LEGISLATIVE COUNCIL

Thursday 8 October 1987

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

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

SOUTH AUSTRALIAN COLLEGE OF ADVANCED EDUCATION

The PRESIDENT laid on the table the following report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

South Australian College of Advanced Education—Underdale (Nursing Building).

QUESTIONS

SMOKING

The Hon. M.B. CAMERON: I seek leave to make a short statement before asking you, Madam President, a question about smoking.

Leave granted.

The Hon. M.B. CAMERON: Madam President, you and members would no doubt be aware that the subject of bans on smoking has been addressed by the Federal Government. As I understand it, in Commonwealth offices there are now very direct bans on smoking in the workplace. I understand that even the Chief General Manager of the Commonwealth Bank in this State has to go outside his office in order to smoke. Madam President, do you support moves to ban smoking in the workplace and, if so, is it your intention to initiate steps to introduce such a ban on smoking in those sections of Parliament House that are under your control?

The Hon. C.M. Hill: Would you like it on notice?

The PRESIDENT: Order! Questions to the President are not allowed to be on notice. Currently, no smoking is allowed within this Chamber, as all members would know. I have not considered bans on smoking in other Legislative Council areas of Parliament House as they are individual workplaces, and it seems to me that members can decide for themselves what happens within their own rooms. I agree that there may be problems where members have to share a room, but it seems to me that whether or not smoking is permitted in that room is best left to the good sense of the two people who share the room. I know that some members request that there be no smoking in their rooms, and other members permit smoking in their rooms. Facetiously, I could say that I have thought of making smoking compulsory in my room. This is a matter on which individual members should make up their own minds.

As I say, in terms of the common areas of the Legislative Council, smoking is not permitted within this Chamber. I think it is a question for the individual members and staff members themselves to make such decisions relating to the areas where they work. As far as I am aware, all members have respected any decisions made by individuals in relation to their own work areas.

The Hon. M.B. CAMERON: As a supplementary question, in the common areas such as the Blue Room, which I would imagine is under your control because it is on this side of Parliament House, is it your intention to introduce any ban on smoking in such an area?

The PRESIDENT: As far as I am aware, the Blue Room is under the control of the Joint Parliamentary Services Committee and not under the control of the President of the Legislative Council. I realise that, as Chairperson of the Joint Parliamentary Services Committee, I wear that hat also, but the Joint Parliamentary Services Committee has not considered the question of smoking in the Blue Room. Very recently it considered the question of smoking in the members dining room and, if notices to that effect have not yet gone up, that will occur within the next few hours. The question of smoking in other areas under the control—

The Hon. J.R. Cornwall: They don't say it is compulsory, Madam President.

The PRESIDENT: Order! —of the Joint Parliamentary Services Committee has not been considered by that committee at this stage. If anyone wishes consideration to be given to that matter, I suggest that they correspond through the Secretary of the Joint Parliamentary Services Committee.

LOCAL GOVERNMENT DEPARTMENT

The Hon. L.H. DAVIS: I direct my questions to the Minister of Local Government on the subject of the Department of Local Government. First, will the Minister confirm that the Department of Local Government has recently changed its accommodation and, if so, where is the department now located? Secondly, what were the reasons for this change of accommodation? Thirdly, how long has the department been operating from its new address?

The Hon. BARBARA WIESE: I can confirm that the Department of Local Government has relocated (and that is fairly common knowledge) to the Norwich Building in North Adelaide. The reasons for the move are complex in some respects, because it was a matter relating to Government accommodation for a number of Government agencies that needed to be taken into account. That led to the move of not only the Department of Local Government but also the South Australian Waste Management Commission, the Youth Bureau and the Public Record Office, all of which have been located in the same building.

There was a need for increased space for the Department for the Arts, which was located in the Commercial Union Building, where the Department of Local Government previously had been located. There was a need for new space to be provided as quickly as possible for the State Library, and that matter has been raised in this place on one or two occasions. As Minister of Local Government and Minister of Youth Affairs I preferred the Youth Bureau to be co-located, if that were possible, with the Department of Local Government and, when these matters were assessed and the accommodation needs of all the individual agencies were taken into account, it was agreed that the move to Norwich Building by the numerous agencies to which I have referred would solve their accommodation problems.

That meant that an extra floor on the Bastian wing of the State Library, which the Libraries Board had been requesting for some time, was not necessary for at least 12 years. The proposed move by the Department of Local Government has effected considerable savings to the Government. That move has taken place, but I do not remember the exact date. If it is important to the honourable member I am happy to bring back a reply.

The Hon. L.H. Davis: Was it a few weeks?

The Hon. BARBARA WIESE: Yes, it would be a few weeks; maybe a month.

The Hon. L.H. DAVIS: I ask a supplementary question. Can the Minister say how often she has visited the Depart-

ment of Local Government since its move into these new offices?

The Hon. BARBARA WIESE: I have not visited the office of the Department of Local Government since it moved to its new premises. I have visited the Youth Bureau since it moved and the South Australian Waste Management Commission. Those agencies moved before the Department of Local Government, and I was able to look at the accommodation to be filled by officers of the Department of Local Government prior to its move, but I fail to see the relevance of that to my responsibilities as Minister of Local Government and I wonder why the question was asked.

The Hon. L.H. DAVIS: I ask another supplementary question. In other words, the Minister of Local Government is confirming—

The PRESIDENT: A supplementary question is a question not a statement.

The Hon. L.H. DAVIS: Yes, it is. In other words, the Minister is confirming—

The PRESIDENT: I think you are making a statement.

The Hon. L.H. DAVIS: No, I am not. I am asking a question that begins with the word 'is'. Is the Minister of Local Government confirming that the Department of Local Government has been relocated in new offices for at least four weeks, and yet she, as Minister, has not visited that office?

The Hon. BARBARA WIESE: I think I have made that clear.

COURT FEES

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General, as Leader of the Government, a question about Government revenue raising imposts.

Leave granted.

The Hon. K.T. GRIFFIN: As a matter of policy, the Premier has stated publicly that Government fees and charges are to be reviewed annually in line with movements in the Consumer Price Index for Adelaide. That policy in itself is controversial in that every other South Australian has to pull in his or her belt, be content with rises in income very much less than the CPI, and generally suffer a drop in living standards, while the State Government goes merrily on its way blithely cushioning itself against the disastrous effects of inflation.

The CPI increase for the year ended 30 June 1987, on which I understand the Government is working, was 9 per cent. Under the Government's policy I understand that the price for citizens to have access to justice is to increase. The information I have is that a wide range of increases is to take effect from 30 November 1987. I am told that a new fee is to be introduced of $5 for searching and inspecting a court file, which is calculated to bring in $20 000 in a full year. There is no justification for this fee. In addition, a new fee on small claims of $5; on all other civil claims a fee of $10; on Appeals Tribunal matters a fee of $10; and on all summary matters a fee of $5 is to be introduced to cover something called a 'computerisation program'. These fees are calculated to bring in $970 000 in a full year. The fee on starting new actions in the Supreme Court is to go up a massive 25 per cent from $120 to $150, and in probate matters the fee for estates over $10 000 is to go up a massive 26 per cent from $119 to $150.

The increase in fees if the Government's dubious policy of CPI were applied would bring in $350 000 in a full year but added to that the new fees and the increase over and above the CPI increases and the total to be received by the Government in a full year is estimated to be an extortionate $1 515 000. Does the Attorney-General agree that these proposals by the Government are blatantly contrary to the Government's own policy, and represent imposts far in excess of CPI increases?

The Hon. C.J. SUMNER: The answer is 'No'. No decisions have been taken on the matters raised by the honourable member, so he is speculating about a proposal that will be considered by Cabinet in due course. The basis for an increase in fees beyond CPI is simply to assist the courts to become more efficient by developing a computer system in the courts.

The Hon. K.T. Griffin interjecting:

The Hon C.J. SUMNER: Sometimes they do ultimately. They certainly do not in the initial stages with the capital cost of computerisation. Ultimately, it should lead to a more efficient system for users of the courts. When full computerisation is available it will certainly be a more efficient system for legal practitioners, the Judiciary, and administrators of the courts because of the benefits that will be derived from the use of computers through case management, listings, and in the provision of other information.

The Government has a proposal for a computer system in the Courts Services Department to service the courts to be developed in conjunction with the Government's justice information system, which applies to other justice-related agencies. In that context a proposal is being considered to recoup some of the cost of the computerisation from users of the court system. That is a policy that Opposition members support and have espoused on many occasions, namely, the philosophy of user pays, to which they are firmly committeed idealogically. No decision has been taken in the way indicated by the honourable member, as the proposition being considered deals with some additional fees to provide for court computerisation.

TOOLMAKING PROJECT

The Hon. I. GILFILLAN: I seak leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Employment and Further Education, a question on toolmaking projects in South Australia.

Leave granted.

The Hon. I. GILFILLAN: After some difficulty I have now been able to peruse a report on toolmaking for the automotive industry in South Australia. The document to which I refer is entitled 'Tooling: An Investment Opportunity in South Australia—a Feasibility Study prepared by the Tooling Project Team of the South Australian Department of State Development', and is dated May 1986. I remind the Minister of my question yesterday relating to training for employment opportunities in the submarine project, particularly in the engineering area, for electronic, electrical and mechanical engineers. I also remind her and the Council that some months ago I pointed out the dire shortage of trained engineers in Australia and their use, much to our detriment in international competitiveness.

This project for automotive tool making is one with enormous potential, not only for Australia but also for an export market. South Australia has a strong tradition in car manufacture and there is no reason why we should lose that. In this report, Ms President, there are some rather disturbing reflections. I want to quote from an earlier report quoted in this 1986 report, as follows:

The departmental report of 1983 found that employment in the group of traditional tool makers to the automotive industry

had declined from some 3 200 in 1974 to less than 1 500 in 1983 and the consequent loss of skills was not being taken up elsewhere in the tooling industry. The report concluded *inter alia* that:

—there is an erosion of the nation's base of engineering trade skills which, if allowed to continue unchecked will result in Australia's becoming the 'unskilled workers' of the manufacturing world.

—the trade skills under threat are of such a nature as to be almost impossible to recover once lost.

Indeed a report to the Commonwealth Working Party on Tools and Dies stated:

'When a Federal Government finally comes to appreciate the enormity of the national loss, it will not, by the passage of legislation, or announcment of policy, be able to provide an effective remedy.'

That is obviously a pretty alarming signal to the nation and, of course, to South Australia. The Executive Summary—and I just remind the Minister that this is dated May 1986, so it is still relevant in terms of time—states:

There is adequate work to justify the establishment of a modern tooling facility in South Australia. The maintenance of a strong tool making capability is fundamental to a proper manufacturing economy and is the alternative to Australia becoming a nation of industrial labourers. The run down in the tooling industry has gained such momentum that a reversal of the trend will require very strong commitment by all concerned, that is, investors; Government—

and I emphasise 'Government'—

users, employees, etc. An investment of some $20 million (at current dollar values) over a six year period will be required to upgrade and re-equip the Woodville facility.

There is potential to create up to 700 jobs. Operation levels projected as 'most likely' would generate 400-500 jobs. Tooling has a substantial labour content and that labour is highly skilled. There is a shortage of both traditional skills and new generation skills. This is a self-accelerating process and in the final analysis, may ultimately determine the overall viability of the South Australian manufacturing sector. The trade skills under threat are of such a nature as to be almost impossible to recover once lost. Strong remedial measures on the part of Government, where the responsibility for training properly rests, will—

and I emphasise 'will'—

therefore be required. A special industrial relations package will be required for the start up strategy to be effective, and ongoing operations to be successful. The South Australian Government should play the part of 'broker' for the development of such a package, in recognition of the strategic importance to the State's manufacturing base.

