 100 or 110 mark for most of the recent years. In the Supreme Court it relates to less than 2 per cent of cases and in the magistrates courts and the district courts it relates to less than 1 per cent of cases. So, it is just not true to say that suppression orders are used in anything like the majority of cases.

Obviously, they are used in cases that do attract some controversy, as it is precisely those sorts of cases for which the courts consider a suppression order is justified, because they are the sorts of cases where some inequality in treatment can be evinced because, on the one hand, the press will not report a whole range of cases while, on the other hand, they will report a particular case including a name because of that person's position, perhaps, or because of the nature of the offence. And, as Justice Mitchell pointed out last night in the television debate that we had, there was an instance recently where the occupation and name of a father of a defendant was given, even though, of course, that was utterly irrelevant to the case or to the charge that the individual was facing. I have given that background to show what the State Government has done.

With respect to the State Convention call, I said immediately after that motion was passed by the State Convention that I would examine the matter again, and I certainly intend to do that. However, at this stage I do not intend to act on the question of suppression orders. I have indicated that the Crown will join in an ABC appeal for the blanket suppression order in relation to a recent manslaughter case. That case, which will go to the Full Supreme Court, will provide an opportunity for the principles to be analysed again and for there to be a judgment of the Full Court on the principles involved in suppression orders. Once that case has proceeded, I think the Government and the Parliament could consider at that time whether there is a case for any change in the law in this respect. But certainly at this stage the Government has not taken the position that it intends to move for blanket suppression until a person is committed for trial. There are a number of practical problems with it. One of the basic problems, of course, is that if everyone's name is suppressed but the facts of a case are allowed to be published then the problem of the rumour mill starting is encountered.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: That's right—'Who is this person?" and that, of course, creates problems of its own. In a federation there are obvious difficulties if the name can be published throughout the rest of Australia on television and radio and in the print media and yet within South Australia the name cannot be published. So, they are just two practical problems with the sort of position that has been put by the State Convention and also by Dame Roma Mitchell. In fact, I think those practical problems were acknowledged by Dame Roma during the debate last night. It is a difficult area; at this stage the Government does not intend to move on the law. It will await the decision of the Supreme Court in the case that I have mentioned before considering whether any changes should be made. I suggest to the Parliament, and indeed to the community, that at this stage it would be wise to await the decision of the Full Supreme Court in that case referred to, on the basis that there might be some guidance in that case from the Full Court as to how suppression orders ought to be imposed in future.

With respect to the second question asked by the honourable member, I do not intend to comment on that matter. That was a matter for the speaker who was making his point at the State Convention. He did not name anyone. Whether it is a matter—

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Any individual who feels aggrieved by what was said and believes that they have been libelled by anything that anyone else has said has their own private remedy. Certainly, I do not intend to comment on the matter. With respect to the suppression order to which the honourable member has referred, the Crown initially, through the police—

The Hon. K.T. Griffin: There are two of them—one today and one a couple of weeks ago in relation to different charges.

The Hon. C.J. SUMNER: But it is in relation to the same person.

The Hon. K.T. Griffin: The same person, yes, that's right.

The Hon. C.J. SUMNER: I think the problem in respect of these charges is that the police prosecutor initially opposed suppression of the name. The case was taken before a judge of the Supreme Court, Mr Justice Prior, who felt that there was a basis for suppression in those circumstances and referred the matter back to the magistrate who, in the end, decided to maintain the suppression order.

At the time the matter was before Justice Prior the Crown took the view that the names should not be suppressed. Subsequently the matter was heard again by Justice Matheson who also decided that the suppression order be maintained. I do not have an up-to-date opinion in the light of the most recent charges, but the advice of the Crown before that was that two Supreme Court judges have virtually indicated that grounds exist for suppression in this case and that therefore the matter is best left for the time being at least until we can see whether or not the individual is or the individuals are committed for trial. If they are committed for trial, I will take the advice of the Crown Prosecutor, but I expect that the Crown will then apply for the suppression orders to be lifted.

My advice presently is that it will probably not achieve very much to pursue lifting the suppression orders at this stage and that we should await the committal hearing and then review the situation. However, as the honourable member has raised the matter again today and indicated that further charges have been brought against this and another individual, there may be new circumstances and I will refer the matter to the Crown Prosecutor for further advice. I was not aware, until the honourable member indicated it in his question, that those further charges had been laid.

GOVERNMENT HOUSE WALL

The Hon. I. GILFILLAN: Has the Attorney-General an answer to my question of 11 August on the Government House wall?

The Hon. C.J. SUMNER: Since the Government House property is of major heritage significance, a conservation study has been undertaken by officers from the South Australian Department of Housing and Construction and the State Heritage Branch to preserve the state of the property. Any work undertaken at Government House must be in accordance with the findings of the conservation study. In regard to the southern boundary wall, the study confirmed the need to completely reconstruct the wall due to the rapid decline of the fabric, its structural instability and the cost of continued maintenance. In accordance with the conservation policy and standards adopted by the SACON Heritage Unit, the following guideline was adopted:

> Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match that being replaced in composition, design, colour, texture and other visual qualities. Repair and replacement of missing (demolished) architectural features should be based on accurate duplications of features, sustained by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

The reconstruction of the wall therefore adhered to the original specification to the greatest extent possible, within reasonable structural and cost contraints.

While the intention was to reuse sound material salvaged from the original structure, during the demolition of the wall, approximately 85 per cent of the rubble limestone was found to be saturated with or affected by rising damp and had to be replaced. The balance of 'acceptable' stone was extremely difficult and more costly to isolate than to supply equivalent new material. As a consequence, new material is being used throughout. Although the wall is being constructed with all new material, its 'composition, design, colour, texture and other visual qualities' are sympathetic to those of the original wall. Hence the character of the wall and the whole site has not changed or been compromised. It should be noted that this is the third wall on the southern boundary.

The first wall was erected in 1849 and then reconstructed in 1868. Each wall was random rubble stone and it is intended that the character of those previous walls be retained in the new wall currently under construction. Funds of $125 000 were approved for the work and every effort has been made to contain costs within the budget. During the early stages of construction of the stonework, however, it was necessary to condemn a portion of the work. As a result, minor additional supervision costs may be necessary. The current estimate for the project is $130 000.

DOMESTIC VIOLENCE

The Hon. DIANA LAIDLAW: Has the Attorney-General an answer to my question of 11 August on domestic violence?

The Hon. C.J. SUMNER: Summary court files, which are the only available source for information coded onto the Office of Crime Statistics' data forms, do not contain details on whether an alleged assault had occurred within

the family context. Therefore it is not possible to provide the statistics requested by the honourable member. However, the South Australian Police Department estimates that police officers attend 10 000 calls relating to domestic violence every year in South Australia. Unfortunately, it is not known how many of these calls result in charges being laid or what happens when those charged appear before a magistrate.

The issue and breach of retraint orders, however, can provide some limited information on how domestic violence cases may be dealt with in a court of summary jurisdiction. It must be noted that not all domestic violence cases will have a restraint order and not all restraint orders relate to domestic violence. South Australian police figures for the financial year 1986-87 show that 2 535 restraint orders were issued; half of these orders (43.3 per cent) related to domestic violence situations, although it may be assumed that a high proportion of the 'unknown' category could involve family members. I seek leave to have a statistical table inserted in *Hansard* without my reading it.

Leave granted.

Restraint Orders Issued During 1986-87
(South Australian Police Department)

Number	Percentage	Relationship
485	19.1	Married
105	4.1	Ex-married
215	8.5	*De facto*
92	3.6	Ex-*de facto*
99	3.9	Child/Parent
103	4.1	Other family
396	15.6	Friend
253	10.0	Neighbour
75	3.0	Other
712	28.1	Unknown
Total 2 535	100.0	

The Hon C.J. SUMNER: Breaches of restraint orders during the same period totalled 360, with 238 cases leading to arrest and 183 cases resulting in a report.

As I have said, data from courts of summary jurisdiction cannot differentiate between assaults that occur outside the home with those that occur within the home. The outcome of applications and penalties for breach of restraint orders, however, are available. During the four financial years from 1982-83 to 1985-86 courts of summary jurisdiction heard 5 073 restraint order applications, nearly three-quarters of these were confirmed (73 per cent). Of the 710 breaches of restraint order, half resulted in a conviction and a third were withdrawn or dismissed. There was an increase in the number of 'guilty—no conviction' outcomes in the 1985-86 figures. The penalty most commonly imposed on those convicted of breach of a restraint order was a monetary fine (35 per cent). The most recent figures (1985-86) show an increase in the number of 'order' penalties. It is not known how many of these refer to a reconfirming of the original restraint order and how many may relate to an order to attend therapy and counselling.

ADVERTISER ARTICLE

The Hon. C.M. HILL: I seek leave to make a brief explanation before asking the Minister of Health a question on the subject of press reporting of his speech yesterday.

Leave granted.

The Hon. C.M. HILL: Yesterday, the Minister made the most objectionable and unparliamentary remarks while dealing with the general subject of child sexual abuse. I notice that the *Advertiser* today has reported that speech and the Minister's general attack on members on this side. An interesting facet is that in the State edition of the *Advertiser* (that is, the early edition that the paper produces) is the heading 'Cornwall blasts contemptible voyeurs' by Deborah Cornwall. When the metropolitan edition came off the press—

The Hon. J.R. Cornwall: What page is that on?

The Hon. C.M. HILL: If the Minister is in any doubt that it is there, I can read it to him, but I am sure he would prefer not to hear his own words. In today's edition circulated in metropolitan Adelaide, and generally known as the metropolitan edition, the identical article is produced with the same heading but with the deletion of the words 'by Deborah Cornwall'. My simple question to the Minister is: did he play any part whatsoever in having that name deleted in the metropolitan edition?

The Hon. J.R. CORNWALL: I would say that, in terms of what might be considered to be contemptible actions of the Opposition, this possibly tops what they got up to yesterday.

The Hon. C.M. Hill: 'Yes' or 'No'?

The Hon. J.R. CORNWALL: Yes, I think it is even more contemptible than what you got up to yesterday. I think it is very well known that my eldest daughter—and I have six of whom I am very proud—is a journalist. I also have one son of whom I am equally proud. It happens that my eldest daughter is a journalist who works for the Adelaide *Advertiser*, and I think I can say objectively that she is a pretty good reporter. How the Chief of Staff, the Editor and senior people at the *Advertiser* choose to deploy my daughter is very much a matter for them. It is suggested that I might have got hold of a copy of the State edition of the *Advertiser*. I do not even know what time the State edition appears on the streets, but I certainly was not out and wandering around looking for it. I know that, whatever edition it is, the *Advertiser* I get lands on my drive every morning at 6.30. At that stage I am eating my Weetbic—my one Weetbic, not with muesli, because I never eat the two together—listening to 5AD.

An honourable member: 5DN.

The Hon. J.R. CORNWALL: No, not often, but occasionally 5DN and at that stage I am getting ready for breakfast radio, because I receive a number of calls fairly frequently. I then go out for at least 30 minutes exercise. If my big toe on my left foot stands up to it, I jog and, if it does not, then I walk very briskly. Reverting to the contemptible actions of the Hon. Mr Hill, I think that my daughter, Deborah, of whom I am very proud, is a pretty good reporter and, presumably, the Chief of Staff thinks that she is a pretty good reporter. Whether he chooses to put her on political rounds or anything else is a matter for the professional judgment of senior staff at the *Advertiser*. It is contemptible in the extreme for Mr Hill to suggest that I try to influence in any way, shape or form what goes on at the *Advertiser*.

The Hon. Diana Laidlaw: And you've never done it?

The Hon. J.R. CORNWALL: And I've never done it, quite right. What a sad reflection. I would have thought that after yesterday Ms Laidlaw would keep her head down. She suggests that—

The Hon. Diana Laidlaw interjecting:

The Hon. J.R. CORNWALL: Yes, yesterday you reflected on my staff at the Department for Community Welfare and today you are reflecting on the integrity of the senior management of the *Advertiser* newspaper. You are lurching from disaster to disaster. Why don't you keep your head down and quit while you're behind. As to my family—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: —the question is as stupid as it is contemptible. Of course I had nothing to do with whether my daughter's by-line goes on that article or any other article. That is a very serious reflection on senior management of the *Advertiser* and members opposite should be ashamed of themselves for raising it. I would have thought that in this town it would be rather difficult to work as a journalist in some areas when one has a father with a profile as high as mine: it is a simple fact.

The Hon. C.M. Hill: Now you've got a halo.

The Hon. J.R. CORNWALL: I said 'a profile', not 'a halo'.

Members interjecting:

The PRESIDENT: Order! There are far too many interjections, and interjections will cease.

The Hon. J.R. CORNWALL: I know the fact that I have a very competent daughter who happens to work as a newspaper reporter gets right up your collective noses, but that is your problem and not mine. All I ask is that we have a little bit of fair play and that members opposite keep my family out of it.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. Lucas: The way you abuse the Parliament—

The PRESIDENT: Mr Lucas, I have called for order and your interjections will cease. I will not warn you again.

The Hon. J.R. CORNWALL: All my children are now adults at law and I cannot say that I regret that none of them is any longer dependent. My second daughter is a law graduate who has worked for the past 18 months in Johannesburg for the Black Lawyers Association. Without going into the detail of it, my son is a cartoonist with something of a national reputation and he is also a very talented musician. They must all take after their mother because they are all very talented kids, but I do not think that they should be dragged into this place in some contemptible attempt to reflect—

The Hon. R.I. Lucas: That's the sixth time.

The Hon. J.R. CORNWALL: Yes, and you rate as the most contemptible wretch of them all. Let the record show that I am pointing at Mr Lucas.

The Hon. R.I. LUCAS: On a point of order, I hoped that perhaps you, Ms President, might protect members on this side, but I seek a withdrawal from the Minister for unparliamentary language and reflection on members in this Chamber, in particular me, in the very aggressive way that he pointed his finger at me. For a while I was most concerned and I seek an unqualified withdrawal and an apology.

The PRESIDENT: Will you withdraw?

The Hon. J.R. CORNWALL: Yes, I will withdraw and I will apologise. I will reflect on the fact that, were it outside the Chamber, my defence would be in truth. Really, I have nothing more to add.

The Hon. R.I. Lucas: An unqualified withdrawal.

The Hon. J.R. CORNWALL: I withdraw and I apologise.

The PRESIDENT: I point out to the Council that pointing the finger is not unparliamentary.

The Hon. R.I. Lucas: I was most concerned.

The PRESIDENT: His arm could not reach you.

The Hon. J.R. CORNWALL: Nor, might I add, in this National Aborigines Observance Week, is pointing the bone, but that is an aside. I say again that anybody who has to resort to dragging my family into the political arena in this way is contemptible, and anybody who is foolish enough to reflect so disgracefully on the professional judgment of the senior management of the *Advertiser* newspaper is as stupid as they are contemptible.

The Hon. C.M. Hill: You didn't answer the question.

The Hon. J.R. CORNWALL: I did—I said 'No'.

SECOND GENERATION PARKLANDS

The Hon. M.J. ELLIOTT: I seek leave to make a short explanation before asking the Minister of Health, representing the Minister for Environment and Planning, a question about second generation parklands and metropolitan open space.

Leave granted.

The Hon. M.J. ELLIOTT: Over the past 18 months there have been a number of instances where the second generation parklands and other open space in the metropolitan area have been nibbled away. We have seen a doubling of the size of the sewerage works at Noarlunga; Salisbury East Regional Park lost some land for housing; and some grave doubts have been expressed about the fate of Samcor paddocks at Department of Agriculture land at Northfield and the surrounds of Yatala. During the last election campaign the Government gave a number of pledges concerning second generation parklands, but they were fairly general in form.

In relation to other open space, there has been a proposal for some of the Carrick Hill land to be sold for housing. It is proposed that open space where Jubilee Point is planned should be given to private developers, and there are any number of other examples. I ask the following questions of the Minister: first, will the Government consider releasing definitive plans rather than general plans that it has for second generation parklands and other metropolitan open space; and, secondly, should it have such plans, would it consider also giving some reinforcement to them, possibly by way of legislation?

The Hon. J.R. CORNWALL: I am perfectly happy to refer that to my colleague in another place and bring back a reply.

WORKERS COMPENSATION

The Hon. R.J. RITSON: Does the Attorney-General have a reply to a question that I asked on 6 August about workers compensation? If so, I indicate that if the answer is at all lengthy I would be happy for it to be incorporated.

The Hon. C.J. SUMNER: I seek leave to have the answer incorporated in *Hansard.*

Leave granted.

The replies are as follows:

1. The levy rates that will apply under the new WorkCover system were gazetted on 7 August 1987 and business can refer to that gazette to give them some guide on the rate they should use for budgetary purposes.

2. All employers are required to register under WorkCover by 30 September 1987. In doing so WorkCover will promptly notify employers of their levy rate. A hotline for inquiries has also been set up and employers can ring WorkCover for further information. The hotline numbers are (08) 233 2222 and for country inquiries (toll free) (008) 18 8000.

STRATA TITLES

The Hon. J.C. IRWIN: I seek leave to make a brief explanation before asking the Attorney-General a question relating to strata titles.

Leave granted.

The Hon. J.C. IRWIN: For some time I have been aware of consultations taking place regarding proposed changes to the strata title provisions of the Real Property Act. I understand that the Attorney-General is considering a strata titles Bill, thus taking this whole important matter out of the massive Real Property Act. The Strata Administrators Institute of South Australia in August of 1986 estimated that 64 800 units were occupied by 130 000 people. When 30 000 owners are added to this total, 160 000 people must be considered as directly involved in any legislation regarding strata titles that is to be enacted. It is estimated that the number of units being constructed is outstripping the number of houses being built. This may increase further with the new developments regarding the outer metropolitan sprawl that were announced yesterday by Dr Hopgood.

The present strata title legislation, which was introduced in 1967, was based on a comparatively new and untested New South Wales law. Since then there have been two major amending Bills to the New South Wales legislation with extensive complementary regulations. I understand from the Strata Administrators Institute that South Australia is lagging far behind. In August 1986 the institute wrote to all members of Parliament and, in November 1986, it wrote to the Attorney-General making comments on two documents: the draft strata titles bill and disputes resolution in strata schemes. Before asking my questions, I draw to the attention of the Attorney-General two matters in particular that need urgent consideration. First, I refer to the licensing of strata administrators. My advice is that unscrupulous administrators are operating in the industry. Pensioner unit holders, in particular, are suffering quite badly. Secondly, I refer to a tribunal for hearing complaints. When people are placed together in semi-communal living, major differences and pressures resulting from different lifestyles emerge quickly.

The present Act deals with those problems in the most limited and frustrating way. Virtually the only recourse in a neighbourhood dispute is a Supreme Court action. The same applies when a strata corporation finds it necessary to discipline an owner or occupier. Using the Supreme Court in both those cases is like having an elephant crush a walnut. The cost is a major deterent to action. It is also not the sort of action with which the Supreme Court wants to be involved. My questions are:

1. Does the Minister acknowledge that there are problems in the strata title area particularly with administration and the need for a tribunal?

2. Will the Minister bring into Parliament a separate strata titles Bill?

3. When will the Attorney have legislation ready so that the sorts of problems that I have outlined will be examined and addressed?

The Hon. C.J. SUMNER: This matter is under consideration by the Government. One problem is how one pays for whatever it is that the honourable member wants, whether a tribunal or a strata titles commissioner. Quite clearly, that would cost a significant amount of resources and one cannot proceed to do these things unless one can find ways of funding them. That matter will be considered by the Government if it decides to proceed with some form of tribunal or strata titles commissioner.

In addition to this issue, other matters are being considered by way of amendment to the strata titles provision. I am not sure precisely what the position is at the moment, but I understand that a draft Bill has been circulated for comment. In due course the Government will make its views on the Bill, known to the Parliament the form that the Bill will take and whether it will be proceeded with.

ADELAIDE CHILDREN'S HOSPITAL

In reply to **Hon. M.B. CAMERON** (11 August).

The Hon. J.R. CORNWALL: The replies are as follows:

1. Previously answered on 11 August.

2. No extra porters have been recruited. A Mr R Fielby resigned on 17 July 1987 and was replaced by a Mr B. Krot who commenced duty on 10 August 1987. Stair and well washing in non-ward areas is carried out, at present by porters as part of their duties. Mr Krot has been concentrating on stair and well washing as this sometimes lapsed during the period porters were shifting departments from the Rieger to the Gilbert Buildings, necessitated by the building program.

3. The position is not extra: it is a replacement, therefore there is no extra cost.

4. The cost is incorporated into the hospital's historical budget base as an existing position.

VOLUNTARY COMMUNITY FUND

In reply to **Hon. J.C. BURDETT** (11 August).

The Hon. J.R. CORNWALL: $35 000 was granted to SACOSS to undertake a feasibility study into the viability of a community fund in South Australia. Presently SACOSS is in receipt of a draft report from its consultants. A final report and recommendations from SACOSS are expected in the near future. The Government will then give further consideration to the matter.

SOUTH AUSTRALIAN TIMBER CORPORATION

The Hon. L.H. DAVIS: I move:

1. That a select committee be appointed to inquire into and report on the effectiveness and efficiency of operations of the South Australian Timber Corporation with particular reference to the corporation's—
   (a) 70 per cent interest in International Panel and Lumber (Australia) Pty Ltd;
   (b) Production distribution and marketing policies and practice;
   (c) Current financial position;
   (d) Relationship with Woods and Forests Department;

2. That the committee consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order No. 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only.

3. That this Council permit the select committee to authorise the disclosure or publication as it thinks fit of any evidence presented to the committee prior to such evidence being reported to the Council.

For nearly five years the Premier (Mr Bannon) has worked hard to create the perception that he and his Ministers run a watertight ship. Politics is very much about the perception that people have of political Parties, their policies and programs. The Bannon ship of State sailed smoothly past the 1985 election notwithstanding record tax increases and a string of broken promises. Its success was based on a skilfully developed perception that it was a Government of achievement. The dreams of Kym Bonython and Bill O'Gorman that Adelaide should host a Grand Prix became a reality. The ASER project incorporating a casino, an international hotel and a convention centre was delivered

after a long gestation period by the Premier who proudly claimed it as a Government development. The massive Roxby Downs copper, gold and uranium operation, the *bete noir* of the Labor Party in 1982, was warmly embraced, indeed with such fervour that the Hon. Frank Blevins, a bitter opponent of the project at the time of the Roxby Downs indenture debate, was lamenting quite recently that the State Government really should have grabbed a 50 per cent slice of the action.

Finally there was the submarine project. Honourable members will remember the advertisements in 1985—you had to vote for John Bannon if you wanted to guarantee that the submarine contract came to South Australia. The logic of the argument beggars the imagination. Was the Premier saying that the submarine had the support of the Labor Left but not the Liberal Leader, John Olsen, and his team? Was Premier Bannon aware that a submarine had a conning tower and that he had better use it? No-one denies the merits of the submarine project and the benefits which will flow to South Australia, but we have not won all of the $3.9 billion project but the as yet to be determined 20 per cent plus share of the project and when all the sums—

The PRESIDENT: If I could interrupt, Mr Davis, are you moving Notices of Motion: Private Business No. 3?

The Hon. L.H. DAVIS: Yes, I am.

The PRESIDENT: That relates to the South Australian Timber Corporation and a select committee?

The Hon. L.H. DAVIS: Yes, I am indeed. I am just working up to it.

The PRESIDENT: Could you make your remarks relevant to that topic, please?

The Hon. L.H. DAVIS: Yes, well I am working up to it, Madam President. It was just barely five years ago in June 1982 that the then Leader of the Opposition, Mr Bannon, bitterly opposed Roxby Downs and claimed it may not even happen. He accused the Tonkin Government of being 'determined to erect this project and this issue into an election issue, into something which they can make a symbol of whatever it is in their fuzzy and faltering way they have in mind for the future of South Australia'. He attacked the Tonkin Government as 'a develop this project at all costs Government—at all costs to the State, at all costs to our future, at all costs to community concern'.

How things have changed. Not a whimper from Premier Bannon about the Roxby Downs Indenture Bill but only recognition that this massive mining project will start in mid 1988. There will be a township of 3 500 people nestled in the gently undulating sandhills 520 kilometres north of Adelaide. Earlier I noted that Premier Bannon had created the perception of manning a watertight ship. This is a myth. It is time that myth was exposed. The year 1987 is a watershed year for Bannon, for his watertight ship has sprung a leak. Indeed, there is now so much economic ammunition that Bannon's ship of State can be blown clean out of the water. Premier Bannon preaches restraint but does not practice it. In the 12 months to March 1987 the number of employees of the South Australian Government grew by 2 100, which represented 51 per cent of the increase in State Government employment throughout Australia.

More importantly, the ASER project costs have exploded from the 1984 estimate of $180 million (valued in 1986 dollars) to a figure now approaching $260 million. Needless to say, taxpayers will be footing the bill for this extraordinary blow-out which reflects continuing industrial disputes and continuing design and project management difficulties. The good news Premier now vehemently denies ASER is a government development.

The PRESIDENT: I draw the honourable member's attention to the fact that he is moving a motion regarding a select committee and the South Australian Timber Corporation. Could he please direct his remarks to that topic, or I will have to rule him out of order?

The Hon. L.H. DAVIS: ASER is the first leg of the Bannon Govenment's disastrous financial quinella—the second leg is the South Australian Timber Corporation. And that brings me to the motion which I am moving to establish a select committee of the Legislative Council for the purpose of examining the effectiveness and efficiency of the operations of the South Australian Timber Corporation (hereinafter referred to as SATCO).

What is SATCO? SATCO was established in 1979 pursuant to the provisions of the South Australian Timber Corporation Act. The objectives of the corporation are: to promote the appropriate utilisation of the State's forest resources; to make economic investments alone or in joint venture which achieve forest utilisation in a manner beneficial to the State's economy and employment opportunities; to catalyse the development of new industries or sustain existing industries based on forest products or related commodities, as defined in the Act, in accordance with the corporation's investment guidelines; to investigate and secure export markets for forest products or related commodities where domestic markets are inadequate or non-existent or in any other desirable circumstance; to provide consultant services within Australia and overseas consistent with the expertise available to the corporation; and to promote, where possible, the expansion of forest areas, particularly in the South-East region of the State.

Since its establishment, SATCO has been involved in a number of projects which have been less than successful; 90 per cent of Mount Gambier Pine Industries (MGPI) was acquired in mid-June 1984 and has reported profits of over $600 000 in 1985-86, although that figure is likely to be lower in the current year. That is one of the more successful projects.

In 1979 SATCO acquired the Minister of Forest's 50 per cent interest in Shepherdson and Mewett, an Adelaide Hills sawmilling company, and Zeds, in building supplies and retail hardware. Zeds was not successful. SATCO now owns 100 per cent of Shepherdson and Mewett which contributes minimal profits. I understand that Shepherdson and Mewett agreed to pay about $1.3 million for a second-hand circular saw which was brought in from overseas several months ago. The price included installation. Why was the saw purchased? Why has it not been installed after several months? Why buy the saw and not put it in? No income is being derived to help defray the interest burden created by the purchase. This is an extraordinary situation which would not be tolerated in the private sector. SATCO also has a 34 per cent interest in the plywood manufacturer O. R. Beddison acquired in August 1983 for $1.05 million. Financial restructuring commenced in June 1984 and management changes were made. But the 1985-86 financial year saw a loss on investments in O. R. Beddison Pty Ltd of $1.53 million.

SATCO has also reported a deficit of $209 000 following the failure of a wood chips export venture with Punalur Paper Mills Ltd. A joint venture with Visy Board to fabricate and market heavy duty packaging material was also terminated because it was not profitable. But this is only the beginning of the sorry saga of SATCO. Let us look at Ecology Management Pty Ltd. The 1982-83 SATCO annual report advised that this company had been formed to pursue opportunities for forest salvage in Middle East countries and Japan. It had an issued capital of $200 000.

The 1983-84 report contained some encouraging news—the project was reaching the market development stage. Ecology Management was now looking at the production of wood fibre for diversified fuel and soil conditioners for landscaping and horticultural programs. The 1984-85 report advised that negotiations were being conducted with a local company for the commercial production of the soil conditioner and when finalised production will begin for markets in Australia and overseas.

In the 1985-86 report, which is noteworthy for the lack of information, we read that the company has now produced soil conditioners from wood waste and at present is experimenting to produce suitable potting and mulch mix before marketing them on a large scale. What happened to the local company that was involved with production and marketing? Silence in this instance is not golden. It is disgraceful, unprofessional and unacceptable—a remarkable saga over several years of promises that have simply never progressed to action.

I turn now to SATCO's plunge into the $22 million world's first commercial plant to produce scrimber. SGIC is a 50 per cent partner in this project. Scrimber is made by shredding small pine logs (I understand 10-12 year old trees) and processing them into solid lengths of timber. It is capable of being made into long lengths and large sections appropriate for structural beams. The scrimber plant is to be located near the Mount Gambier State sawmill.

It is important to remember that SATCO has no equity base. SATCO's share of the $22 million for the scrimber plant will have to be financed by borrowing from SAFA. I have spoken to many people in South Australia and interstate who have a lifetime of experience in the timber industry; they have raised their eyebrows at this $22 million gamble. Many believe that scrimber is a doubtful and expensive technology. Others believe the technology could soon be outdated.

Why is SATCO, a Government agency, gambling with taxpayers' money on a technology which I understand was examined and rejected by major players in the Australian Timber Industry over a number of years? Why is it taking the leadership in an untried technology? The scrimber plant is scheduled for start-up in mid to late 1988. But where are the markets in Australia and overseas, given that it will have to compete with steel and hardwood timbers which will be more than competitive with scrimber? And what is the expected profitability of scrimber? Already the budget for scrimber has blown out from $20 million to $22 million and I understand it will be even higher by the time the plant is commissioned next year.

There is a close connection between the Woods and Forests Department and SATCO. The Director of Woods and Forests is Mr Peter South. Mr South is also the Chairman of SATCO. An Assistant Director of Woods and Forests, Mr Cowan, is one of the two other members of the SATCO board. It should be acknowledged that for many years the Woods and Forests Department played a valuable role as a developer of *pinus radiata* forests in South Australia. It still enjoys a reputation as a forester although there are many in the industry who would argue that private sector companies have more efficient forestry operations.

The Woods and Forests Department appears to have lost sight of its great strength as a forester. The sawmill operations at Mount Burr, Mount Gambier and Nangwarry are not as efficient as their private sector counterparts. In fact, industry sources suggest that if the Woods and Forests Department sold logs without operating the saw mills it would make more money. In 1984-85 Woods and Forests commercial operations effectively lost money, although it was a boom year for forest products, and there was no shortage of product—and I refer to the timber which was badly burnt in the 1983 bushfires. It should be remembered that the Woods and Forests accounts for its commercial operations do not incorporate administrative and financial changes. Also, although Woods and Forests account for notional company income tax, the department has the advantage of keeping that notional tax money—unlike its private sector counterparts.

The accounting techniques of the Woods and Forests Department came in for harsh treatment in the 1986-87 Auditor-General's Report, which was tabled yesterday. In what can only be described as extraordinarily creative accounting, the Woods and Forests Department has revalued its growing timber and has provided for the increase in value to be brought into the profit and loss account: in other words, the increase in value of growing timber not yet cut down or processed is declared to be a profit. On page 210 of his report the Auditor-General launches what can only be described as a blistering attack on this accounting technique, and I quote him as follows:

> The accounting of the incremental value of growing timber for the year of $28.5 million as an operating income—forest asset revaluation—through the profit and loss account is considered imappropriate as:
>
> - it is against the convention of the Australian Professional Accounting Bodies given in Australian Accounting Standard AAS10, that gains should not be brought to account in the profit and loss account until realised;
> - the materiality and inclusion of unrealised profits from growing timber as operating income, makes it difficult to readily determine the results from trading operations, which experienced a downturn in 1986-87;
> - the method of accounting for revaluations departs from the Statement of Accounting Standards AAS10 which requires that 'when a class of non-current assets is revalued . . . an increment should be credited directly to an asset revaluation reserve . . .'