All members, even those who are wagging their heads, realise how important it is for us to maintain South Australia's manufacturing base. That is why I ask the Minister representing the Minister of Employment and Further Education: what role will the South Australian Government play as broker in such a package dealing with the tool making project in South Australia? What measures is the Government taking to provide for the work force necessary for the tooling project in South Australia? Have any 'strong remedial measures'—as referred to in the report—been taken, or are they to be taken? I would emphasise in this question that the report in May 1986 said that those measures will have to be taken; that indicates that they had not been taken in May 1986.

The Hon. BARBARA WIESE: I shall be happy to refer those questions to my colleague in another place and bring back a reply.

HEALTH—WELFARE AMALGAMATION

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Community Welfare a question on the subject of amalgamation.

Leave granted.

The Hon. C.J. Sumner: Amalgamation of what?

The Hon. DIANA LAIDLAW: Amalgamation of the Department for Community Welfare and the Health Commission. Ever since the Minister dreamt up the idea of coalescence—or growing together—of the Department for Community Welfare and Health Commission in January last year, he has been at great pains to reassure DCW staff, the non-government welfare sector and, possibly, Health Commission staff, that this concept would not lead to a forced amalgamation of both sectors.

Such assurances included public commitments during newspaper interviews and in speeches on the directions within DCW (I do not intend to outline all of those but I have references to them). The assurances also included commitments to this Parliament. I will quote only one such assurance to the Estimates Committee last year on 9 October (*Hansard* page 471), when the Minister stated:

It was never intended that there be a formal merger; it has always been considered in terms of coalescence. There has never been a suggestion that we would formally amalgamate in any way, shape or form.

However, this year in the program budget for Community Welfare in 1987-88, two references are made to amalgamation of the Department for Community Welfare and the commission into one organisation. When the Minister was questioned during the Estimates Committee last month on this about-face, the Minister confirmed he hoped to take a submission to Cabinet before Christmas proposing a timetable for amalgamation.

This revelation caused considerable surprise amongst officers of the department present at the Estimates Committee, and it certainly has not been well received among people who hold senior positions within the non-government welfare sector. Those with whom I have consulted on this matter in recent weeks do not accept that the creation of a mega-department will address the immense problems of individuals and the community wellbeing that they encounter daily.

Like the Opposition, the non-government sector recognises that the coordination of services in the human welfare area is absolutely vital, but they—as we—are suspicious that amalgamation will simply lead to a huge increase in the bureaucracy at the expense of the client and the human angle.

An honourable member interjecting:

The Hon. DIANA LAIDLAW: Yes. Indeed, some officers of the non-government sector have suggested that this amalgamation proposal is more a matter of ego-tripping on the part of the Minister than common sense.

Will the Minister concede that his current proposals to amalgamate the DCW and the Health Commission represent a blatant reversal of previous public commitments, in this place and elsewhere, that he would not move in any way, shape or form to create one mega-department of health and community welfare? Also, considering the Minister's recognition during the estimates debate last month that amalgamation 'has not been achieved successfully in many parts of the world', and indeed that overseas, and at both Commonwealth and State levels in this country, the trend is to enhance departments of community welfare or services by transferring responsibilities from health departments, will the Minister agree that his proposals warrant the preparation and release of a white paper on this subject? If not, why not?

The Hon. J.R. CORNWALL: I looked at the clock as the Hon. Miss Laidlaw started to ask her questions to make sure I still had 30 minutes of Question Time left.

The Hon. Diana Laidlaw: If you weren't away from this House—

The Hon. J.R. CORNWALL: Be quiet, Minnie. This matter is a matter of very great importance. There is no reversal of public commitment, blatant or otherwise. The history of this is that the request that the advantages of co-location and possible amalgamation of the Department for Community Welfare—

The Hon. L.H.Davis interjecting:

The Hon. J.R. Cornwall: Shut up! You are a snivelling whimp. Why don't you keep quiet during Question Time?

The Hon. M.B. CAMERON: On a point of order, Madam President, I imagine that the Minister would be prepared to withdraw that comment referring to the Hon. Mr Davis as a snivelling whimp. Will he withdraw those words and apologise? It is time that the Minister grew up.

The PRESIDENT: Order! Will you, Dr Cornwall, withdraw and apologise?

The Hon. J.R. CORNWALL: Which is it that the Hon. Mr Cameron objects to—snivelling or whimp?

The PRESIDENT: I ask whether you will withdraw the phrase.

The Hon. J.R. CORNWALL: I am asking a question, Ms President; I want to know which of the two words he objects to.

The PRESIDENT: I am asking you to withdraw the phrase.

The Hon. J.R. CORNWALL: You object to both, Ms President?

The PRESIDENT: I object to that phrase, and I am asking you to withdraw it.

The Hon. J.R. CORNWALL: Well, I do withdraw and apologise. I point out, as I so often do, that this is the only place where truth is no defence. However—

The Hon. M.B. CAMERON: On a point of order, Madam President, the Minister knows that apologies with qualifications are simply not on, and I ask that he withdraw and apologise without the qualification.

The Hon. J.R. CORNWALL: I will do whatever you wish, Ms President, in relation to matters of procedure in this place. Your wish is my command. I feel quite magnanimous today. I withdraw and apologise.

The Hon. Diana Laidlaw: Start answering the question.

The Hon. J.R. CORNWALL: I will, if only you shut up for a while and let me get on with it.

The PRESIDENT: Order! I ask that there be no interjections during the reply, as there were none during the question.

The Hon. J.R. CORNWALL: It is not a reversal of public commitment, blatant or otherwise. As I was saying when I was so rudely and inappropriately interrupted by the arrogant Mr Davis, the ALP State convention in 1985, I believe it was—it was certainly well in advance of the last State election—passed a resolution, which, in general terms (and obviously I cannot remember verbatim the phraseology) urged the State Government to examine the advantages of a combination of the Department for Community Welfare and the Health Commission. That was a public commitment. We went into an election with that on the public record.

Immediately after that election I was given both portfolios by the Premier, and I was also appointed Chairman of the Human Services Committee of Cabinet. There was a very public commitment to the coordination of human services and a clear commitment, wherever practical, for a co-location of human services. We knew then—and I am happy to say that we know to a lesser extent now, because we are getting co-location—that clients were, on many occasions, literally getting lost in the system. It is all very well for Ms Laidlaw, with the great advantages that she has enjoyed in life, coming as she does from a wealthy and privileged background—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: She does not understand how difficult it is for a lot of people out there in the community to cope with what they see as a quite formidable system. The simple fact is that a lot of clients get lost in the system—in that referral process. We know that; it is well documented. Good government is about management that enhances the system making it easier for clients to get those services at a single point of entry and making it possible for professionals—or volunteers for that matter—to see individuals (who have a variety of problems) as needing support from the system, not being compartmentalised.

Quite frankly, from my personal experience, I must say that if someone is poor and sick, or has any other number of problems, obviously they should in an ideal situation be handled in the one location. They must be handled in a multi disciplinary way, and there are great advantages in having them handled from a single point of entry. That was what led to the decision, in 1985, that the Party supported exploration of combining the two areas. Obviously, that was what motivated the Premier to give me both portfolios. That was what caused me to set about, over the course of a four-year term, looking at how those sorts of things could best and most effectively be achieved.

Initially, during the period of the first 15 months or so of my stewardship as Minister responsible for both health and welfare, we initiated an active coalescence program. Indeed, I personally initiated an active coalescence program—I chose the word 'coalescence' because it means growing together. We did not set out to do anything in a revolutionary sort of way. Out there in the field we already had field workers (whether they were community welfare workers, community health workers or a whole range of people who come under the umbrellas of both the commission and the Community Welfare Department) working as teams wherever that was possible. That was at the grassroots level, and very much a movement from the bottom up.

It particularly occurs in country towns, as some members opposite would know very well. The Bordertown Hospital does not sit in splendid isolation. In many ways it is the centre for community health for the district. The local office of the Department for Community Welfare does not sit in splendid isolation: all the health professionals, welfare workers, social workers and various members of that team in that area have been working as teams for a number of years. It has not previously worked as well in the suburban areas.

However, since the end of 1985 and because of a positive program of coalescence, there has been a very active spirit of cooperation, and because of that people are getting better service (I would suggest) in terms of coordination than they have ever had before. Of course, it does not stop there. The Hon. Ms Laidlaw talks about some sort of increase or burgeoning of the bureaucracy. In fact, quite the reverse has happened. Since the active policy of coalescence has been on, we have taken almost 40 positions out of the central office of the Health Commission. From recollection there were about 330 positions in the central office of the commission not more than 18 months ago, and we have reduced that, and are still actively reducing it, by almost 40 positions.

Those positions are now out in the field. They are not occupied by bureaucrats, as the Hon. Ms Laidlaw calls them. Rather, they are occupied by workers in the field—field

staff who are delivering services to the people who need them. That is not bad—40 positions—a reduction from 330 to 290. So, in the central office we have led by example. Further, we have identified an additional 25 to 30 positions that can be saved when ultimately we co-locate the central offices of both the department and the commission, so that will be another 25 to 30 field positions, or people at the coal face who will be there because of the active policy of co-locating centrally. It is happening in the field—in the regional offices—there where it matters, as well as in the central offices. We have many joint ventures. There is a spirit of cooperation that is beyond anything that previously existed.

The Hon. Ms Laidlaw said that recently in the Estimates Committee I stated that there are not many places in the world where genuine amalgamation has been achieved successfully, and that is perfectly true. When I was overseas recently, I had the opportunity to look at a few examples. The tendency has been that the two portfolio areas are given to the one Minister, but welfare tends to go on in one stream and health goes on in another. That does not mean that it is beyond our competence, because the advantages to be gained from a true amalgamation are so enormous at the end of the day—

The Hon. Diana Laidlaw: You've got a bit of selling to do.

The Hon. J.R. CORNWALL: —that it is important that we get it right. I will come to the selling bit in a moment. It is because we have allowed this gentle coalescent movement to gather its own strength—

The Hon. Diana Laidlaw interjecting:

The Hon. J.R. CORNWALL: Be quiet!—and momentum in the field where it matters that I would now say two things: first, it would be extremely difficult to reverse the movement, because it has been generated from the field; and, secondly, we have now reached a point where it is sensible to canvass amalgamation. Again, like the growing together of the first 18 months, that will be done carefully, sensitively and sensibly. At this very moment the joint executives of the commission and the DCW meet on a regular basis. They have prepared a major preliminary discussion document that will be considered in the immediate future. That document will be refined and distilled, and eventually we will produce a major discussion paper.

The Hon. C.J. Sumner: A green paper.

The Hon. J.R. CORNWALL: No, at this stage it will not be a green paper, as I understand it.

The Hon. Diana Laidlaw interjecting:

The Hon. J.R. CORNWALL: Be quiet, you silly little woman. Would you please just shut up and let me get on with it. The discussion paper quite obviously will then have to be considered by Cabinet. It will not be taken to Cabinet as some sort of formal blueprint for implementation within a matter of weeks or months but, rather, it will be taken to Cabinet for consideration. Once it has been considered, it will then be taken to the field and there will be very widespread discussion and consultation with all the staff. Obviously, we will have to discuss it formally with the Public Service Association and with any other unions that have a legitimate interest. So, arising out of the coalescence there will be a move towards amalgamation and a very great amount of consultation in the field.

The Hon. Diana Laidlaw: Before or after it is considered by Cabinet?

The Hon. J.R. CORNWALL: Quite obviously, Ms President, that really shows the honourable member's ignorance of her shadow portfolio. She does not begin to understand how the system works.