This change in accounting has meant that the Woods and Forests Department reported a profit of $11 million, after tax, for the 1986-87 financial year instead of a $6.9 million loss. I am appalled at this blatant disregard for accounting standards. I very much doubt whether any private sector timber company in Australia has ever adopted this approach. Indeed, I have a growing suspicion that every time there is a financial problem the Woods and Forests Department changes its basis of accounting.

I have been advised that morale in the Woods and Forests Department is low and that trading is depressed. Woods and Forests Department loans from the South Australian Government increased from $31.3 million to $48.7 million in the financial year just ended. According to the Auditor-General's Report, this additional $17.4 million was used to fund the re-establishment of forests and other capital works.

I now turn to the commercial operations that are involved, and in particular those of SATCO. In the 1985-86 Woods and Forests Department annual report Mr South, in his Director's letter to the Minister of Forests, highlights the fact that the Victorian agency conducted by SATCO had a successful year when it exceeded its sales budget. That sounds encouraging until we actually look at the facts. SATCO reported a profit of only $69 000 from its Victorian timber marketing, on sales of about $14 million. The year 1985-86 was a boom year, the best ever in the timber industry; a return of only $69 000 profit is laughable. The 1985-86 report indicates what the operation was expected to be in 1986-87, but the result for that year was less than $200 000.

The Woods and Forests Department sells timber in South Australia. In 1984-85, it appointed SATCO as its agent to market timber in Victoria and other States. Until that time,

Gibbs Bright was Woods and Forests agent in Victoria and New South Wales. But for some curious reason Woods and Forests thought that SATCO could do it better and cheaper. That has proved not to be the case. The distribution is not nearly as good; the representation in the field is not nearly as good. Marketing policies are erratic and decisions appear to be made on an ad hoc basis that do not reflect the cost of operation, and pricing decisions appear to have been made on an ad hoc basis that do not reflect the cost of operations.

In New South Wales, since Gibbs Bright lost the agency SATCO's presence has been pretty well non-existent. In Cherry Lane, Laverton, SATCO has a huge warehouse for the distribution of timber. I have visited the site and I have taken photographs of it. Within the industry it is regarded as an unnecessary extravagance, a white elephant. It is the biggest warehouse of its type in Melbourne. Who made this decision? Did the Minister approve?

The strong view of timber industry watchers from both the private and public sectors is that SATCO is being outwitted, outmarketed, outpriced and outmanoeuvred by the private sector. I have been told that SATCO lacks coordination and an ability to read the market. Quite often its product mix is inappropriate. As Woods and Forests agent in Victoria, I am told that SATCO has lost market share.

In Victoria SATCO is run by computer. It is not commercially orientated. It has written specifications which are religiously observed. SATCO lacks the flexibility of the private sector. Its deliveries are not reliable and it does not enjoy a good reputation in servicing clients. SATCO appears to adopt an erratic pricing policy in Victoria. For some time SATCO provided significant discounts at the end of the month. Customers quickly learnt to postpone or cancel orders and wait until the end of the month for the discounted timber.

I understand that in 1985-86 timber was exported to the United States and that this venture incurred a significant loss. It was a project that no private sector company would have contemplated.

I seek leave to have inserted in *Hansard* a table, of a statistical nature, which highlights SATCO's deteriorating financial position.

Leave granted.

SATCO—FINANCIAL SUMMARY

	1981-82	1982-83	1983-84	1984-85	1985-86	1986-87
Profit/Loss Accumulated	$27 900	−$37 000	−$277 000	−$427 000	−$1.10M	−$663 000
Surplus/Deficit	$49 000	−$53 200	−$809 000	−$1.24M	−$2.33M	−$3.0M
Export Timber Sales	n.a.	$28 170	$238 000	n.a.	n.a.	n.a.
Loans from South Australian Financing Authority (SAFA)	$1.7M	$2.7M	$4.5M	$8.4M	$23.2M	$37.0M
Deferred Liability Interest owing to SAFA but capitalised because of inability to pay	—	—	—	—	$1.6M	$4.3M

The Hon. L.H. DAVIS: This table outlines the deteriorating financial position of SATCO. The situation is of grave concern to the Auditor-General, the Liberal Party and the taxpayers of South Australia—and I hope also that this matter is of interest to the Australian Democrats, as they consider the merits of this select committee, and indeed the Government. The table clearly shows the profit and loss and accumulated surplus deficit steadily deteriorating over recent years. It shows loans from the South Australian Financing Authority (SAFA) increasing from $1.7 million in 1981-82 through to $8.4 million in 1984-85, to $23.2 million in 1985-86 and $37 million in 1986-87.

The 1985-86 SATCO Annual Report carried no explanation of the enormous increase in borrowings from SAFA, and no explanation of the fact that SATCO was unable to pay $1.6 million in interest owing to SAFA in 1985-86. I find that lack of candour, that lack of explanation, that lack of detail totally unacceptable. If SATCO was a public company listed on the Stock Exchange the directors of the company would have been verbally lynched at the shareholders' annual meeting, not only for the appalling financial result, but also the complete failure to explain the massive increase in borrowing. But that string of failures and doubtful ventures to which I have referred palls beside the investment of SATCO in International Panel and Lumber (Australia) Pty Ltd, an investment which was entered into in January 1986. SATCO's involvement in IPL is explained in the 1985-86 report. It makes interesting reading, as follows:

> When the corporation took its majority interest in Beddison, it engaged International Panel and Lumber (Australia) Pty Ltd (IPL) of Melbourne to manage its marketing. The company's marketing has improved significantly. IPL also represented the New Zealand plywood manufacturer, Aorangi Forest Industries Ltd (AFI), giving it the range and volume to establish distribution arrangements with major buyers. This joint venture, in marketing with AFI, has logically led to a merger under International Panel and Lumber (Holdings) Pty Ltd (IPLH) between the two companies with the result that the corporation now owns 70 per cent in IPLH and Westland Industrial Corporation, the parent company of AFI, owns 30 per cent in the equity of IPLH. The merger has given the volume and range of production that would enable joint venturers to capture a major portion of the Australian market and thereby provide greater stability, particularly in times of economic downturn. The joint venture has resulted in the corporation realising a capital loss of about $1.528 million, which was mainly due to trading losses over previous years.

That is the official explanation of SATCO'S original involvement in IPL in 1985-86. It should be noted that IPL of Melbourne was going to manage its marketing, and that IPL also represented the New Zealand plywood manufacturers in which SATCO has invested. That quotation raises several interesting questions. Who negotiated the link with IPL? Did the Minister approve? How has the company's marketing improved significantly? Will SATCO in its 1986-87 report detail how 'the merger has given the volume and range of production to capture a major portion of the Australian market'?

In his 1986-87 report the Auditor-General reserves his strongest criticism for Woods and Forests and SATCO. More generally, he comments by way of introduction on audit issues. He states:

> I am also concerned by the growing tendency for some public sector activities to become removed from parliamentary scrutiny despite the fact that public funds are involved . . . Disclosure and accountability to the Parliament is an integral part of the Westminster system.

He further states:

> The extent to which inadequate information can place public funds at risk or lead to the ineffective use of those funds is a matter for concern.

More specifically, the Auditor-General notes:

> In my last two reports I expressed concern that unless the corporation could increase revenue from its investments, losses would continue to accumulate. During the year my officers undertook a review of the corporation's investments . . . The review identified one area of major concern and the New Zealand oper-

ations of a plywood mill associated with an investment by the corporation in IPLH.

On page viii the Auditor-General notes that 'the primary influence' for SATCO becoming involved in IPLH was the 1983 bushfire, as the New Zealand mill 'had access to high quality timber resources and its products were compatible with and complemented the products from the Nangwarry mill'. I will return to that observation later. The Auditor-General's officers undertook a review of SATCO'S investments during 1986-87. Their findings were damning and devastating. They found in regard to IPL (NZ) that:

- the value of assets of the company taken over were overstated and liabilities understated;
- profit projections were overestimated;
- substantial operating losses were being incurred;
- IPL (NZ) was poorly managed and in need of capital funds for equipment to improve efficiency.

The Auditor-General also indicated that on 25 March 1987 he referred the matter to the Treasurer, Mr Bannon, pursuant to section 12 of the Audit Act for SATCO at that time had $19.8 million invested in IPLH—$3.6 million in equity funds and $16 million in repayable loans.

The Auditor-General drew the Premier's attention to the quality of information and advice upon which submission for approval to invest made. The Auditor-General in fact went on to highlight the reports of the various consultants who have looked in detail at the problem of IPL in New Zealand. Certainly I accept that this matter is *sub judice* and I do not want to dwell on that issue. On page 8, the Auditor-General drew attention to the 'quality of information and advice upon which submission for approval to investment was based'. He makes the point that financial statements which were unaudited and market projections were provided by three New Zealand directors who are also shareholders in the New Zealand company whose assets form the basis of the joint venture. In other words, the Auditor-General is pointing out that the Premier, Cabinet, the Minister for Forests and SATCO all made the judgment to enter into the investment in New Zealand on the basis of financial statements that were unaudited.

It is also significant to note that the Auditor-General drew attention to the fact that the chartered accountants retained by SATCO qualified their report prior to the finalisation of the investment. That is set out on page (iii) of the Auditor-General's report. He comments:

> The independent report sought by the corporation from a firm of chartered accountants was subsequently qualified by that firm prior to the finalisation of the investment.

A qualification is a red light, or an amber light at least. It is a warning to take care. After reading the Auditor-General's lengthy and detailed examination of the transaction, I am forced to conclude that at the very best SATCO, the Minister, the Premier and Cabinet were naive and, at the very worst, commercially imprudent and even reckless.

The situation of IPLH is grim. The corporation's investment in IPLH now totals $21.5 million as at 30 June 1987 of which $12.8 million relates to IPL New Zealand. This was all from an investment which took place only 20 months ago on 1 January 1986. But even by 30 June 1986 SATCO had outlayed $3.6 million in shares and had advanced $11 million to its already haemorrhaging investment. Three consultant reports in 1987 were not exactly optimistic in their assessment of the profit prospects of IPL New Zealand. IPL New Zealand is expected to lose $1.7 million in the seven months to 31 October 1987. The calculations of future profitability did not even allow for interest and servicing costs on funding.

In the *Advertiser* of 15 May 1987, the Premier was quoted as saying, 'The Government would not experience any substantial loss' because of its investment in IPLH. The Premier also claimed that there were a number of ways that losses could be minimised. I challenge the Premier to answer the following question. Does the Premier still stick by his claim of just four months ago, in view of the disclosure in the Auditor-General's Report?

I have talked at length about Greymouth in New Zealand, which is the subject of this financial debacle for SATCO, but where is Greymouth? It is on the west coast of the South Island of New Zealand. It is a city of about 10 000 people. Greymouth used to be a river port, but a sandbar restricts the movement of large vessels. There is no deep sea loading facility on the west coast of the South Island. Timber and processed wood products have to be brought in through the hills on the midland railway line. It is 5½ hours by train from Greymouth to Littleton in Christchurch on the other side of the island. Heavy road transport is not common because of the mountainous terrain.

Not so long ago the forests of the South Island benefited from a transport subsidy, machinery grants and taxation concessions for planting trees, but in recent times the removal of those benefits has not helped the industry. The harsh fact is that it costs as much to transport timber from Greymouth to Littleton as it does to send it from Christchurch to Australia. This high cost of transport is a chronic disadvantage. For example, Henderson and Pollard and New Zealand Forest Products both have major plywood operations in the North Island. They have the advantage of greater volume and operate without the disadvantage of the crippling freight costs that face IPL at Greymouth.

What of the history of the Greymouth mill? Fletcher Challenge owned it until about 1981, making structural plywood using *pinus radiata*, but profits were hard to come by. I understand that there was New Zealand Government support and then a staff management buy-out and a cooperative was formed, but that was not profitable. I have spoken to people involved in the New Zealand timber industry and they were all surprised about the South Australian Government's decision to purchase what has been regarded in New Zealand as a wooden lemon. 'Extraordinary, unbelievable and mystifying' were the words that were used. I will come back to IPL, New Zealand, a little later.

Finally, I note that Mr Peter South, the Director of the Woods and Forests Department, is in charge of the Government committee established by the Premier to examine the commercialisation of Government assets or operations. I find it extraordinary that Mr South, the Chairman of SATCO, has been saddled with this demanding position when he must be hard pressed to see the wood from the trees, given SATCO's current financial crisis. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

TOBACCO ADVERTISING (PROHIBITION) BILL

The Hon. M.J. ELLIOTT obtained leave and introduced a Bill for an Act to prohibit the public promotion, by advertisement or other means, of cigarette smoking and other forms of tobacco consumption; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

I begin by quoting from the drug offensive booklet which was released late last year and which states:

> . . . you'd do well to note the comment every drug counsellor and field worker hears every day. 'There's my dad, fag in one hand, beer in the other, telling me not to get involved with drugs.'

It quite clearly shows the double standards that exist in our society. The young in our society know that tobacco is a drug; they know that it is a killer. In 1984 an estimated 20 230 people died in Australia due to drug use. Of these 16 350 were caused by tobacco (that is 81 per cent), while only 2 per cent can be ascribed to opiates and barbiturates.

The tobacco industry has continued to try to refute the evidence on tobacco smoking, but no reputable scientist would support them, and self-interest is clearly seen as its motivation. I am not suggesting that tobacco be banned, but I do not accept that just because tobacco is a legal product that its promotion should also be legal. Is there any member in the Council who would seriously suggest that Valium should be promoted simply because it is legal? The tobacco lobby often suggests that promotion is simply about one brand versus another brand and that it is not intended to encourage consumption. By such rationale perhaps we could see advertisements such as, 'If your doctor prescribes Valium, insist on brand X.' Undoubtedly, much of the effect of tobacco promotion is on brand sales, but to suggest that that is the only effect is naive at best.

Advertising of tobacco, by its legality, does imply acceptance; when promotion is linked with sports and cultural events, the impact is compounded. Dr Nigel Gray of the Anti Cancer Council of Victoria states:

> The tobacco industry has bought all our heroes who are the role models for the kids. They own them because they own all the sports.

The tobacco industry not only produces an addictive product but also has done a wonderful job producing economic addiction among sporting and cultural bodies by its strategic use of sponsorship moneys. This Bill aims to end tobacco promotion in South Australia, but realistically needs to allow some exemptions. I do not see any need to go into the lengthy and scientific arguments about the pros and cons of tobacco, because they have been clearly established for such a long time. I now address my remarks to this Bill.

Clause 4 is a broad clause which aims to not only make advertising in newspapers illegal but also pick up all billboards, advertising on taxis, promotional give-aways of tobacco products and methods of promotion that tobacco companies would concoct as a means of escaping a more definitive clause. One only needs to look at the cunning by which they have circumvented the ban on tobacco advertising on television.

Clause 5 is particularly aimed at sponsorship where it is used as an advertising tool. It does not ban sponsorship. It does not, though, allow a brand name for a tobacco product to be linked with sponsorship. If tobacco companies are indeed philanthropic, then they may continue to be. Clause 6 is necessary, as broadcasting is under the control of the Federal Government.

Clause 7 allows an exemption for a publication that is not a South Australian publication. We, the movers of this Bill, consider that any publication with less than 20 per cent of its circulation in South Australia is not a South Australian publication. This exemption would be lost when two other States have enacted similar legislation. Regarding clause 10, it is foreseen in the short term at least that some major, international events may need to be granted an exemption from some or all of the provisions of this Bill. Such exemptions should be rare. One of the most obvious examples that comes to mind in the short term is the Grand Prix. I can imagine the outcry from the community if we tried to impose a total ban on all forms of advertising and sponsorship.

The suggestion would be that South Australia would lose the Grand Prix and that we could not afford to take that risk. I am not prepared to lose the whole Bill for the sake of what is only a small percentage of the total tobacco advertising and promotion. That is why I am willing to tolerate exemptions, which would be short term. I also expect that other States will quickly follow our lead and that in somewhere between five and 10 years tobacco advertising and promotion will disappear from Australia completely. At that time it will be completely missing from South Australia.

One difficulty that we faced was the position that tobacco companies have taken on sponsorship. They have strategically placed money with the State Opera and with many sporting bodies, which claim that they cannot survive without those moneys. We would have liked to address that matter in this Bill, but that would have necessitated a money clause, which I could not insert. I implore the Government to give serious consideration to an insertion of money clauses that would do something about coping with the sponsorship problem. The solution is a fairly simple one.

Sponsorship in South Australia runs to the level of something like $1 million. By way of its business or tobacco franchise, the South Australian Government collects $40 million. Sponsorship equivalent is only 2 per cent or 3 per cent of Government take. The Government has two options: it can devote part of what it already takes towards offsetting lost sponsorships or it can impose a minor increase in the business franchise of 2 per cent to 3 per cent, which would be sufficient to set up a fund that could allow those sponsorships to continue.

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: Mr Lucas knows better than that. The result would be no advertisements carrying names of tobacco companies that could be seen in any way as an inducement for people to consume a tobacco product. However, the money would still be available for sporting bodies. I do not see that this sort of thing could go on indefinitely. I suggest that the fund would be set up for a duration of about five years. That would be sufficient to wean those various sporting and cultural bodies from their addiction to tobacco money. In five years they would have the chance to look for alternative sponsors and in that time frame they could realistically be expected to find them.

I am hopeful and expect that, as well as the Democrats, the other Parties will allow a conscience vote on this matter. The Liberal and Labor Parties have allowed conscience votes on all other drug related Bills and social Bills and I hope and expect that they will do so in this case. From an historical viewpoint, it can be said that in 1983 the Council carried a Bill that was in fairly similar terms to this one and it failed in the other place only because nobody was willing to be up front with that Bill. On this particular occasion there are movers and seconders in both Houses and there are already indications of general support from members of both sides. I hope that it will come to fruition and that support is available. I urge support for this Bill from members of both sides of this Chamber.

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

CHRISTIES BEACH WOMEN'S SHELTER

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

That this Council condemns the Minister of Health for his preemptory and destructive action, by his defunding of the Christies Beach Women's Shelter.

Because I wish to have a discussion with the Minister about another Bill that is before the Council, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

FIREARMS

The Hon. I. GILFILLAN: I move:

That, recognising the general concern about violence in the community, particularly involving firearms, a select committee be appointed to:

(a) determine distribution and viewing patterns of videos and films depicting violence or cruelty, particularly the effect of the use of firearms in videos and films;

(b) determine the impact of such videos and films on—

(i) children; and

(ii) adults;

(c) determine the extent of distribution and the types of firearms in South Australia and the purposes for which those firearms are held or used;

(d) determine the effectiveness of existing legislative controls over possession, sale and use of firearms; and

(e) make recommendations for any legislative changes.

2. That the committee consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order No. 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only.

3. That this Council permit the select committee to authorise the disclosure or publication as it thinks fit of any evidence presented to the committee prior to such evidence being reported to the Council.

It is unfortunate in the extreme that two deplorable and disastrous events, one in Hoddle Street in Melbourne and one in Hungerford in the United Kingdom, had to occur to focus an enormous amount of attention on the horrors which are occurring and which can occur in virtually every major community of the world as a result of a combination of two factors, which I have attempted to address in the terms of reference for the select committee: first, the encouragement, inducement and perpetration of violence from exposure to violent video and film material; and, secondly, from the ready availability of firearms.

In the *Advertister* of 2 May an article appeared by Mike McEwen entilted 'Video Violence'. He observed that a survey has been completed in South Australia for the parliamentary joint committee on videos and he said that it was the first comprehensive piece of research of its kind in Australia and that it is extremely valuable for two reasons, as follows:

First, it is a thorough, academically rigorous approach to obtaining information which is fundamental to any consideration of what legislation is needed to balance the rights of adults and children.

Secondly, the survey establishes beyond doubt what has been suspected for a long time, but never formally documented—that a very significant number of very young children are being exposed to material that, for many of them, is psychologically distressing.

It is not only children who are affected by this material. Further the article quoted a letter from a Sydney psychologist, Mr Philip Garner, to the Australian Broadcasting Tribunal, which states:

There is an abundance of research evidence showing conclusively the harmful effects viewing violent material has on both adults and children. It involves well over 150 different experiments and more than 30 000 subjects.

Overwhelming evidence shows that premature exposure to (usually sexual and aggressive) material is likely to have a profound effect on the emotional, cognitive and intellectual development of a child.

Recent evidence is that real-life violence and televised violence, whether in news reports or other shows, are highly similar in their capacity to induce aggressive behaviour in children and increase their tolerance of real-life aggression.

Mr Garner believes television, and videos, have 'the enormous power to induce socially acceptable and unacceptable behaviour—and do so regularly'.

The disaster that took place in Hoddle Street in the suburb of Clifton Hill in Melbourne is fresh in the minds of all of us. An article from *Time* magazine states:

It is 10 p.m. A heavily armed gunman starts firing apparently indiscriminately at vehicles and pedestrians in Hoddle Street. Within 15 minutes five people are dead, another dies later, 18 people are rushed to hospital. A policewoman at the scene says later, 'He was shooting at anything that moved.'

One Clifton Hill resident said of Sunday night's shooting:

It was as if Rambo had come to Melbourne.

It is quite haunting how frequently the Rambo analogy is used in any analysis these days related to the abuse of firearms. The article continued:

Twenty minutes after the killings began the gunman was still on the loose although he had discarded two of his weapons, an M14 rifle and pump-action shotgun (another weapon, an automatic carbine, was recovered later).

It is horrific to think that those lethal and multi-shot weapons are so readily available in Australia. An article of 17 August last year stated:

Psychologist Clewdson argues that there are other questions for society particularly what to do about Rambo and his ilk. 'Fantasized routine violence glorifying primitive aggression has become omnipresent in our society,' he says. 'This Superman stuff, this picture of an individual defying the world can be terribly attractive; it attracts people who feel threatened by the world.'

In relation to the emphasis on violence in the media, the remarks of criminologist, Dr Paul Wilson, are referred to, as follows:

For all the debate about it, there is substantial evidence to show that the often ghoulish emphasis on violence—particularly in the tabloid media and on television—is at last catching up with us. Wilson is especially critical of the heavy emphasis on violence and especially sexual violence which has saturated the video rental market over the past decade; 'I am not suggesting that cinematic violence necessarily acts as a trigger. But what I am suggesting is that people who have predispositions to commit violent acts often get a rationalisation for acts from the violence that they see on the screen.'

Wilson and other researchers at the Australian Institute of Criminology are preparing a report, to be published in two months, which will point to the heavy saturation of violence in video material watched by the bulk of the adult and juvenile population. 'I'm not saying violence in the media is the major factor,' Wilson says, 'but undoubtedly, in the bizarre crimes we have seen in recent times in Australia, it almost certainly has been a factor.'

The acknowledged world authority on that subject is Dr David Phillips, Professor of Sociology at the University of California at San Diego, who cites many thousands of laboratory tests showing that people are much more willing to behave violently toward others immediately after screening of violent movies or videos. 'No tests have been conducted in the real world. But it's a fairly safe presumption that the same holds true out there as well.'

It is obvious that there are very serious grounds to suspect that violence in the media has a direct causal effect; the only question is how much. That is part of the argument that I am establishing for the justification for the Select Committee. I realise that a report has been prepared previously for the Joint House Committee, but emphasise that I do not consider that that has completely canvassed all the issues, nor has it specifically addressed the link between the Rambo style use of firearms and the phenomenal incidents that are occurring with horrifying frequency. There are a couple of comments I would like to make. I quote from the United Kingdom *Guardian Weekly* which, in dealing with the Hungerford tragedy, is entitled, 'The rambo of Hungerford'. It states:

The British Home Secretary, Mr Douglas Hurd, has ordered an urgent review of the operation of firearms law and practice in the wake of the Hungerford killings last week when a gun fanatic shot dead 16 people in the small Berkshire town. The BBC and ITV are also expected to have talks on long-term measures to

deal with screen violence; both have withdrawn or postponed some violent programs since the shootings.

To get the actual event on the *Hansard* record, I will read further from the article, which states:

That Michael Ryan's rampage last week in and around Hungerford during which he shot dead 16 people, was strongly influenced by, even in some senses modelled on, the Rambo movies is not in serious doubt both in the way he dressed for his mission and in the locations which he sought, he was plainly attempting to re-enact episodes from 'First Blood'. Whether Ryan knew this film from television, from the cinema, or from video cannot be proved; but the link is unmistakable.

The Government in the United Kingdom has taken some action. Further quotes from the *Guardian* indicate some of that action, which I believe is applicable, with some modification, to the South Australian scene. The article states:

The Government promised a wide-ranging inquiry into Britain's firearm laws in the wake of the massacre at Hungerford, Berkshire, on Wednesday last week.

... It was later revealed that he possessed licences for a Chinese-made copy of the Russian AK47 Kalashnikov semi-automatic assault rifle—the one he used for the killings—an American Armalite semi-automatic rifle, several hand-guns, and belonged to local gun clubs.

The United Kingdom is considered to have already some of the strictest gun laws in the world. An Australian can purchase the firearms I am listing here, which were in Ryan's possession. The article continues:

On the day before the killings he had spent an hour practising target shooting at a Devizes gun club. He was described as 'an average shot' who could hit a target with a rifle at 100 metres.

The promised investigation will be undertaken by the all party House of Commons select committee, and could lead to the Home Secretary, Mr Douglas Hurd, being questioned on current government policy.

Mr Ivor Stanbrook, Conservative MP for Orpington and a senior member of the committee said that he expected there would be little party political disagreement on the need for a wide-ranging inquiry.

I hope that that is the attitude of members of this Parliament. There was a further comment on Michael Ryan's possession of these firearms by the Chief Constable of Thames Valley, Mr Colin Smith, when he said:

... In a breakdown of the events surrounding the massacre. He said that Ryan had been legally in possession of three hand-guns and two rifles, but he thought it 'incredible' that someone should be allowed to keep ammunition at his home.

It really is lifting the lid on various factors which, coming together, result in the horrendous tragedies that will recur if we do not so something about this. Finally, another comment appeared in the *Guardian* on screen violence, as follows:

Mr Michael Grade, BBC television's director of programs, this week suggested talks with ITV on long-term measures to deal with screen violence in the wake of the Hungerford massacre.

'Self-regulation has to be the way to do it,' Mr Grade said. 'I would welcome a debate with ITV and Channel 4 in a little while when the emotional concern has become a little more thoughtful. The time will come when the broadcasters must get together to discuss violence on TV in the light of the changing public attitude.'

The BBC and the ITV companies have withdrawn or postponed a number of violent programs since the killings by Michael Ryan last week.

I feel that, in a way, it is rather sad that the television companies needed to wait until they felt public opinion was moving before they made their own assessment of the sort of effect the material that they have been putting on the screen is having. An article written by John Hay in London appeared in the Advertiser on 27 August under the heading 'Main street killer'. He discussed Michael Ryan going on a foray leaving 16 people dead, and compared it with the Melbourne massacre. This article was the day after the tragedy, and states:

Yesterday the video shops in the same area were doing a roaring trade in the Rambo movies. A spokesman for the video shop in nearby Reading said there had been a significant increase in hiring of the two Rambo films since the Hungerford slaughter.

'I suppose,' he said in the greatest example of sophistry this year, 'people want to make their own comparisons with the real life tragedy.'

A further rather macabre comment from this same article is as follows:

Soon after the massacre a television reporter interviewed a gun dealer on the state of Britain's gun laws. He stated, 'If every citizen had a gun someone could have shot Ryan before he killed those 16 people.'

The article concludes by saying 'Come in Rambo!' Once again I make the comment, rather sadly, that those who are in the trade of selling firearms will be reluctant to see the truth of the effect of the widespread sale and proliferation of firearms.

Other observations can be made on the matter of television violence. Before I leave this subject, I want to quote from a colleague of the Democrats, Victorian Democrat, Senator Janet Powell. She was quoted in the *Bulletin* of 15 September as saying:

The Democrats have written to the Minister for Communications, Gareth Evans, and the Australian Broadcasting Tribunal Chair, Deidre O'Connor, protesting about the level of violence on television programs slotted into early morning periods when many very young children watch virtually unsupervised.

Senator Powell states:

It is outrageous that the programs average a murder or an attempted murder virtually every minute of air time. According to the Australian Children's Television Action Committee, pre-school children witness something like 18 000 screen murders in the average 2 000 hours of television before reaching school age.

The article further states:

The National Coalition on Television Violence in the United States claims that studies have produced clear evidence linking childhood aggression with television violence ... There is already strong evidence in kindergartens of our young children acting out what they see on television.

Finally, on the matter of seeking further inquiries, the article states:

The inquiries will be breaking new ground in seeking to quantify the psychological effects of the toys.

Those comments were made in an article entitled 'Worried parents want to zap war programs and war toys'. This matter may come before the select committee if it is introduced as a relevant part of the terms of reference.

Following this mass murder episode, the *Advertiser* of 11 August published comments made by Dr Allan Perry, Senior Law Lecturer at the University of Adelaide, as follows:

The glorification of violence as portrayed in television programs rather than video nasties could trigger a massacre. We live in a culture that sensationalises individuals who use violence in the pursuit of liberty and justice. We make them into heroic figures. Those likely to conduct a massacre related in a distorted way to the importance given to such characters. Dr Perry said that there was no justification for the general public owning firearms. Almost everyone could be in a situation where they lose self control due to some extreme situation, and if they have recourse to a firearm the damage is much more than using a fist or a stick.

Another observation was made in an article in the *Bulletin* of 25 August, where Dr Mukherjee, who is the Principal of the Bureau of Criminology in Canberra, said:

Amid the predictable recent calls for tighter gun control the question remains: how much difference will it make? There are no major studies of the effect of gun control on the homicide rate.

He points out that guns are used in about 50 per cent of murders and suggests that fewer weapons should mean fewer murders. But, he concedes, that it is only an intuition. However, he makes the following point:

If the Melbourne killer had been armed with a knife most or all of the victims might well still be alive, but the charged man, a former soldier, would have passed any conceivable test for

competence in safety and handling guns, and psychological testing sufficient to identify serious maladjustment raises practical as well as civil liberties issues.

That focusses very well on the issue of the select committee's deliberations on this matter. It is not just a matter of removing the violence from videos, if that can be done; it also relates to the question of how much the distribution of firearms should be restricted. They are very widely and very freely distributed in South Australian society right now.

Before turning specifically to the matter of gun laws, I want to remind members that this very day in today's *Advertiser* we have perhaps our own warning of what could be just around the corner for South Australia. I refer to an article entitled 'Freeway sniper's shot hits car', which states:

Police and tracker dogs hunted unsuccessfully for three hours last night for a freeway sniper after a bullet was fired into a car near Stirling. The shooting follows similar attacks in other States. Last Friday a sniper opened fire on a convoy of crowded school buses in southern Sydney. Last month, three shots were fired at a bus carrying skiers to the Victorian snowfields, and a single shot was fired at a car in the Melbourne suburb of Dingley. South Australian police have also been called out several times in the past year after shots were fired at the buses on the North-East busway.

In relation to the incident at Stirling, the firearm used had sent a bullet through a back door of the car and it had lodged into the other back door and, obviously, it could have been a lethal shot. On page 15 of the *Advertiser* there is an article entitled 'Seaton man tried to shoot policeman in hotel struggle', which states:

A man had pointed a pistol loaded with 14 cartridges at a policeman while repeatedly squeezing the trigger.