The Hon. Diana Laidlaw: You haven't indicated that it's going to be public until after it's gone to Cabinet.

The Hon. J.R. CORNWALL: Of course it will not be public until after I have shown Cabinet the courtesy of saying, 'I want you to note what we intend to do. I want you to note the general principles that underlie this scenario or this paper that we are taking to discuss with the field.' The minute we take it out to talk to 6 000 people in the field, then I think that even Ms Laidlaw would acknowledge that probably it would no longer be considered to be a confidential document. That is the way that the whole thing is going.

The Hon. Diana Laidlaw: No consultation.

The Hon. J.R. CORNWALL: Oh, stop chattering on. In the field there is enormous enthusiasm for this whole process because, as I said, it has been handled sensibly and sensitively. The department in particular is enthusiastic, because it can certainly see enormous advantages flowing from a formal amalgamation process. I am not referring only to some of the senior public servants but, rather, I am referring to the field. At this stage there is a little concern about what might be produced, but members can see that we are in a classical chicken and egg situation. Until such time as we have a formal blueprint for discussion that can be taken out there to be polished up, then of course we cannot go and talk to the field. Obviously, therefore, I need to take something to my colleagues within the next four to six weeks. It will then go out for very widespread discussion with the field.

The timing and the pace at which it can proceed is certainly left to us. It will go at the pace at which the field can comfortably accommodate it. There are enormous advantages in this multi-disciplinary approach. Previously the Department for Community Welfare sat in splendid isolation in many ways with respect to its relationship with the Child, Adolescent and Family Health Service, the Child and Adolescent Mental Health Service, the IDSC and all those other agencies that come under the health umbrella, but now there is active cooperation. Already, very much better referral mechanisms are in place, and the beneficiaries of all this will be the clients and the people of South Australia.

PESTICIDES

The Hon. T.G. ROBERTS: Has the Minister of Health, representing the Minister of Agriculture, a reply to a question I asked on 25 August about residual pesticides?

The Hon. J.R. CORNWALL: Members will be aware that the negotiating team led by the Federal Minister (Mr Kerin) has been successful in negotiating a resumption of Australia's beef trade to the USA on the basis of an intensive and successful monitoring system which has been instituted in export meatworks across the country.

Export abattoirs in South Australia are well aware of the need to comply with the testing standards set by the Department of Primary Industry and Energy in order to ensure meat processed in this State meets the requirements for the export trade.

In addition to the requirements laid down by the DPIE, the industry is funding a system of lot testing for livestock to ensure increased sampling rates are achieved at export meatworks. Continued access to overseas markets will depend on the cooperation of the farming community in ensuring agricultural chemicals are used strictly in accordance with the recommendations on the product label.

HEALTH-WELFARE COALESCENCE

The Hon. M.J. ELLIOTT: I seek leave to make a short explanation prior to asking the Minister of Health a question about coalescence or amalgamation of the Health Commission and the Department for Community Welfare.

Leave granted.

The Hon. M.J. ELLIOTT: On Monday of this week I found an envelope on my desk—I know not from where it came—addressed to the Premier and labelled 'Reintegration of Health and Welfare Services'. It states in part:

Proposal—that further examination of a merger of health and welfare services should now emphasise major integration at local service delivery level and consultation with affected agencies and staff should begin immediately.

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: I think it is an earlier stage than that. The document further states in part:

Recommendation (1) that DCW, Community Health, CAFHS, country hospitals, etc., as we decide, should be merged to create a new component of the health welfare systems to be known as regional services, with the rationale that integrating central administration of the South Australian Health Commission and DCW could be done with little effect on regional and local service delivery.

The literature is full of examples where the trickled down change never in fact happened, whether or not it was intended. A second recommendation is as follows:

Other agencies in the health system should be further examined for possible inclusion, either as a whole or in part, in the new regional services concept. These should be the IDSC, DASC, mental health, etc., as we decide. A decision should be made now or later after stage 1, as we decide.

It recommends that each region's executive manager should report directly to the health welfare chief executive or deputy chief executive, and be a member of a core State-wide executive group. The document continues:

Recommendation—services should be integrated under single managers and single locations to the greatest extext possible consistent with maintaining service standards.

Integration would include at least the following: a single generalist location manager to whom all professional and middle managers report.

Recommendation—those health services not included in this proposal should be grouped into metropolitan hospitals and a State-wide services division. The two further existing divisions, policy and training and corporate services, should be retained.

The Hon. R.I. Lucas: Who made that suggestion?

The Hon. M.J. ELLIOTT: It is not signed but it has typewritten at the very end 'Minister of Health and Community Welfare'. The final recommendation is as follows:

You note both the progress to date and the wide consultation of the field workers is about to begin as a prerequisite to the preparation of a detailed Cabinet submission in November 1987.

I recall earlier this year when we were considering a Bill in relation to the Health Commission that there was talk of the Minister, by proclamation, compulsorily incorporating country hospitals and health services. It is now clear that that may have been part of the plan involved here. I ask the Minister the following questions: is this coalescence amalgamation the reason why the Minister wanted the power to compulsorily incorporate by proclamation into the Health Commission country hospitals and health services? Is that the reason why bodies such as WOMA in Port Augusta, Port Lincoln, Ceduna, Yalata and various other Aboriginal bodies had their money cut off and replaced by Health Commission organisations?

Is that why one women's shelter has so far been defunded and taken over by DCW? What will happen to the boards of community health centres which are accountable to their local community now that we have this amalgamation of much larger services? Will that mean, in fact, that while the Minister says he is making services more accessible to the community, he is now, by these major bureaucracies in the suburbs, making them less accessible?

The Hon. J.R. CORNWALL: The answers to the first four questions are an unequivocal 'No'. Obviously somebody has given Mr Elliott a preliminary discussion document.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: I could not care less whether it is described as a good leak, if that is the imagery that Mr Lucas wants to involve himself in. This is very much a preliminary discussion paper for the joint executive and the Minister, and it will be discussed in the very near future. There are a number of statements in it which I find quite unacceptable.

The Hon. R.I. Lucas: It's got your name on it.

The Hon. J.R. CORNWALL: It has not got my name on it at all. It says, 'To the Minister for Community Welfare'.

The Hon. R.I. LUCAS: It says, 'To the Premier'.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: It certainly has not got my signature on it. Is it an 18 page document?

The Hon. M.J. Elliott: It does say, 'To the Premier'.

The Hon. J.R. CORNWALL: Eventually the document will go before the Premier and Cabinet, but it contains a number of things with which I do not agree.

The Hon. R.I. Lucas: It's got your name on it.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: Stop being so stupid.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order! Mr Lucas, I have called for order looking in your direction. Will you cease your interjections?

The Hon. J.R. CORNWALL: You really have not made any contribution to this debate.

The PRESIDENT: Order! Can I suggest to the Minister that control of other members of the Council should be left to me.

The Hon. J.R. CORNWALL: Madam President, you can make any suggestion to me that you like provided that it is within Standing Orders. Might I say that with regard to the boards of community health centres, for example, with regard to the inaccurate scuttlebutt that has been going around that suggestions have been made that the boards of women's health centres would be dismantled, I would resist that forever. I am the fellow who went around saying that we should create counter constituencies so that in the end, if the unthinkable happened in the next 20 years and the Liberals got into government, we would have counter constituencies in areas like the women's health centres to ensure their survival that would resist that sort of thing.

In very broad terms we are looking at a system of regions and subregions. I have publicly canvassed district health and welfare councils. The Government is attempting to give the people their say. Instead of having health and welfare professionals saying 'we know what's good for you and we'll therefore impose it on you', we are looking at regionalising the systems and having subregions and establishing district, health and welfare councils around the State so that people, whether they live in the Iron Triangle, the Riverland, the lower South-East, the western suburbs, the south or wherever it might be, will be able to have a say and will be able to adopt in conjunction with local government and local communities an advocacy and a watchdog role on the health and social welfare services.

In many respects that will be a quantum leap, and I am determined that it will be achieved following a lot of consultation with a lot of people and a lot of groups. If Mr

Elliott has got whatever document it is which suggests that I would somehow countenance the demolition of boards of community health centres—

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: Towards the end of the month, there will be a major announcement that will boggle your mind.

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: I will not be drawn on the matter, but let me assure you that it will be something almost beyond the comprehension of the limited vision of people like Mr Elliott and Mr Cameron. The boards of community health centres will, for me, remain intact and I will not even start to canvass something when we start this process of consultation which will see the demolition of boards of community health centres.

On the other hand if we are to have true integration of services then the Government may have to look to the devolution of the administration on a regional basis of services like CAFHS, because it will be important that it is an integral part of that single co-located multi-disciplinary service. If our friends opposite, particularly those from rural constituencies, do not believe that we ought to have regions, that we ought to have the people in the Iron Triangle, or on the West Coast, the Riverland, or Mount Gambier, having a subtantially greater say as to what their needs are and a significantly greater participation in health and social welfare services, then let them get to their feet and say it.

When we eventually take a paper on the road for widespread consultation with the field and the community, certainly one of the bases on which it will stand will be an input from local communities and a decentralisation of the executive powers so that administration can be done locally by people who are sensitively in touch with local communities.

APPROPRIATION BILL

Second reading.

The Hon. C.J. SUMNER (Attorney-General): I move:

That this Bill be now read a second time.

It is the annual Appropriation Bill to give effect to the budget which was introduced in the House of Assembly some weeks ago. The budget papers, including the Treasurer's statement on the budget, have been tabled in this Parliament. I commend the Bill to honourable members.

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

BUSINESS FRANCHISE (PETROLEUM PRODUCTS) ACT AMENDMENT BILL

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

The Hon. C.J. SUMNER (Attorney-General): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

At present the licence fees payable under this Act are fixed by reference to fuel prices which bear no relationship to current market conditions. They are 33.4c per litre for motor spirit and 35.65c per litre for diesel fuel.

With the severe cutbacks in Commonwealth funding to South Australia which were announced at the last Premiers' Conference we are no longer able to sustain these artificially low values as the basis for levying fees. Accordingly, the Bill before the House proposes an increase to 45c per litre for both motor spirit and diesel fuel.

In addition, we propose to introduce a three zone system of rates. Zone 1 will be that part of the mainland of the State that lies within a radius of 50 kilometres from the General Post Office at Adelaide. Zone 2 will be that part of the mainland (excluding Yorke Peninsula) that lies outside Zone 1 but within a radius of 100 kilometres from the GPO. Zone 3 will be the rest of the State.

The rates applying in Zone 1 will be such as to produce an increase in the licence fee of about 2c per litre. The rates applying in Zone 2 will be such as to produce an increase in the licence fee of about 1c per litre. The rates applying in Zone 3 will be such as to produce no increase in the licence fee.

While the proposed scheme will be more complex to administer than the present arrangements, the Government is confident that the oil companies will be sympathetic to our clear aim which is to protect those living in country areas against increases in the price of fuel. At the same time we must provide ourselves with the resources to meet the increasing burden which road accidents impose on our police, ambulance, and hospital services. The new measures are intended to take effect from 1 November 1987. They are expected to raise an additional $21 million in 1987-88 and $28 million in a full year.

Several other changes are proposed. At present appointments of inspectors under this Act are made by the Minister. Appointments of inspectors under other taxation Acts are made by the Commissioner. It is proposed to bring this Act into line with the others and so simplify administration (for example making it no longer necessary for inspectors to carry two authority cards).

Qualified powers of search are contained in a number of State taxation Acts. Clause 5 seeks to insert similar powers in this Act. It will be noted that forcible entry or search is not to be carried out except on the warrant of a magistrate.