In relation to this incident, a man was charged with possessing an unlicensed and unregistered pistol. Quite obviously, licensing and registering will not control all of these unhappy events, where people will be flourishing loaded firearms. In relation to this case, the article states:

First class Constable Mark Twiggs prosecuting said that the weapon, a 9mm semi-automatic pistol had been loaded with 14 rounds.

That is in just one day's *Advertiser*. I think we would be very foolish if we did not take note of these warning signs. There are now widespread calls around Australia for tougher gun control laws. I now quote from an article published in the *Advertiser* in early August this year, as follows:

The Deputy Director of the Australian Institute of Criminology, Dr Paul Wilson, said that although most States, with the exception of Queensland, had tightened their gun laws, it was still easy to move firearms from one part of the country to another. Dr Wilson suggested that easy access to firearms in Australia, unemployment and violence depicted through the media were possible reasons for random killings.

Dr Mukherjee, the Australian Institute of Criminology's Principal Criminologist, said that Australia's gun laws were not strong enough compared with in other countries. He said that in most gun killings the weapon was either stolen or unlicensed. I am referring to these quotes in my comments in support of the establishment of the select committee because it is important that members see all this material collated into a pattern in order to understand how much widespread dissatisfaction has already surfaced in relation to gun laws, the distribution of guns and the influence exerted by the media in relation to the potential misuse of guns.

An article in the *Advertiser* of 21 August headed 'Macho image gun tops SA sales' indicated that in South Australia the number of privately owned firearms had increased by 45 000 in the past seven years; in comparison with the increase in population, that is a very substantial rise. Another well-known authority from the Institute of Criminology in Canberra, Mr David Biles, stated:

While some people got a firearm licence because of a desire to imitate Rambo style attitudes, that motivation is not as common as has been suggested.

Mr Biles said that guns should be harder to get and suggested licensing checks on a person's mental stability and character, besides proof of their having undergone training in the use of firearms. The Secretary of the Adelaide Pistol Club, Mrs Joyce Kuerschner is quoted as saying that that club has 600 members with about five new members a week. She said the screening was very thorough. She went on to say that she got some chilling inquiries. The article continues:

'We had a mother who wanted to know how she could get a pistol because her daughter was having problems with her husband,' she said, 'You hear that and you just freeze in your tracks.'

I include that because I feel it is important that people who are in gun clubs and are in the main very responsible will obviously from time to time be in the unwitting situation where the potential criminal, the potentially deranged, have access to firearms, particularly if they are allowed to be taken home. In fact, a *News* article dealing with just that matter on 11 August headed, 'Stolen guns go on the market' stated:

At least seven more handguns went on the private market yesterday . . . stolen from a safe in a Valley View home.

For heaven's sake, seven hand guns in a private home in Valley View! And they were taken. A Holden Hill detective told the writer of this article that the guns included a .45 automatic pistol. The article continues:

'If you want a gun bad enough, you won't have much trouble getting one,' he said, 'If you want to pinch one, just go down to any pistol or rifle club and follow a member home.'

That, of course, justifies the point that I have made previously—that, for gun clubs and sporting clubs, there should be armories in which firearms are stored.

The Hon. R.J. Ritson interjecting:

The Hon. I. GILFILLAN: Yes, but it was the military ones that were broken into. If I could just mention the ease with which the most horrific weapons are available in Australia: I had sent to me a photocopy of an advertisement taken from the August edition of the *Australian Sporting Shooter*. These are some of the items advertised:

The Winchester 1 200 Defender Pump 20 inch barrel, 8 shot. Recommended retail $516—our price $399. A Ruger Mini 14 Rancher, including steel scope mounts, .223 or 7.62 x 39. Our special $795.

That weapon has a large capacity magazine which is available with the firearm. The advertisement also includes:

The SKS in AK47 style—

the same as used in Hungerford—

with a spare 20 shot magazine at $775. Freight paid by us on all these firearms to any town in Australia. Prices include sales tax.

To me, that is obscene. These weapons cannot in any way be described as firearms for the normal activities that I would tolerate in Australia. They are weapons of war with multiple killing capacity and I consider that any reasonable society should outlaw the advertising and sale of such weapons.

I believe that the public, as a result perhaps of these horrific tragedies, has indicated in polls that they do not wish there to be widespread ownership of firearms. The *Sydney Morning Herald* published a poll which asked, 'Who should own a gun?' and the categories were farmer, some police, all police, prison warders, security guards, ordinary citizens, bank tellers and jewellers. The results were as follows: farmer, 85 per cent yes, 12 per cent no; some police, 90 per cent yes, 6 per cent no; all police, 57 per cent yes, 39 per cent no; prison warders, 62 per cent yes, 30 per cent no; security guards, 67 per cent yes, 28 per cent no—and I emphasise the next category—of ordinary citizens, 13 per

cent yes, and a resounding 81 per cent no; bank tellers, 22 per cent yes, 74 per cent no; and jewellers, 19 per cent yes, 74 per cent no. The article states:

> Australians overwhelmingly oppose ownership of guns by ordinary citizens and even dislike the idea of guns in the hands of bank tellers and jewellers.

Other observations from the poll included that men tended to be more in favour of gun usage than did women, and of interest perhaps to this place with the two major Parties sitting on either side was that the other clear trend was among the political Parties; conservative voters were more tolerant of gun ownership than were Labor supporters.

The Hon. R.I. Lucas interjecting:

The Hon. I. GILFILLAN: Maybe so. I hope that I have established an argument and a case which would well and truly justify the establishment of a select committee with those terms of reference. I think it is important that the Government, as a matter of urgency and regardless of the select committee question, offer an amnesty to those owners of firearms who wish to surrender them. It is my belief, and it has been indicated to me, that there are a lot of people who actually have firearms illegally in their possession because they did not register them, and they are embarrassed and not certain what to do with them. As a final comment, I suggest that the Government considers very seriously implementing an amnesty period for the return of firearms, but I urge all members of the Council to support my motion that a select committee be established.

The Hon. M.S. FELEPPA secured the adjournment of the debate.

JUSTICES ACT AMENDMENT BILL

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. K.T. GRIFFIN: Clause 2 provides that this Act will come into operation on a day to be fixed by proclamation. I intend to support this clause at the present time, but I thought it appropriate to indicate to the Committee that, if an amendment of mine later in the Committee stage to add a new clause was passed, I would then want to recommit to make an amendment to clause 2. The substantive issue on the question of the Crown Prosecutor prosecuting certain cases ought to be dealt with before I propose any change to clause 2. I just indicate that it may be necessary to recommit at a later stage to reconsider this clause.

The Hon. C.J. SUMNER: I agree.

Clause passed.

Clauses 3 and 4 passed.

Clause 5—'Receipt of evidence of prosecution witnesses.'

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

> Page 2, lines 20 to 23—Leave out all words in these lines after the words 'police force' in line 20 and substitute 'as a complete record of the interview'.

The whole of this clause deals with the handing up of statements of witnesses during a committal hearing. New section 106 subsection (2) *(c)* deals with situations where the witness is a child. I did indicate at the second reading stage that I had a question about why the proposed paragraph extended to all committal proceedings and not just those related to questions of child sexual abuse, which was the context in which the Bill was introduced. In his reply at the second reading stage the Attorney-General gave an explanation as to why the new provisions should extend to all crimes or allegations of criminal activity and that, regardless of whether or not a child was a witness in a sexual offence case, larceny case, or assault of some other description than a sexual assault case, it was appropriate for the same procedure to apply. I have been persuaded by what the Attorney-General had to say—that the breadth of the paragraph is appropriate. I would hope that in the administration of it there would be an assessment of the effectiveness—both the disadvantages and advantages—at the committal stage from both prosecution and defence perspectives and that the results of some review in a year or two could be made known to the Council.

I do not intend to move an amendment to limit the scope of the application of paragraph *(c)* of new subsection (2). New subsection (2) deals with two areas: first, a written statement taken down by a member of the Police Force at an interview with the child; and secondly, a videotape record of an interview.

My first amendment deals with the taking down of a written statement by a member of the Police Force at an interview with the child. I will not go into the background or reason for that: suffice to say that I have indicated that, generally, the Opposition supports the way the proposed amendment is going. Some concern exists about the form of the statement which has been taken down and which is to be verified by an affidavit of a member of the Police Force who has taken the statement from the child. I am anxious to put that into a context, so there is not a narrative with the police officer's own interpretation of what the child has been saying and perhaps interpolations, but rather that what is presented in the form of a statement verified by the police officer is accurate and a complete record of the interview.

Difficulties exist with that, but it is important in dealing with the evidence of children to try to have identified the context in which the statement was made, the length of the interview, the number of occasions the child was spoken to by the member of the Police Force, and all the material that would indicate clearly the context in which the statement or statements were made, and that the statement taken, as reflected in the statement verified by the member of the Police Force, is a true and accurate record of the interview or interviews. My amendment is an attempt to pick up that concept and, although I recognise that there may be some difficulties with it, nevertheless I would seek to have it considered by the Council and for that purpose I have moved this amendment.

The Hon. C.J. SUMNER: This amendment is opposed. The Bill does not really change the existing practice with respect to written statements, except to provide that a police officer can verify the statement instead of having the statement, as a statement of the child signed by the child. Leaving aside the question of video recordings, which would be a complete record of any interview, with respect to written statements the Bill we are now considering does not change the existing practice except to provide that a police officer can verify the statement of the child. If the amendment was passed, a complete transcript of the interview would need to be taken down by the police officer. There is no question that this would cause significant practical problems in the investigation process by police officers. For a complete transcript to be taken, the interview would need to be in more of a question and answer form.

The present process provides for discussion with the victim about the offence and for the police to take notes. It is probably fair to say that that is the procedure used when interviewing virtually any witness. To have to take down a verbatim transcript of everything said to a witness and include it in a statement would involve insuperable practical

difficulties in relation to a police investigation. If a full transcript was taken, the police officer would need to write out each question and answer in full and include information that clearly has no bearing on the case in question. In other words, the interview would be conducted on a basis similar to that conducted with a suspect. We have to remember that this is an interview with a witness—an alleged victim.

The process of interview with a suspect is well established and it is a slow process because the interview must be conducted at such a speed as to ensure that each word is accurately recorded. No doubt exists that with a child witness this would create an artificial interview with the child as they would not be able to speak freely but would have to speak at a rate so that comments could be taken down verbatim by the interviewer. No such problem would occur with a video recording and probably no such problem would occur with an audio recording. However, we are not yet in a situation where police officers record by tape recording all of the interviews they conduct with witnesses. If we decide that that is a practical possibility in the future, the matter could be reconsidered.

The amendment would also cause serious problems with regard to matters pending. I previously explained a problem being addressed in this Bill with respect to cases already before the courts or in the process of investigation; that was why this Bill was introduced prior to the other Bills that will address other issues in the area of child sexual abuse. I am advised that there are some 30 cases already before the courts and in addition there would be others in the process of investigation. If this amendment was passed, the only way of conforming with it would be to reinterview the children in full and for a full transcript to be taken.

Obviously, this would result in additional trauma for the children involved, together with considerable extra work for the police. In some instances it may result in cases having to be dismissed. The only alternative would be to require the child to attend at the committal to give oral evidence. Clearly, that is the situation we are trying to avoid by the introduction of this Bill.

I emphasise that we are not here talking about the video recording of an interview but, rather, we are talking about the situation where a police officer interviews an alleged child victim and prepares a statement from that interview, which is then verified by the police officer. Presumably, the police officer would read it to the child and then verify its being accurate, the child having assented to that as being an accurate record. Of course, that is not the end of the matter. That does not mean that that statement or the circumstances in which it was taken cannot be challenged during the course of the proceedings. It would probably not be challenged at the committal, although it could be. If the magistrate so determined that there were special circumstances for calling the police officer, or for that matter the child, they could be called at the committal and the police officer could be questioned about the circumstances in which the statement was made. However, the more likely course would be for that inquiry, if the defence wanted to challenge the circumstances in which the statement was made, or to challenge the statement itself, to occur at trial in the absence of the jury to see whether the statement was admissible.

Even if the statement were admissible, the matter could be dealt with in evidence before the jury to explore the issues if there were minor discrepancies between a police officer's notes and a statement that the police officer had prepared based on those notes. All that is available either on the *voir dire* at trial to see whether the statement is admissible (and that would be done without the jury) or, again, there is a further chance to explore the issues at the trial itself before the jury. The fact that this form of statement is used at the committal stage does not preclude a challenge at the trial stage as to the circumstances in which the statement was made. For those reasons I cannot support the amendment moved by the Hon. Mr Griffin.

The Hon. M.J. ELLIOTT: I believe that I understand what the Hon. Mr Griffin is attempting to do in moving this amendment and I am in sympathy with him. It touches on the sort of things that I think have been raised a couple of times in this place. They relate to the context in which evidence is obtained. I take it that what was hoped for was that, by having a complete record of interview, the context of the evidence that comes forward is picked up. However, I see the practical difficulties that have been presented by the Attorney-General and I think that these questions perhaps will need to be asked again, in relation to the other Bills that will be before us at a later time.

The Hon. R.J. RITSON: Is there anything in the Bill as it now stands that will preclude an administrative decision, for example, to take transcripts or to make recordings of the surrounding events of the interview if it appears that, as a result of further study into this problem, that ought to be done and ought to be made available? Perhaps what comes out of this is a certified written statement but, if the administration in its wisdom and growing understanding of the difficulties concerning interpretation, so chose or was so persuaded, there is nothing to stop it also recording the surrounding discussions.

The Hon. C.J. SUMNER: No, nothing in this Bill would preclude a police officer tape recording an interview and certifying that as being the full statement. Some queries might be raised about proving the tape, but I assume that that can be overcome. There is nothing in the Bill that would stop a tape recording of the full interview and the transcription of that interview. If it were felt that at some time in the future that course were desirable, that could happen, but it is not just a matter of whether it is desirable in principle: it is a matter also of whether it can practically be done. Do we have the resources to tape record and transcribe every interview in full? The answer to the honourable member's question is that there is nothing to preclude that.

The Hon. R.J. Ritson: Really, there is plenty of room for policy development in the future?

The Hon. C.J. SUMNER: Yes, if in the future one wanted the complete verbatim transcript, that could be obtained if we got to the point where it was felt desirable that that should be done. There I refer to 'desirable' from the point of view of principle or 'desirable' from the point of view of practicality. I trust that that answers the honourable member's question.

The Hon. K.T. GRIFFIN: I appreciate the answers given by the Attorney-General. I have been anxious to highlight a particular problem, remembering that we are now venturing into a new area of practice and procedure by handing out written statements which are, in effect, hearsay evidence but, as I have indicated, we support the general proposition of the legislation. I certainly do not want to prejudice any pending case and I hope that, with respect to future cases, there will be a constant monitoring of the practice which will hereafter be allowed by this legislation.

In respect of the completeness of records of interviews, I would like to think that there will be careful attention given to the way in which that can be assured. As I said during the second reading debate in relation to videotapes, I have had the advantage of talking to the police in respect of their current pilot program and during that second reading debate

I questioned also whether it would not be appropriate to move towards the development of audiotaping all interviews, but that is something for the future and I am reassured by the Attorney-General that it is not a static matter; it is capable of further development. I appreciate that the numbers will be against me, so I indicate that, if the amendment is lost on the voices, I do not intend to call for a division.

Amendment negatived.

The Hon. DIANA LAIDLAW: My two questions relating to clause 5 both arise from words that were deleted from this Bill when compared with the Bill that was circulated earlier this year. I want to clarify the reasons for the omission of those words. New section 106 (1) states:

> Where a person appears before a justice charged with an indictable offence, the justice will, before deciding whether to commit the defendant for trial, take the statements of the witnesses for the prosecution in the presence of the defendant.

After the words 'commit the defendant for trial', the words 'or admitting him or her to bail' have been deleted. Why have those words been deleted?

The Hon. C.J. SUMNER: It was in the existing legislation that the words 'admitting him to bail' were included. I presume that it would say 'him' under existing section 106 of the Justices Act. Bail is dealt with in a separate Act—the Bail Act—so it was considered that those words were unnecessary. They were brought across from the old Act to the original draft of the new section and it was put to us that an argument could be put forward that a person could not be admitted to bail until all these statements had been put before the court, and that clearly is not the intention.

The Hon. DIANA LAIDLAW: New subsection (2) *(c)* provides for where the witness is a child. The draft Bill followed with the words 'who is alleged to be a victim of the offence'. Those words have been deleted. I assume that that is because it precluded witnesses who may be brothers or sisters, but I want that clarified.

The Hon. C.J. SUMNER: It was decided that any child witness should be able to use the benefit of this procedure, whether the child was an alleged victim of sexual abuse or had to give evidence for other purposes. I had this debate earlier with the Hon. Mr Griffin and he has agreed that the Bill, as it is, is more desirable because it does not limit this procedure to alleged victims of child sexual abuse. It enables the procedure to be used for all child witnesses, whether they be victims of sexual abuse, victims of other kinds or witnesses in any other sort of case.

The Hon. DIANA LAIDLAW: I accept that and approve of it, but I wanted to confirm whether that was the reason.

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

> Page 2, lines 28 and 29, leave out all words in these lines after the words 'police force' in line 28 and substitute 'who was present at the interview as a complete record of the interview'.

This paragraph deals with the question of videotaping and I was concerned that the drafting did not reflect what I believe to be the intention and that is that the written transcript of the videotape record should be verified by affidavit of a member of the Police Force who was present at the interview. It seemed to me that the drafting did not necessarily require that police officer to have actually been present at the interview. My amendment clarifies that.

The Hon. C.J. SUMNER: Acting on the drafting advice of the Parliamentary Counsel, I accept the amendment.

Amendment carried; clause as amended passed.

New clause 6—'Crown Prosecutor to prosecute certain cases.'

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

Page 4, after line 3—Insert new clause as follows:

> 6. The following heading and section are inserted after section 119 of the principle Act:
>
> *Crown Prosecutor to prosecute certain cases*
>
> 119a. Where a person is charged with a sexual offence and the alleged victim of the offence is a person under the age of 10 years, the Crown Prosecutor, a member of his or her staff, or a legal practitioner instructed by the Crown Solicitor must appear for the prosecution at the preliminary examination, or at any subsequent trial.

As I indicated during the second reading debate, the recommendation of the Government Task Force on Child Sexual Abuse was that prosecutors from the Crown Prosecutor's Office should conduct the committal hearings involving allegations of child sexual abuse as well as the trial if the accused should be committed for trial. My amendment picks up that proposition and provides that, where a person is charged with a sexual offence and the alleged victim is under 10 years, the Crown Prosecutor or someone acting on behalf of the Crown Prosecutor must appear at the preliminary examination as well as at the subsequent trial.

The context in which I raise the issue is as follows: some prominent Adelaide Queen's Counsel, with whom I have discussed the Bill, have said that it is desirable in the interests of the child as well as the accused that decisions to prosecute the matter through a committal and on to trial should be made by experienced Crown prosecutors. I hasten to add that that is no reflection upon police prosecutors, but Crown prosecutors must deal with such matters at trial. In cases in which young children are alleged to be victims of sexual offence, occasions arise in which a statement is handed up and a person is committed for trial. The Crown Prosecutor may determine that it is adverse to the interest of the child to be put into the witness box and cross examined and allegations made in that cross examination that the child is not telling the truth.

The detriment to the child as a result of that examination would far outweigh the advantage of putting the child in the witness box and obtaining a conviction, so it is a question of trying to assess what is in the best interests of the child. The Crown Prosecutor is a little more aloof from the pressures of family, friends and others and is in a better position to make a judgment at an early stage as to whether or not it may be appropriate for that child to give evidence and be cross-examined at a trial, because that is ultimately what will have to happen.

My amendment is designed to bring in the Crown Prosecutor at the earliest possible time with a view to his handling the case from the point of charging to the completion of the trial. I have indicated that a similar procedure operated in New South Wales and, I think, to some extent, if not completely, also in the United Kingdom. While it has resource implications, I believe it is a matter of policy and practice which ought to be adopted. If it is adopted, and there are still difficulties foreseen by the Attorney-General in relation to resource applications, I would be prepared at a later stage of consideration of the Bill to provide a mechanism through which operation can be suspended if that is the view of the Attorney-General with respect to the implementation mechanism.

The Hon. C.J. SUMNER: I oppose the amendment, but not because I do not have sympathy with the position being put by the Hon. Mr Griffin. In the best of all worlds we would probably have a single prosecution service which would undertake all prosecutions before the courts of South Australia, both at magistrates court level and in higher courts. However, we do have a system involving Crown prosecutors, qualified lawyers, appearing in the higher courts and police prosecutors generally undertaking prosecutions

in the lower courts, with Crown prosecutors being used in the lower courts for particularly difficult or serious cases.

I cannot see any chance of that situation changing in the near future if for no other reason than the extra resources that would be required. That is principally the objection to the honourable member's proposal in this case, that is, that extra resources would be required, and, in my view, unnecessarily required in quite a few cases. Since the release of the Child Sexual Abuse Task Force report efforts have been made to improve methods of dealing with child abuse matters. A procedure has been set up whereby the police assess child abuse cases and refer any case that they consider may be difficult or complex to the Crown Prosecutor.

The Crown Prosecutor then examines the complexities of the case and the seriousness of the offence and makes a decision as to whether or not a Crown prosecutor should be made available to conduct the preliminary examination, that is, the committal. If a Crown prosecutor is not made available, specialist advice would be given to the police prosecutor as to certain aspects of the case. Under the established procedures, in complex and difficult cases the Crown Prosecutor is now involved at an early stage. In any event, the procedure has also been set up within the Crown Prosecutor's Office that within a month after a committal a child victim should be interviewed by a member of the Crown Prosecutor's Office. Of course, from then on the matter is dealt with by them.

Following that, there is an arrangement with the district court for child sexual abuse matters to be dealt with by that court as a matter of priority. If this amendment was enacted, the Crown Prosecutor's Office would be required to attend at the preliminary examination even in cases of hand-up committal where the child would not be present. It would also require arrangements to be made in order that a State-wide service could be provided to deal with committals. That could mean that, in relation to a case at Amata on the Pitjantjatjara lands where a magistrate was dealing with a hand-up committal, a Crown prosecutor would have to attend if this amendment was passed. There could be a similar situation in Ceduna. This is not considered to be an efficient use of resources.

There would be significant resource implications for the Crown Prosecutor's Office and, while a split proclamation clause would enable resource implications to be addressed at some stage in the future, I do not believe that it is satisfactory at this stage to accede to the amendment although, as I have said, I do not really argue about the principle that the honourable member has put forward. However, I do argue that it would be unnecessary in many cases for a Crown prosecutor to be involved at the early stages from a practical point of view and it would create unnecessary resource difficulties.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Yes. However, the Crown Prosecutor has indicated to me that he is prepared to establish certain guidelines in cooperation with the police that they would abide by in relation to referral of cases to the Crown Prosecutor, so I can give that undertaking to the Council; if this amendment is not passed we will deal with the matter administratively within government and in terms of relationships between the Crown Prosecutor's Office and the police prosecutors, and establish guidelines which the police would follow to decide whether a matter should be referred to the Crown prosecutors at the committal stage. I believe that that approach is more flexible and overcomes the resource problems. It would substantially meet the problems that the Hon. Mr Griffin is addressing in his amendment.

I take this opportunity, while debating this clause, to respond to a matter raised by the Hon. Dr Ritson in relation to a training seminar for Crown prosecutors. At the moment that seminar is in the planning stages. Last week a meeting was held with Crown prosecutors to ascertain where they considered they needed assistance in dealing with child victims. A qualified psychologist from the Police Department who is involved with the training of police cadets in interviewing techniques is providing assistance. From that initial meeting a training seminar will be developed for prosecutors. In developing the package consultation will occur with interstate prosecution services providing training to their staff and the State Council on Child Protection. In addition, a discussion will occur with psychologists, and resources such as videos and articles that are already available will be examined. It will look at aspects such as interviewing techniques and means of putting child victims at ease, for instance, by familiarising them with the courtroom. It is hoped that the seminar can be conducted as soon as possible after the program has been prepared.

The Hon. R.J. Ritson: That sounds as if it is fairly separate from the care givers from the Department for Community Welfare—a fairly separate set of training procedures—not the same people.

The Hon. C.J. SUMNER: Yes, basically. I am not suggesting that they might not be involved at some point, but this is being established particularly as a seminar for prosecutors. We will be using the resources of the Police Department and, presumably, other articles and, no doubt, with a seminar with intelligent people, as our prosecutors are, I am sure that there will be the capacity for debate and discussion about various issues. I have no doubt that the differing points of view that may be put there can be the subject of debate and discussion. I am not suggesting that no-one from the service provider side will be involved, but the structure is not in the form of a seminar being provided by the Department for Community Welfare for police prosecutors. They are developing their own seminar, taking into account the experience that they, the police, and the interstate prosecution services have. For those reasons, I oppose the amendment.

The Hon. M.J. ELLIOTT: I am convinced by the arguments of the Attorney, and I will not be supporting the amendment.

The Hon. K.T. GRIFFIN: I indicate that I am heartened by the Attorney-General's undertaking that some guidelines will be developed by the Crown Prosecutor in conjunction with the police in respect of the referral of matters to the Crown Prosecutor, either for advice or so that the Crown Prosecutor can deal with them, if the amendment is lost. From indications that have been given, it is fairly clear that I will not get the numbers—although I think the spirit of it is important. In the light of that indication, if the matter is not carried on the voices I will not call for a division.

New clause not inserted.

Title passed.

Bill read a third time and passed.

CHRISTIES BEACH WOMEN'S SHELTER

Adjourned debate on motion (resumed on motion).

(Continued from page 781.)

The Hon. M.J. ELLIOTT: On many occasions, particulaly of late, the Minister has reacted as though personal accusations had been made against him when in fact, that has not been the case. The de-funding of the Christies Beach

Women's Shelter does, however, cause me some concern. On the basis of information given to me, it appears that at this point the Minister might have acted wrongly. There has been a very strong reaction from some women's shelters—I do not believe that such action to this point can simply be accepted and forgotten. It is not sufficient to simply make vague allegations about the shelter and its workers. There is no indication of any legal proceedings that I know of and yet the people of the shelter have been slurred and branded for life. There has been no full inquiry into allegations made in the report, 'Shelters in the Storm'. In the relatively brief time that I have pursued the allegations that have been made, I have found that some of those allegations made in 'Shelters in the Storm' are demonstrably false. If the Minister has more damning information than that which has been brought forward so far, then I invite him to bring that forward.

The people from the Christies shelter, if guilty, could have gone away and licked their wounds, but they have decided to fight. In these circumstances we in this place need to have a full analysis of the case. If the people from the Christies Beach Women's Shelter have done the wrong thing, they will stand condemned. But I am not happy with the pre-emptory fashion with which this matter has been handled to this point of time. I intend to demonstrate the blatant fallacy of the findings in the abovementioned review. It begins by noting that most of the information pertaining to the matter had been compiled from departmental files. At the outset, let me note that from a record of a meeting with the Department for Community Welfare a large number of allegations and innuendos may again be put to rest, as indeed occurred back in 1983—but not in 1986 or 1987. I have copies of minutes of a meeting that was held, and I am happy to read them in full. If my inference is correct, then there will remain on the part of the Minister a very serious obligation to explain why he has acted to de-fund this shelter.

All too frequently in this place reference is made to the blatant misuse of parliamentary privilege—'coward's castle', to use the Minister's own words. I am going to infer that this has occurred and that the reputations of well-meaning, well-motivated and highly professional people have been quite seriously damaged and that they have no recourse. They have no evidence regarding the charges made, they have had no opportunity to discuss or refute the charges made and, finally, as though all charges were proved, they were refused funding. I will not deal with the whole report, but in so saying I make quite clear that I have letters and reports that bring into question each of the allegations that have been made.

An honourable member interjecting:

The Hon. M.J. ELLIOTT: Often from the DCW. The report on the Christies Beach Women's Shelter occupies some 13 pages. As I mentioned earlier, I will deal with some of the more blatant and destructive allegations. Perhaps the most self-critical admission in this report is contained in its opening sentence—that information has been compiled from departmental files. My reason for saying this is that the same files also contain the records which indicate that many of those claims are indeed false. At a meeting attended by the Christies Beach Management Committee, the Director of Community and Planning Services of the Department for Community Welfare, a senior finance officer of the DCW and the Acting Adviser on Women and Welfare of the DCW, the purpose of the meeting was outlined. Perhaps before I elaborate, I would seek leave of the Council to have the minutes of that meeting incorporated in *Hansard.*

The PRESIDENT: I do not think that the honourable member can incorporate the minutes; perhaps he might like to seek leave to table the document. It would then be available, without being incorporated into *Hansard,* which is supposed to be a record of parliamentary proceedings.

The Hon. M.J. ELLIOTT: That is satisfactory. I seek leave to table the minutes.

Leave granted.

The Hon. M.J. ELLIOTT: The purpose of the meeting was given as follows:

The aim of the meeting is to clarify issues and determine any necessary action acceptable to the management committee and the department.

The concerns were as follows:

1. The first advice that the shelter had moved premises was via Crisis Care and also that no referrals were accepted from Crisis Care for some considerable period.
2. That the Acting Adviser on Women and Welfare was not officially advised of the move.
3. That the Acting Adviser was not informed that the shelter was not able to take referrals from Crisis Care from 11 July 1983 as the shelter was full.

The Christies Beach Management Committee provided the following information:

1. Between 9 July 1983 and 16 September 1983 the shelter was full.
2. That at no stage was Crisis Care advised that the shelter was not operational. They were told that the shelter was moving premises and, further, on 17 August 1983 to date of the meeting the shelter was full.
3. That the Minister of Community Welfare was informed of the move; the shelter administrator had announced at the July Women's Shelter Advisory Committee that the shelter was moving and that the Acting Adviser had been at the meeting.
4. The Administrator of Christies shelter was unaware of any guidelines relating to moving premises.
5. That there were difficulties between the Administrator and the Acting Adviser.
6. In relation to a complaint about a refusal to admit, it was noted that refusals only pertain to those who are drunk or psychiatrically disturbed.

Now comes the most relevant and interesting record of resolution, a resolution recorded in a departmental record dated 4 October 1983, as follows:

1. A resolve to improve communication between shelter staff and departmental staff.
2. An agreement that the advisor could approach the shelter Chairperson if unable to resolve issues.
3. Records were provided demonstrating that the shelter was full during the period in question. An invitation was extended to the department to check statistics and records. At this time that was not considered necessary.

So, here we have an allegation made in the report 'Shelters in the Storm', yet minutes from very senior officers of the Department for Community Welfare quite clearly state that those problems were resolved. On page 68 of 'Shelters in the Storm', the last paragraph of the review report ignores the whole content of this meeting record but refers to the date of the meeting—4 October 1983—yet it repeats the charge that was resolved here. The meeting proceeded to deal with the concerns, and I will briefly list them. Twenty-five payments could not be accounted for—also referred to in the review on page 66. What the review fails to mention is that 23 of the 25 running payments had been accounted for with receipts and the two remaining payments were for stamps and amounted to $13 each. The shelter had some difficulty with creditors, and this was clearly noted. The review criticises the shelter for changing auditors often. It was upon the insistence of DCW that they made the change.

The final bracket of concerns were as follows: first, that the Administrator was also a full-time student at Flinders University; secondly, that this double workload would obviously affect her work at the shelter; thirdly, that this was raised in a letter to the Minister; and, fourthly, that the system of monitoring and evaluating staff performance was

unclear to the department. Suffice to say that these issues were resolved. The allegations in relation to study leave can be clearly explained. Study involved five hours per week of actual contact time. Monitoring and evaluation of staff was carried out via verbal reports from all workers to the management committee. I seek leave to table a letter written by Mr Ian Cox, Director-General of DCW, to Ms Andrea Staiff, Chairperson of the Christies Beach Shelter Management Committee.