The Crown Solicitor has advised that evidence obtained as a result of section 16 (5) of the Act may be inadmissible in court proceedings to recover duty. It is suggested that this be rectified by removing the prohibition on the use of such evidence in civil proceedings. At present, petrol retailers are required to take out a class B licence each year and pay a licence fee of $50. All licences fall due on 1 October. There is no provision for a reduced fee if the licence is for part only of a year. It is proposed that the Commissioner be given power to charge a reduced fee in appropriate circumstances. The provisions of the Bill are as follows: Clause 1 is formal. Clause 2 provides that the new Act is to come into operation on 1 November 1987. Clause 3 provides for the division of the State into three zones. Zone 1 is defined by a radius of 50 km from the GPO at Adelaide. Zone 2 includes those parts of the mainland (excluding Yorke Peninsula) that lie outside Zone 1 but within the radius of 100 km from the GPO. Zone 3 consists of the rest of the State.

Clause 4 provides for the appointment of inspectors by the Commissioner rather than the Minister. This brings the

principal Act, in this respect, into conformity with other Acts administered by the Commissioner. Clause 5 includes a power of search amongst the investigative provisions of the principal Act. It provides that a forcible entry or search is not to be carried out except on the warrant of a magistrate. The amendment to subsection (5) removes a provision preventing use of evidence compulsorily obtained in civil proceedings against the person from whom the evidence was obtained.

Clause 6 is the major substantive provision of the Bill. It fixes the rates at which licence fees will be calculated on petroleum products supplied for consumption in Zones 1, 2 and 3. Proposed new section 18 (2) deals with the principles to be applied by the Commissioner in calculating licence fees. Proposed section 18 (4) to (8) empowers the Governor to value petroleum products for the purpose of calculating licence fees. This valuation must not exceed the average wholesale price at the time of valuation. Until such a valuation is made the value of both motor spirit and diesel fuel will be taken to be 45c per litre. Proposed section 18 (13) allows the Commissioner to reduce the fee for a class B licence where it is to be granted for less than one year.

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

ADOPTION BILL

Adjourned debate on second reading.

(Continued from 9 September. Page 818.)

The Hon. DIANA LAIDLAW: On behalf of the Liberal Opposition I support the second reading of this Bill. It is an extremely important and very sensitive piece of legislation which the Opposition treats with a great deal of respect. Together with a number of my colleagues, in particular the Hon. John Burdett and the Hon. Trevor Griffin, the Opposition has spent many months determining a response to the issues raised in this Bill. Indeed, in determining a position to accommodate the many strongly held and often competing interests that make up the so-called adoption triangle.

We released on 10 April this year a position paper outlining 24 recommendations on key policy and practice issues that we considered required reform. These recommendations were developed after extensive consultation with organisations and individuals with an interest in adoption, together with far-reaching research and legislative changes or proposals for change elsewhere in Australia, namely, Victoria, New South Wales and Western Australia, and overseas also, in particular, the United Kingdom and New Zealand.

The Liberal Party undertook this process in response to a Government initiative in November 1985 to review adoption policy and practice in South Australia. At that time and in February 1986, when the adoption review committee was appointed, we endorsed the need to change the present basis of our legislation. We recognised that today, first, different attitudes prevail to family situations compared to 1967 when the Adoption of Children Act was proclaimed; secondly, the numbers and kinds of children becoming available for adoption has changed markedly over the past three decades; and, thirdly, a need exists to reconcile the demand between many adult adoptees to have a sense of their own identity with the interest and requirements of two sets of parents.

The primary objective of adoption is to help a child, who would otherwise not have a family and would benefit from family love, to become a member of a family that is able to give him or her love, care, protection, and the security that comes from permanent nurturing relationships. It enables a child to achieve permanent security in a substitute home with adults fully committed to fulfilling parental responsibilities and obligations, and to ensuring the well-being of the child.

Adoption, however, is an ancient practice and has fulfilled varying purposes throughout history: to acquire an heir, to help a candidate qualify for office, or for religious purposes. In South Australia in 1886 adoption was employed as a means to receive and undertake the control of children of the street. At that time the definition of adoption was as follows:

> To place children under the age of 13 under educational conditions without subsidy and to be retained on service conditions.

For the next 40 years adoption was seen as a means of rescuing children from their family or environment and agencies had to campaign actively to persuade people to adopt and assure them that adoption was a safe option. The first Adoption Act was introduced into South Australia in 1925, but at that time adoption was not a secret process, and adopted children retained their natural parents' name in most cases and usually retained the right to inherit from the natural parents. In 1930 the adopted child was permitted to take the surname of the adoptive parents.

At about that time childlessness became associated with adoption, and ever since adoption has been seen as a service for couples to complete their families. Secret adoption, such that relinquishing parents could no longer know the identity of their children, was introduced in 1937 although, until 1945, adoptive parents knew the identity of relinquishing parents. Until 1966 adult adoptees could have access to their original birth certificates. In 1966 total secrecy of records became possible, although not mandatory unless all parties agreed. Thereafter, adopted children were treated as if they had been born into the adoptive family, including the right to inherit from adoptive parents, with the removal of the right of inheritance from the natural parents. The change allowing secret adoptions in 1966 was retrospective.

On reflection, I suppose it is somewhat of an irony that in the same year as we made secret adoptions retrospective, 1966—41 years after legislation covering adoption was first enacted in South Australia—the principle that the welfare and interests of the child concerned should be regarded as the paramount consideration was incorporated in the Act, although its ambit was confined to part III of the Act only.

Since 1966, while secrecy of records and adoptions has remained only an option if both parties agreed, in practice it has become the norm. Therefore, even in parent/step-parent adoptions, almost all records pertaining to the identity of the birth parents have been sealed, while a handful only of applications to the Supreme Court to open the records have been successful to date. As such, contracts entered into by adults to ensure a minor's welfare have become instruments binding an adopted person for life and denying for a lifetime that person's right to know their identity.

At the same time, relinquishing parents have been denied information about the new identity of the child and the new family with which the child is placed. Some 20 years after the introduction of secrecy provisions, many adopted children, now adult adoptees, from all types of family situations, have formed a strong urge to discover more about themselves. Certainly, friends of mine who are adopted have made me very well aware that that is the case in their circumstances. It is apparent also that many birth parents,

especially relinquishing mothers, have not ceased their interest in their child with the signing of an adoption order.

These findings have been reinforced in each of the three Australia-wide adoption conferences—1976, 1978 and 1982—where resolutions were passed supporting the right of adopted persons to retrospective access to a copy of their birth certificate. The increasing need for individuals to know more has prompted a gradual move in South Australia towards greater accessibility to information. For some years adoptive parents have been required to advise their adopted child as early as they deem appropriate the truth about their status. In addition, the adopted persons contact register, operating since August 1977, has enabled adopted people and birth parents to make contact with each other or exchange information. In effect, if both parties agree, the register has provided people with a means to contact their parents, their child or their brothers and sisters, from whom they were separated as a result of adoption.

During 1985-86, 49 contacts were made. The number of registrations amounted to 452—264 from adopted persons and 188 from biological relatives. As at 30 June 1986, 2 304 registrations were on the adopted persons contact register, 1 272 from adopted persons and 1 032 from biological relatives. Beyond South Australia, the trend has been towards greater accessibility by the adopted adult to his or her original birth certificate and other available records. Scotland has had an open adoption policy since 1930; England and Wales since 1975 and also Israel, Finland and four states in the United States of America. In 1985, Victoria introduced retrospective access to birth certificates and other recorded information to adoptees upon attaining 18 years.

In the same year, Western Australia also provided access to adoption information to an adopted person but, unlike Victoria, that State included a provision whereby a natural parent could register a wish not to have contact with the adopted person. At the same time as the demands for more openness in adoption have increased and these pressures have attracted greater legitimacy in our community, South Australia has witnessed a marked change in the children being considered for adoption. Mr Acting President, I seek leave to have incorporated in *Hansard* a table outlining adoption orders which were granted in South Australia between 1972 and 1986.

Leave granted.

Table 1: Adoption Orders Granted in South Australia 1972-86

Year Ending 30 June	Australian Placement	Australian Particular Child	Inter-Country Placement	Inter-Country Particluar Child	Total
1972	547	288	1	—	776
1973	467	181	1	—	649
1974	394	161	3	—	558
1975	323	228	—	—	551
1976	305	239	5	—	549
1977	222	285	151	—	658
1978	164	219	123	—	506
1979	146	213	56	—	415
1980	139	311	27	—	477
1981	125	323	52	5	505
1982	106	226	60	4	396
1983	78	297	49	3	427
1984	85	289	47	7	428
1985	56	127	54	5	242
1986	48	232	67	—	347
TOTAL	3 205	3 559	696	24	7 484

The Hon. DIANA LAIDLAW: The table identifies, first, that in 1971-72, 776 adoption orders were granted, but by 1985-86 this had dropped to 347. Secondly, in 1971-72, the number of Australian non-relative adoptions was 547, but by 1985-86, this had dropped to 48, a drop from 70.48 per cent of the total number of orders to 13.83 per cent. Thirdly, in 1971-72, adoption by relatives amounted to 37.11 per cent of the total, but by 1985-86 this had increased to 66.05 per cent. Fourthly, over the same period, inter-country adoptions had increased from one to 67, to comprise 19.3 per cent of total adoptions in 1985-86.

In that same year, 1985-86, 61 per cent of the children adopted in South Australia were known to their adoptive parents, for they were living with a natural parent and were being adopted by a step-parent. In the same year, despite a decline in the number of healthy Australian babies available for adoption—only 36, a drop from 69 in 1983-84—the level of interest amongst prospective adoptive parents continued to grow. In 1985-86, a total of 435 prospective adopters were awaiting assessment, an increase from 322 in 1983-84. Over that period, the number of prospective adopters seeking a child from overseas increased from 79 to 175. The numbers seeking an Australian child also increased from 226 to 260. The difference in the growth rate reflects an increasing awareness that the number of healthy Australian children available for adoption is decreasing. A consequence of this trend is the fact that the majority of couples expressing an initial interest in adoption will never be able to adopt.

Having provided this background of events and trends leading to the introduction of this Bill, I intend now to comment on specific clauses. I have a number of comments to make in relation to clause 4, which deals with interpretations. First, the inclusion of the reference to Director-General on the bottom of page 1 took me somewhat by surprise, for I understand that there is no longer such a position within the department. Certainly, the Minister did not refer to that position in answer to questions earlier today, and the person who held that position in recent times (Ms Vardon) was introduced by the Minister before the recent Estimates Committee as the Chief Executive Officer. Also, in correspondence to me and others in the past month, Ms Vardon has signed above the notation 'Chief Executive Officer'. I would like the Minister to confirm whether or not there is a position of Director-General and, if not, the Bill would have to be amended in at least 40 places, as I briefly counted. If such amendments are required I and

others who have looked at the Bill question the quality of care and attention given to the drafting of this Bill if such a basic matter as the title of the head of the department was overlooked.

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: I would have thought that the Minister would take sufficient interest in this matter to read this Bill before it was presented.

Secondly, the Opposition does not accept the proposal of marriage relationship, defined to mean the relationship between two persons cohabiting as husband and wife or de facto husband and wife as either appropriate or necessary as the basic criterion for prospective adoptees. We believe that reference to marriage should be confined to the definition used in the Commonwealth Marriage Act.