Leave granted.

The Hon. M.J. ELLIOTT: As confirmation of the satisfactory resolution of the abovementioned meeting, a letter was written and signed by the Director-General of Community Welfare on 14 December 1983. He notes:

It is clear from the report of the meeting that the objectives of the meeting were achieved.

1. The queries regarding admission practices were satisfactorily resolved.

2. The issues regarding the audited statement were clarified and an audited statement was subsequently received by the department.

3. The issues concerning study leave provisions were clarified.

Let me again make the observation that this is a departmental record, quite clearly contradictory to what is emerging four years later in 'Shelters in the Storm'. Much of what is in this document comes from files. How clearly the files have been checked, I do not know, because the files also carry a rebuttal to the very claims that are being pinned on these people.

Finally, I will extract references from a letter written to the Minister from the Chairperson of the management committee of the Christies Women's Shelter—

The Hon. J.R. Cornwall interjecting:

The Hon. M.J. ELLIOTT: You will get your chance shortly. All I am doing is putting a few things straight. This is a letter written by Dr Fran Baum, who was the Chairperson of the management committee of the Christies Beach Women's Shelter, on 14 August this year. I will read much of this into *Hansard*. The letter states:

Dear Dr Cornwall,

I write on behalf of the Christies Beach Women's Shelter in response to your letter dated 11 August 1987 and wish to express the grave concern of the Management Committee about your decision to withdraw funding from the Christies Beach Women's Shelter Inc.

The reasons for our concern are as follows:

1. The decision to withdraw the funding from the Shelter has occurred without giving the Management Committee any chance to respond to the unsubstantiated allegations made in the Review of the Management and Administration of Women's Shelters.

2. The Committee wishes to respond to specific allegations of financial mismanagement made in the Review.

i. The allegation of persistent overspending (p. 65) does not adequately represent the true situation. The majority of the deficit was accumulated in the move to new shelter premises (August 83). No additional funds were made available for this move. The Review itself states (Appendix ix, point 7) that the Irene Shelter's deficit was accepted as legitimate for entirely comparable reasons. Since 1983, while the deficit has accumulated, the amount involved has not been substantial. Further, with reference to the first point on p. 67, it is claimed that DCW were not given 'satisfactory' explanations for the then current deficit. We fail to understand why the present Management Committee can be held responsible for what occurred two or more years ago. We consider this should have been investigated at that time. Point 3 on p. 67 is not fully explained.

The Hon. J.R. Cornwall interjecting:

The PRESIDENT: Order!

The Hon. M.J. ELLIOTT: Point 3 on—

Members interjecting:

The PRESIDENT: Order! Interjections on both sides of the Chamber are out of order. The Hon. Mr Elliott.

Members interjecting:

The PRESIDENT: Order! When I call for order, I expect all interjections to cease, including people telling me how to run the Council.

The Hon. M.J. ELLIOTT: Thank you, Ms President. The letter continues:

Point 3 on p. 67 is not fully explained in that $9 500 of the $17.271 S.A.A.P. moneys was for back dated salary indexation increases (see attached letter dated 3 March 1986).

ii. Under normal business practice change of auditors is not considered an unacceptable management practice. In actual fact in 12 years of operation the shelter has used only four auditors.

iii. Delays in providing financial statement have not often occurred and when they have, these have not been of excessive lengths.

I believe that almost every other shelter was slower in putting in its return than was the Christies Beach shelter, so it is an interesting charge to pin upon it. The letter continues:

iv. The Management Committee is not aware of any misappropriation of funds and has received no recent communication referring to such maladministration.

v. We do not consider we have granted 'excessively generous terms and conditions of employment'. The salaries paid are equivalent to those paid at the Rape Crisis Centre who do not work in a 24 hour residential centre. Also compare with EHO staff on W5 level because they deal with clients in crisis.

vi. No procedures manual has been made available to the Management Committee with regard to financial management.

2. We are concerned that at no time in the last year has any officer from DCW contacted the Management Committee directly with regard to any of the allegations. The first and only contact made with the Chairperson of the Management Committee was the meeting held on 11 June 1987. This meeting was attended by the Chairperson, the Acting Administrator, Peter Bicknell (Manager, Non-Government Welfare Unit), Rosemary Wighton (Deputy Director, DCW) and Robyn King (DCS). We were given an outline of some of the unsubstantiated allegations, subsequently made in the Review. I repeatedly asked for documentation of these allegations and was only given vague responses to this request. Even the request for dates and number of allegations was not met. I was assured at the meeting that nearly all the allegations referred to two or more years ago and consequently did not reflect on current management or staff practices. We are concerned that such drastic action has been taken on the strength of unsubstantiated evidence. Additionally, the committee were given no opportunity to verify the information collected verbally from the shelter by the Review Committee.

3. Given that the vast majority of the allegations refer to a period of two or more years ago, we are surprised that these were not investigated at the time. In addition, we are concerned that these alleged past events are being extrapolated to reflect on the current staff and management committee.

4. On 24 July 1987 we sent a signed copy of the financial agreement to DCW and so complied with one of the major complaints of the review. You will be aware that none of the shelters signed the agreement willingly and we were not the only shelter to delay signing the agreement for some time. The main reason we did not sign the agreement originally was because Christies Beach Women's Shelter did not receive any 'new' moneys in the 1986-87 allocation of funds from SAAP and this had considerable implications for the future funding of the shelter. Once again no approach was made by DCW officers to the chairperson, about the seriousness or defunding implications of not signing the agreement.

5. We are also concerned that we have not been given detailed information about very grave allegations of misconduct and unprofessional behaviour on behalf of the staff. We would like to draw the following points to your attention:

i. On p. 68 it is claimed that the shelter was 'inoperative for a protracted period'. We would like to refute this as the client records clearly show the shelter was not closed during the period stated in the review. Women were admitted to the shelter at this time and there was no break in residency for the women who moved along with the shelter.

ii. On p. 69 it is claimed that the shelter's history is 'chequered with unresolved complaints and unsubstantiated allegations'. At the very least we would expect to have been provided with the number of allegations and approximate dates on which they were made. Of most concern is the fact that these allegations were not investigated at the time they were made.

iii. We acknowledged that some burn-out of staff has occurred and is of concern. The Management Committee believes it reflects

excessive workloads, insufficient staffing and the dedication and commitment of the staff.

Eighty-hour weeks or even more are not uncommon in the shelters. There are extremely dedicated people in all shelters in South Australia and burn-out is one of the unacceptable results. The letter continues:

iv. On p. 66 it is claimed that the counselling practices of the shelter have been 'unprofessional, inappropriate and exploitative' and there is evidence that some clients have needed rehabilitative counselling. Evaluation of counselling practices is an extremely complex procedure and there is no evidence in the review that such a procedure has been conducted. We would like to know which agencies have done the rehabilitative counselling.

I believe in fact that some of the people working at the shelter have been accused of unprofessional counselling, yet there are only one or two people in the shelters in South Australia who have professional qualifications for counselling and one was at this shelter. The people from the shelter were giving advice to people in other shelters on how to carry out counselling. So, such accusations are interesting. The letter further states:

We share with you your concerns about the allegations, but are confident that the current management and staff are running an effective and professional service. In light of the new information presented in this letter that was not available to you when you made your decision to defund the shelter we urge you to reconsider your decision.

The Management Committee would welcome the opportunity to cooperate with members of DCW in resolving the current situation. We would appreciate the opportunity for representatives of the Management Committee to discuss these matters with you directly. The main concern of the committee is to ensure the continuity of a full and effective service for women and children in crisis.

Yours faithfully,
Dr Fran Baum
Chairperson, Management Committee
Christies Beach Women's Shelter.

Clearly, with what I have put forward so far a number of the allegations that have been made against the former Christies Beach Women's Shelter can be clearly refuted. I am still in the process of further pursuing some of the other allegations and for that reason I seek leave to conclude my comments later.

Leave granted; debate adjourned.

FREEDOM OF INFORMATION BILL

The Hon. M.B. CAMERON (Leader of the Opposition) obtained leave and introduced a Bill for an Act to give the members of the public rights of access to official documents of the Government of South Australia and of its agencies and for other purposes. Read a first time.

The Hon. M.B. CAMERON: I move:

That this Bill be now read a second time.

The case for freedom of information legislation is overwhelming and has been documented in detail. FOI is necessary to improve the quality of decision-making on both policy and administrative matters in the public sector. It is necessary to enable groups and individuals to be kept informed of the workings of the decision-making process as it affects them. It is necessary to maintain and improve the quality of our political democracy.

The quality of democracy ought not depend, as it does at the moment, on the quantity of leaks, that members of Parliament receive. The leaks system might be very satisfactory for people like me and the press, but it is not satisfactory as the basic operating rule for everybody in the community. I must say that I am perfectly happy with my leaks system.

The Hon. L.H. Davis: You're the shadow Minister of Health—you should be.

The PRESIDENT: Order! Let us not become unparliamentary.

The Hon. M.B. CAMERON: But people working in health institutions should not have to send envelopes to me anonymously for fear of reprisal from the Minister. As the Minister is well aware, I receive interesting information in the mail quite regularly, but it should not be up to me to inform the public of what is going on in the area of public health. This ludicrous state of affairs simply would not exist if freedom of information legislation were introduced.

Waiting lists are a prime example of recent knowledge to the Minister and to me. I have mentioned this before, but it is an ongoing issue that cannot be ignored. The public should know exactly how many people are waiting for elective surgery in public hospitals. Currently they have to depend on Health Commission figures according to the Health Commission and the Minister, and I for one find that totally unacceptable, particularly when hospital figures reveal higher numbers than those orchestrated by the Health Commission and the Minister comes up with some concocted explanation about how the hospital wrongly includes whole groups of people waiting for investigative procedures. How he could completely dismiss these groups of people is beyond me. Let me assure the Minister that I know exactly what he was talking about when he talked about not having certain people on the list. Some of those people are waiting for diagnostic tools to be used by the surgeons and people with cancer could be missed because there is a waiting list for those diagnostic tools. Of course, we could determine exactly what he was up to if we had FOI legislation.

Another example of where FOI legislation would be invaluable is in investigating the couple of hundred reports gathering dust in the Health Commission, the majority of which have not been acted upon. Might I say to the Minister that I am fully aware of that situation, because I attended a meeting at Elliston where the Chairman of the Health Commission (Dr McCoy) made certain statements and I wrote down exactly what he said. He stated, 'There are stacks of reports in the South Australian Health Commission that have never seen the light of day.' He further said, 'Yes, there are too many reports and very few have been acted on.' It really annoys me to think of the hours of wasted time and money that went into those reports. Why are they hidden in the Health Commission? If there are stacks of reports, why have we not seen them?

The Hon. L.H. Davis: Why doesn't the Minister table them?

The Hon. M.B. CAMERON: I will ask the Minister to table them at some stage, because I think that it would be interesting to see what these reports have done. The Chairman also stated that there were 200 committees in the Health Commission.

The Hon. R.I. Lucas: This is the Chairman of the Health Commission?

The Hon. M.B. CAMERON: Yes, that was only recently.

The Hon. R.I. Lucas: Is that Dr McCoy?

The Hon. M.B. CAMERON: That is Dr McCoy, Chairman of the Health Commission.

The Hon. R.I. Lucas: He is having a go at the Minister.

The Hon. M.B. CAMERON: I do not know. It is very interesting to sit there and listen to that sort of thing being disclosed. It annoyed me that I, as a member of Parliament, do not have access to those reports and, through me and through the Minister, the public do not have access to them because they are hidden. Who pays for them; it is not the Minister—it is the taxpayers!

The Hon. L.H. Davis interjecting:

The Hon. M.B. CAMERON: Thank you. I do not care where they go back to. I would like to see them laid on the table. I am not concerned who did them or when they were done. I would like to see them and I would like all of them to be given to members of Parliament and, in that way, to the public.

The Hon. L.H. Davis: We could have an open day and inspect them.

The PRESIDENT: Order!

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: Nonsense. Of course they have not.

Members interjecting:

The PRESIDENT: Order! There is too much audible conversation.

The Hon. M.B. CAMERON: That is what happens when you have the secrecy that now prevails over this Government. The problem is that so much taxpayers' money—probably millions of dollars—goes into these reports and no-one is answerable for the failure of the reports or the lack of action on them. I think it is a scandal that there are hundreds of reports that have never been acted upon gathering dust in the Health Commission. If that is the case, what on earth have they and the Minister been doing? The growing Government bureaucracy should be of concern to everyone and one way of keeping tabs on this is through freedom of information legislation.

I have another disturbing example that illustrates the urgent need for FOI. I understand that the Chairman of the Royal Adelaide Hospital recently told a meeting of the hospital's surgeons that the hospital's role in funding was made more difficult (and this was only a couple of days ago) by the publicity that it received and that it was not a good idea for in-house documents to be leaked. The clear inference from that (and I hope that the Minister has not inferred anything like this) is that the Minister of Health or somebody in the commission is threatening funding in some way, because—

The Hon. J.R. Cornwall: Who said this?

The Hon. M.B. CAMERON: This is what the Chairman of the board said at a meeting. There was that clear inference, because documentation detailing facts about the hospital has appeared in the press via me. I make no apology for giving that information about waiting lists to the press—none whatsoever. What I do say is that all documents associated with enterprises in the Public Service that are not commercially sensitive should be available to the public. And I will have a few words to say about the commercially sensitive area in a moment. What a load of nonsense it is that I and other people cannot know that 2 660 people are waiting for elective surgery at the Royal Adelaide Hospital and that is more than at any other time in the history of the hospital.

Why should we not know that the Minister has not carried out his promise to reduce waiting lists? Why should we not know, for instance, that the Orthopaedic Surgery Department received $25 000 out of the $3.8 million that the Minister claimed he made available? He might have made available $3.8 million to get rid of the waiting lists, but the facts of the matter are that insufficient funds got to each area to make any difference. Why should we not know how many procedures this action has allowed? Why should not the public know that there is no Saturday morning surgery, as promised by the Minister? It is all part of accountability and that is something on which the Minister is very keen for everybody except himself. There is only one way to make him and the Health Commission together with other Government departments accountable and that is by introducing freedom of information legislation.

I say to the people who have provided me with the biggest leaked document file of any shadow Minister in this State, 'Thank you for providing me with information.' I might add that someone close to the Minister is heading for a knighthood or something similar when we gain office. That is because of the amount of material that he or she sends me, and I have been very grateful and appreciative, because I am kept informed almost on a daily basis.

The Hon. R.I. Lucas interjecting:

The Hon. M.B. CAMERON: I have no idea who it is, but they are very helpful people. To my contacts at every level of the Health Commission, I also say 'Thank you'. We do not have freedom of information, so I need them. If we did have it, I would not need to listen to these people. Freedom of information has far reaching implications for the entire conduct of public administration and Government. This Bill is amongst the most important pieces of legislation that will be introduced in this place. The key aim is to ensure that we have good government and there is no doubt that effective freedom of information legislation can contribute very substantially to good government.

It is time that freedom of information became a reality in this State. It is time that this Government and future Governments stopped shielding from the public behind walls of secrecy. It is time that people had a right to information that concerns them and for which they pay. I think that there is always the danger of Governments tending to believe that somehow they and the Ministers provide the money, but they do not: the taxpayers provide the money. It is time for people to have the right to information that concerns them and to determine the way in which their State is run.

Mr Donald DeBats, President of the South Australian Council for Civil Liberties, in a letter widely distributed to members of Parliament, which I hope they will read very carefully, sums up the argument very well when he states:

> You will be aware that you will soon have an opportunity to support meaningful freedom of information legislation for South Australia. The case for Mr Martin Cameron's Bill is overwhelming; in the year during which the issue has been before Parliament, not a single argument of substance has been levelled against the Bill. This is not surprising for the Bill very closely follows the 1983 report of the Freedom of Information Interdepartmental Working Party—a report which was accepted by Cabinet.
>
> Moreover, the legislation improves upon that operating in Victoria and at the Federal level. The Federal Government introduced freedom of information legislation in 1982: South Australia, once a State which pioneered change, now holds back, unable even to duplicate changes introduced elsewhere. Among the important reasons for supporting this legislation are:
>
> 1. The philosophical principle that citizens of a society should have the right to obtain information held by the Government which they elect.
>
> 2. The clear frustration which now confronts members of the public who seek Government information, only to discover that they are denied access. The recent controversy over bushfire claims in the Hills is a case in point.
>
> 3. The alienation which results from a perception of government, and the public service, rising above the ordinary citizen.
>
> The only argument which has been advanced against the proposed Bill is the costs which may be involved. The answer to this is clearly to investigate the level of charges which would make the operation of freedom of information, when fully operational, revenue neutral.

I recall that very early in the argument, the Attorney-General, in an aside to me across the Chamber, said that he would agree to the Bill if I agreed to it paying for itself. I say to the Attorney-General again that I accept that if that is the only way that we can achieve FOI in this State. I hope that the Government is prepared to make some contribution. If it is not, let us make it revenue neutral, at least in the early stages. The letter continues:

One fears that the Government is being less than straightforward in its use of cost factors as the only basis for resisting legislation which follows both its policy statements and a report which it has accepted. There will, of course, be real costs associated with the establishment of FOI, but the costings which are now bandied about are, after all, produced by the departments themselves, organisations not likely to be entirely in favour of freedom of information.

There is clearly a case for the establishment of an independent assessment of costings, based on the Federal and Victoria precedents, and then discussion of the appropriate level of fees which would make FOI legislation feasible here. The SACCL urges that you support this legislation.

Sincerely, Donald A. DeBats, President.

I thank Mr DeBats for his letter, which outlines the case extremely well. He hits the nail on the head when he says that 'the Government is being less than straightforward in its use of cost factors as the only basis for resisting legislation'. The cost factor is not a problem and it has been raised by the Attorney-General in a poor attempt to justify his opposition to something that he once strongly supported and of which he was the author. He started this; he was the one who set up a committee on this matter; he had reports brought to him. He promised the people of this State that they would have FOI and he has gone to water. He has a lot to answer for if he no longer supports the Bill. He was critical of the Hon. Mr Griffin for not proceeding with the legislation when the Liberal Party was in Government, but, having got all the reports together and promising it before the end of 1984, he has done nothing; he has sat on his hands. He has a lot to answer for, and it is totally hypocritical of him not to proceed.

In his latest report, the Auditor-General made some interesting comments about the problems of public sector activities becoming removed from parliamentary and public scrutiny, as follows:

I am ... concerned by a growing tendency for some public sector activities to become removed from parliamentary scrutiny, despite the fact that public funds are involved or that a contingent liability rests with the Government, either directly or indirectly through guarantees it has given. The establishment of subsidiary bodies (companies, joint ventures, trusts, etc.) by some public sector organisations and the constitution of some Ministers of the Crown as bodies corporate has provided the legal opportunity for this situation to develop.

These are the important words:

Disclosures and accountability to the Parliament is an integral part of the Westminster system and is seen to bring an added discipline to the management processes of the Executive Government. Given the potential financial exposure of Government (and the taxpayer) in the situations referred to above, the question of the balance between public accountability on the one hand and commercial confidentiality on the other hand is an important issue. While the public interest can be best served by the protection of commercial confidentiality in some cases, I would not feel bound by that obligation where I was satisfied that the public interest was at risk.

That same thing can be directly attributed to any transaction of government. If there is a problem in government or in the organisation of government we, the members of Parliament, the taxpayers and the people of South Australia have a right to know. We have a Westminster system and we do not hide things from the public. We should be accountable to the public and it is time that the Ministers of this Government and, through this legislation, Ministers of a future Government realised that they are part of the public system. They are not some sort of private organisation looking after themselves, making sure that nothing embarrassing comes out.

If we had FOI legislation, a lot of the embarrassment would be taken away because matters would become public in a normal way. There would not be any sensational leaks coming from me, the Hon. Robert Lucas or some person in the public. I assure members opposite that more will come. There might even be one on Friday, just for the sake of the Minister of Health. Why? Because it is all hidden, it has not been disclosed to the public. It would be far better if the Minister, his department and all other departments disclosed things before we are able to. However, that is their problem, not mine.

I agree entirely with the Auditor-General's comments and his sentiments that we live under a Westminster system. I applaud his criticism of the Government for its secrecy with its financial dealings, in particular with the South Australian Timber Corporation. How dare the Government not tell the people of South Australia that $21.5 million (or whatever it is) of public money has been placed in jeopardy. It may be slightly less or more than that. Why should we have to read about the fact that the timber corporation's wholly owned subsidiary, International Panel and Lumber (New Zealand) Ltd, has incurred significant trading losses and that the net value of assets on which the investment was based was overstated? Why should we not be told that legal proceedings have been instigated in respect of those matters before the Government is forced to tell us?

Taxpayers have a right to know, particularly as they stand to lose millions of dollars because the Bannon Government has gambled it away. It is not good enough for the Government to hide behind the excuse of commercial confidentiality. Neither is it an excuse for the Government to hide behind any confidentiality except in matters in which Ministers are given direct advice by their advisors. That is included in the Bill and that sort of material is exempt. However, normal letters of government should not be exempt and we should have access to them. If we had FOI we would not have to rely on the Government for information and the Opposition would not be forced to move for the establishment of select committees, such as a select committee to inquire into the timber corporation. These are serious problems with our so-called democracy that could be resolved by simply introducing FOI legislation. The Government is not run for Ministers and other Labor members; it is run for the people.

The Hon. K.T. Griffin: You wouldn't think so.

The Hon. M.B. CAMERON: No, the honourable member is right. The people should not be denied knowledge of dealings that concern them and their money a great deal. The secretive approach adopted by this Government is deplorable and it is time that issues were brought out into the open for public scrutiny. I wonder what other skeletons the Bannon Government has in its closet. No doubt we will see them in due time.

The Hon. K.T. Griffin: An unhealthy rattle there.

The Hon. M.B. CAMERON: There could well be. Obviously, the Government must be forced into being frank with the public and FOI is a prime way to do this. The Government cannot realistically oppose this Bill. It supported full freedom of information when in Opposition, then it won Government and went through the process of whooping it up and claiming that it would introduce the legislation. Suddenly it did not want it. It is not a credible excuse that this is too expensive, and the Government knows it. My Bill follows very closely the 1983 report of the FOI working party which was accepted by this Government.

There is no excuse for it to be rejected now, except that the Government has something to hide and does not want the public and the Opposition scrutinising its dealings. I wonder why this Government is so anxious about FOI. It is in place in Victoria and federally, but for some reason the South Australian Government does not want it. I urge members in this Council, and members of the Government

(and I do not care who it is) to support this legislation so that South Australia can enjoy a true, free democratic society. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading them.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 provides that the Act binds the Crown.

Clause 4 sets out the various definitions required for the purposes of the Act. Of particular importance is the definition of 'agency', being an 'administrative unit' or a 'prescribed authority'. An administrative unit means an administrative unit under the Government Management and Employment Act 1985 and a prescribed authority includes a body corporate established for a public purpose by or under an Act, a body created by the Governor or a Minister, a prescribed body over which the State may exercise control, a person holding statutory office and the Police Force (but does not include, amongst other bodies, a Royal Commission, a local council or a school or school council).

Clause 5 requires the Minister responsible for each agency to publish certain information concerning the functions of the agency, the documents that its maintains, the type of information that is distributed by the agency and the boards, committees and other bodies of the agency that are open to the public. The information is to be revised annually.

Clause 6 requires the disclosure of certain information relevant to the making of decisions and recommendations under or in pursuance of an Act. The section is particularly concerned with documents that are used as directives to officers for determining the rights or liabilities of a person under an Act.

Clause 7 is intended to ensure that a person will not be prejudiced by an agency failing to disclose a document to which clause 6 applies.

Clause 8 requires the Premier to make available certain information relating to Cabinet decisions.

Clause 9 requires an agency to prepare a statement specifying various documents that are created within the agency. The statement will be revised annually. As in the case of the preceding four clauses, this clause is intended to assist members of the public in finding out the type and number of documents that an agency deals with.

Clause 10 allows a person to challenge the completeness of statements produced under clause 6 or 9.

Clause 11 prescribes the right of a person to gain access to a document of an agency or an official document of a Minister, except where the document is an exempt document.

Clause 12 provides that certain documents are not accessible under this Part (being documents that are available in any event).

Clause 13 requires Ministers and agencies to administer the Act with a view to making the maximum amount of Government information easily available to the public.

Clause 14 provides for the making of applications for access.

Clause 15 allows a request for access to a document to be made to any agency which has a copy of the document. A request made to an agency that does not have the particular document must be handed on to the appropriate agency.

Clause 16 deals with the situation where although information may not be available as a discrete document it is available through the use of a computer or other equipment.

Clause 17 requires access to a document to be given on request.

Clause 18 requires an agency or Minister to take all reasonable steps to process an application for access quickly and a decision on an application must be given in any event within 45 days.

Clause 19 deals with the fixing of charges. The charge for gaining access to a document must in no case exceed $100. An applicant will be informed if the charge is likely to exceed $25. An applicant can apply for the review of a charge.

Clause 20 prescribes the various forms in which access may be given.

Clause 21 provides for the deferral of access where the document has been prepared for presentation to Parliament or release to the Press.

Clause 22 provides that where exempt matter can be deleted from a copy of a document so that it is no longer an exempt document and the applicant is still interested in that copy, access shall be given accordingly.

Clause 23 allows a decision on access to be given on behalf of an agency by the responsible Minister, the principal officer of the agency or an officer authorised pursuant to the clause.

Clause 24 requires a refusal to access to be accompanied by prescribed information.

Clause 25 provides that Cabinet documents are exempt documents. A certificate signed by the Chief Executive Officer of the Department of Premier and Cabinet establishes conclusively that a document is an exempt document.

Clause 26 provides that a document is an exempt document if its disclosure would be contrary to the public interests and would disclose information or matter affecting intergovernmental relations or confidentiality.

Clause 27 provides that certain internal documents used to advise an agency, a Minister or Government are exempt documents if their disclosure would be contrary to the public interest.

Clause 28 provides that documents used in the processes of law enforcement are exempt documents, for example, if they prejudiced the fair trial of a person.

Clause 29 provides that a document that is privileged from production in legal proceedings on the grounds of legal professional privilege is an exempt document.

Clause 30 provides that a document is an exempt document if its disclosure would involve the unreasonable disclosure of information relating to the personal affairs of a person, whether alive or dead. Where it is decided to grant access to a document containing personal information about a person other than the applicant, the agency or Minister should attempt to notify the person and inform him or her of the appeal rights that exist under the Act.

Clause 31 restricts the disclosure of information arising from a business, commercial or financial undertaking.

Clause 32 protects information or matter communicated in confidence.

Clause 33 provides an exemption to a document where its disclosure would be contrary to the public interest on account of the fact that the disclosure would be reasonably likely to have a substantial adverse effect on the economy of the State.

Clause 34 provides an exemption to documents arising out of companies and securities legislation.

Clause 35 grants an exemption to documents where disclosure would contravene a prohibition provided by another enactment.

Clause 36 provides that a person who obtains information about himself or herself may request the correction or amendment of the information where the information is inaccurate, incomplete, out of date or misleading.

Clause 37 prescribes the form of a request made under clause 36.

Clause 38 provides for the amendment of personal records.

Clause 39 provides for notations on personal records.

Clause 40 requires that a decision on a request for the amendment of a personal record be made within 30 days.

Clause 41 specifies that a decision on a request must be made by a person referred to in clause 23.

Clause 42 provides for the application of certain other provisions.

Clauses 43 and 44 prescribe procedures that may be followed if a court confirms a decision to refuse to amend a personal record.

Clause 45 confirms that certain notations added to records under clause 44 may be communicated to persons who received information contained in the records before the commencement of the clause.

Clause 46 provides for the correction or amendment of original documents.

Clause 47 provides for the making of appeals from decisions under the Act.

Clause 48 provides for an internal-review process where the initial decision was made otherwise than by a Minister or principal officer.

Clause 49 prescribes a 60-day time limit for the making of an appeal.

Clause 50 relates to situations where notices of decisions are not received within the time limits prescribed by the Act or where complaints are lodged with the Ombudsman.

Clause 51 prescribes who shall be the defendant to an appeal application.

Clause 52 provides that on an appeal, the agency or Minister concerned has to satisfy the court that its or his or her decision was justified.

Clause 53 allows the court to require the production of an exempt document for examination by the court.

Clause 54 allows for the intervention of the Ombudsman.

Clause 55 relates to costs.

Clause 56 allows the court to order a waiver of costs under the Act in certain cases.

Clause 57 relates to the joinder of parties.

Clause 58 allows the court to report cases of misconduct or breach of duty under the Act.

Clause 59 provides that for the purposes of appeal proceedings, the Supreme Court (the court vested with jurisdiction on an appeal) may be constituted of a single Judge or Master.

Clause 60 provides protection from actions for defamation or breach of confidence when access is given under or pursuant to the Act.

Clause 61 prevents criminal liability attaching when access is given under or pursuant to the Act.

Clauses 62 and 63 are reporting provisions.

Clause 64 provides for the making of regulations.

Clause 65 provides for the retrospective operation of the Act in certain cases.

The schedule contains a list of bodies that are specifically exempted from the application of the Act.

The Hon. DIANA LAIDLAW secured the adjournment of the debate.

[*Sitting suspended from 6.12 to 7.45 p.m.*]

CITY OF ADELAIDE PLAN

Adjourned debate on motion of Hon. L.H. Davis:

That this Council recognises:

(a) the unique and distinctive character of the city of Adelaide; and

(b) the need for development which is sensitive both to this character and to the needs of the city; and therefore urges the Government to ensure gazettal of the 1987-92 City of Adelaide Plan as a matter of urgency.

(Continued from 26 August. Page 476.)

The Hon. T. CROTHERS: At the outset, I indicate that I will make a minor amendment to paragraph *(b)* of the motion as it stands. I am sure that no members in this place would disagree with the opening sentiments of the motion, namely: that this Council recognises the unique and distinctive character of the City of Adelaide. As I have said, not a single member here would disagree with those sentiments, and I suppose that I must thank the Hon. Mr Davis for the obvious vote of confidence that the statement contains in respect of the Labor Party's being in Government in South Australia for 16 or so of the past 20 years. Certainly, I also believe that Governments of Labor Party persuasion have played a not insignificant role over the past 20 years in the development of the City of Adelaide.

Having read the speech to the motion made by the Hon. Mr Davis, I do not believe that there was anything in his speech to suggest that the integrity of the Government processes in this matter are anything other than intact. An unfortunate problem which held up the plan somewhat was that the time of its referral to the City of Adelaide Planning Commission overlapped with the May local government elections, and the State Government felt that it would not be appropriate to pursue the matter at that time, because, as would be obvious to all members here, it was considered that the incoming Lord Mayor and his council should, as a matter of courtesy, have access to and be able to comment on the plan. Indeed, the Government is aware of present Lord Mayor Condous's expressed interest in endeavouring to bring about an increase in the number of people living in the city. That indeed also fits in with the recently announced Government policy on urban consolidation.

The Hon. M.J. Elliott interjecting:

The Hon. T. CROTHERS: 'And what a great policy it is,' says the departing Mr Elliott. It has not even gone 12 o'clock and he is leaving us already! However, the plan fits in with the Government's recently released policy on urban consolidation. The plan has now gone to the CAPC and, bearing in mind the level of cooperation that up until now has existed between the Government and the Adelaide City Council since the plan was jointly launched by the Premier and former Lord Mayor, Mr Jarvis, I am sure that the matter will quickly be drawn to a fruitful conclusion. I move the amendment that I want to place before the Council, on behalf of the Government:

In paragraph *(b)* of the motion—After 'ensure' insert 'as early as possible'; and delete 'as a matter of urgency'.

This amendment is fairly minor and of a technical nature. I hope the Opposition will accept it for what it is.

The Hon. R.I. LUCAS secured the adjournment of the debate.

AUSTRALIA CARD

Adjourned debate on motion of Hon. Diana Laidlaw:

That this Parliament:

1. Registers its strong opposition to the introduction of a national identification system, incorporating the Australia Card, and

2. If the legislation passes the Federal Parliament, calls on the State Government not to cooperate in the establishment of a national identification system incorporating the Australia Card.

(Continued from 19 August. Page 302.)

The Hon. T. CROTHERS: In rising to speak in opposition to the proposition put by the Hon. Ms Laidlaw—

An honourable member: What a shame!

The Hon. T. CROTHERS: Well, I consider the proposition to be a shame too—the honourable member is quite right. In speaking to the motion, I speak with the sincerity of an individual who happens to believe that the Australia Card proposal is the way to go—albeit that I know that there is opposition to the proposition, not so much in a philosophical sense, but there is widespread opposition to the proposal across the community—

The Hon. R.I. Lucas interjecting:

The Hon. T. CROTHERS: —and I respect people for that. Let me remind the Hon. Mr Lucas that at one time his Party carried a resolution supporting the introduction of an ID card. As I have said, I rise as a member of the Australian Labor Party to oppose the motion put to the Council by the Hon. Ms Laidlaw. In doing so, I am compelled to ask where Ms Laidlaw and her colleagues were during the five-week election campaign prior to 11 July.

The Hon. M.B. Cameron interjecting:

The Hon. T. CROTHERS: The honourable member would not know, as he was overseas at the time. Of course, 11 July was the date of the last Federal election—which was called, by the way, because of the Senate's obstruction of the Hawke Government's proposed ID card legislation. We all know why the Liberal Party ran dead on that issue: members of the Liberal Party ran dead on the ID card issue because their own pollsters, like our pollsters, had told them—as they had told us—that the big issue in the campaign would be the tax issue, whereas popular support for the ID card proposal was running at a level of about 65 per cent at that time. Now, what do we find just some two months after the Federal election? We find the politically opportunistic Ms Laidlaw and some of her colleagues—

Members interjecting:

The PRESIDENT: Order!

The Hon. T. CROTHERS: Not only can I write but I can read, too, young Mr Lucas. What do we find, Ms Chair? We find young Ms Laidlaw with her preselection, as I am led to believe, under threat, heading up an unholy alliance made up of many constituent parts of people who were opposed to the concept of the ID card.

Members interjecting:

The Hon. T. CROTHERS: Norm Gallagher.

Members interjecting:

The PRESIDENT: Order!

The Hon. M.B. Cameron: And Madam President.

The PRESIDENT: Madam President is calling for order.

The Hon. T. CROTHERS: I need protection. Thank you, Ms Chair. Many of these people are very genuine in their opposition to the card and as such—

The Hon. M.B. Cameron: Like Mick Tumbers.

The Hon. T. CROTHERS: And Martin Cameron—I can understand their attitude, and I will have something more to say about the Hon. Mr Cameron if he listens long enough. That is an attitude which they, as individuals, have every right to hold in the type of society in which we all currently live. I believe in the main that this body of people to whom I have just referred are motivated by the civil libertarian type of opposition to the Australia Card that one could come to expect from some quarters. However, I do not believe that it is this motive which has galvanised Ms Laidlaw after a long period of torpor into action. Well may this Council ask itself, and indeed be entitled to ask, just what are the motives of the champagne and caviar set who now would appear to be championing the case against oppression and inequity, as they relate to our society's underprivileged. I believe, Ms Chair, that one has to probe elsewhere to understand why it is that Ms Laidlaw has taken it upon herself to play so prominent a role in what can only be described as the poor man's rainbow coalition. Me thinks—

The Hon. I. Gilfillan: What is wrong with the poor man?

The Hon. T. CROTHERS: Not one thing. The Almighty loved us so much, the Hon. Mr Gilfillan, that he made thousands of us. There is not a thing wrong with the poor man. I have been one myself. Me thinks that this born again rising damp member of the Council is representing another constituency entirely from that which she purports to be so doing. The question we ask is: who is she trying to protect by her recent endeavours against the Australia Card? Well, I happen to believe that she really is true to her class background, representing the group who can probably best be described as the wealth by stealth interest group which in itself, of course, is made up again of many different types of wealth by stealth individuals.

The Hon. Diana Laidlaw: I haven't had any superannuation yet.

The Hon. T. CROTHERS: Not yet; the honourable member is working on it, though. They are far too numerous and disparate to mention here, but some of the better known types are the tax frauds, the tax cheats, the business people who understate their company's annual earnings and the gentlemen farming medical specialists from North Terrace, just to name a few. And there are the pretenders that would appear to possess a knowledge of health who pretend to be gentlemen farming medical specialists from North Terrace, just to name a few of the people who I believe expose the hidden agenda of Ms Laidlaw in her opposition to the ID card. The people who suffer most from the predations of these leeches are the underprivileged of our society. I will cite several examples of the many that I know of so that members can comprehend the magnitude of the problem. I cite the Federal Treasury's forecast of the revenue it believed it would derive from the fringe benefits tax and the capital gains tax. It appears very likely, though we have not had the Auditor-General's Report as yet in the Federal Parliament—but I am told, even at this stage in proceedings—that the Treasury's forecast revenue from the fringe benefits tax will be at least double its expectation and forecast.

The Hon. M.B. Cameron interjecting:

The Hon. T. CROTHERS: Well, the honourable member should talk to some of his people who drive overseas models. The forecast for the capital gains tax will be about four or five times above the original estimates. This, Ms Chair, is only the tip of the iceberg in respect to tax evasion. Members may also be surprised to know that some $4 million per year in interest payments does not find its way into income tax returns, and that 35c tax in the dollar that comes to—

The Hon. Diana Laidlaw interjecting:

The Hon. T. CROTHERS: The Hon. Ms Laidlaw speaks as if she knows something about it. I am an innocent in respect to these matters. I always pay my tax. At 35c in the dollar, that involves an additional $1.4 billion per annum in Federal Government revenue that currently is not being collected because of the rort that is being perpetuated. From time to time I have heard the Hon. Ms Laidlaw and other members of the Opposition wax lyrical over the plight of the homeless in this State, and so they should. I know that members on this side of the Chamber share their concern, and it has to be said that South Australia, like all other

States, has a huge waiting list of deserving, underprivileged people, many of whom are in desperate need of public housing, and this in spite of the fact that the Bannon Government has spent more per capita on public housing than any other State Government in Australia to this time.

Just imagine what this Government could do if we could get access to the $1.4 billion lost to Government revenue through the income tax interest rort. A simple calculation would show this Council that an additional 2 150 units of public housing, estimated to cost $65 000 each, could be made available per annum for the homeless and the needy in South Australia alone. Rental, of course—

The Hon. Peter Dunn interjecting:

The Hon. T. CROTHERS: There is the Hon. Mr Dunn again—the honourable gentleman farmer from the West Coast who probably has a house up here or has a house down there or, at worst, is able to commute by way of his $40 000 aeroplane to his home on the West Coast and does not really know the meaning of the word 'homeless'. As I said, an additional 2 150 public housing units per year could be provided out of that tax rort. Well may we say what a despicable lot are the opponents of the ID card when we strip away the verbiage and start analysing it.

Members interjecting:

The Hon. T. CROTHERS: I will send him a copy myself. Here we are, as a Party of reform, which we have always been, able to stand up and, even if there are differing opinions amongst us, speak our minds without fear of reproof. I hope that Ms Laidlaw in the next Liberal preselection will be able to do that too. Revenue from the source that I have spoken about would provide an additional 2 150 new public home units per year, and all of this from just one tax rort. It is not possible to stop these rorts unless we have the ID card. That was a minority recommendation of a joint Senate committee report—commissioned by the Federal Government. It examined all other possibilities and came to the conclusion that the only answer by way of damming the dyke was the ID card. Members of the Liberal Party sat on that committee.

The Hon. M.B. Cameron interjecting:

The Hon. T. CROTHERS: I was referring to members of the Senate. People—not like you and I.

The Hon. M.B. Cameron: Normal people.

The Hon. T. CROTHERS: Yes, normal people.

The Hon. M.B. Cameron: I used to be a senator.

The Hon. T. CROTHERS: Probably as far back as the ancient Roman times—as far back as that, I am sure.

The Hon. M.B. Cameron: Socrates was my mate.

The Hon. T. CROTHERS: He drank hemlock too, did he not? It has long been said, by people who should know, that Australia is one of the pivotal links in the world wide distribution of drugs. I personally believe that to be true. I also believe that Australia is widely used for the laundering of money dishonestly come by. The only hope that the National Crimes Authority and all Australian police forces have of stemming these nasty pieces of endeavour is, in my view, by the introduction of the ID card. I know that Liberal members opposite also know that to be true.

I realise, however, that one or two members opposite have strong personal views against the Australia Card. My respect for them has not and will not be lessened by their opposition to the ID card as they have in times past shown their own personal courage, more particularly, I recall, during the Liberal Party split. I wish them well, but I call on the rest of the Opposition members in this Chamber to step back from the brink of this opportunistic political charade in which they are now engaged. As for the two Democrats—I have not forgotten the Hon. Mr Gilfillan or the Hon. Mr Elliott—I simply remind them of the comments of their former Leader when his catch cry was, 'Let's keep the bastards honest'.

An honourable member: They never did.

The Hon. T. CROTHERS: Not from that day to this. I tell the Hon. Mr Elliott and the Hon. Mr Gilfillan that the only way to do this is to support the introduction of the ID card. Finally, I personally hope that the Federal Government is not dissuaded from its present course of action. I am sincerely convinced that if the card is introduced—

The Hon. R.I. Lucas: Don't hold your breath—you'll turn blue.

The Hon. T. CROTHERS: I may turn red, but never blue, young Mr Lucas. I am sincerely convinced that if the card is introduced the amount of real benefits that will flow to the Australian people will have the effect of shutting up forever and a day the vested interest groups who would oppose the proposition of the ID card. I oppose the Laidlaw proposition.

The Hon. R.I. LUCAS: After a meal it is good to have a little comic relief from my little centre left leprechaun friend in the corner. I will now turn my speech back to front. I was first going to develop a nice logical argument to support the proposition that the Hon. Diana Laidlaw has moved. At the end I was going to discuss the forces supporting and opposing the identity card (or the Australia Card, as the Government would want to call it). We on this side, through that little comic relief from the Hon. Trevor Crothers, watched with interest the reactions of members of this Chamber from an opposing faction. We all know that the Hon. Trevor Crothers is a significant (in bulk at least—although I do not know about number crunching) member of the centre left faction of the State Labor Party.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: Yes, he is a heavy—thank you, Mr Roberts. Of the 10 members in this Chamber we have five members of the left faction. What did we hear from the left faction while Trevor Crothers was speaking?

The Hon. T.G. Roberts: Respectful silence.

The Hon. R.I. LUCAS: Embarrassed silence, I think. Did we hear anything from the Hon. George Weatherill? Not a squeak! He is hiding behind his pillar.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: What about the Hon. Carolyn Pickles and the Hon. Terry Roberts? Carolyn is a member of the 10 person executive of the organising committee of the left in South Australia.

The Hon. T.G. Roberts: It's 11 now.

The Hon. R.I. LUCAS: It is 11 now. Did we hear anything from the Hon. Carolyn Pickles? Not a word! Did we hear a squeak from Terry Roberts in the corner? Not at all! I was very surprised: the only person who interjected and supported the comments was the Hon. John Cornwall, and we will address him later. I would expect that from the Hon. John Cornwall. We also heard nothing from the Hon. Barbara Wiese. We heard nothing from the Hon. Mario Feleppa—he was very quiet in the corner. My old mate in the other corner is not a member of the left faction but rather of the centre left we decided. I thought he was probably right, but centre left when the numbers come. We did not hear a word from Gordon Bruce at all. The whispers are out: perhaps there is no support from Gordon Bruce for this proposition of the Hawke Government.

I refer to your position, Ms President, with due respect—a prominent member of the left faction of the Labor Party in South Australia. I know that, with your due respect for parliamentary procedures and principles, you would not

have interjected and asserted your view on this subject. With your fine record in the past, at least on civil libertarian matters, I very much doubt that you, Ms President, would be prepared to support this proposition or the comments of the Hon. Trevor Crothers. Perhaps we can put directly to the Hon. George Weatherill the question whether he is prepared to support the identity card. Let silence be the record in *Hansard*. Did we hear anything from the Hon. Carolyn Pickles?

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Silence is for the record from the Hon. Carolyn Pickles. There is silence from all members in this Chamber other than, I suspect, the Hon. John Cornwall, who I daresay will get to his feet in a moment or two to address this matter and perhaps provide some support for the Hon. Trevor Crothers. The simple fact is that there are probably only two members in this Chamber—

The Hon. J.R. Cornwall interjecting:

The Hon. R.I. LUCAS: My first recollection of the Hon. John Cornwall was his slitting the throat of a sheep—and I might add that he did not do it very well—during an agricultural science lesson at Marist Brothers. I dare say that, since then, his political record has been as messy. The only thing that I did not appreciate as a young 11 or 12 year old, as I was then, was the smile on his face as he did it. I suspect the only reason that the Hon. Trevor Crothers spoke on this motion was that, together with the Hon. John Cornwall, they are the only members of this Chamber who are prepared to stand up and oppose this motion, because nobody else on the Government side is prepared to stand up and place on the record their views about the identification card.

We know that members of the left, both nationally and in this State, oppose the Hawke Government's move to introduce an identification card. Members of the left within the State Labor Party and also people like Peter Duncan and Nick Bolkus in particular in the Federal Labor Party oppose the move. Let us look at it honestly. In terms of voting strength, the left is almost irrelevant in the context of the direction of the State Labor Party and the Federal Labor Party but, more significantly, we have the New South Wales right faction, led by Barrie Unsworth, opposing the decision of the Hawke Government to introduce an identification card system. In terms of the direction of Federal policy, what the New South Wales right faction says carries much more weight than the opinion of the left faction, both in this State and nationally. I think that that is the most significant development of the past week in relation to this debate, together with the continuing widespread community and union opposition.

The Hon. M.B. Cameron: The ACTU.

The Hon. R.I. LUCAS: The ACTU has been half bought off. From tonight's news service, I understand that the ACTU is calling for a review of the Hawke Government decision and it has not indicated its true feelings of opposition. Representatives of the union movement in South Australia, not necessarily from the left—people like John Lesses and others in the union movement—have been most outspoken in their opposition to the Hawke Labor Government's proposition for an identification card. Of course, we had the most unlikely daily double of Mick Tumbers and Alexander Downer being photographed in the Adelaide *Advertiser*, which indicates the breadth of opposition across the political spectrum to this Hawke Labor Government proposition.

Let us not be deflected by the sometimes personal attack of the Hon. Trevor Crothers against the mover of this motion. I thought that that attack was a little unfortunate and along the lines of personal attacks that the Hon. John Cornwall made on the Hon. Diana Laidlaw only yesterday about her background, and I do not think that that really added too much to the debates. If members want to talk about individuals and their command of wealth, one does not have to look too far beyond the Labor Party to see some pretty good examples of the command of wealth. Did I hear something from the Hon. Carolyn Pickles? I thought I heard a question as to whom, because I was not looking at the Hon. Carolyn Pickles, but we would not have to look much further than Peter Duncan, Paul Keating and assorted other members of the Labor Party, both State and federally, to know that they command more resources and assets than most people within my Party in South Australia. That was just a little deflection towards the end of my speech.

The Hon. Carolyn Pickles: And inaccurate, too.

The Hon. R.I. LUCAS: Peter Duncan doesn't own more of South Australia than I do?

Members interjecting:

The Hon. R.I. LUCAS: Peter Duncan would own half of North Adelaide.

The Hon. M.B. Cameron: So does Senator Bolkus.

The Hon. R.I. LUCAS: And Bolkus.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Channel 7 cannot go anywhere without running into Peter Duncan.

The PRESIDENT: Order!

An honourable member: The limousine left.

The Hon. R.I. LUCAS: Exactly. I hear an interjection, even though it was out of order, about the limousine left. I thought that that was quite a good description about quite a number of members of the left in South Australia.

The PRESIDENT: Order! I would ask the honourable member to address his remarks to the motion being debated. I have allowed a fair degree of latitude and straying from the topic. I suggest that he come back to debating the motion as set out on the Notice Paper.

The Hon. R.I. LUCAS: I congratulate the Hon. Diana Laidlaw on her motion and her excellent speech on it. As the Hon. Diana Laidlaw has indicated, she is not a Johnny or Jilly-come-lately in relation to the identification card. Going back some two years, this is the third occasion on which the Hon. Diana Laidlaw has moved a similar motion in this Chamber, so the point that the Hon. Trevor Crothers makes about where had the State Liberal Party been in relation to this matter during the July election campaign this year sadly misses the mark. If the Hon. Trevor Crothers had done a little research other than looking for a little comic relief, he would have discovered that the Hon. Diana Laidlaw's record in this matter has been first class and consistent over a period of some two years.

In supporting this motion, my position on the identification card is that I do not believe that it will eliminate taxation, social security and immigration fraud. I believe that it will be administratively cumbersome. I further believe that it will be an unacceptable invasion of privacy for many law abiding citizens in South Australia and in the nation. I note the quote from Mr Costigan by the Hon. Diana Laidlaw. Two parts of that quote spring readily to my attention and they are, 'A jackhammer to crack a nut' and, 'There are much cheaper and more effective ways of coping with the problem of tax evasion and avoidance in Australia.'

The Hon. Diana Laidlaw: More cost effective.

The Hon. R.I. LUCAS: Yes. This comes from someone who is not involved in the give and take of the Party political process, but, rather, from someone who is well versed in trying to cope with tax evasion and avoidance.

He is in a good position and certainly in a much better position than the Hon. Trevor Crothers or me to be able to offer an opinion as to the effectiveness of this proposition in coping with the problems of tax evasion and tax avoidance. I thought that an important part of the Hon. Diana Laidlaw's speech was in her tracing the history of the proposition for an identification card. I do not intend to canvass the complete history, but suffice to say that the Hon. Diana Laidlaw outlined the problems, going back to the latter part of the 1970s and the early part of the 1980s, with the Australian Taxation Office and the inefficiencies that have been identified by Auditor-General's Reports and committees of inquiry, inefficiencies that all those bodies identified as costing many hundreds, if not thousands of millions of dollars in uncollected taxation revenue for the Commonwealth Government.

At the moment, Prime Minister Hawke is claiming savings or revenue collections of $1 billion if this proposition goes through. As the Hon. Diana Laidlaw traced in her very good speech, that figure has been a movable feast. The Prime Minister uses a figure of $1 billion but, according to various Government departments and Government spokesmen, the figure varies somewhere between $500 million and $1 billion. Recently I noted an article in the Melbourne *Age* which quoted the President of the Victorian Society of Labor Lawyers, as follows:

> Victoria's Society of Labor Lawyers have urged the Government to reassess the need for the card. 'Aside from the privacy objection, it's premature,' the President of the society, Mr Damien Murphy, said yesterday.
>
> He paid tribute to the work of the Commissioner of Taxation, Mr Trevor Boucher, which has resulted in $700 million recovered by a crackdown recently, and said this meant that the Government's claimed return from the card was illusory, as much of the claimed revenue would be mopped up without it.
>
> 'To give the Tax Department credit, they're now getting their act together, with the result that a lot of fundamental claims for the ID card are blown out of the water,' Mr Murphy said.
>
> 'The card is the price the community has paid for a decade of gross incompetence and maladministration of our tax laws.'

That was not a Liberal Party spokesman but the President of the Victorian Society of Labor Lawyers, which supports the Labor Government. The point that it makes is that there has been inefficiency within the Australian Taxation Office and that only recently that office has begun to crack down on tax evasion and avoidance and has been able to rake in some $700 million. That sum needs to be deducted from the suggested savings or revenue gains from the Hawke Government's identification card system. We will not see those particular adjustments made to the revenue calculations by Prime Minister Hawke and people such as the Hon. Trevor Crothers and the Hon. John Cornwall who are likely to stand up and parrot support for this particular proposition.

I turn now to discuss the administrative arrangements for the identification card. The legislation and the proponents of the card indicate that the card is voluntary but everyone knows that no-one will be able to exist or operate in the modern world without access to the identification card. I will take a typical Adelaide couple and for that purpose I take my wife and me: Mr and Mrs Average; an average parliamentarian, anyway. I will look at how we will react to the administrative arrangements for the identification card.

If this legislation comes to fruition, the first effect on my wife and me will be that, as adults over 18 years, we will have to apply for a card because we will want to continue operating bank and other financial accounts, make Medicare claims, security claims, etc. We will be required to apply for an identification card and in order to do so we will be required to make an appointment with Government officers. We will then be required to go through a 10 minute interview for verification of our background and our documentation. On that occasion a digitalised photograph will be taken, as has been indicated in press reports in the past week. Our documentation will be cross-checked and, if there are any problems, further investigations and inquiries will be undertaken. We will have to give a specimen signature before using the card and that will be the end of the first stage of application.

As a typical Adelaide couple, we will not get the card on that occasion. Further checking will be done and approximately two to three weeks later we will be required to present ourselves for another appointment to collect the card from Government officers elsewhere in the system. In special circumstances and for people living in remote parts of the country (perhaps the Hon. Peter Dunn will qualify) the department will send the card by special secure delivery.

The Lucases, with four children, do not perhaps have the typical size family. The eldest of our children, Ben, who is seven years old, is now reaching the stage at which he is able to sign his own name in a pretty regular fashion. A bank account has been held in trust for him by his parents and grandparents and he will now be able to sign deposits and withdrawals on his savings account at his local bank. To do so, Ben will be required to present himself for an identification card. Clearly he will have to do that in company with his parents. Two years on, we will have to do the same thing with our second child. A further two years on we will have to do the same thing with our third child and two to three years after that we will have to do the same thing with respect to our fourth child.

The Hon. J.R. Cornwall: What about your fifth?

The Hon. R.I. LUCAS: The Hon. John Cornwall may well know something that I do not but the Lucases are not yet as prolific as the Cornwalls.

The Hon. J.R. Cornwall: Yet.

The Hon. R.I. LUCAS: We only have four children yet; there is still plenty of time. Over the next four to five years my family will have to present ourselves on at least six occasions to Government officers for the presentation of identification cards for the Lucas clan here in Adelaide.

The Hon. M.J. Elliott: Is it a birth control measure?

The Hon. R.I. LUCAS: I hadn't thought of that.

The Hon. J.R. Cornwall: They might counsel you at those sessions as to what is causing those children.

The Hon. R.I. LUCAS: We haven't found out yet; there is plenty of time. The card will be issued for a period of between three and seven years depending on the decision that the Government and the administration is likely to take. Looking at our typical family, if the cards last seven years, over that time we are likely to have to present ourselves to these Government officers on at least six occasions. If the Government decides that the card will last only three or five years, the adult Lucases will have to present themselves more frequently in that period. In addition, the children will have to present themselves when their cards expire, depending on what the cards indicate. The view that has been put around by the proponents of this card—that it is an administratively simple procedure and does not really affect all Australians—is a nonsense.

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: I do not have to send my seven year-old for a driver's licence. The honourable member might have more gifted children than I do but my children do not have to go for drivers' licences, and I do not have to present myself on every occasion for such a licence. As the Hon. Trevor Crothers knows, that can be done through the post. Every three, five or seven years, depending on the

Government's decision, people will possibly have to update their photographs. The legislation is not clear on whether, if somebody like the Hon. Trevor Roberts gets rid of his beard and moustache and then looks quite different, that will necessitate—

The Hon. T.G. Roberts: To look more respectable.

The Hon. R.I. LUCAS: I would not reflect on the honourable member by saying something like that. However, where significant changes to a person's appearance occur, whether by a beard or moustache, or because of surgery (whether by design or by accident), will that person then be required to change their Australia Card photograph? That matter does not appear to be covered by the legislation.

The other matter in relation to administrative problems for all Australians in complying with something designed to pick up tax and social security cheats is the question of what happens when a card is lost. Take me as a typical example. I own plastic cards such as bankcard, Visa, and a card to get into the Parliament House car park. I do not think that I have spent 12 months without having to apply on three or four occasions for a new bankcard or some other card because it was not working, I had lost it, it had been mangled in the washing machine, it was stolen or was no longer functioning so it did not work the magic machine outside the bank or the magic machine that lets us into the Parliament House car park.

I think that the parliamentary staff have me at the head of the list of people who have lost their entry card for the Parliament House car park. I am sure that all of us will on some occasion be in a position where we have lost our ID card or had it stolen or damaged. Once again, the legislation is delightfully ambiguous as to what occurs when that happens. It certainly makes clear that one must then go through a complete renewal application process to get a new card. If that takes anything like the two to five weeks delay that occurs in getting a new bankcard from one's bank, the interesting question is what on earth one does during that two to five week period when one does not have an ID card.

The Hon. Diana Laidlaw: What about getting a job?

The Hon. R.I. LUCAS: The Hon. Diana Laidlaw interjects asking, 'What about getting a job?' A person cannot get a job unless they have an identification card; neither can they open or close bank accounts or operate those accounts without the bank sighting the identification card.

The Hon. J.R. Cornwall interjecting:

The Hon. R.I. LUCAS: There is compassion from the Minister. Here is a poor lost soul from Hackham who has lost her identification card for three or four weeks, and all the Minister of Health has to say to that poor, single, supporting mother is that she cannot cheat, but she can put up with not having an identification card for three or four weeks. She may want to get a job to get herself off the pension, but she does not have an identification card for three weeks; she may move house and want to open a new account in another city, but what happens if she does not have an identification card?

What happens if this person has to make a claim on Medicare or social security in a new State or town and she does not have an identification card? All the Minister of Health can say is that she cannot cheat. There is compassion in relation to the ID card. There is, once again, silence on the Government back bench in relation to the lack of compassion shown by the Minister of Health in relation to this matter. This is an important matter for all members of this Chamber to consider, because what the Hon. Trevor Crothers and the Hon. John Cornwall want us to believe is that the only people who will be affected are those who are ripping off the system—and that is an absolute nonsense!

The Hon. J.R. Cornwall: The ones you want to protect.

The Hon. R.I. LUCAS: Barrie Unsworth, Peter Duncan, George Weatherill, Carolyn Pickles, John Lesses and Mick Tumbers are all Labor Party mates of the Minister, so he should not wag that finger at us but behind him at his colleagues. Do not let us be fooled by statements from people like the Hon. John Cornwall that it is only the tax cheats who have anything to worry about in relation to the identification card system, because all of us will be affected by the administrative inconvenience of the card in the short term; all of us will be affected when we lose our card, or a member of our family loses a card, and we have to make application for renewal of that card, because during the two to four week period while we are cardless we will, in effect, be non-persons in the eyes of the Hawke Government and its supporters such as the Hon. John Cornwall.

I turn to the effect of this card on the banking system. Once again I will quote from the Melbourne *Age* of Friday 4 September 1987:

> But the Director of the Australian Bankers Association, Mr Alan Cullen, told the *Age* that unless the Australia Card Bill was amended it would have a 'serious impact on banks, other financial institutions, the business community and their customers'.
>
> The biggest problems will emerge when customers do not present their ID cards to banks by the prescribed date set down under the legislation. Mr Cullen said customers who had not verified their accounts on time would not be able to carry out transactions through automatic teller machines or pay accounts with their bank's plastic card.
>
> Banks legally would not be able to continue automatic payments for customers to meet mortgages, insurance premiums, and the like. And the cheque system could be undermined because banks would have to bounce any cheques on accounts which had not been verified by presentation of the ID card.
>
> Credit cards will also be suspect, because retailers will not be sure that the holder of a credit card has verified their account with their ID card they will need to get authorisation for every credit card transaction, no matter how small.

Those words of caution from the Australian Bankers Association ought to be borne in mind by all members of this Chamber and all people in the community, because there will be many thousands of Australians who will not meet the deadline in presenting their ID card to a bank by the prescribed date set down in this legislation. If they do not, all their transactions for mortgage repayments and their access to teller machines and so on will be cancelled or stopped as at that time, so when the prescribed date is reached thousands and thousands of Australians will be inconvenienced because their access to financial transactions and cards such as bankcard and Visa within the banking system will be cut off. Once again a word of caution to all Australians that it is not just the tax cheats and social security cheats who have something to fear from this legislation.

The Hon. T. Crothers: That's a fair start, though.

The Hon. R.I. LUCAS: The Hon. Trevor Crothers has a funny sense of fairness if he supports this proposition for an identification card and seeks to describe it as fair. As I indicated earlier, we all know that some children have bank accounts opened for them by their parents or grandparents at birth that are held in trust until the bank allows them to operate those accounts, usually as soon as they can sign their signature. The banks tell me that it is generally at junior primary school level, from age 6 onwards, that they are allowed to withdraw from and deposit in their savings account using their school bankbook.

So, as I have indicated before, those thousands of children who have been able to do that in the past will, under this legislation, be required to apply for an Australia Card. Also, we know that many children of 12 and 13 years of age and

through the secondary years of education are allowed by banks to operate cheque accounts and automatic teller machines. Representatives of the banking community tell me that there is no minimum age for that requirement; a bank makes its own judgment about allowing school aged children to have access to cheque accounts, bankcards and teller machines. Once again, if children have not already operated their own savings and deposit accounts prior to the introduction of the Australia Card they will be required to apply for a card.

I now refer to the confidentiality of the identification card system. Once again, I quote from the Melbourne *Age*. The Victorian President of the Australian Medical Association, Dr Ken Sleeman, was quoted as follows:

> During the doctors dispute of 1985, Dr Sleeman said that information was leaked to a Sydney newspaper from Medicare files.

And emblazoned across the front page of the *Sydney Morning Herald*. It continues:

> Dr Sleemen also cites the recent McGoldrick case, where private medical histories were made available to police. In another little known incident, a doctor's Medicare card was stolen and used as an identification to open a bank account. 'The first thing the doctor knew about it was when the debt collector arrived,' he said.

There are just two examples where the supposedly confidential nature of our existing Medicare system has been abused: first, disadvantaging doctors who had their earning records emblazoned across the front page of the newspaper, and, secondly, where the medical histories of young girls, involving abortions and other matters very sensitive to them, were debated and discussed in court cases in Melbourne. Ms President, if the existing system leaks, as it has done already, with the amount of information that exists in it at present, then God forbid what is likely to happen under the system that the Hon. John Cornwall and others support, when information is available in one centralised location.

The other matter in relation to confidentiality, of course, concerns computer hackers—a matter that I have raised in this Chamber with the Attorney-General on many occasions. There is no doubt that there is no foolproof computer system; there is no doubt that there is no foolproof confidentiality system of this type and that the computer hackers at some stage in future will be able to access these confidential records, with the resultant loss of confidentiality for those persons so affected. In fact, the Minister in charge of the ID legislation, Senator Susan Ryan, admitted recently that she could not give a guarantee that the system was totally secure—that is the Minister in charge of this legislation saying that she could not guarantee the security and confidentiality of the system.

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: The Hon. Trevor Crothers tries to defend that, but it is really indefensible. In relation to the promise made by the Hawke Government about the identification card—that it will have only limited usage both now and in the future—we know, as do members of the community, that we just cannot believe the Prime Minister, we cannot believe the Hawke Government or the Bannon Government, and we certainly cannot believe the Hon. John Cornwall.