Our view in this matter has been determined by a number of factors. While I believe that the law concerning de facto relationships should be reformed, it does not necessarily follow that the change should take the form of treating de facto partners as married people for all legal purposes. In fact, I reject such a proposition regardless of the formidable constitutional and legal obstacles to the implementation of a policy of legal equivalence. As members on this side of the Parliament are often forced to remind the Government, marriage has a special status in the community that is derived, in part, from the public commitment undertaken by the parties. Also a policy of equivalence limits the freedom of couples to make a conscious decision not to marry precisely because they wish to avoid the legal rights and obligations of married people.

I consider it is appropriate, in such an important matter as adoption, where we are seeking to provide a child with a permanent nurturing relationship and permanent security in a substitute home, that the very least we should require of prospective adoptees is a public commitment to permanence. Such a commitment is central to the legal rights and obligations of married couples.

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: That interjection is amazing and certainly would not be supported y adoption statements in other States.

The Hon. J.R. Cornwall: What if the marriage breaks down?

The Hon. DIANA LAIDLAW: We are looking at the desirable permanent relationship for children and, if couples have made a public commitment towards marriage and they have been married for five years, I think that is the least we should require from prospective adoptees in the best interests of the child. Possibly such a commitment is even more important with respect to adoptions from overseas than is the case with the adoption of Australian children because such adoptions involve displacing a person or child from their natural home and family networks.

In support of this view I note that the New South Wales report on de facto relationships, when addressing the subject of adoptions, highlighted the following:

> We did not recommend that de facto partners should be able to adopt children with whom they have had no previous relationship.

Also I ask members to recall my earlier reference to the decreasing number of children available for adoption and the rising number of prospective adoptee couples. This fact should demand that we restrict the number of people eligible to make adoption applications. Certainly, this has been the practice in all other Australian States from time to time and those States have utilised the device of opening and closing adoption waiting lists.

In fact, the Government's review of adoption policy and practice recommended that the South Australian waiting list be closed in the face of the ever widening gap between prospective adoptee couples and the number of children available. Yet, in this Bill, we see the Government moving in the opposite direction, seeking to widen and not restrict the criteria for prospective adoptees by including *de facto* couples as a category of persons eligible to adopt. I do not understand the Government's rationale in this. Indeed, the decision—

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: I shall get to the quality of the report shortly, but this is one matter, and there are others—

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: Well, I have done a great deal more work. I have read the Bill, and clearly the Minister has not bothered to do that; otherwise, he would have picked up points that I raised earlier. I have done a great deal of work on this, as have other Opposition members, because we appreciate the importance of amending adoption legislation. In relation to *de facto* couples being able to adopt, I suggest that the provision in the Bill to deem *de facto* couples as eligible defies logic, the current predicament of the burgeoning prospective adopters register and the recommendations and experience elsewhere in this country and overseas. The New South Wales report on *de facto* relations in respect of the question of the adoption of a child of one of the parents recommended:

> That the policy permit *de facto* partners who have lived together for at least three years to apply jointly to adopt a child of one of the partners.

This recommendation echoes a proposal in the Bill in respect of *de facto* couples of five years standing. However, in view of clause 10 (2)—and I am not sure whether the Minister has read this clause either—neither the New South Wales recommendation nor the proposal in the Bill seem to have any relevance. Clause 10 (2) seeks, in cases of a person who is cohabiting with a natural or adoptive parent of a child in a marriage relationship, to instruct the court to give preference to guardianship over adoption unless, in the interests of the child, adoption is clearly preferable to guardianship.

The Opposition supports clause 10 (2), and I will elaborate on that later. Adoption in such instances distorts a child's relations with other members of their natural or birth family. Essentially, clause 10 (2) will ensure that in future there will be few, if any, instances where adoption will be ordered in respect of traditionally recognised step-parent situations, let alone a so-called *de facto* step-parent situation. Accordingly, for all the reasons I have outlined above (some of which seem to annoy the Government, but I think on analysis they are all most soundly based and worth supporting), the Opposition does not consider that the inclusion of *de facto* relationships in the broad definition of a marriage relationship is either appropriate or necessary in the interests of the child. It is our considered view that this concept should be opposed.

My third comment in relation to clause 4 concerns the absence of the definition of 'Aboriginal'. Rightly so, the Bill contains specific references to practices to be allowed in respect of the adoption and guardianship of Aboriginal children. As exceptions to the norm are envisaged for Aboriginal children, there is a need to define 'Aboriginal'. For this purpose, I believe that Parliament should consider the merits of incorporating the definition contained in the review of State and Territory Principles, Policies and Practices in Aboriginal Fostering and Adoption, which were endorsed in March 1984 by the Council of Social Welfare Ministers. That review defined 'Aboriginal' as:

A person of Aboriginal (or Torres Strait Islander) descent who identifies as an Aboriginal (or Torres Strait Islander) and who is accepted as such by the Aboriginal (or Torres Strait Islander) community.

The definition then proceeds to outline the process for identification in the case of a baby or a very young child, or where no parent or kin is available.

Also, in relation to Aborigines, I note that the Bill incorporates the review committee's recommendation that the selection criteria for Aboriginal adopting parents recognises Aboriginal couples married according to the customs of their community. In respect of clause 4 (2) the Opposition has no fundamental objection. However, we welcome advice from the Minister as to what is involved in this concept and how the matter will be addressed administratively, considering the potentially large variation in marriage customs amongst the diverse range of Aboriginal communities in this State.

In relation to clause 4 (3), I will be most interested to ascertain from the Minister why recognition has not been given to providing more up-to-date and future news media publications. In this respect, I refer to the facsimile transmission of information and communication mediums such as videotex.

Division II contains provision for the establishment and functions of the South Australia Adoption Panel. As in the current Act, the panel is to consist of nine members. I have received a submission from the Aboriginal Child Care Agency which argues that one of the two members of the public to be appointed with a special interest in the adoption of children should be an Aborigine with such an interest. This proposal has merit, considering the special references made in this Bill to the adoption of Aboriginal children and the fact that so many past Aboriginal adoptions have broken down when the children have reached adolescence.

In relation to the functions of the panel, I note minor alterations only in the responsibilities from the time the panel was first established in 1978. Since that time, however, major changes have taken place in the number and kinds of children available for adoption, and major policy and practice changes are certainly proposed in this Bill. Accordingly, I believe that there is some merit in the panel's functions being extended to include responsibility for overseeing the ordering of applications on the prospective adopters register and for dealing with complaints that may arise from the administration of the register.

I raise these specific matters after noting, with great interest, a newsletter published by the Parents of Adoptees support group; over several pages, it related the experience of one couple who recently gained approval to adopt. I would be happy to provide the full text of that letter to the Minister because it raises questions about which the Parliament should be concerned. The experience of the couple in interviews with the Department for Community Welfare, and being aware that they were in an environment of a negotiated contract, that they had waited for a great deal of time for a child, that a child was coming up and that they were reaching the age of 40, made them feel under enormous pressure to advise the department's counsellors what they believed those counsellors were seeking. I admired the frankness of this couple. I also respected the fact that they did not succumb to that pressure. They were honest, and I believe that is certainly most important not only in their long-term interests, but also in the interests of the relinquishing parents who will be signing such contracts, as well as in the long-term interests of the child involved.

It raises the point that, with a dwindling number of children available, if the criteria for prospective adopters are to remain with age limits on them and more and more couples seek to adopt, with negotiated contracts there may be an increasing temptation for prospective parents to say what they believe may be relevant either to DCW counsellors or to other agency counsellors, or indeed to say what they believe the mother may wish in this new environment of adoption legislation that is proposed in this Bill.

Queue-hopping and the like may well be a problem as parents become more desperate to adopt a healthy, white Australian child, if that is their wish, and I believe that it is very important in such circumstances that the functions of the panel should be extended beyond those that are provided in the Bill. Clause 7, which is a most important provision, states:

In all proceedings under this Act, the welfare of the child to whom the proceedings relate must be regarded as the paramount consideration.

The Act currently confines the reference to "the welfare of a child being the paramount consideration" to Part III only, and that deals with adoption orders and consents. The Liberal Party supports the extension of this important provision to all proceedings under the Act to all stages of adoption from the period of consideration of adoption as an option for the child concerned right through to any court or agency situations that may arise subsequent to the granting of an adoption order.

In applying the principle that the adopted child's interests are paramount, we believe that the concept of making decisions that will be the least detrimental alternative for the child should be used at all times. Our support for this concept does not conflict with our support, which I shall outline later, for the concept of a veto provision. That provision should be available to an adopted person or a natural parent subject to an order under the current Act when either should seek identifying information or contact in the future. In this respect the Bill provides that such information or contact can be sought only upon an adopted person attaining the age of 18 years. 'Child' as defined in this Bill means a person who has not attained the age of 18 years.

Clause 10 outlines the circumstances in which a court will not grant an adoption order unless satisfied that adoption clearly is preferable to guardianship in the interests of the child. The Opposition endorses this initiative and supports its application in relation to a relative of the child and an Aboriginal child as provided for in subclauses (1) *(b)* and (2) respectively. However, in respect of subclause (1) *(a)*, we believe that the provision should be restricted to a person who is cohabiting with a natural or adoptive parent of the child in a marriage as defined by the Marriage Act and not a marriage relationship as provided for in this Bill.

I suspect that, within my own Party, I feel more strongly than most about the merits of clause 10. While I have no wish to burden this Council with tedious details about my family situation, as we are often wont to hear from the Minister of Community Welfare, I wish to relate that—

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: —after my mother died in 1963, which happens to be one reason why I do have some private means although I would never replace those private means, I say to the Minister, for the loss of my mother) I think—

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: I think that you might consider other people's circumstances before you are so rash in the future.

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

The Hon. DIANA LAIDLAW: After my mother died in 1963, some years later my father remarried and, for the past 20 years, I have been fortunate to enjoy the friendship

and support of a most wonderful stepmother. However, I have no doubt that, today, the respect that I and my two sisters have for my father and stepmother would not be so uncritical if some 20 years ago they had decided to adopt us, thereby making our father our adoptive father and our stepmother our mother.

Under the current Act, in the case of adoption by a natural parent and step-parent, the legal process involved can make the natural parent and the step-parent the child's adoptive parents; thus the law can transfer the natural parent into an adoptive parent. This absurd transformation is compounded when a child is adopted by a step-parent or relative, because such an action distorts existing family relationships and changes a biological relationship into an adoptive relationship.

Such an action also can be confusing and stressful to a child or an adult adoptee, if the child is in regular contact with the other natural parent and/or relatives following, for example, the dissolution of a marriage. I am aware also that the extinguishing of the legal relationship of a child can cause much distress to the other natural parent and/or relatives of the child. In these circumstances the use of adoption conflicts with the fundamental purpose of adoption, that is, to provide a secure and stable family environment for a child. Therefore, the Liberal Party agrees that, in respect of step-parent and relative adoption, and also Aboriginal adoption, in the interests of the child, guardianship should be the preferred option.

However, at this time the difficulty I have in endorsing this proposition in the context of this Bill is that the available options for guardianship by means of either the Children's Protection and Young Offenders Act or the Guardianship of Infants Act are most inadequate in terms of providing a child or that child's care-givers with any guarantee of a permanent, stable and secure arrangement.

The Hon. J.R. Cornwall: That is only an interim situation.