From the history of past actions by the Hawke and Bannon Governments it is quite evident that they soon break promises made prior to an election without any fear or compunction whatsoever. The Hawke Government's promise of no capital gains tax and the Bannon Government's promise of no tax increases were broken. The Bannon Government's promise of an entertainment centre was broken. The Hawke Government made promises in a range of other areas; the last one was that there would be no early election, and then within four weeks Mr Hawke was calling an early election, some 12 months before time. So, if we cannot believe the Hawke Government, the Bannon Government, or Ministers like John Cornwall when they give assurances in other areas, why on earth should we believe them on this occasion when they say that it will be used only for limited purposes and that that usage will not be extended at any time in the future. There is no protection; it can be changed at any time when people like Hawke, Bannon or Cornwall have the numbers in the Federal Parliament to change the legislation to extend the usage of the card.

The major area of concern for most people concerns not just use in the short term but future uses and the extension of uses of the identification card in the longer term. I can divide those into two categories. First, there are those uses that might be allowed by the Federal Government at some stage in the future. Already in a number of other States the police are arguing that they should have access to the identification card system as of now. There is no doubt that people like Prime Minister Hawke and Minister Cornwall will argue for various cases. Let us take the worst possible case, say, the drug case. It could be argued that perhaps the Police Force should be given an extension of power and an entitlement to use the identification card. We can see how that argument could be extended so that the police would then have access to the identification card system. Of course, we will get statements from the Minister and the Prime Minster to the effect that that will not be done but, as I indicated before, we have not been able to believe them in the past in relation to a range of other matters so why start believing them now?

The second general category of future use relates to clause 167 of the Australia Card Bill, where reference is made to uses that we would have thought would not be allowed. Clause 167 of the Bill provides:

> (1) Except as authorised by this Act, a person shall not require another person to produce a card.
>
> Penalty: $5 000 or imprisonment for 2 years, or both.
>
> (2) Without limiting the generality of subsection (1), that subsection prohibits a person from requiring another person to produce a card in connection with . . .

There is a range of details through paragraphs *(a)* to *(f)*. Paragraph *(a)* refers to 'the supply of goods or services', and paragraph *(f)* refers to 'the making of an agreement'. The operative words to which I think members should address themselves in subclauses (1) and (2) are that 'a person shall not require another person to produce a card'. There has not been enough debate in the community and in Parliament as yet as to the interpretation of clause 167 and, in particular, in relation to the interpretation of 'require'. Many media commentators and legal commentators of some note have indicated that 'require' means that one cannot demand the card but that anyone in the community will be able to ask for it; that is, a person will be able to ask for someone to present the Australia Card but will not be able to insist upon it.

The Hon. Barbara Wiese: How come you take so long to tell the story?

The Hon. R.I. LUCAS: It is a very important matter. The Hon. Barbara Wiese might not think it is an important matter, and I am disappointed.

The Hon. Barbara Wiese interjecting:

The Hon. R.I. LUCAS: It is all the interjections. If the honourable member and the Hon. John Cornwall were quiet we would be through in half the time. So, people will be able to ask for someone to present an Australia Card but will not be able to require an individual or 'card subject', as the Bill refers to us, to present the identification card. It

certainly does not prevent individuals from showing the card voluntarily—and I use that word advisedly. Once again, I want to refer to the excellent articles in the Melbourne *Age* of 4 September. In one article, Prue Innes states:

'Silent refusal' could be an even more subtle technique. Picture this situation: You go to a shop to buy a $600 cassette recorder, and ask for credit. 'What identification have you got?' the assistant reasonably asks. You offer your driving licence. Not good enough. Your Bankcard? No. One by one you produce your various pieces of plastic from your wallet, to be met with a shake of the head. Finally you are down to your Australia Card, and you get your credit.

The article continues:

What about the citizen who knows his rights and is angered when, say, a shop demands his card before providing some service or goods, which is illegal under the Act. Will he stick to his principles and walk out, or succumb and produce his card? Will he complain? Will the Australia Police have the resources to pursue every unauthorised use of the card?

The Hon. R.J. Ritson: We might have a special branch of card police.

The Hon. R.I. LUCAS: The Hon. Bob Ritson suggests a special branch of card police. Clearly it will be unenforceable throughout the nation. The article continues:

Will the citizen simply submit to what he knows is in breach of the legislation because he feels he has little choice? 'It's all putting the onus on us to make sure we've got a card,' Mr Greenleaf says.

Mr Graham Greenleaf, who lectures in law at the University of New South Wales and is a member of the New South Wales Privacy Committee, has done a detailed analysis of the Australia Card Bill. Mr Greenleaf says:

It is an offence to require someone to produce the card as a means of identification (penalty $5000), but 'requests' for it are not. There is no sanction for the quite conceivable situation that goods or services will be refused because nothing other than the card will be accepted. 'Some Goverment documents have referred to this as "pseudo-voluntary" production. The likelihood is that "voluntariness" will often be completely illusory.' A major flaw, according to Mr Greenleaf, is in the area where cards can be voluntarily produced, which he says will lay the way for a hugely expanded use of the card.

People are not prevented from asking for a number, even without the card, and it may be recorded. He predicts that any credit grantor, insurance company, government agency or a range of other organisations could require a person to disclose his number, which can then be noted and communicated to anybody. This is a likely scenario, according to Mr Greenleaf. A major department store checks a customer's record with a credit bureau before granting credit, and requires the person's ID number as a condition of granting credit, although it does not ask to see the card. The store then passes on the number to the credit bureau. When the person later applies for more credit, say to buy a car, the credit bureau says the number is unverified and asks the car salesman to ask to see the card for verification purposes.

'The consequences of this loophole are that there is no effective limitation on the spread of the number as a method of matching records held by different organisations in the private sector,' Mr Greenleaf says. 'In effect, the Bill ignores the fact that for many organisations it is the unique, universal identification number, not the card, which is the primary attraction of the system.'

I think Mr Greenleaf does us all a service in pointing out the major loophole and the major problems with respect to the identification number as distinct from the identification card. The Hon. Barbara Wiese as Minister of Youth Affairs ought to consider the effects of the Australia Card on young people; and I have already considered the fact that most young people who operate bank accounts will have to apply for an Australia Card. Mr Greenleaf points out that young people have to carry their age or date of birth on their card, whereas adults do not, and the reasons for that are unclear. There is no doubt that young people will grow up being used to being required to carry an identification card. There is no doubt that if this identification card system is introduced the silent treatment or silent refusal I have previously indicated, or the pseudo voluntary system Mr Greenleaf talks about, will be used in relation to hotels, bus, movie, cricket or football concessions that are provided to young people.

The last matter I want to address is in relation to the market research for the identification card system. The poll that was published in the Melbourne *Age* on 8 September this year indicates significant community opposition to the identification card system. In June 1986, there was 65 per cent support and 25 per cent opposition to the identification card. In September this year, that had been reversed to 50 per cent opposition and only 39 per cent support. The response from Senator Ryan to that was: well, everyone knows that telephone polls are notoriously unreliable. Little does Senator Ryan know that Rod Cameron, the Federal Labor Party and State Labor Party pollster, uses telephone polls and has been employed by the Hawke Government to conduct a $100 000 survey to try to retrieve the identification card issue for the Hawke Government.

There is no doubt from that market research that there is widespread community opposition as I indicated previously. There is widespread union opposition. The left of the Labor Party is opposed. The Liberal Party, the Democrats, the banks and, as I indicated earlier, the New South Wales right and the Unsworth Government are all opposed to the system. The position of the Bannon Government has been unclear. Thus far it has attempted to sit on the fence, but it would appear, certainly from the speeches tonight of Trevor Crothers and John Cornwall, that the numbers will be clicked and the Bannon Government will be supporting the Hawke Government in the identification card system, whereas other State Governments like the Queensland Government have already indicated they will not assist the Federal Government in its identification card system by providing access to registers of births, deaths and marriages.

Ms President, I indicate again my strong support for the motion moved by the Hon. Diana Laidlaw and my disappointment that the Labor Government in this Chamber could find only two spokesmen prepared to stand up and oppose it when we know full well that the majority of members in this Chamber from the Labor Party would support the motion from the Hon. Diana Laidlaw—

The Hon. Diana Laidlaw: That's the difference between the Labor Party and the Liberal Party.

The Hon. R.I. LUCAS: Exactly. That is the difference. They cannot express their own wishes. They are crushed by the numbers in Caucus and the Hawke Government. I am disappointed that only two members from the Bannon Government are prepared to stand up and support the identification card and that they are not all prepared to vote according to their individual consciences.

The Hon. J.R. CORNWALL (Minister of Health): In the 12 years that I have been in this place—in fact it is now approaching 13 years—that is probably the most boring contribution that I have ever heard. This is supposed to be a putative leader. This is supposed to be somebody who at some stage will be the alternative Premier. If that is the case, then I should say that we are in very real danger of having almost *de facto* one Party Government in this State for the next 30 years. There really was no magic, no charisma, no fire in the belly—it was repititious. He read from the Melbourne *Age*, and his speech had about all of the impact of yesterday's or last week's newspaper. There is no doubt that the Hon. Mr Lucas, who spoke for almost an hour, and read at length from last week's newspapers, has got all the charisma of a dead fish.

The other thing I want to say before I move specifically to the motion before the Council is that I am increasingly

concerned (and I am sure I speak for my colleagues in this matter as well) about the abuse of the forms of the Council in private members' time.

The Hon. R.I. LUCAS: On a point of order, will you, Ms President, direct the Minister to address the matter at hand. His opinion on the abuse of the forms of the Council has nothing to do with the motion before the Council. I ask him to comply with what he has been talking about and let us get on with it.

The PRESIDENT: With respect to the point of order, it is not for the Hon. Mr Lucas to ask the Minister to do anything.

The Hon. R.I. Lucas: I am asking you to do it.

The PRESIDENT: It is not the honourable member's job to do that—it is mine. I did allow considerable latitude to the Hon. Mr Lucas in addressing this motion, when he wandered considerably from the topic. While I do not approve of this, it seems that what is sauce for the goose is sauce for the gander and, as long as the Minister does not wander too far from the topic for too long, I shall be showing the unbiased attitude to both sides of the Chamber that I have always shown.

The Hon. J.R. CORNWALL: Thank you, Ms President. We had a dissertation on the joys of young Ben, the seven year old and number one member of the family. One thing I have found to be more revolting than anything else in the time I have been in politics is people who use their families to political ends.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: Let me make clear that it was not me who raised the subject of my family today. It was poor old Murray Hill, and his colleagues insisting that he get up, embarrassed though he was, and ask the question, that dragged my family into this Chamber. I have never used or intended to use my family in politics, unlike Mr Lucas who took us down the track with little Ben and just about everybody else he could mention. Really, I ask you! He who would be Premier, hand-in-hand with little Ben and the other three children and his lovely wife, tiptoeing through the tulips. Really! This is the would-be Premier!

The Hon. R.J. RITSON: On a point of order, whilst I admire the latitude given, I ask you, Ms President, to direct the Minister to talk about the ID card.

The PRESIDENT: I suggest that it would help to discuss the motion that we have been on for nearly an hour and a half. We still have a lot of business to do.

The Hon. J.R. CORNWALL: That brings me to the next point: the gross abuse of the forms of the House—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: —in which the Opposition is increasingly involved. The tradition in this place has always been that Wednesday is private members' day and from 3.15 to the dinner adjournment we devote to private members' time. Today, by agreement, we had a period of about 40 minutes during which—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: —by agreement the Attorney-General and the shadow Attorney debated a matter of great importance, and we got it through. It is now 9.10 p.m. and we are nowhere near getting into Government business. That, I submit, is an abuse of the forms of this Council. I suggest that if private members' time (and I respect private members' time as it is very precious and important to this Council)—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: The Democrats and the Opposition—

The Hon. M.B. Cameron: A few more words and you're finished.

The PRESIDENT: Order! A few more words and a lot of other people will be finished. I am getting very tired of constant interjections.

The Hon. M.B. CAMERON: On a point of order, would you, Ms President, call the Minister back to the motion, which has nothing to do with private members' time, Government business or anything else. If he comes back to the motion we will not interject. It is as simple as that.

The PRESIDENT: There has been plenty of time for members to recover from the liquid portion of their dinner adjournment.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: It is time that people spoke to the motion and interjections ceased.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order! When I am speaking, the Hon. Ms Laidlaw, I will not tolerate interjections. If that occurs again, I will name the honourable member.

The Hon. M.B. CAMERON: On a point of order, you, Ms President, indicated that you thought it was time that people recovered from the liquid part of their dinner. If you were referring to me, I can tell you quite clearly that that is not the case and I take exception to that—I really do.

The PRESIDENT: I was speaking generally to the Council and I also suggested that we get back to the business on the Notice Paper.

The Hon. M.B. Cameron: I agree.

The PRESIDENT: I then objected to people interjecting when I am giving a ruling in this Chamber. It is totally against Standing Orders and I will not tolerate it. The Minister has the floor.

The Hon. J.R. CORNWALL: Thank you, Ms President. I have made my two points and will reiterate them briefly. First, Mr Lucas was extraordinarily boring tonight, even more so than normal. Also I am disturbed about what I see as an increasing abuse of the forms of this Council by private members' time running through until almost the middle of the night. We still have not come to Government business and it is 9.15 p.m.

I will be brief with respect to the number of points I want to make with regard to the motion before the Council which, incidentally, could have been adjourned. We could have debated it at our leisure during the next private members' time. We do not have the numbers in this House. It is private members' day and the Democrats and the Opposition are combining to force this motion to a vote, no matter how long we have to stay here or how long it takes to get to Government business.

I make the following points: first, despite the delusions of grandeur that Mr Lucas, Ms Laidlaw and others might have, this matter will not be decided in the South Australian Parliament. It is most certainly not a matter that will be decided in the Legislative Council amongst the provincial politicians who inhabit this place. It will be decided, quite appropriately since it is a national issue, in the national Parliament. It was the subject of a double dissolution prior to the recent Federal election. We, the Labor Party, won that Federal election handsomely. We were returned with a significantly increased majority. We won for the first time in a generation a majority of seats in the State of Queensland and, if I were in Opposition at this time, I would be hanging my head and going about showing a little more

humility than the likes of Mr Lucas. That is the first point. The issue was the subject of a double dissolution and it is now certainly the subject of a national debate, but the fate of the ID card will be decided, quite properly, in the national Parliament.

As far as I am concerned and the South Australian Government is concerned, we are on the periphery of this. There are one or two things that we are monitoring very closely. We have some very legitimate concerns. For example, we want an assurance, to the extent possible in this day and age, with regard to privacy and the protection of information held in data banks. As I said, we are watching that very closely. However, it seems to me that it sits odd to have Ms Laidlaw, and more particularly, Mr Lucas on their feet talking about their concerns for civil liberties and for the integrity of individuals' rights to privacy.

These are the same people, led by the Hon. Mr Griffin, who have demanded, in the most strident terms, that individual States ought to get into phone tapping not only in relation to drugs but also in just about everything that one can mention. They are the ones who would ride roughshod over civil liberties in relation to telephone tapping. As I said, they are the ones who, for more than 12 months now, have continuously demanded that the State Government give the police untrammelled rights to tap phones. Suddenly it suits their purposes to say that they are the defenders of civil liberties and that they will not have a bar of the Australia Card. They argue that they will not have people asserting their rights to have some basic files and information about individuals.

Before I got to my feet I took the trouble of going through my slightly battered wallet and slightly battered set of plastic cards and, although it is by no means an exhaustive list (and perhaps other members would like to do the same), I have a bankcard, an ANZ Visa card, a State Bank Visa card, Cabcharge, a local and international Telecard, a Cardkey which gets me into this place, a Flight Deck card which I use when I fly Australian Airlines, a Golden Wings lounge pass, which I use when I fly Ansett and I have a Government bonus card, which I am sure every member of this Parliament has, which entitles them—

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: Oh, yes, they are circulated to every member—

The Hon. R.I. Lucas: It is only Ministers who get those cards.

The Hon. J.R. CORNWALL: No, it is not. The Travellodge Parkroyal group has been issuing Government bonus cards for at least a decade. I also have a Budget contract identification rate card which enables me to get a bit of service very quickly from Bob Ansett when I get off an aircraft. I have also a Fast Lane card from Budget. They are just a few. One can walk to the front of this Parliament and see where I live and I must say that I find that a trifle objectionable because, with some of the people involved in access cases these days, for the first time ever in my parliamentary career I have sometimes felt a little concerned for my personal safety. But there it sits out there at the front of the Legislative Council where every member of this place has their full name and residential address displayed and there is no privacy at all. I have never heard Mr Lucas get up and complain about that. There it is for all the world to see. Further, one can establish our residential address from the electoral roll. It is very easy to find out our birthdays. Everybody knows exactly how much money I and Mr Lucas earn, at least from his job as a member of Parliament, and we have a declaration as to our pecuniary interests and so it goes on.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: Given your talents, my son, you would probably have no chance of earning anything on the side. Given your command of the English language, I doubt that you would get any money from writing feature articles, for example. So it goes on. There is information about us and our credit ratings. I am sure that I would be able to find out from Dun and Bradstreet if Mr Lucas has ever defaulted on any sort of financial arrangement.

The Hon. R.I. Lucas: How can you find out from Dun and Bradstreet?

The Hon. J.R. CORNWALL: I was a subscriber to Dun and Bradstreet for years.

The Hon. R.I. Lucas: Why?

The Hon. J.R. CORNWALL: Because I ran a veterinary practice.

The Hon. R.I. Lucas: And you still do, do you?

The Hon. J.R. CORNWALL: Not at this stage.

The Hon. R.I. Lucas: You said you could still get access to it.

The Hon. J.R. CORNWALL: I could certainly get access to it without any difficulty at all.

The Hon. R.I. Lucas: How?

The Hon. J.R. CORNWALL: By paying a fee, no trouble at all. I could ring up and ask, 'What do you know about Rob Lucas's credit rating?' They would tell me if you had defaulted 10, 12 or 15 years ago. No trouble at all.

The Hon. R.I. Lucas: You're not even concerned about it?

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: Of course I am concerned about that.

The Hon. R.I. Lucas: So, you want to extend it?

The PRESIDENT: Order! This is a debate and not a conversation across the Chamber.

The Hon. J.R. CORNWALL: I realise that Mr Lucas is something of a babe in the woods and that he has not been around very much. He went straight from provincial school, to university and then to the Liberal Party. He has lived in a sheltered workshop most of his life, but the simple fact is that anybody can subscribe to Dun and Bradstreet and anybody can find out about his credit rating, my credit rating, Mr Cameron's, or anybody else's credit rating. In this day and age there are literally hundreds of things that are on record about all of us.

The Hon. M.B. Cameron: And you want to add to them?

The Hon. J.R. CORNWALL: I don't want to add or take away, and I will come to that in a moment. The simple fact is that there are hundreds of things on record about all of us, not only members of Parliament but also members of the community. The thing about which we have to be scrupulously careful is to protect the integrity of that information, and that is precisely what this State Government is watching very closely. Let me now turn to one of the principal reasons for the introduction of the ID card, and there is nothing exceptional about ID cards. They are used in most western democracies. I simply make the point—and I can do it no better than by anecdote—that I was taking my customary jog, ramble, walk or whatever around the lakes.

The Hon. M.J. Elliott interjecting:

The Hon. J.R. CORNWALL: I might say that my toe was not in bad shape the other day. I came across some casual acquaintances by the lake. They called me over and one of them said to me, 'You're not going to support this damn ID card, are you? Surely you're not going to support the ID card.' I said, 'Yes. I think on balance that it is a

pretty good idea, because it will cut out cheating.' He said, 'That's alright; that's a splendid idea. All those dole bludgers who are cheating on the system, you've got to cut them out—they are terrible.' This is a man who has retired and who is on the right side of his 50th birthday. He is of very considerable substance. He went on at some length about how he thought it was a splendid idea to cut out the so-called dole bludgers, or people who may be cheating on social security, but he said, 'You know, I'm paying too much tax already. If they find out about the couple of hundred thousand dollars I have in that interstate account, I will have to pay even more.'

Members interjecting:

The Hon. J.R. CORNWALL: Nevertheless, it is true. Within the past few days, it happened to me literally. These are the sorts of people—

The Hon. Peter Dunn: Rumplestiltskin was better than that.

The Hon. J.R. CORNWALL: I know that the honourable member would support such a person.

Members interjecting:

The Hon. J.R. CORNWALL: It is not made up at all. There are literally thousands of people like it and they are cheating and ripping off the system. They are rorting the system and people like Laidlaw in particular, the millionaire spokesperson on social welfare, is on her feet following this in the most single minded way possible. She, who purports to have a concern for the needy in our community, wants to support the thieves, the rorts and those who are ripping off the system and who are evading their taxation liability.

The Hon. M.B. Cameron: Like Barrie Unsworth?

The Hon. J.R. CORNWALL: Now we have the half smart ones.

An honourable member: John Lesses.

The Hon. J.R. CORNWALL: John Lesses, Mick Tumbers and Barrie Unsworth. The honourable member has been parroting that all night. He is like an oversized budgerigar. He looks more like an oversized budgerigar every day, and he sounds like one.

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: I do not need any new lines. Opposition members are parroting on about Barrie Unsworth, Mick Tumbers and John Lesses. Their privacy concerns are very similar to mine and are very legitimate concerns. I do not have any difficulty in saying that I understand those concerns and they are in no way incompatible with my position with regard to the ID card. As I said, at this moment the State Government is very closely monitoring the situation to ensure that those privacy concerns are met. Unlike members opposite who oppose the ID card because they support thieves, cheats and rorters, I oppose the motion.

The Hon. M.J. ELLIOTT: The Australian Democrats support the motion. In so saying I must agree with the Hon. Dr Cornwall that it is not for this Chamber to decide. For that reason, I will be brief, unlike the Minister who said he would be brief and then took half an hour. The Democrats very strongly supported the introduction of the fringe benefits tax and the capital gains tax and my Party demonstrated its concern about tax rorts in Australia in doing so. They have been highly successful taxes. However, the Australian Democrats are not convinced that the ID card will achieve what is claimed it will achieve. We have central concerns about the expense of establishing a huge bureaucracy to police the card which will cost something like $733 million; the dubious returns in revenue; and the massive civil liberties and privacy problems created by an identity card of the sophistication proposed by the Government. It is for these reasons that countries such as Great Britain, Canada and the United States rejected ID cards in the form that has been proposed. While the Minister of Health spoke of western democracies, it must be said that those three major democracies have actually rejected ID cards like the one that is currently proposed.

A less expensive and less intrusive alternative to the ID card is to upgrade the existing tax file numbers of taxpayers. The Democrats will move amendments along those lines. A Federal parliamentry committee recommended by a majority decision that the tax file number system be used, not the identity card system. That committee included two Labor members who saw that the tax file number system was a far better system to use than the ID card.

The main means of tax avoidance—the non-disclosure of assessable income and the overstating of expenses—has been aided largely by the low integrity of the present tax file numbers. The cheapest and most effective means of cracking down on tax avoidance is to upgrade the intregrity of tax file numbers to the level proposed on the national ID card. A high integrity tax file number is what is needed, as are the introduction of a withholding tax for interest bearing accounts without a tax file number and reforms to the Australian Taxation Office that were identified by the Australia Card committee. The Hon. Trevor Crothers mentioned the problems with interest bearing accounts. There is a very simple way of getting around it. If there is no tax file number with an account, the account can be taxed at the highest level. That avoidance is cut out in one swoop; there are no problems at all.

Last year the Australian Taxation Office testified before the parliamentary committee that the improved taxation file numbers could have been fully issued by 31 March 1988, which is only six months away, with revenue gains starting from the 1988-89 financial year. At that time it was 12 months in advance of what the Government could have hoped to achieve with the ID card. It is stumbling along; hopefully it will die. By messing around and not accepting the committee's recommendations the Federal Government has given away a large amount of revenue that otherwise could have been raised, and for that it stands condemned.

In some European countries, ID cards actually help to legitimise illegal activity because a person can arrive with a false ID card which gives him a legitimacy that he would not otherwise have had. People who are up to no good have the capacity to get false ID cards. To obtain an ID card at the moment one needs to produce a birth certificate and a driver's licence and it is possible to get false copies of those. What security does the ID card system have for catching up with crooks and cheats?

In recent times Medicare records have been misused. In abortion cases before the courts in Victoria, confidential Medicare records were provided for use in court. That really shows us how secure confidential records are. I do not trust what is potentially a totalitarian tool in the hands of any Government, be it of the left or of the right. I really do not care what sort of Government is in power. The potential for abuse is immense. All Governments must be treated with a certain deal of distrust. The present Labor Government, which had very strong philosophical stands on issues such as uranium mining, overturned the clear decisions that had been taken at its Federal conference only months before. If on such philosophical matters decisions can be overturned in a matter of months, I do not believe that a Government of any persuasion can be trusted.

As for the furphy of the double dissolution, it is true that the ID card was used as an excuse, but I honestly do not

believe that the Labor Party was game to pursue it as an election issue because public opinion has already turned around quickly now that the issue has been raised. If the Labor Party had raised it as an election issue, it would have been crucified and I know that the Prime Minister knows that.

The Labor Government might have won an increased majority at the last election, but it is worth noting that more than half of the Australian voters did not vote for it, so it cannot say that more than half of all Australians support the identity card. It is also a lie for a Government to claim that it has a mandate for everything in its platform. I do not believe that when any Party is elected it has a mandate for everything that is in its platform. Quite clearly, voters vote for a package and there is good and bad in that package. The ID card was a very low profile election issue. There is no mandate for it and there is a groundswell of public opinion demonstrating that. I support the motion.

The Hon. G.L. BRUCE: I did not intend to enter this debate, but because of the assertion by Mr Lucas that no member on this side would speak in opposition to Ms Laidlaw's motion, I rise to oppose it. I do so on the grounds of the motion itself, debate on which has ranged widely. The motion states that this Parliament should register a strong opposition to the introduction of a national identification system incorporating the Australia Card. I am part of this Parliament and I am not violently opposed to that. I will not mind if the ID card comes in.

The Hon. M.B. Cameron: Haven't you just been to East Germany? Don't you know what it is like?

The Hon. G.L. BRUCE: I have been to East Germany and I also understand the fears of people who have come here from countries that were occupied during the Second World War where production of an ID card was demanded on street corners and elsewhere. Like Mr Lucas, I consider myself as an average Joe. I, too, have a wife and I put myself in exactly the same position as Mr Lucas and I ask how the ID card will affect me.

There is no way in which the ID card would affect me or worry me because I have nothing to hide and nothing to fear from it. Any card that puts me and the likes of Bond or Holmes a Court (or anyone else) on the same basis is worthy of my support, so I have no qualms as an average Joe having to line up and have my card registered.

The Hon. Diana Laidlaw: To prove who you are?

The Hon. G.L. BRUCE: I have no qualms about who I am, or about anybody knowing who I am—I have nothing to hide from the public in any way, shape or form. Some members may consider the card an invasion of privacy, as are many other things in a civilised society. Some people who live in our civilisation have decided to cheat the system, or take it down, and they do not deserve privacy to enable them to do that. I believe though the identification card will stop that. There would not be a member in this Parliament who does not know somebody who is cheating the system. If any member says they do not know somebody cheating the system then all I can say is that they are not moving around their electorate. We are a country where you do not dob your mate in—we are founded on mateship. We are quite happy for someone else to find out our mates cheating and dob them in. However, I would not dob somebody in.

As a member of this Parliament I have no strong objection to the introduction of the ID card. The motion provides that if this legislation passes the Federal Parliament the State Government should not cooperate in the establishment of this national identification system incorporating the Australia Card. I believe that that is highly immoral. If a system is introduced that is good enough for everyone in Australia then all the States should cooperate and it should be introduced on a basis equitable to everyone.

People in Queensland or Tasmania should not be able to say that they will not cooperate, or will not provide the facts required to implement the card. If States such as Tasmania or Queensland, or the Northern Territory, do not cooperate there should not be an ID card. That is the other red herring that has been put about. How often have members heard this card called the 'Australia Card'? They have not heard it called that—it is called the 'ID' card. The thrust has changed very subtly and the card is no longer the Australia Card, seen as a fair go for everybody. It is suddenly called an ID card. How many people would leave Australia without the security of their passport in their back pocket? That is a very valuable document when one is overseas.

The Hon. M.B. Cameron: Do you want to carry one of those around, too?

The Hon. G.L. BRUCE: Like the Hon. Dr Cornwall, I have eight or 10 plastic cards; it is part of our way of life now. If I choose to live in a society I must adopt its rules, and plastic money is part of our society that I accept. If I am not prepared to abide by the rules then I should not be in this society and should be looking around for another country in which to live. Australia is a country where people have always accepted their obligation to the other bloke. We have always put ourselves up front in an attempt to do the right thing by other people.

I believe that people who express concern about the ID card hold a genuine concern. Many people have come from overseas and are concerned about their privacy. However, I do not believe that there is one person who is opposed to the ID card (or Australia Card) if it will stop cheating in relation to monetary returns to the Australian Government, money which is used for people's welfare. I do not believe that any Opposition member is concerned about the Australia Card in relation to monetary matters. I recognise the concerns held in relation to privacy and to the fact that one could be pulled up and asked to present the card, a fear held by people who have come from overseas and have been subjected to such treatment.

This card must be administered properly. The Hon. Mr Lucas asked what would happen if somebody lost their card—how would they exist in this society if that happened? If the Government introduces this card and cannot give a person a number to use while a lost card is being replaced then there is something wrong and the ID card will fall flat on its face. If somebody loses a card and is not covered until the card is replaced then the Government that introduces it will not be worthy of its salt and the card will not last.

I hope that the Hawke Government has the strength and moral guts to withstand the pressure on it and introduces this card so that equity and fairness will exist for everybody in Australia in relation to monetary transactions. I oppose the motion. If it is carried in this Council then I hope it is lost in the other place, which it probably will be. This card is worthy of support and, while I recognise the fears of its opponents, I do not share them. I support the idea of this card and the Hon. Mr Lucas can put that in his pipe and smoke it.

The Hon. PETER DUNN: I have listened to a couple of hours of debate on this card. I am pleased that this debate has occurred as this is an important argument and is on the tip of everybody's tongue. It is important that this

matter be discussed in this forum. I am disappointed in the performance of the Labor Party and the Government because, as is usual when it is on its back foot, its members revert to low and personal abuse. That is a pity. During Question Time, the prince of prolixity interjected and carried on in a typical manner and, as is usual for him, he referred to people's lives to demonstrate his point of view. That is a pity, because I believe that the Hon. John Cornwall is above that. He today gave a resume of what a wonderful family he has and yet he abuses other people and their families, and I believe that is poor indeed.

What will the identification card do? Will it cure the cash economy? Not one person here has demonstrated that it will stop the cash economy. Will it check social security fraud? What does the department say about that? It says that 2 per cent of all social security fraud is perpetrated using false identification, so that argument does not hold up.

It is said that the card will help to tackle organised crime. I suggest not. It will probably help organised crime because it will get into that field and begin making cards to its own specifications. I suggest that crime will increase because of that. We are told that the card will do three things which I do not believe it will do. What will happen if we endeavour to control the cash economy? The Labor Party had a prime opportunity to do that three years ago by introducing a consumption tax, but it was not game to bite the bullet.

The Hon. Diana Laidlaw interjecting:

The Hon. PETER DUNN: Yes, we will have an identification card instead. We know that, as in other countries, we will eventually have to carry the card at all times and produce it on request.

The Hon. J.R. Cornwall: It will stop the cheats.

The Hon. PETER DUNN: I would not mind if it stopped the cheats, but it will not do that, and we can prove that. If people cannot change goods for cash then they will barter. That brings me to the point about what it will do to primary industry. An article appeared in the *Sunday Mail* last Sunday listing what a primary producer would have to do if the ID card were introduced. It said that the card must be produced at every sale of primary products, including stock agent and marketing authority transactions.