The Hon. DIANA LAIDLAW: I will come to that. The report of the Government's Review Committee on Adoption Policy and Practice in South Australia addressed at some length the problem relating to the lack of an effective guardianship option providing legally recognised and permanent relationships. On page 19 the report states:

> What is required amidst the range of options already in existence is a flexible legal alternative to adoption that would involve the implementation of a system of social caring for children rather than a transfer of a child as an object of property. The goals of a guardianship option essentially would be to introduce a new legal family relationship which demonstrates the nature of the commitment to be provided by all parties concerned for the care, welfare and interest of the child.
>
> Such an option also enables the child to maintain his/her legal and identity ties with his/her natural family as well as encourage the maintenance and development of ongoing relationships with members of his/her natural family.
>
> It also defines clearly the legal rights and obligations of the families and the individuals concerned, transferring certain (or all) parental rights and obligations from the natural parent to the new 'parent' for whatever period of time is appropriate in terms of the child's needs.
>
> Essentially, an option which allows for the transfer of all parental rights and responsibilities to new care-givers without the need for the child's past family background to be legally discounted or changed would be a more honest means of confronting the reality of the child's present situation.
>
> Thus it is suggested that the direction to move might be towards a guardianship system for all but a small minority of children presently available for adoption, because of the capacity to design orders specifically to suit particular cases. This would preferably involve a flexible legal system where questions of name, property, rights, access, and so on, are determined on the facts of the particular case.
>
> The guardianship option avoids the secrecy of closed records. However, flexibility would be required to meet specific cases and it is acknowledged that all cases are different. The guardianship option should include for example:
>
> - provision for different types of orders to be made by the court in terms of rights transferred, review requirements, parental access etc.;
> - the allowance for a party to make an application to the court for a guardianship order to be reviewed only in exceptional circumstances, and only in the best interests of the child;
> - provision for representation of all significant parties at hearings;
> - supervision arrangements if necessary;

Similarly, in relation to security and permanence, guardianship dispositions should:

> - be sufficiently binding to prevent disruption of placements on trivial grounds;
> - protect the care-giver from administrative interference once a negotiated settlement has been made;
> - allow for planning the child's future even into adulthood;
> - protect the new family's residual rights.

The report continues, but I will not read more about the opinions and findings of the review committee on this new guardianship option. The Liberal Party is most sympathetic to the proposition outlined by the review committee, and it believes that in the interests of a child this new guardianship option could be employed with confidence as a preference over adoption in cases of applications by step-parents and relatives or in respect to the placement of Aboriginal children. However, neither the Bill nor the second reading speech makes any reference to the Government's intention to act in this matter.

I appreciate, of course, that with the passage in December last year of the Family Law (Commonwealth Powers) Act, the South Australian Parliament referred to the Commonwealth Parliament legislative power over, *inter alia*, guardianship and custody of children (except in relation to child welfare law). The Federal Government, however, has yet to introduce a Bill to amend the Family Law Act 1975, to bring this reference into effect. If and when it does so all guardianship and custody matters will be heard in the Family Court under the Family Law Act. For some months, however—and I am sure the Attorney and/or the Minister is aware of this fact—there has been speculation that the Federal Government will not amend the Family Law Act as envisaged because of the financial obligations it would be required to honour to effect such a transfer. The Federal Attorney-General, Mr Bowen, has fuelled speculation on this matter.

Also, of course, the cross-vesting Bill that passed this Parliament earlier this session did not make any provision for cross vesting between the Family Court and the Children's Court. In the meantime, if the Children's Court decides not to proceed with an adoption application in cases involving step-parents or relatives of a child, or Aboriginal children, guardianship applications involving children of a marriage will be referred to the Family Court, and guardianship applications involving ex-nuptial children will be heard in the Supreme Court.

In both instances, however, neither the respective Family Law Act nor the Guardianship of Infants Act provide either court with the capacity or power to order a guardianship option as recommended by the South Australian Review Committee on Adoption Policy and Practice. Until both Acts are amended to provide for such an enlightened option, I believe the Children's Court would be ignoring the best interests of the child—and therefore be in breach of this Bill when finally proclaimed—if the court opted to refer the child to either court for a guardianship order in preference to granting an adoption order.

If this proposition is correct (and I look forward to hearing the Minister's opinion on this matter), the value to a child of the provisions in clause 10 of this Bill is virtually worthless. If these provisions are to be of benefit to a child, then both the Family Law Act and the Guardianship of

Infants Act need amendment to provide for an effective guardianship option. The Government has the capacity to act in this regard in respect to the Guardianship of Infants Act, yet we have not heard from the Minister that he intends to do so.

It is also important that we receive advice from the Minister as to whether any amendments to the Family Law Act to accept the reference of guardianship and custody powers will be accompanied by amendments to provide for an effective guardianship option that will provide a permanent, secure, and stable family environment for a child.

Before leaving this point, the Minister should be aware also that the Aboriginal Child Care Agency is most alarmed about the absence of Aboriginal principles in relation to guardianship matters in the Family Law Act, the Guardianship of Infants Act, and the Children's Protection and Young Offenders Act. They are concerned also that none of these Acts recognise the involvement of the agency in the placement of Aboriginal children. That matter of involvement of the agency is a longstanding practice, and it wants recognition of its involvement referred to in those Acts I have mentioned plus the Adoption of Children Act, and in my view its concerns are valid.

Clause 11 deals with the criteria affecting prospective adoptive parents. Earlier I outlined our objections to the provision that de facto couples under this clause will be eligible to adopt. Also, if we were confident about the Government's intentions in respect to the effectiveness of guardianship options as an alternative to adoption, we would see no need for the inclusion of subclause 11 (2) *(b)* which allows for an adoption order to be made in favour of one person where the court is satisfied that there are special circumstances justifying the making of the order.

In any event, we believe that if adoption is to be preferred over guardianship that the desirable situation is for the order to be made in favour of a lawfully married couple, who have cohabited together for at least 5 years.

In respect to subclause (4), I fail to understand the circumstances that the Government is endeavouring to accommodate, and I would appreciate some explanation and examples of incidents that have arisen or may arise that deem the inclusion of this subclause necessary. In respect to clause 14, the Opposition welcomes the inclusion of the 14 day period in which a mother cannot consent to the adoption of the child, unless the court is satisfied that the mother was able to exercise a rational judgment on the question of consent. The period of 14 days is a sound balance between the present provisions and the call by some to extend the period even further.

Clause 14 (3) *(a)* and *(b)* provides that the consent of a parent or guardian to authorise adoption of the child may be in either general terms, or limited to various stated categories of prospective adoptees. In respect to the latter, will the Minister advise if the provision is a substantive one or merely facilitates adoption by a step-parent, relative or the like?

As I understand that this clause is associated with the goal to introduce negotiated contracts stating conditions of adoption, I also would appreciate the Minister's advice on a matter raised in the submission from the South Australian Branch of the Australian Relinquishing Mothers' Society. ARMS is keen to ensure that any negotiated contract is eligible for renegotiation as circumstances may change for the relinquishing parent/s, the adopted child, and the adoptive family. In support of this position, ARMS argues that past experience has shown that many relinquishing mothers were young and in extreme distress at the time of relinquishment, and that it is unreasonable to expect a young mother in distress to negotiate a binding contract without options of renegotiation.

I have some reservations about this proposal in respect to the welfare of the child's relations with his or her adoptive parents and their collective efforts to build a sound family bond. Also, I imagine that in granting the adoption order the requirement under provision 14 (2) that the court would have to be satisfied that the natural mother had been able to exercise a rational judgment on the question of consent would also extend to the terms of the negotiated contract. However, I would welcome the Minister's assurances on this matter.

Clause 14 (4) (iii) stipulates counselling of the parent or guardian as required by the Director-General (or Chief Executive Officer as I believe she should be) for this purpose for at least three days before the giving of consent, and the officer must endorse the consent to this effect. In response to this provision, which the Opposition accepts, it is important to incorporate in the Act the criteria of what the counselling is designed to achieve. We believe the criteria should state that the counselling is value free and canvass the following matters: the familial and community support services available that would enable the parent or parents to keep the child, including a realistic assessment of the mother's ability to care for that child; the alternative options of guardianship and adoption; the consequences for the parent or parents either maintaining the child or signing the consent; and the procedure for revocation.

Clause 17 deals with situations where the court may dispense with the consent of a person other than the child to an adoption. We support these grounds, but believe that references to physical or mental condition should be extended to include intellectual condition. Much debate has occurred in the Parliament in the past and particularly entered into by the Hon. Trevor Griffin, on the distinction between mental and intellectual conditions. I understand the validity of the distinction has been accepted in respect to other Statutes. I note also that the term 'intellectually incapable' is used in clause 21 (3) *(b)* of the Bill. The incorporation of 'intellectual condition' in this clause is valid also to clause 24 which deals with the financial support in special cases.

South Australia, I understand, was the first State in Australia to introduce financial subsidies to help families adopting a child with special needs. I note, however, that this excellent concept has been slow to gain acceptance elsewhere in Australia in the face of the traditional idea that an adoptive family should assume full responsibliity for the needs of an adoptee.

Clause 21 relates to the name of the adopted child and provides that the court may, in the original or in a subsequent order, declare the name by which the child is to be known. If the child is over 12, the child must consent to any proposed change of name, with which the Liberal Party agrees. I have received several submissions in relation to this matter from adopted persons who are now adult. They contend, and I believe correctly so, that, for children under 12 years where it is proposed that the child's name be changed, the court should not only take into account any wishes of the child on the subject (as provided for in the Bill) but that there should be some provision whereby the prospective parents are informed of the child's christian name and are requested to consider incorporating this name as the child's middle name.

Clause 25, which deals with the disclosures of information by the Director-General, provides:

(1) Subject to subsection (2), an adopted person, on attaining the age of 18 years, is entitled to any information as to the identity of the person's natural parents that was in the Director-General's possession at the time the adoption order was made.

(2) Before disclosing information under subsection (1)—

(a) the Director-General must make reasonable attempts to contact the natural parents and if it appears that they do not desire disclosure of their identity to the adopted person, the Director-General must defer disclosing the information for a period of six months; and

(b) the Director-General must be satisfied that the adopted person has been counselled in accordance with the regulations.

The Liberal Party agrees with this provision wholeheartedly in respect to adoption orders made following the proclamation of any new Act. We believe there are compelling reasons for adoptions to be carried out with the knowledge that it will be possible for an adoptee, upon reaching 18 years of age, to obtain a copy of the birth certificate (preferably a certified copy and not an extract) and to establish contact with their birth parents and brothers and sisters if they so desire. Also, we believe it is desirable that this positive principle be incorporated in legislation rather than continuing to tolerate the practice where identifying information can be gained within a framework that insists upon secrecy.

We also believe, with one proviso, that the disclosure of information should be accepted as a principle of adoption orders made under the present Act, that is, that the disclosure of information should be retrospective if either the adopted person over 18 years or a relinquishing parent apply for such information, and both of these parties agree to the release of the information. If the merits of open adoption are to be seen as necessary for all future adoptions, it would be anomalous and unjust to grant the right only to children adopted under the new legislation, but to deny such access to those already adopted. Such a distinction would create two classes of adopted persons. Also, it should be remembered that it is upon the experiences of children adopted since 1966 that the compelling reasons to introduce open adoptions are based. Ideally, all disclosures of information should apply to a certified copy of the adopted person's original birth certificate and other information in the possession of the adoption agency.

The United Kingdom introduced access to information provisions in 1975. Research from that country since that time highlights that only a very small percentage of Scottish adopted persons (1.5 per 1 000 eligible persons) and English and Welsh adopted persons (between 1-2 per cent of eligible persons) have sought to obtain their original birth certificates. Of those who obtained this information, a small minority only had contacted and met their natural parent or parents. For the majority, the mere obtaining of the information about their personal background was all they sought, and in all instances was found to be helpful to adoptees. In Australia, Victoria and Western Australia have experienced similar situations.

In advancing the case for open adoptions in the future and retrospectively, Western Australia in December 1985 provided a natural parent of an adopted person with the opportunity to register that they did not wish to have contact with the adopted person. It is fascinating to note the South Australian Committee of Review of Adoption Policy and Practice did not choose on even one occasion to make reference to legislation enacted in Western Australia, let alone make reference to this veto provision. This is so notwithstanding the fact that the committee was asked, as is noted on page 2 of its report, 'to bring together the considerable research and work that has already been done interstate and overseas'.

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: So is the Western Australia legislation. I repeat, not once did the report make reference to the Western Australian legislation—and yet this legislation is more recent that that enacted in Victoria.

The South Australian committee was most selective in identifying and assessing the research and work undertaken interstate and overseas in respect to adoption policy and practice reforms. I doubt that the Minister would challenge that statement. It is a very great shame that this is so: in fact, I believe it would be deemed to be a disgrace. I consider that the committee's recommendation and this—

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: I am criticising the selective nature of the report. I believe that the committee's recommendation and this Bill, which is founded upon these recommendations, is deficient and is unacceptable as a consequence of that very selective look at work reports and recent legislation in Australia. The Bill does not adequately provide for the circumstances both past and present of mothers who relinquished their child under the secrecy provisions of the current Act. To a degree, the recommendations of the South Australian committee, this Bill and an earlier New South Wales report on the same mattter, concede that some birth mothers and adult adoptees may have no wish to supply identifying information to the other party nor to establish contact.

The 1984 New South Wales report recommended three months, and the South Australian report and this Bill propose six months. So, all of them concede that there are instances where some birth mothers and adult adoptees would not wish to have contact. The periods of six months and three months are the periods in which available information may be withheld, during which time counselling services should be made available to resolve and overcome the impasse. It is quite draconian in my view. By contrast, neither the 1983 Victorian report nor subsequent legislation in that—

The Hon. J.R. Cornwall interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: Yes, I have, and I have friends in the same situation, I can assure you.

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: Yes, there are several parties to an adoption order, as you well know, Minister. By contrast, neither the 1983 Victorian report—

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: If you listened to me and had not gone to sleep earlier, you would have recognised that that would not apply to the provisions we are talking about. We are now talking about an adopted adult. In this Bill, 'child' relates to a person up to the age of 18. We are now talking about a person beyond 18, so the interests of the child do not apply.

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: They do not apply. The child, as defined in the Bill, goes up to 18. You should read your own legislation.

The PRESIDENT: Order!

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: That is not what the Bill says, Minister. You should read it.

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: It may be what it means, but it is not what it says.

The PRESIDENT: Order! Could remarks be addressed through the Chair?

The Hon. DIANA LAIDLAW: Yes, thank you. In calling for order, it is a good time—

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: If the Minister would be silent—he might, over this long weekend, choose to read the Bill that he now talks about in ignorance.

The Hon. J.R. Cornwall: You are not an adoptee once you are over 18. That is the most foolish thing I've ever heard.

The Hon. DIANA LAIDLAW: Why do you not read what is in the Bill?

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: Ms President, he cannot talk about the interests of the child in this case being paramount because the Act he has introduced in this place says that 'child' means a person who has not attained the age of 18. He is just not making sense.

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: I am talking to this Bill. I have an obligation in speaking on behalf of my Party to this Bill. At least I have read it, and I must say also that I listened in silence to the Minister for well over an hour very late one night. By contrast, neither the 1983—

The Hon. L.H. Davis: 'Courtesy' is not a word in his dictionary.

The Hon. DIANA LAIDLAW: No. There are other words I could use to apply to the Minister, but I will not lower myself to do so.

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: I will not be provoked by that comment. By contrast, neither the 1983 Victorian report nor subsequent legislation in that State contained provisions for a 'negative register' of either three or six months maximum duration. The Liberal Party considers the retrospective application of access to information should be accompanied by a veto provision which would allow a parent who relinquished a child under our current laws—our current laws that insist upon secrecy, I remind the Minister—and the adult adopted person subject to the same laws, the right to remain anonymous if they so choose and that this right should have no arbitrary time limit. This option of a veto provision is preferred over that of a short-term negative register which we consider to be a clumsy, administratively difficult system to operate. Certainly, New South Wales does not seem inclined to introduce the legislation because of an election coming up, but I have learned more—that they certainly are not terribly happy about this arbitrary negative register.

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: There are amendments before the Victorian Parliament at the present time. Moreover, the register ultimately would deny an individual the right to remain anonymous, an undertaking which was a condition of the contract they entered. Ms President, I wish members to be aware that ever since the Minister of Community Welfare released the findings and recommendations of the South Australian Committee of Review that I have received some of the most heart rending phone calls and letters—all anonymous—from women who were in tears at the very thought that they would be exposed as relinquishing mothers, as a consequence of changes now incorporated in this Bill. They have established new lives for themselves on the basis that they thought the provisions in the present Act and in the contract that they signed would be binding for life. As I say, they have established new lives for themselves on that basis.

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: I cannot see why this legislation cannot accommodate the experiences of all parties, especially as this is retrospective legislation. The Liberal Party has agreed that there should be retrospective access to information, and I believe that that is an enlightened position considering the caution that all parliamentarians should adopt in relation to retrospectively amending Acts of Parliament. To identify these phone calls and letters as the most distressing I have received since having the responsibility for community welfare matters would perhaps be going a little bit overboard because, as the Minister would know, in community welfare so many of the tales one hears are particularly harrowing for the person either across the table or at the other end of the telephone.

Nevertheless, I was really overwhelmed by the stories and letters from women in the country and women with ethnic backgrounds who spoke with me on this matter. All the phone calls and letters that I received from the distressed relinquishing mothers (and most of them came definitely from people with an accent identifying that they were born out of this country—possibly in Italy or Greece) were from women who had established a new life, as I said earlier.

Some are women who have always resided in small country towns and who have since married and had further children. Equally, members would recognise that changing social attitudes take much longer to permeate, if ever they do, in some country centres. Certainly, it takes much longer to be accepted there than in bigger metropolitan areas. Many of these women just could not believe what was proposed. They feared that past mistakes and their present lives in their small communities would be untenable if they were identified—

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: I am telling the Minister what has been related to me. It is such a pity that the Minister has such a fixed view that he is not willing to listen to me.

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: No. I have listened to South Australian women and I just cannot believe that the Minister cannot understand the heart-rending circumstances of some of these people.

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: Why do you not demonstrate it by just being quiet so you can listen to what I have to say? Equally, members should take into account the circumstances of women from ethnic backgrounds.

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: Perhaps the Minister has dismissed the attitude of women living in country areas, but I doubt that he would be wise to also dismiss so lightly the circumstances of women from ethnic backgrounds because I, like other members in this Parliament—and I know this to be the case on both sides of Parliament—have received phone calls and letters from women of Italian, Greek and Polish descent who have since relinquished a child for adoption and who married. They married on the understanding of their husband and his family that the woman was a virgin at the time. Each woman pleaded with me that any revelation that she was not a virgin, and let alone had given birth to a child, would be destructive to her present family situation.

Equally, I have received calls and letters from adult adoptees who are adamant that they do not want contact with their relinquishing parent and who want their right to privacy respected. The Liberal Party in proposing that a veto provision—

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: Yes, for six months, until you are counselled to overcome—just you listen!

The Hon. J.R. Cornwall: You haven't read the Bill.

The Hon. DIANA LAIDLAW: It is an irony for you to say that. In proposing that a veto provision be available against the disclosure, the Liberal Party—

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: Ms President, *Hansard* is finding it impossible to hear over the Minister's interjections. The Liberal Party is proposing that a veto provision be available against the disclosure of identifying information if ever an adult adoptee or a relinquishing parent under the current Act wish their privacy to be respected. We do not envisage many occasions when this provision would be exercised. Our belief is based on experience overseas and in Western Australia. Indeed, our recommendation is not as broad as that in the Western Australian legislation, which provides that the veto can be registered on past and future adoption orders.

Our recommendation is confined to adoption orders under the current Act and would involve counselling on the ramifications prior to the veto being registered. We believe this proposal to be just and fair. In this respect I was heartened this past week to receive a submission from the Australian Relinquishing Mothers Association (South Australian Branch) advising on page 2 of its submission, as follows:

> If both parties agree, information and contact should be forthcoming.

The Liberal Party entirely agrees with that. The submission continues:

> However, if one party experiences extreme distress after extensive counselling, the information should be withheld from the other party. The individuality of each situation must be the criteria upon which a decision is made regarding the passage of identifying information.

The Liberal Party argues for no less than that. We agree entirely with the case put by the association that the individuality of each situation must be the criteria upon which a decision is made regarding the passage of identifying information. In providing the situation in which the individuality of the circumstances is taken into account, we must seek to provide in respect to adoptions that have taken place under the current Act that there is provision for registering a veto.

The Liberal Party does not accept that this should be placed willy-nilly and that either an adopted adult or the relinquishing parent should place such a veto without a full appreciation of the circumstances in which they are doing it. We are not suggesting that it will happen on every occasion or that it will happen out of a vexatious desire to thwart the knowledge or frustrate the identity of a person, but it would be done in very genuine cases in every respect. I believe that there is no doubt about that. I am very heartened to see that ARMS has come to the same conclusion. The Minister will know, if he has had negotiations with that group, that ARMS is an extremely sensitive group of people who have a great—

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: I have just said that I can give the Minister a copy of this letter dated 29 September, which was sent to all members of the Parliament, I understand. ARMS is an extremely sensitive group of people, many of whom have had unfortunate circumstances earlier in their lives and have been troubled by them ever since. As an individual I have benefited from my discussions with many of the members of ARMS, and I have appreciated the courtesy—

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: Not only to me, Minister. This is a roneoed letter, but it is titled 'Dear Diana', and signed by the Chairperson, Valma Gay, of the Australian Relinquishing Mothers Society (South Australia). ARMS notes that it also believes that each party has the right to reapproach the intermediary at a later date as circumstances change. Again, we strongly endorse this belief. Relinquishing mothers who have rung me, in distressed circumstances, would not leave their name. They have often indicated to me that, when their current husband dies, they will probably be happy to have contact, but that at present they could not tolerate the experience. Many of these people are older and one cannot envisage that their situation will be as it is now for many years to come. I cannot envisage that the veto arrangement will be applied in many instances, and I believe that the need for it will fade out in several years time. In time, it will not be relevant any more.

The Liberal Party takes issue with a range of other matters in respect of this Bill. Although I have gone on at some length, it is the same time that the Minister took in his second reading explanation. However, this is an extremely important matter. I have been involved in this matter for well over a year with the Hon. John Burdett, who served brilliantly on a committee with me and other members of the Liberal Party. We had wide consultations with groups and individuals involved in the vexed question of adoptions. Long consultation was involved in the preparation of the committee of review report for the South Australian Government on adoption policy and practice. That was open for public submission but not for a great deal of time, and I was pleased when the Minister extended that period of public consultation from somewhere in February to later in March.

Since March a great deal of work has been done involving groups such as ARMS, Jigsaw and adoptive parents support groups as well as individuals. I honestly believe that in relation to the rather set position put forward by the Minister in his second reading explanation—

The Hon. J.R. Cornwall: Now hang on, we are referring it to a select committee.

The Hon. DIANA LAIDLAW: Just let me finish, because the select committee—

The Hon. J.R. Cornwall: Be fair.

The Hon. DIANA LAIDLAW: I am being fair. The select committee came as an absolute rider or afterthought at the end of the Minister's second reading explanation. The following day an article in the *Advertiser* referred to the introduction of the Bill, but it was disappointing that there was no reference to the fact that there would be a select committee. Certainly, the journalist concerned, who is related to the Minister, did not even get down to that fact, because it was simply tacked onto the bottom of the Bill.