The Hon. G.L. Bruce: What's wrong with that?

The Hon. PETER DUNN: Has the honourable member ever thought of the logistics of it? Has he ever thought of the situation of my having to go up to my neighbour and produce an ID card, having lived next to him for 20 years—it is ridiculous? What happens if my cattle get through to his property? Do I have to produce my identity card to recover them? Is that what is suggested? In relation to selling my sheep at the Adelaide market, every time that I put them on a truck at home and transport them 550 kms, do I have to produce my identity card at the Adelaide market—when I live over there? Come on! This is getting more ridiculous by the hour. I do not think it is at all practical. When one is working in a rural situation one does not carry those sorts of things; I gave up smoking because I hated carrying the cigarettes and tobacco in my pockets when sitting on a tractor and in uncomfortable positions—and there are plenty of them in the rural workplace. Every time the auctioneer at a clearing sale knocks something down to a person for 20c, does that person have to produce an identity card? I have never heard of anything so ridiculous in all my life.

The Hon. G.L. Bruce: I can't cheat on the PAYE system.

The Hon. PETER DUNN: This does not involve cheating. As a result of this proposal we will all be bartering—I will sell my neighbour six of my sheep for one of his cows. That is what will happen. The Government will lose out totally, as there will not be any tax. So, I do not believe it is very practical in any sense at all, particularly in the rural industry.

The Hon. G.L. Bruce interjecting:

The Hon. PETER DUNN: I don't have anything to hide at all.

The Hon. G.L. Bruce: Not much!

The Hon. PETER DUNN: I noticed that the Hon. Trevor Crothers suggested that I had two motor cars and an aeroplane: I can inform him that I have three motor cars; together they total 42 years of age, so none of them is very young. I have two 12 year-old cars and a 25 year-old one, and a nine year-old plane—I would not say that that represents being terribly wealthy.

An honourable member interjecting:

The Hon. PETER DUNN: That is mainly to get me to and from this forum. I do not believe that it will in any way be a terribly practical operation for those people who live in rural areas—and they are the people who will probably lead the recovery when this nation does start to trade again with the rest of the world. It will be a rural led recovery, and when this occurs we do not want to have to be saddled all the time with the requirements pertaining to an identity card; we do not want to have to identify ourselves to stock agents and marketing authorities in order for us to sell our goods. I think that that is an impediment that we can well do without. For instance, what happens if one loses, crushes or bends the card? I can assure the Council that that is a likely possibility for people working in the rural community.

What about the requirement of photographs on the cards? I suggest that my photograph on a card would frighten anyone! What will happen when the authorities have to photograph the full-blood Pitjantjatjara Aborgines? Has any member ever seen the face of a full-blood Aborigine on a card of any sort. I suggest that that will be impractical, because a photograph just does not reproduce the image; I suggest that it is impossible to put one of those faces on a card. What about the very old people who have face deformities? Do they want their face on a card? I suggest not. I suggest that it is not very uplifting in any fashion to request that very old or deformed people have a photograph placed on an identity card. I think it is idiotic and stupid. If the Government decides to allow some latitude in this regard, where is the cut-off point? Thus crime will be involved again.

Madam President, I believe that in circumstances that prevail now the card proposal is not at all practical. It is a card primarily for the bureaucrats. I guess that there are so many of those in the Labor Party at present that they are just reflecting what they think. Their form of thinking is quite obvious: they have determined that they must identify those B's out in the masses, that they, the protected group, must know what those people are doing, and they have decided to do that by pinning their number on a card, putting their photograph on it and making them carry it. The Hon. Diana Laidlaw's motion is a good one; it has aired in this House what I think are—

The Hon. Diana Laidlaw: Many prejudices.

The Hon. PETER DUNN: Many prejudices, indeed, as well as the impracticality of this card, which can be demonstrated in many a way and, as I have suggested, the card will lead to a bigger cash economy, and a system of barter—and who will lose out in that? It will be the Government. I do not believe that the proposal will gather the money that the Government suggests it will. This will be a very costly exercise and it will not gather the money suggested.

Social Security identification amounts to only 2 per cent of the problem. If Social Security identification accounts for only 2 per cent of the problem, what is the point? If it is not going to attack the cash economy, what is the Government going on about?

The Hon. J.R. Cornwall interjecting:

The Hon. PETER DUNN: It will not tackle the cash economy—how can it tackle the cash economy? Even the Prime Minister has suggested that that will not happen.

The Hon. J.R. Cornwall interjecting:

The Hon. PETER DUNN: I have no doubt that if someone had come along to the Minister to fix up his bathroom and offered him a cut price for cash the Minister would have paid him cash. Don't talk to me about the cash economy.

The Hon. J.R. CORNWALL: On a point of order, Madam President: my honesty has just been impugned by the Hon. Mr Dunn, and I ask that he withdraw unreservedly and apologise—and, hopefully, grovel a little—because he has just implied quite directly that I am dishonest, and that is a gross reflection on a Minister of the Crown.

The PRESIDENT: I do not think the language is necessarily unparliamentary; nevertheless, it is perhaps desirable that members do not pass imputations on one another. I point out that there is always the opportunity to make a personal explanation.

The Hon. PETER DUNN: Thank you for your protection, Madam President—I applaud that. However, again I say that the identity card will not correct the cash economy. As a person who has lived and worked in this world for 52 years—as at the end of this week—I suggest that I know enough about the situation to be able to say that it will not cure the cash economy, that it will not cure the barter economy and that it will not cure a lot of the social security rort, nor will it stop crime. For those reasons, I support the motion.

The Hon. R.J. RITSON: I congratulate the Hon. Ms Laidlaw on bringing this matter before Parliament. I indicate my wholehearted support for the motion and my detestation of the identity card proposals. I do not propose to argue any matters that have already been argued, but I indicate my support. I want to make one small point before we vote on this matter: the public has been led to believe that somehow there will be some cost effectiveness in the proposal, that somehow the nation will be better off. I remind the Council that money is simply a token of human effort. If human effort is invested in growing grain or in digging minerals out of the ground or in doing some constructive work or providing some services that directly result in the support of the people who do that constructive work, then there is an incremental increase in the net wealth of the nation, and everyone, to some extent or other, is better off.

This exercise involves the production of 16 million cards, which will cost several dollars each and which will be processed by several thousand public servants, whose efforts will be diverted from other matters. It is about as sensible as everyone in a certain street doing each other's laundry for money and claiming that there has been a huge increase in prosperity in that street. It is a transfer payment. Whoever believes that the collection of tax is a productive measure which increases the wealth of a nation? So, if one believes that this will collect a lot more tax, that nevertheless does not prevent our having to face up to the fact that this collection will result in many hundreds of millions of dollars net loss of wealth to the nation, because it is a big expenditure to make what is in fact a transfer payment and has nothing to do with productivity or prosperity. Everyone has to be that bit worse off by this expenditure.

The other small point I want to make is that Australians will experience an enormous bureaucratic chaos. In much smaller matters such as Medibank Mark I and Medicare, those people working in the system know that these systems never work smoothly. I have received cheques made out to other doctors and when one tries to give them back to the organisation, the organisation denies that one has that cheque and refuses to take it back because it does not want to admit its own mistakes and, ultimately, when we preserve that cheque and tell it that it can have it any time, that the organisation should admit it has made a mistake, it sends someone around to see you to try to extract it from you as if you were a defaulter. The introduction of both of those systems was marked by enormous errors in data processing. The consequences to the people subject to those errors were annoying and time consuming but were incomparably less destructive than the consequences will be for Australian identity card holders if that sort of chaos occurs and their income ceases, a transaction cannot be made or an accusation of impropriety is made as a result of the inevitable errors that will occur, initially in great numbers in a new system.

Let us make no mistake about it, Madam President: this identity card as an economic measure will result in a net reduction of the wealth of the nation by hundreds of millions of dollars a year, and it will produce a degree of chaos and harm to the citizens through bureaucratic error which will at first be very great and then will ameliorate to be merely a chronic chaos. I support the resolution, Madam President; I detest the identity card.

The Hon. DIANA LAIDLAW: I would like to sum up the debate in this matter and thank all members who have spoken, particularly my colleagues and the Hon. Mike Elliott who at least had sought to research their work on a subject that is of increasing and major significance to South Australians, and will be an irreversible matter if ever passed. I just hope that the Government in suggesting that it will vote against this motion recognises it is voting for something that will be absolutely irreversible if it is ever passed in Federal legislation. I am just sorry that it has been addressed by the Government in such a lighthearted manner and—

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: If that was a serious debate, it is a very sad reflection on the state of this Government. Not only was it in a lighthearted, frivolous manner but also it was abusive. The only matter that gave me heart from this whole debate, listening to the Government's contribution, is that one knows that the more abusive its members get—whether it be in Question Time or whether it be in this matter—the more desperate they are becoming and what weak ground they are on; they choose to discuss matters solely in terms of personal abuse.

Members interjecting:

The Hon. DIANA LAIDLAW: The personal abuse that is levelled at me by the Minister does nothing but strengthen my resolve on the issues that I bring before this Parliament. So, if he wishes to continue on in that way, I do not mind.

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: No, I am not going to cry, I assure the Minister of that, because I know that—

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: I have never brought an individual case of child sexual abuse into this Parliament.

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: But I do know, Ms President, that the more abusive the Minister gets, the stronger the ground is that I am on, because otherwise he would address the facts rather than level personal abuse at me. So, it is rather a sad state and it only confirms what many people out in the community know—that he is losing touch with what is happening in the Department for Community Welfare and certainly that he has lost touch with what is happening in the Australian community, because he would realise that the majority of South Australians are against this measure.

Contrary to the suggestions from the newest member in this place, the Hon. Trevor Crothers. I have been consistently against this measure. I first spoke on it in March 1986. At that time it was an unpopular matter on which to speak. The polls showed that 65 per cent of people were for it. When I moved the motion just four weeks ago, public opinion in favour had dropped to 54 per cent, representing an 11 per cent fall in just over a year. It is interesting that it has absolutely plummeted in that four-week period. Public opinion took 17 months to fall 11 per cent and it has taken four weeks to fall a further 15 per cent, and now it is down to 39 per cent. It is particularly interesting to find the Prime Minister coming out to spend more of our taxpayers' money on this matter. It would be good if he spent some on community welfare projects that are desperately required in this State, but he will spend another $100 000 judging public opinion, seeking to thwart opposition to this motion instead of listening to what the Australian people wish to say. In those four weeks since I moved this motion, we have found that 15 unions in South Australia have come out vehemently against the proposal. We have found that organisations have been established in every single State plus the Territories in opposition to the imposition of this ID system.

In South Australia, we have an organisation which we call 'No ID' or 'NOID', of which I am particularly pleased to be a founding member, and on that organisation are representatives of civil liberties groups, trade unions, the Small Business Association, the Chamber of Commerce and Industry, libertarians and the Festival of Light. I would admit that it is an interesting group to work with, and that my first meeting with Mick Tumbers was quite an eye opener for both of us, but it is amazing how absolutely united we are on this one issue, and that is what makes this campaign so exciting. That is why it is gathering such momentum, because there are people from such diverse backgrounds and also a majority in the middle of Australia who dislike what the Government is aiming to impose on us.

The Hon. T. Crothers: There are not too many church groups there.

The Hon. DIANA LAIDLAW: Yes, the church groups are there as well, I assure the honourable member. We have got the lot. It is a pity that there are Labor Party members of Parliament with whom we keep in touch daily but who do not sit directly on our committee. I can assure members that it incorporates a spectrum of South Australian political and community life.

The Hon. R.I. Lucas: Is that State Labor Party members or Federal?

The Hon. DIANA LAIDLAW: No, but we keep in touch with State Party members here. It is interesting to note that in the past week the Premier of Queensland has indicated that he will refuse to hand over his State's births, deaths and marriages records.

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: What is so exciting about this campaign is that people have a variety of reasons for opposition to the measure. I take great heart in the fact that so many people are finally becoming motivated, as it is something we will never get rid of and we will never forgive ourselves if it is imposed on us. I do not know what agenda the Government has. It certainly must be a hidden agenda, because any arguments it uses are not credible. If the Government had arguments at the Federal or State level we would have heard some tonight, but none were brought forward in this debate. Yesterday the Premier of New South Wales suggested that the Prime Minister would be wise to rethink the measure—they were his public words, and I am sure that behind the scenes his words were much stronger than that.

The ACTU does not quite know where it is going. Its executive last Sunday said that it had unqualified support. However, yesterday it did not have it. Apparently congress today suggests some sort of review. Again I suggest that behind the scenes the words are much tougher than they are on the surface. Finally, the Government may insist that it has a mandate—a claim which is an absolute farce when one considers the abuse of promises by the State and Federal Governments. It is no wonder that, when the Prime Minister and others claim a mandate, the call against the card continues to grow. I hope that he continues to insist that that is the case.

The Minister in this place may try to suggest that people who do not favour the card are tax cheats or support tax cheats. The more he uses that argument, the more people he offends and the stronger our case will be against the card. It is interesting to see that the number of people in favour of the card has fallen to 39 per cent. For the proposal to go through and for the whole national numbering system to operate, it is imperative that the State Governments cooperate. For that reason it is not a Federal matter only, but a matter of major concern to members of this Parliament, because it involves records that are the province of this State. That is why I have raised the matter at this time and on earlier occasions.

The Hon. R.J. Ritson interjecting:

The Hon. DIANA LAIDLAW: I hope that that is the case. I believe that it is a matter of very great importance to members of Parliament and it is a great shame that the Government is prepared to treat the matter of State records with such flippancy. Finally, if the Government is so genuinely opposed to the motion and believes that it will merely accommodate tax cheats and social security frauds, I hope that it will be prepared to call for a division on this matter.

Members interjecting:

The Hon. DIANA LAIDLAW: It is not prepared to do that. That shows how absolutely superficial are the arguments of this Government. I rest my case on the irrelevancy of the Government's arguments, as the Government will not call for a division. It can hurl abuse but it cannot call for a division.

Members interjecting:

The PRESIDENT: Order!

Motion carried.

TAFE PRINCIPALS

Adjourned debate on motion of Hon. R.I. Lucas:

That the regulations under the Technical and Further Education Act 1976, concerning principals' leave and hours, made on 6 August 1987, and laid on the table of this Council on 11 August 1987, be disallowed.

(Continued from 19 August. Page 303.)

The Hon. CAROLYN PICKLES: I move:

That this matter be further adjourned.

The Council divided on the motion:

Ayes (8)—The Hons G.L. Bruce, J.R. Cornwall, T. Crothers, M.J. Elliott, M.S. Feleppa, I. Gilfillan, Carolyn Pickles (teller), and Barbara Wiese.

Noes (7)—The Hons M.B. Cameron, Peter Dunn, K.T. Griffin, J.C. Irwin, Diana Laidlaw, R.I. Lucas (teller), and R.J. Ritson.

Pairs—Ayes—The Hons J.C. Burdett, L.H. Davis, and C.M. Hill. Noes—The Hons T.G. Roberts, C.J. Sumner, and G. Weatherill.

Majority of 1 for the Ayes.

Motion thus carried.

ADOPTION BILL

The Hon. J.R. CORNWALL (Minister of Health) obtained leave and introduced a Bill for an Act to provide for the adoption of children; to repeal the Adoption of Children Act 1967; to amend the Children's Protection and Young Offenders Act 1979; and for other purposes. Read a first time.

The Hon. J.R. CORNWALL: I move:

That this Bill be now read a second time.

In November 1985 Cabinet approved a Review of Adoption Policy and Practice in South Australia. This was the first such review since the Adoption of Children Act was passed in 1967. Since the introduction of the Adoption of Children Act 1967, many beliefs and social attitudes have changed dramatically. This is particularly so in relation to marriage and remarriage, to *de facto* relationships, to single parenthood, to the rights of children as well as to their continuing access to two parental groups after divorce.

The manner in which the Adoption of Children Act has been applied has also changed over time. The Act was largely written for traditional adoptions where healthy Australian children were adopted by couples unknown and unrelated to them. These adoptions now represent less than 10 per cent of all adoptions taking place in South Australia. More single women who were previously unable to keep their children now decide to raise them themselves. The social stigma of illegitimacy no longer exists to the same extent and more accessible contraception has helped prevent the birth of unplanned children. The result is that there are now many more couples wishing to adopt these children than there are children available for adoption.

The majority of current adoptions are by step-parents and relatives. This is followed in number by adoption of overseas children. The Adoption of Children Act 1967 and more recent amendments have not adequately reflected these changes. There has been a growing recognition of the importance for children to be raised in a permanent environment as well as in an environment of equal opportunity. Adoption has moved from being a service for couples to complete their families. It is primarily a service for children to ensure that no matter what happens they can be raised as part of a nurturing family.

These changes in attitudes, and in the numbers and kinds of children becoming available for adoption pointed to the need for immediate reform of policies and practices relating to adoption. The Adoption Review Committee, established by Cabinet, began its task in February 1986. The review panel was given the following brief:

That a paper be prepared recommending the directions for a modern adoption service in South Australia, outlining the key directions and recommendations for or against them for the purposes of a public discussion paper which will provide advice to the Minister of Community Welfare in South Australia. This paper should include consideration of:

1. Adoption and guardianship—their demarcation and interrelationship.
2. Access to information, including the origins and whereabouts of adopted persons and relinquishing parents, as well as means of facilitating contact.
3. Identify desired practices and standards in adoption and guardianship.
4. Identify cultural aspects of guardianship and adoption, particularly incorporating the needs of Aboriginal people and children in multicultural situations.
5. Recommend a future policy for intercountry adoption incorporating a suggested role for the State Government. Identify the relationship between the State, Federal and overseas Governments and agencies and the non-government sector.
6. Consider the rights of relinquishing parents in selecting adopting parents for their children or transferring guardianship.
7. Recommendations on legislative changes required in South Australia.
8. Consider the potential for fee for service arrangements in adoption.

The committee was asked to bring together the considerable research and work that has already been done both interstate and overseas in order to shape new policy and practice for South Australia. Included in this research would be information specific to South Australia.

The review committee was chaired by the Reverend Dr Geoff Scott, a respected community leader conversant with citizen rights through the Social Justice Commission. Working with Dr Scott on the committee were Mr Peter Eriksen representing the legal profession and the Adoption Panel; Ms Rosemary Wighton representing the Department for Community Welfare; and Ms Ann Killen, Executive Officer. Consultations were held with various individuals and groups having a direct involvement or interest in adoption services. The review reported to Cabinet in December 1986 and a report was released for public comment ending in March 1987. The report contained 65 recommendations in relation to the adoption or permanent care of children in South Australia. These recommendations focus on the development of a modern adoption service and have as an underlying principle the consideration of what is in the best interests of the child.

During the period of public consultation, individuals and organisations were invited to comment on the review report recommendations in writing. A phone-in was also conducted by the staff of adoption services in the Department for Community Welfare in January 1987. Over 1 000 copies of the report were distributed, in addition to wide publicity through the electronic and print media. A total of 289 submissions were received. Of these 185 were in response to the phone-in. Of the 289 submissions, approximately 50 per cent came from adoptive parents, 20 per cent each from relinquishing parents and adopted persons, and the remainder from interested individuals, professions and organisations.

Public comment was consistently very supportive of the recommendations and the principles contained in the report. This demonstrates a recognition amongst those affected by the very sensitive issues surrounding adoption, of the need to keep pace with a changing society and to place the needs of children first. The provision of access to information about one's origins attracted about 80 per cent of all the comments. Here human rights and the psychological well being of the individual in needing to know about one's offspring or origins were stressed. This was clearly seen as the most urgent area for change and as such is a major thrust of the new legislation along with openness in adoption.

In order to underline the strength of comments supporting the principles on which the recommendations were based I take this opportunity of quoting to members three signifi-

cant extracts from submissions received by organisations having a key interest in the legislative change. The Australian Relinquishing Mothers Society, which is an organisation for mothers who have relinquished their children for adoption, made the following statement as part of their response:

> The organisation is extremely heartened by the review panel's open acknowledgement that relinquishing mothers did not forget their children and that they continued to suffer from extreme sadness and guilt as a result of the adoption and its inherent secrecy. The panel's recommendations are an appropriate and welcomed attempt to redress an unfortunate and misguided societal belief.

The Parents of Adoptee's Support Group, an organisation for adoptive parents, indicated in its letter:

> We appreciate the thought and concern of the Adoption Review Panel in compiling the recommendations put forward in the Adoption Policy and Practice in South Australia. We feel on the whole the report is fair and just to all parties concerned.

Finally, the Aboriginal Child Care Agency stated:

> The South Australian Aboriginal Child Care Agency welcomes many of the proposed changes to South Australian adoption practice. Once the proposed amendments become legislation, Aboriginal communities should have far more control over the adoption of Aboriginal children and this will help to ensure that the disastrous results of previous practices of unnecessarily removing Aboriginal children from their communities and families will not be repeated.

Before moving to the changes inherent in this new legislation it is important to note the principles which guided the deliberations of the review committee. It is proposed that these principles form the basis of a modern adoption service.

1. Children are best cared for in a permanent family or family environment. Wherever possible, children are entitled to be cared for by their natural parents, with services that assist and support them where required.

2. Where natural parents are unable or unwilling to provide this care, or where they choose not to do so, the community has a responsibility to provide a range of alternatives for the care of the child. Adoption is one of these alternatives.

3. In all matters relating to the placement of a child outside the care of the child's own parents, the best interests of the child should be paramount. Adoption, therefore, is a service for children, with the aim of finding families which can provide the care and nurturing each individual requires. Adoption is not a service for couples who are seeking children for their families. It follows then that services for infertile couples, including information and counselling, lie outside the ambit of an adoption service.

4. Categories of children available for adoption have changed. The so-called 'traditional' adoption of healthy newborn caucasian babies now represents a minority of adoptions. The basis for categorising children differently should only be that their needs differ in some way, and that their needs can best be met through the development of discrete categories.

5. Since adoption placements intimately affect the lives of the children and families concerned, they should be arranged and followed up only by properly trained personnel, with adequate resources made available to them.

6. Adoption is only one of a range of options for the care of children outside their family of origin. Adoption practices should respond to current social attitudes and practices for the care of children, and should ensure before finalising an adoption that this is the best option available in each case for the best interests of the child. Each application for adoption, then, should be assessed on the basis of the interests of each child concerned. This should include applications for parent/spouse adoptions.

7. The range of adoptive parents should reflect the diversity of families in our society. Selection should include professional assessment and counselling. It should also include methods of education and self selection, so that parents can make more informed decisions about whether or not to adopt. Final decisions should be based on a professional assessment, and in the interests of the child.

8. Adoption intimately affects the lives of all those involved. It is therefore incumbent upon those who arrange adoptions to ensure the adequate provision of counselling services about all aspects of adoption. Adoption agencies can provide these services, or can arrange for other approved agencies to provide such services.

9. A modern adoption service should reflect current social attitudes about the equal rights of individuals to access to information, including information about birth parents and circumstances of adoption. It should recognise that secrecy in adoption is not always in the best interests of the child.

10. The provision of care for children is the responsibility of families and the community. Adoption agencies should make use of the resources of both, and involve both in the development of policies, services and resources.

11. As one option in a range of alternate care services for children, adoption services should develop and maintain strong links with other forms of alternate child care, so that the best option can be sought for each child referred.

12. Given that the needs of children in Australian society do not differ markedly from State to State, and given the mobility of the Australian population, States should strive for national uniformity in policy, practice and legislation about adoption wherever possible.

13. The policies of a modern adoption service should be in line with equal opportunity and anti-discrimination policies and legislation in South Australia. Children's interests are served by their being raised in an environment of equal opportunity and anti-discrimination.

14. The same principles which apply to a modern adoption service should also apply to the other alternatives for the long-term care of children proposed in this report.

The new Adoption Bill repeals the Adoption of Children Act 1967, although a number of provisions of that Act will be retained. The Government is repealing the previous Act due to the magnitude of the changes, and to highlight the importance of the changes to the public and certain professional groups such as the legal profession. Essential issues only are contained in the legislation and administration issues will appear later in the regulations.

Openness in Adoption

A major thrust in this bill is towards openness in adoption, with closed adoptions only occurring if it is in the interests of the child. Adoptions in South Australia have been regulated by the Adoption of Children Act 1967. This Act has provided for secrecy in adoption practices. This means that all papers used in connection with the application which contain any information as to the identities of the child and of the parents and guardians of the child may be sealed at the request of the parties involved, only to be opened by order of the court. While this has been only one option, it has in fact been the practice since 1966 in most adoption matters. Hence, in most cases, including parent-step-parent adoptions where the child may know his/her birth parent, the child's original birth certificate is no longer available to the child.

The social attitudes that determined this need for secrecy no longer exist, nor are the circumstances of children being

adopted under closed conditions the same. Trends in adoption practices in other States (especially Victoria) and in the United Kingdom have moved in the last decade toward a far more open approach. This is in response to some of the problems associated with secrecy. These problems include:

- the fact that some people, that is children and adults who are adopted, are denied the right to know their birth identity which is an unfair betrayal of natural justice;
- the occasional need to know about a child's origins for medical history concerns;
- the difficulty often experienced by adoptees during adolescence as they seek to establish emotional, psychological and social identities for themselves, in what is essentially an information vacuum;
- the difficulty adoptive parents have in answering questions that inevitably arise from the curiosity of their children;
- a growing recognition that many relinquishing parents do not 'forget' about the children born to them. They often experience ongoing anguish and guilt, some of which can be assuaged with a little knowledge about the progress of their children;
- the growing numbers of children being adopted who have had substantial contact and in some cases bonding with natural parents and/or extended family. For this group secrecy may in fact be a farce because it means separation legally from family members who are important to them (brothers and sisters for example);
- the large numbers of adoptees and relinquishing parents who are indicating their wish to meet each other, or to find out about each other by placing their names on the Adopted Persons Contact Register.

This legislation underlines the trend towards greater openness in adoptions. At the time of adoption, it will now be possible for information to be exchanged by all parties and for negotiations to occur about the information that will be exchanged in the future once adoption has taken place. It will also be possible for the parties involved in the process to meet each other prior to the adoption.

Access to Information

This Bill sets out provisions under which various parties to adoption may gain access to adoption information. This is a major change to adoption legislation and practice. Since 1967 adoption has been considered closed unless all adult parties to the adoption agree on open adoption. Upon completion of the adoption process the court is required to seal in an envelope all information as to the identities of the child and parents or guardians.

The court must then deliver the envelope to the Director-General of the Department for Community Welfare or a designated officer. The Adoption of Children Act 1967 requires that no one be allowed to inspect the contents of the envelope except by leave of a judge or Master of the Supreme Court. A new birth certificate, bearing the names of the adoptive parents as the parents of the child is then issued.

Experience has shown that the very fact that such important information relating to a person's biological and sociological background is hidden creates a desire to know about it. This is not experienced by those raised by their birth parents. The desire to know one's identity through access to information about origins must be recognised and taken seriously.

In Australia, the National Adoption Conferences of 1976, 1978 and 1982 all supported the right of adopted adults to retrospective access to a copy of their original birth certificate. Victoria has legislated that an adult adoptee may have access to birth information and has established an Adoption Information Service. Western Australia and New Zealand have also passed legislation granting access to information.

In the best interests of adoptees, the Government believes that they should have access to information about their origins if they so desire. The availability of such information will contribute to their sense of self-identity and psychological well-being. Further, the Government is of the opinion that access to information about origins should be retrospective.

The review committee in making this recommendation considered at length whether the proposed changes are a breach of a promise made to relinquishing and adopting parents at the time of adoption. In considering the views expressed by David Hambly, Professor of Law, Australian National University, the committee finally agreed with him that:

> We are not dealing with commercial bargains that need to be strictly enforced. We are dealing with a much more complex matter of human relationships in a rapidly changing society.

With this in mind the review committee decided it would be unjust in this situation, just as it would be unjust with changes in marriage and divorce laws, to grant the rights of access to information to those to be adopted under new legislation, yet deny it to those already adopted under past legislation.

It needs to be borne in mind that many adult adoptees are in fact already gaining information about their origins and natural parents are gaining information about adult adoptees. Further, actual contact is being established even despite obstacles to the success of such attempts. Organisations such as Jigsaw are committed to enabling such attempts to succeed and do so with an awareness of the interest of all the parties involved.

This bill allows for an adult adoptee to be able to procure from adoption services in the Department for Community Welfare a copy of their original birth certificate and to have access to information available to the adoption agency at the time of adoption. The interests of the natural parent in this process are twofold. First, they have an interest in whether or not they will be contacted or whether information concerning them will be given to the child they relinquished. Secondly, they have an interest in whether or not they may have information about their relinquished child or may contact the child.

Many assumptions have been made about how natural parents feel about children they relinquished. Research and experience in Victoria and the United Kingdom has shown that most relinquishing parents have not feared that their child might find them, but have feared that the child may feel rejected and not understand the reasons for the relinquishment. New South Wales Adoption Triangles experience and a study by Sorosky have also found that by far a majority, that is in excess of 80 per cent of natural mothers, agreed to make themselves available for a reunion. Relinquishing mothers consulted by the South Australian Adoption Review Panel have stated overwhelmingly similar views.

Information from Victoria and overseas supports registering the wishes of a natural parent who does not wish to have contact with a relinquished child, but also to balance this wish against the right of adoptees to their original birth certificate and information about their origins. The new Act will ensure that when the adult adoptee seeks this information or contact, the natural parent is advised and the

information is withheld for a limited period of time. This allows the natural parent time to adjust.

When a natural parent does not desire contact, this Bill allows for the information available at the time of adoption to be withheld for a period of six months, during which time counselling services are made available to all parties. At the end of the six months the original birth certificate and other information provided to the Director-General at the time the child was relinquished would then be made available to the adult adoptee.

Additional current information which would identify the natural parent or parents would not be made available at any time without their consent except in special circumstances. The indications from Victoria at the time of the writing of the review report were that in almost every case in which the natural parent had not wished contact, that wish had been respected by the adoptees. There is a second interest which natural parents have in the question of access to information about their relinquished child. This is about whether or not it is possible for them to initiate the process which culminates in actual contact.

The Australian Relinquishing Mothers Society of South Australia has clearly stated that it believes adoption services should seek information which could identify one or all parties, when any one party has made the request. The Government believes that natural parents should be able to register their wish to meet their relinquished child when the child reaches 18 years of age, and that if both parties are agreeable that such a meeting be enabled to occur. Current practice requires that both parties need to place their names on the Adopted Persons Contact Register before such a meeting can take place. This legislation enables adoption services to seek out an adult adoptee should their natural parent or parents express a desire for identifying information or contact. With the adult adoptees' consent, information can be given and contact made. If consent is refused then no identifying information will be given.

In some situations an adopted minor may gain from having information about their origins particularly where it will assist them in the area of self-identity. However, it is entirely inappropriate for an adopted minor to have unrestricted rights to identifying information. This is particularly so where their adoption resulted from exceptional circumstances such as rape. Unless a child under 18 has the support of his or her adoptive parents then the Bill directs that the information should not be made available.

In these circumstances it is also important that the consent of the adoptive parents is matched with the consent of the natural parent. Thus, the Bill allows for identifying information about a natural parent to be provided to an adoptee under 18 years of age only with the consent of both the natural parent or parents and the adoptive parents. In making this recommendation the review committee was aware of the fact that adolescence may be a difficult time for some and may be more difficult for an adoptee. The committee therefore believed that it was very important that they and their adoptive parents have the opportunity to work through any problems which arise and that they should have available to them skilled advisers and counsellors.

Occasionally exceptional circumstances arise where natural justice would indicate that information should be provided to an adopted minor or their adoptive parents. These might include the death of adoptive parents, the pending death of an adopted child or the irretrievable breakdown of the adoption. This Bill makes it possible in special circumstances to supply identifying information to adopted minors or their adoptive parents without the approval of natural parents but subject to the authorisation of the Director-General of the Department for Community Welfare.

It was evident from some telephone conversations and correspondence received that the announcement that a committee had been established to review adoption legislation and practice in South Australia and to produce a discussion paper was considered as threatening by some adoptive parents. Others indicated that they welcomed the opportunity for a greater degree of openness in adoption practices.

It is important therefore to state again that the research in the United Kingdom revealed that the great majority of adopted persons applying for their original birth certificates displayed an astonishing degree of loyalty to their adoptive parents and regarded their adoptive parents as their true parents. This was confirmed in testimony given by members of Jigsaw who related cases where caring adoptive parents saw it as a part of their parental role to assist their adopted children in their quest for information about their origins.

In order to protect the adoptive family it is necessary that some safeguards be established in relation to adoptees under 18 years of age. Enough has been said to indicate that for many natural parents their interest in the child does not cease with the signing of an adoption order. This Bill supports a belief that natural parents should be able to register their interest in receiving identifying information about their relinquished child even if the child has not reached the age of 18, and that such information be provided only with the consent and cooperation of the adoptive parents and of the child if he/she has attained the age of 12 years. In other words, until the child has reached the age of 18, adoptive parents have a right of veto. This protects their intention to create and maintain a family unit without threat of intrusion.

Access to information is a matter that requires sensitivity and competence. The access to information withheld for so long a time is a moment of considerable potential trauma and therefore I foreshadow further development of the mediating facility operating through the Adopted Persons Contact Register. This facility would be structured to assist in tracing and giving information and in providing counselling to parties in preparation for whatever further steps they might wish to take in relation to this information. It is anticipated that counselling will be a compulsory part of this process whether the person is receiving information or making a contact. These changes in the legislation will demand an extension to the current services being offered by the Department for Community Welfare, Adoption Services. It is anticipated that the regulations will introduce fees in relation to administrative costs for this extension of the information services, that is, on a cost recovery basis.

Birth Certificates

As a result of this Bill, there will be significant changes to the birth certificate in relation to the adoptee. Adoptive parents will no longer be recorded on new birth certificates as the natural parents of the child.

A number of submissions to the Committee have focused on the misleading practice of issuing a new birth certificate which effectively changes the identity and birth history of the child on adoption. Although this practice was introduced with the best of intentions relatively recently, in order to protect children from the stigma of illegitimacy, it no longer serves the needs of the child in the current social climate. It is often seen at best as inappropriate and misleading and at worst as dishonest and false.

The fact that a child is adopted is no longer kept a secret, and adoptive parents must make a commitment to tell the

child before an adoption can be approved by the Department for Community Welfare. A legal document which purports to contain a true and correct record of the circumstances of the birth of a child should indeed be true and correct. In meeting the needs of the child there is no longer any need for adoptive parents to be portrayed as the natural parents of the child. This can be considered in the light of children adopted from overseas where adoptive parents make a commitment to introduce them to their own cultural background and, as far as possible, allow them access to other children of their own race. For these children an amended birth certificate is very clearly and unnecessarily false.

There is, however, a distinction between biological and social parenthood for adopted children. Both have importance in their life and identity. These children's identities are not only determined by their birth parents but also by the people who raise and parent them. Official documentation relating to the identities of children should reflect both the circumstances of their birth and those of their adoption.

The Bill requires that a note of the names of the adoptive parents will be made in the register of births. This introduces an anticipated practice change. Instead of a new birth certificate being issued at adoption with the names of the adoptive parents appearing as the natural parents of the child, the original birth certificate will be endorsed with the name or names of the adoptive parent or parents and as such will be a true record of the child's life circumstances.

This change will resolve the present dilemma for natural parents who must adopt their own children in the case of parent/step-parent adoptions. It will also resolve the situation when a parent dies and is no longer recognised as the child's biological parent if a subsequent adoption takes place. With the planned legislative and practice changes towards greater openness in adoption in the future, situations will only occasionally arise where the adoption will be closed and the names of both parents will be withheld. It is anticipated that the regulations will control who has access to entries in the register of births relating to adoption. In such cases, the birth certificate as released will bear the names of the adoptive parents only. They will be recorded on the birth certificate as adoptive parents.

Aboriginal Adoptions

Based on the recommendations of the review committee, this Bill makes separate mention of the adoption of Aboriginal children. There have been very few Aboriginal children placed for adoption in the past 10 years, and very few Aboriginal couples have applied to be adoptive parents. However it is now well accepted that if Aboriginal children are for some reason needing placement, it is essential that their own kin are actively sought as a first preference. This is important for their sense of identity, their cultural awareness and their ability to grow up as part of the Aboriginal community.

Past adoption practices of some years ago have resulted in the separation of many Aboriginal children from their families, culture and heritage. There is now widespread recognition of the inappropriateness of such practices. The vast majority of past placements have been with white parents, and many of these adoptions have broken down when the children have reached adolescence.

Early consultations of the Adoption Review Panel with Aboriginal workers and groups suggest that there is some divergence of opinion about the appropriateness of adoption for Aboriginal children. However, it is clear that adoption does not have a counterpart in the Aboriginal community. In general, the community prefers its children to remain within their community rather than removing the legal relationship with Aboriginal parents.

Recognition of Aboriginal child rearing and family relationship values and customs requires departmental policy to allow for a consideration of a range of alternative child-care options when looking at permanent appropriate placements of Aboriginal children. For this reason the Bill requires that in the permanent placement of an Aboriginal child the preferred option be guardianship. An adoption order will only be granted after guardianship has been considered by the court and rejected as not being in the child's best interests. This will include consideration of the protection of the child's aboriginality and cultural identity.

The Bill addresses the different domestic arrangements existing within Aboriginal communities. It identifies people in both *de facto* relationships and tribal marriages as being eligible to adopt children. The criteria for selection of Aboriginal adoptive parents will be broader than those for other couples by recognising Aboriginal customs and values surrounding marriage and the family. It will also recognise the extended definition of family members or 'relatives' who could appropriately care for a child. Hence grandparents, aunts, uncles and cousins could apply to adopt or be guardians of a relative child. It is intended that this matter will be addressed more specifically under the regulations.

Finally, although not spelt out specifically in the legislation, the importance of recognising Aboriginal culture and self-management will continue through the practice of staff from Adoption Services consulting with the Aboriginal Child Care Agency or other appropriate representatives of the Aboriginal Community when the adoptive or guardianship placement of an Aboriginal child is proposed. Recognition of the importance of Aboriginal involvement and decision making in child welfare practice has long been established and this Bill represents another step towards making sure that this will continue to occur.

Guardianship

Children in our society are cared for in a variety of family relationships which, in most cases, are able to meet their individual needs. One of the major principles in the provision of substitute family care for children is the child's need for permanence and security in family relationships. Over half of all adoptions in 1985-86 involved legally incorporating stepchildren into their new step-families—usually a stepfather and natural mother adopting the child where the natural father is still in contact with the child. As well, adoption has been used by relatives and foster parents wanting to secure the legal arrangements for a child they already have in their day-to-day care, or by relatives who wish to bring children into Australia from other countries to care for them.

Although adoption in these situations does provide security in the child's fmily relationships it may also confuse for the child his or her set of existing family relationships, and may not always be the most appropriate means of providing this security. In the present system an adoption order gives the adoptive family an exclusive relationship with the child, and all natural parental rights and duties cease and are transferred absolutely to the new caregivers. Where children have existing ongoing relationships with the relinquishing parent, as in the step-family situation, this process of changing their identity and cutting all legal ties may not be in the child's best interest.

This section of the Bill proposes to restrict the circumstances in which the Children's Court will grant adoption orders for stepchildren, relatives and people caring for Aboriginal children. The court will only proceed with applications for adoptions for stepchildren, relatives and people caring for Aboriginal children if it is decided that adoption is clearly preferable to guardianship in the interests of the child. The court would also need to be clear that granting an adoption order would not change the child's identity and birth record and would not confuse, deny or unnecessarily sever the child's previous family relationships. The whole decision would be made in the context of the well-being of the child. The advantages of granting guardianship orders to stepchildren, relatives and people caring for Aboriginal children are:

- that the child maintains his/her legal and identity ties with his/her natural family while providing a legal status to the persons actually caring for the child;
- that it encourages the maintenance and development of these relationships with natural family, whilst also providing stability and security to the ongoing caregivers;
- that it allows for transfer of decision making in relation to the child to the new guardian;
- that the question of name, rights and access can be determined, individually according to each case.

Thus guardianship can better meet the specific needs of each child in these situations. In December 1986 South Australia referred to the Commonwealth Parliament legislative power over, *inter alia*, guardianship and custody of children (except child welfare laws): Family Law (Commonwealth Powers) Act 1986 (S.A.). Once the Federal Parliament amends the Family Law Act 1975 (Commonwealth) to bring into effect this reference of all powers by South Australia (and other States) all guardianship and custody matters will be heard in the Family Court under the Family Law Act. That is all except those where proceedings are taken through the Children's Court to place children under the guardianship of the Minister of Community Welfare or the control of the Director-General as a result of abuse or neglect concerns.

It is only a matter of time until it will be possible for all guardianship matters to be heard by the Family Court irrespective of whether a child was born within or outside of a marriage. Until the reference of powers occurs, and once this section of the Bill is passed an interim arrangement will exist where:

(a) All guardianship applications involving children of a marriage will be referred to the Family Court;

(b) All such applications involving ex-nuptial children will be heard in the Supreme Court.

Thus, in deciding not to proceed with an adoption application in these cases, the Children's Court will refer the applicants to the appropriate alternative court.

Consent to Adoption

There are a number of significant changes in this Bill in relation to the giving of consent to adoption. The decision to give up a child for adoption is indeed a momentous one. Every effort should be made to ensure that the consent is an informed one. It is important that parents who relinquish children do so following careful consideration of all the issues.

It has been determined, that in order to be properly informed of their decision, the parent or parents need to be provided with written information in a number of areas including:

- support services which may enable them to keep their child;
- alternatives to adoption;
- the consequences of adoption;
- the procedure for revoking consent.

This information needs to be given within the context of counselling. In order to understand fully the ramifications of their decision, it has been recommended that receipt of information and counselling should not occur at the same time the parent signs the forms consenting to the adoption. The Bill requires that the consent cannot be signed until three days after the parent has been counselled. This allows the mother time to reflect on her decision and reduces the possibility of ill-informed decisions being made.

In giving consent to adoption it is vital that sufficient time passes after the birth of the child such that the mother has recovered enough from child-birth to make the best decision. It is important that any decision, or confirmation of a previous decision, is made under the best possible circumstances and as free as possible from any stress. This legislation determines that 14 days must pass after the birth of the child before a mother can sign a consent. This is an extension of the current minimum period of five days and in line with practices in at least one other State.

This Bill enables the minimum time before consent to be shortened to five days from the birth of the child. However, for this to be accepted the court must be satisfied on the evidence before it that special circumstances exist and the mother was able to exercise a rational judgment. No consents can be taken prior to the expiration of five days from the birth of the child. There are no changes to the conditions in relation to the consent of the father in this Bill. Since 1975, the provision has existed that the consent of both parents is required where paternity is recognised by law. This is consistent with developments in other States.

Current legislation provides that a child who has reached the age of 12 years should consent to his/her adoption unless the child is intellectually incapable of consenting. The child's consent also needs to be informed and made in the best circumstances possible. The Bill requires that the consent of the child over the age of 12 be witnessed in accordance with the regulations. It is intended the regulations will give further details of the procedure for counselling of a child in relation to consent. The person witnessing the consent of the child will be required to satisfy him or herself that the child has been properly prepared for signing consent and that the child is aware of the process for revoking his or her consent.

Adoption of a child over 12 years cannot occur until 25 days after he/she has signed consent and then the court must determine that the child has not changed his or her mind and is still in agreement with the adoption. If the child no longer agrees and indicates this to the court the consent is considered to be revoked and the adoption will not go ahead. The Bill requires that consents be witnessed in accordance with the regulations. It is intended that the person who witnesses the signing of consent for an adoption is not the same person who has provided the written information and counselling three days previously. This enables the witness to provide objective satisfaction that the implications of giving consent are understood. Those persons who may act as witness will be authorised persons with a knowledge of adoption practices. A relinquishing parent should not be required to deal with more people than is necessary around such a sensitive issue, whilst at the same time protecting their interests to make an informed consent.

The Bill retains the right of relinquishing parents to revoke their consent. Consent may now not be signed until 14 days after the birth of the child. This is an increase of nine days. In order to balance this against the need of the child for adoption to proceed within a reasonable time, the revocation period has been shortened from 30 to 25 days. In special circumstances this period can be extended for a further 14 days.

Finally, the Bill allows for a greater range of limited consents for adoption to be signed. Under current legislation a relinquishing parent may nominate a step-parent or a specific relative and sign a consent limiting adoption to the person nominated. This Bill allows a relinquishing parent to authorise a guardian appointed by a court, or a person caring for a child under the guardianship of the Minister of Community Welfare, to adopt a child already in their care. This enables stability of placements and permanancy for a small group of children who have already been with their caring family for a period of time.

Eligibility to Adopt

A number of the recommended changes to the criteria of who is eligible to adopt a child will be spelt out in the regulations. This includes age requirements, attendance at mandatory pre-application and pre-approval sessions and factors to be considered in the approval of prospective applicants. It is anticipated that the present minimum age for applicants will remain at 25 whilst the maximum age difference between a child and adopting parent will be 40 years for the first child. For a second child it is anticipated the maximum age of the younger parent will be 42 and the older parent 43. Health and residency requirements, which remain unchanged, will also be included here. Physical disability will not in itself disqualify any person's application, and a person's medical condition will only be taken into consideration if it will affect their ability to care for a child.

Current legislation enables single people to adopt specific children in special circumstances. This Bill foreshadows the opportunity for single applicants to have their names placed on the prospective adopters register. Thus they may apply for general adoption and be assessed according to the same criteria as couples. It is obviously important to adhere to the principle that adoption is a child-centred service and that the child's best interest may be served by the child being adopted by a couple in a warm and enduring relationship. It is also clear that there are more than enough such couples registered to adopt the number of available children. Despite this, single status should not be sufficient ground for excluding a prospective applicant.

The experience of persons working in the field of adoption is that single parent adoption can be as successful as adoption into a two parent family. It enables some children who may not otherwise be placed to be adopted, such as children with special needs. This legislation should not deny children the right to be adopted by a single person, particularly if that person has special skills, commitment or relationship with a child that is beneficial to the long-term well being of that child. Applications by single people will be assessed on their merits according to the principle of what is in the best interests of a child.

This Bill also makes it possible for couples in a *de facto* relationship to adopt a child as long as they have been living together for a period of not less than five years and exhibit the quality of relationship required of a married couple. A married couple is required to have been married for a minimum of five years before being eligible to adopt. It is important to have consistency between *de facto* and married couples on the proviso that all relationships are assessed as being stable and caring, and placement of a child will ensure the welfare and interests of the child are paramount. Excluding *de facto* couples may be quite detrimental to the interests of some children, particularly where the child has already established a relationship with that couple or a couple is known to have a close bond with a particular child. This may be especially important in the case of children with disabilities who require security of placement. None of these changes to the law guarantee that any adults in these new categories will be able to adopt. Rather they allow for a greater range of suitable parents to be available for the range of children requiring adoption.

Inter-Country Adoption

The Joint Committee on Inter-Country Adoption established by the Social Welfare Minister and the Minister for Immigration and Ethnic Affairs has reported on the need for a unified approach throughout Australia to the adoption of children from overseas. This committee has set out guidelines and principles. Many of the recommendations have already been endorsed by the Ministers and it is anticipated that the Ministers will accept the final report in October of this year.

Of major concern to the Joint Committee on Inter-country Adoption have been past practices where adoptive parents have made their own private arrangements to adopt from other countries. Such arrangements do raise concerns about how the child became available for adoption, if indeed it truly was available, what pressure and/or reward might have been put to the parent(s) of the child and what information about the child's biological heritage is available for his/her future reference. The Joint Committee's proposal is that all future adoption arrangements with other countries be ratified at the national level and that all applications must be processed through approved State agencies. The provisions in this Bill will not prevent the implementation of the recommendations of the joint committee.

Appeal Provisions

The current legislation has allowed for individuals or couples who are assessed as not suitable to adopt to appeal to an Adoptions Board. The board has the power to overturn the decision of the Department for Community Welfare.

This Bill provides regulation making powers in relation to the Adoptions Board. The Adoptions Board retains its present appeal functions and powers, and will be given an additional power to refer matters back to the Department for Community Welfare. This will enable further assessment before a final decision is made in relation to an appeal and will enhance the depth and breadth of the decision making power of the Adoptions Board.

Concluding Comments

In summary, I have already indicated to honourable members that the changes have been welcomed and supported by the majority of public submissions. I again draw honourable members' attention to the fact and remind you that 80 per cent of public comments were directed to access to information about origins. Comments emphasised human

rights and the psychological wellbeing of the individual knowing about their origins. In considering this issue and others it is important that legislation keeps pace with a changing society and addresses accurately the needs of those it aims to serve, in this case first and foremost the adopted child. The two vital principles which form the basis of this legislation must not be forgotten.

First, in all matters relating to the placement of a child outside the care of the child's own parent, the best interests of the child should be paramount. Adoption is therefore a service for children, where the best interests of the child are always considered. All the recommendations in this legislation will, and should be, constantly tested against this principle.

Secondly, it is a very important principle of equity that all people in society have the truth of their birth. Honourable members need to consider seriously the equity of having one group of people in society who are not given information of their birth which is the situation under the old Adoption Act. This legislation indicates that this practice needs to change. There should not be one group of people in society who do not know the circumstances of their birth. Adopted children have a right to this information particularly when they attain the age of 18. Where possible they should have this information from the time of their birth.

I would like to acknowledge the work done by the Adoption Review Committee and all those members of the public who contributed to this legislation. A great deal of time and work has been spent debating the issues and principles which form the basis of this legislation. This work now represents timely changes in community attitudes and adoption practices and will result in the development of a modern adoption service that is keeping pace with a changing society.

On the great majority of issues covered in this legislation there is clear community concensus and support. However, there continues to be some misapprehension and concern over the intention to retrospectively remove the permanent veto upon the release of information available on the original birth certificate to the adult adoptee. It is felt by some that this may result in undue disruption and suffering to some relinquishing parents.

In Victoria, where the legislation has already changed it can be shown that the overwhelming majority of adult adoptees whose natural parents did not want contact have respected their wishes, even after they have been given the information on their birth certificates. However, it is recognised that when information is released to the adult adoptee it may not be possible to stop the exceptional case where the natural parents' desire for privacy is not respected. On the other hand, and not withstanding the current legislation which protects people's privacy, various parties have on occasion, through their own efforts, been able to trace their child or parent and make contact without consent or birth certificate information being given. The balance between one person's need for privacy and another's need for information is a delicate one. It is therefore my intention, at the conclusion of the second reading debate, to move to refer this Bill to an all Party select committee of the Legislative Council. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal.

Clause 3 repeals the Adoption of Children Act 1967.

Clause 4 is an interpretation provision. Attention is drawn to the following definitions: 'the Court' means the Children's Court of South Australia constituted of a Judge or a magistrate and two justices (at least one of the three being a woman and at least one a man); 'marriage relationship' means the relationship between two persons cohabiting as husband and wife or *de facto* husband and wife. Marriage according to Aboriginal tradition is recognised for the purposes of the measure under subclause (2).

Clauses 5 and 6 relate to the South Australian Adoption Panel.

Clause 5 establishes the panel. The following members will be appointed to the panel by the Minister:

(a) a clinical psychologist;

(b) a specialist in gynaecology;

(c) a specialist in paediatrics;

(d) a specialist in psychiatry;

(e) a legal practitioner;

(f) a social worker;

(g) a nominee of the Director-General;

(h) two persons with special interest in the adoption of children.

Clause 6 sets out the functions of the panel, namely:

(a) to make recommendations to the Minister generally on matters relating to the adoption of children;

(b) to keep under review the criteria in accordance with which the Director-General determines who are eligible to be approved as fit and proper persons to adopt children and to recommend to the Minister any changes to those criteria that the panel considers desirable;

(c) to recommend to the Minister procedures for evaluation of, and research into, adoption;

(d) to make recommendations to the Minister on matters referred by the Minister to the panel for advice; and

(e) to undertake such other functions as may be assigned to the panel by regulation.

In respect of recommendations to the Minister to change the eligibility criteria for prospective adoptive parents, the panel must consult persons who have been approved as eligible to adopt and whose approval may be affected by the recommendation, organisations with a special interest in the adoption of children and any other persons who have, in the opinion of the panel, a proper interest in the matter.

Clause 7 provides that the welfare of the child is the paramount consideration in any proceedings under the measure.

Clauses 8 to 13 are general provisions relating to the jurisdiction to make adoption orders, the effect of adoption orders and the circumstances in which adoption orders will be made.

Clause 8 gives the court power to make adoption orders. The power is exercisable only where the child is in the State and the applicants for the order are resident or domiciled in the State.

Clause 9 provides that where an adoption order is made, the adopted child becomes the child of the adoptive parents and ceases to be the child of any previous natural or adoptive parents.

The clause provides that where one of the natural or adoptive parents of a child dies and the child is adopted by a person who cohabits in a marriage relationship with the surviving parent, the adoption does not exclude rights of inheritance from or through the deceased parent.

Clause 10 requires the court, before making an adoption order, to be satisfied that adoption is clearly preferable to guardianship in the interests of the child if an applicant for the order is a person who is cohabiting with a natural or

adoptive parent of the child in a marriage relationship or is a relative of the child; or the child is an Aboriginal child.

In the latter case the court must further be satisfied that the child's cultural identity with the Aboriginal people will not be lost in consequence of the adoption.

Clause 11 sets out criteria affecting prospective adoptive parents.

Usually an adoption order will only be made in favour of two persons who have been married (lawfully or *de facto*) for at least three years or in favour of one person who has been married (lawfully or *de facto*) to a natural or adoptive parent of the child for at least five years.

The court may make an adoption order in favour of one person who is not married if satisfied that there are special circumstances justifying the making of the order.

The court may make an adoption order in favour of one person who is lawfully married but not cohabiting with his or her spouse if satisfied that there are special circumstances justifying the making of the order and that the spouse consents to the adoption.

Clause 12 provides that an adoption order may be made in respect of a person between 18 and 20 years of age if an applicant has brought up, maintained or educated that person and there are special reasons for making the order.

Clause 13 empowers the Supreme Court to discharge an adoption order that was obtained by fraud, duress or other improper means.

Clauses 14 to 17 deal with consent to adoption.

Clause 14 makes the consent of parents or guardians to an adoption a compulsory requirement.

The clause provides that the mother of a child cannot consent to the adoption of the child at least until five days, and usually until 14 days, after giving birth to the child.

Consent of a parent or guardian may be general or it may be limited to authorising the adoption by a relative or guardian of the child, a person who is cohabiting with a parent of the child in a marriage relationship or a person in whose care the child has been placed by the Director-General.

Certain formalities are required for consent, including compulsory counselling three days before the giving of consent.

Consent of a parent or guardian may be revoked within 25 days or, with the approval of the Director-General, 39 days.

The consent of the father of a child born outside lawful marriage is not required unless his paternity is recognised under the Family Relationships Act 1975. A person who may be able to establish paternity must be given a reasonable opportunity to do so.

The clause also provides that consent of the parents or guardians of the child is not required if the application is supported by the Director-General, the Director-General certifies that the child entered Australia otherwise than in the charge of a parent or adult relative who proposed to care for the child while in Australia, the child has been in the care of the applicant for at least 12 months and the making of the order would be in the best interests of the child.

Clause 15 provides that an adoption order will not be made in relation to a child over 12 years of age unless the child has consented to the adoption and has had 25 days in which to reconsider that consent and the court is satisfied that the child's consent is genuine and that the child does not wish to revoke consent. The court must interview the child in private for that purpose.

Certain formalities are required for consent, including compulsory counselling before the giving of consent.

Clause 16 provides that a consent to adoption given according to an interstate law will be regarded as sufficient for the purposes of the Act.

Clause 17 sets out the circumstances in which the court may dispense with consent.

The consent of a child over 12 years may be dispensed with if the child is intellectually incapable of giving consent.

The consent of any other person may be dispensed with if—

(a) that person cannot, after reasonable inquiry, be found or identified;

(b) that person is in such a physical or mental condition as not to be capable of properly considering the question of consent;

(c) that person has abandoned, deserted or persistently neglected or ill-treated the child;

(d) that person has, for a period of not less than one year, failed, without reasonable excuse, to discharge the obligations of a parent or guardian of the child; or

(e) the court is satisfied that there are other circumstances by reason of which the consent may properly be dispensed with.

Clauses 18 and 19 deal with the recognition of interstate and overseas adoption orders.

Clause 18 provides for the recognition of adoption orders made under the law of the Commonwealth or of a State or Territory.

Clause 19 provides for the recognition of overseas orders. The order must have been made in accordance with the law of the country and each applicant for the order must have been domiciled in that country or resident there for at least 12 months. The circumstances in which the order was made must, if they had existed in this State, constitute a sufficient basis for making the order under the measure and there must have been no denial of natural justice or failure to observe the requirements of substantial justice.

Clauses 20 to 25 are general provisions relating to adoption orders.

Clause 20 requires the court before making an order to consider any report prepared by the Director-General on the circumstances of the child and the suitability of the prospective adoptive parents and their capacity to care adequately for the child.

A copy of the report will be given to the prospective adoptive parents unless the court orders otherwise. The court can also prevent disclosure of the report to any person in appropriate cases.

The clause also empowers the court to require prospective adoptive parents to submit evidence of their good health.

Clause 21 empowers the court in making an adoption order to declare the name by which the child is to be known. The child's wishes are to be taken into account. If the child is over 12, the court will not change the child's name against his or her wish.

Clause 22 provides that adoption proceedings will not be heard in open court and that records of the proceedings will not be open to inspection.

Clause 23 constitutes the Director-General interim guardian of a child if each parent or guardian has consented to adoption of the child in general terms or arrangements for the transfer of guardianship from an interstate officer to the Director-General are complete.

Clause 24 enables the Minister to arrange with prospective adoptive parents to contribute to the support of a child who suffers some physical or mental disability or who otherwise requires special care.

Clause 25 deals with the disclosure of information by the Director-General. It provides that the Director-General must

release to an adopted child who has attained the age of 18 years the information as to the identity of the natural parents of the child that was in the Director-General's possession at the time of the adoption order.

The information will not be released until the child has been counselled. The release of the information will be delayed by six months if the natural parent objects.

The clause enables the Director-General to release information to an adopted child or to the adoptive parents of the child (including information identifying the natural parents of the child) if, in the Director-General's opinion, it is necessary to do so in the interests of the welfare of the child.

Subject to the above, the clause restricts the disclosure of information by the Director-General in certain circumstances.

A person engaged in the administration of the Act must not disclose information that enables an adopted child to be traced to the natural parent of the child unless, if the child is under 18 years, the adoptive parents and, if the child is over 12 years, the child, approve; information that enables a natural parent to be traced to an adopted person, unless the natural parent approves and if the person is under 18 years, the adoptive parents approve; and any other information relating to a natural parent to an adopted child under 18 years unless the adoptive parents approve. The maximum penalty provided for so disclosing is $10 000.

Clauses 26 to 39 deal with miscellaneous matters.

Clause 26 provides that an agreement providing payment for the consent of a parent or guardian to an adoption is illegal and void.

The clause makes it an offence to be party to such an agreement, the maximum penalty provided being a fine of $10 000 or imprisonment for 12 months.

Clause 27 makes it an offence to conduct negotiations leading to an adoption order unless the negotiations are conducted by a person or organisation approved by the Director-General.

The maximum penalty provided is a fine of $10 000 or imprisonment for 12 months.

The Director-General is given power to withdraw approval under the clause in appropriate circumstances.

Negotiations conducted, without fee, by a parent, guardian or relative of the child for adoption by a relative or a person who is cohabiting with a parent of the child in a marriage relationship are exempt from the clause.

Clause 28 makes it an offence to take or entice a child away from a person who is entitled to custody of the child under an adoption order. The maximum penalty provided is a fine of $10 000 or imprisonment for 12 months.

Clause 29 makes it an offence to publish in the news media information that may identify a child the subject of adoption proceedings or the parent or guardian of such a child or any party to such proceedings. The maximum penalty provided is a fine of $20 000. The court or the Director-General may, however, authorise such publication.

Clause 30 makes it an offence to advertise in the news media a desire to adopt a child or to have a child placed with adoptive parents or guardians. The maximum penalty provided is a fine of $20 000.

Clause 31 makes it an offence to make a false or misleading statement in connection with a proposed adoption.

The maximum penalty provided is a fine of $5 000 or imprisonment for six months.

Clause 32 makes it an offence to falsely represent oneself to be a person whose consent to an adoption is required. The maximum penalty provided is a fine of $5 000 or imprisonment for six months.

Clause 33 makes it an offence to present a consent document in relation to an adoption knowing that it is forged or obtained by fraud, duress or other improper means. The maximum penalty provided is a fine of $5 000 or imprisonment for six months.

Clause 34 provides that offences under the measure not punishable by imprisonment are summary offences and that offences punishable by imprisonment are minor indictable offences.

The clause also provides that a prosecution for an offence against the measure can only be commenced with the consent of the Minister.

Clause 35 provides that in proceedings under the measure, where there is no certain evidence of age of a person, a court may act on its own estimate of age.

Clause 36 entitles the Director-General to intervene in any proceedings under the measure. It also empowers the court to order that any person who has a proper interest in proceedings under the measure be joined as a party to the proceedings.

Clause 37 empowers the court in proceedings under the measure to make orders as to costs, subject to the regulations.

Clause 38 requires a register of all adoption orders to be kept. It also requires that where a child whose birth is registered in this State is adopted, the names of the adoptive parents must be entered in the register of births.

Clause 39 gives the Governor regulation making powers.

In particular, the regulations may regulate access to the register of adoption orders or to entries in the register of births relating to adopted persons; prescribe or make provisions for the criteria on which the eligibility of persons for approval by the Director-General as fit and proper persons to adopt children will be determined and for the keeping of registers of persons so approved; prescribe or make provisions for the review of decisions of the Director-General relating to those persons and for constituting adoption boards to hear and determine those reviews.

The schedule makes a consequential amendment to the Children's Protection and Young Offenders Act 1979. It provides that section 88 of that Act, requiring certain reports to be made available to the child who is the subject of proceedings, does not apply to reports received by the Children's Court in proceedings for an adoption order.

The Hon. DIANA LAIDLAW secured the adjournment of the debate.

ESTIMATES COMMITTEES

A message was received from the House of Assembly requesting that the Legislative Council give permission to the Attorney-General (Hon. C.J. Sumner), the Minister of Health (Hon. J.R. Cornwall), and the Minister of Tourism (Hon. Barbara Wiese), members of the Legislative Council, to attend and give evidence before the Estimates Committees of the House of Assembly on the Appropriation Bill.

The Hon. J.R. CORNWALL (Minister of Health): I move:

That the Attorney-General, the Minister of Health, and the Minister of Tourism have leave to attend and give evidence before the Estimates Committees of the House of Assembly on the Appropriation Bill, if they think fit.

Motion carried.

FISHERIES (SOUTHERN ZONE ROCK LOBSTER FISHERY RATIONALISATION) BILL

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

ADJOURNMENT

At 11.13 p.m. the Council adjourned until Thursday 10 September at 2.15 p.m.