The Hon. J.R. CORNWALL: I rise on a point of order, Ms President. There has been an allegation about a journalist, and again there is this snide business about the fact that I have a daughter who works for the *Advertiser.*

The PRESIDENT: What is the Minister's point of order?

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: My point of order is that the Hon. Ms Laidlaw and the rest of the rabble who sit opposite know very well that what a sub-editor might do to copy at the *Advertiser* or anywhere else is quite outside the control of journalists. The honourable member's snide remark does her no credit at all. It was a disgraceful remark.

The PRESIDENT: Order! There is no point of order.

The Hon. J.R. CORNWALL: I know that, but at least it is on the record.

The Hon. DIANA LAIDLAW: Thank you for your ruling, Ms President—there was certainly no point of order. The Minister would be interested to learn that when I spoke with the journalist the next day it was confirmed that it

had not been noted that there was to be a select committee. So, despite the Minister's little outburst in defence, my statement was quite sound.

The Hon. J.R. Cornwall: You are a snide, slimy, sleazebag operator.

The Hon. DIANA LAIDLAW: I am telling the truth—what is so snide about that?

The Hon. L.H. DAVIS: I rise on a point of order, Madam President. The Minister described the Hon. Ms Laidlaw as slimy, sleazy and a sleazebag.

The Hon. J.R. Cornwall: I said that she was a snide, slimy, sleazebag operator, if you want to get it right.

The Hon. L.H. DAVIS: Thank you, Minister. That comes from the Minister of Community Welfare, a man of some compassion—

The PRESIDENT: Order! What is the point of order?

The Hon. L.H. DAVIS: I ask the Minister to withdraw those slanderous words that were directed at my colleague and to apologise.

The PRESIDENT: The Minister of Community Welfare.

The Hon. J.R. CORNWALL: Madam President, I presume that you are asking me to withdraw and apologise?

The PRESIDENT: I am asking the Minister to withdraw and apologise.

The Hon. J.R. CORNWALL: And I do withdraw and apologise, Madam President.

The PRESIDENT: Thank you. Before the debate proceeds—

Members interjecting:

The Hon. Diana Laidlaw: I don't know what he's talking about.

The Hon. J.R. CORNWALL: You do know very well.

The PRESIDENT: Order! I call the Council to order. Before the debate proceeds I point out, in case members do not know, that repeated interjections are out of order and I will not permit them. On the other hand, it is only the member who has the floor whose microphone is activated for *Hansard* so that that member need take no notice of interjections whatsoever. Debate should not be conducted in the form of a conversation across the floor of the Chamber—all debates should be addressed through the Chair.

The Hon. DIANA LAIDLAW: In respect of the remarks that were withdrawn by the Minister, I must admit that I had not noticed them. However, I think my standards have rather lowered in this place ever since I have had to stand opposite the Minister of Community Welfare and listen to his remarks about me from time to time. I conclude by saying that the Opposition believes that there is no need for a select committee in relation to this matter.

The matter has been well researched by the Government, or that is what it would contend with the document that was released late last year upon which public submissions were taken. When I sent the second reading speech to ARMS, to Jigsaw and to people who have been involved in this matter, including inter-country adoption agencies, they suggested that there was no need for a select committee on this matter, and I endorse that view entirely. As a result of listening to views around the place, I think that the only reason for a select committee is to get the Minister off the hook, because there is dissension in his own Party about this matter.

I doubt that that statement would be challenged because, if the Minister really believed what was contained in this Bill, he would have the confidence to ensure that it was debated clause by clause in this Parliament, and that is the course that the Opposition would like to see followed. We think that already there has been a long enough discussion on this matter and that, by delaying it further with a select committee, we are simply delaying the problems which the Minister on behalf of the Government has identified and with which we associate and recognise. Further, we want to address those problems at the earliest possible time for the well-being of the children involved, for the adult adoptees and for the relinquishing mothers who are so concerned.

I cannot accept for one moment that a select committee on this matter will continue for only a short period. The Minister has acknowledged already in his second reading explanation that it is an important matter that will require lengthy debate. I can assure members that, when it gets to a select committee—

An honourable member: It will drag on and on.

The Hon. DIANA LAIDLAW: It will drag on and on.

The Hon. J.R. Cornwall: There is only one matter of contention, as you know.

The Hon. DIANA LAIDLAW: I have indicated that there are many matters of concern to the Liberal Party. I will not be party to a select committee (where Parliament has referred the Bill to that committee) which does not look at all the provisions contained in the Bill. If the Minister wants only one clause looked at, believing that there is only one matter of contention, then he should refer that one matter of contention to the select committee. I certainly will not be a member of such a select committee—and I do not believe that Opposition members will sit on that committee—if the Minister believes that the rest of the Bill will be whitewashed by it. I think that the Minister should be a little clearer on that, because I do not want to be party to a process of delaying this matter any further. I want to get on with debating this matter in this place, as do my colleagues, and to come to some resolution. A reference to a select committee will not ensure that that is done as speedily as it should be.

The Hon. M.J. ELLIOTT: In rising to support the second reading of this Bill, I note that there seems to be a general consensus, in which I am included, that is very appreciative of the Government's willingness to come to grips with this highly emotive issue. Everyone is rightly full of praise for the thoughtfulness of the review and most of the Bill that has resulted from it.

Among the groups that have contacted me, the major remaining cause of serious disquiet is over the access to information and the handling of the exchange of that information. We are talking here about families who have been involved in adoption in the past. In deciding who should and who should not have information, the Bill defers to its guiding principle that 'the welfare of the child to whom the proceedings relate must be regarded as the paramount consideration'. This is clearly an excellent principle and no-one will argue about it. My only misgiving is that it was probably exactly the same principle that guided the decision to create closed adoptions in the 1960s.

There is some point to this ideological nitpicking, and it is this: ideologies change and rules based on them change, but the fact that the strength and variety of people's emotions about their families are extraordinarily difficult to cover in any law is a constant. Somehow, if there is to be a law that governs such an emotion charged area, it has to try to allow for and deal with these strong, different and changing feelings.

I should perhaps emphasise that I do not see problems in relation to access to information for new adoptions. The future is cared for, and I guess that developing a conscience about the past is a bit of a luxury, as Clive James would say. However, I think we owe it to all concerned to work out a system that does not frustrate or threaten anyone

because someone else has changed his or her mind about the best way to deal with adoptees or with their children.

I feel that there are some victims from the changing of the rules and that they are not adequately protected by the Bill. For example, I refer to the case of a young, unmarried woman who relinquished her child 20 years ago and who, in the same circumstances, would not do so today. Previously, if someone had not actually told her that she was not fit to be a mother they probably told her that it was not possible for her to keep the child. However, today, the State would support her. Clearly, single parents are no longer seen as being inadequate, since the State accepts them as adoptive parents. In the case of this young woman at this stage she may now want to get to know the child that she gave up.

Another example of a person who does not come off well is the relinquishing mother who gave up her child 20 years ago and who does not want to know her child. She believed then—and continues to believe—that there was a stigma attached to the event and that it would be damaging to have the knowledge of that birth forced on her family, albeit in the interests of the child. In fact, I think the Hon. Miss Laidlaw referred to such cases, and this relates particularly to certain cultures where virginity is prized and where this knowledge could, with some families, be incredibly destructive. I suppose that this could also be the case in certain small communities. What about this woman's other children? While the legislators who brought in closed adoption did not necessarily see such a birth as a stigma, the rules reassured the person enough to feel that the event was a secret and would continue to be so. Why should the world pull out the rug from under a person's feet because someone else has changed his or her mind about what is best for her relinquished child?

The matter of the handling of the exchange of information is an equally important matter. In the case of the natural parent, we want to avoid the situation, possible under the proposed Bill, where someone of good and reasonable intentions is made to feel so powerless and frustrated that they are prepared to break the law in order to gain the information that they want—and this is happening now. The relinquishing parents have all sorts of techniques of tracking down their natural child; they eventually get that information, and then hover around schoolgrounds, for example, hoping to get a glimpse of the child.

Neither the adoptive parents nor the natural parents feel happy with the thought that they will be confronted with a separate body, saying to the natural parent, 'The adoptive parents have said "No" 'or, 'You can delay consent for six months after which time it is required by law that your child know who you are.' Both parties (I am afraid that I have not been approached by any adopted children, but the Government seems to be looking after them) would rather have some feeling that, in either case, it was a negotiable situation over which they have some control, some choice. This is essential in such a highly charged, emotive matter.

As I have said, there seems to be a general consensus of support for the Bill among the groups that have contacted us, such as Australian Relinquishing Mothers, adoptive parent groups, and the Aboriginal Child Care Agency. The move towards open adoption with provision of information for children adopted in the past is a necessary and welcome change, in line with community attitudes. The main area of concern that remains for both ARMS and adoptive parent groups is the issue of access to information. The proposals for this, which are retrospective, are covered in section 25.

I shall now outline the specific problems. Although adoptee and adoptive parents have power of veto over disclosing identifying and other information once the child has reached 18 years of age, the relinquishing mother may delay consent for six months but effectively does not have power of veto. On the other hand, although the relinquishing mother may ask for, and receive, non-identifying information, she is not provided with identifying information once the adoptee is 18, unless the adoptive parents and the adoptee give consent.

It should be emphasised that neither ARMS nor the adoptive parent groups find this inequality in access to information acceptable, even though it is clearly done in the interests of the child as seen by the legislators. They have not suggested that the answer is to make access to information a free-for-all or to give all parties unquestioned right of veto. The answer seems to lie rather in working out the exact role of DCW as mediator in individual cases. I am giving serious consideration to amending clause 25 by seeking to delete subclause (1) and replacing it with the following subclause:

(1) *(a)* An adopted person, adoptive parents and natural parents are entitled to any information, identifying or otherwise, that is in the possession of the Director-General, unless vetoed by one or more parties; and

(b) All such vetoes are to be accompanied by written explanation from the contactee addressed to the inquirer.

I would then seek to replace clause 25 (2) with the following:

(2) Before disclosing information under subsection (1)—

(a) the Director-General must make reasonable attempts, including advertising, to contact the natural parents and, if it appears that they do not desire disclosure of their identity to the adopted person, the Director-General must require an explanation in writing to be forwarded to the inquiring party; and

(b) the Director-General must be satisfied that counselling is available to all parties in accordance with regulations, and thereafter as requested.

I would also be seeking to replace clause 25 (5) as follows:

(5) The Director-General must make every reasonable effort to notify natural parents in the case of the death of their adopted child.

The role of DCW as the provider of counselling and as go-between has to be further examined. It was a concern of both ARMS and adoptive parents that counselling should be offered at all stages of the search and exchange of information. They even suggested extending areas of counselling: for example, in the event of the refusal of information by one party. There was expressed concern that DCW were offering a service they were not in fact staffed or funded to provide. Would there be fees for counselling? The Bill mentions the provision of 'negotiation' services by other organisations: would this include counselling? The thinking behind this question is that if DCW cannot provide adequate counselling services they should either not get involved at all or make arrangements for fees. It is better to pay for enough help than make things worse by minimal free counselling.

There is one other set of amendments I will be suggesting in relation to clause 27 (2) *(a)* and *(b)*, that is, after 'negotiation' to insert 'or counselling'. On the matter of birth certificates, regulations under the Act control access to register of births relating to adoption. ARMS requested, whether in this Bill or elsewhere, that the relinquishing mother have the right (retrospectively) to the original birth certificate of her child. There are relinquishing mothers who in the past have received only their consent form.

The Bill provides that in nearly all cases, the preferred option for an Aboriginal child is guardianship. However, for those cases where an adoption order is chosen, the ACCA feels that the Bill does not provide for the particular requirements of Aboriginal children. As I think the Hon.

Miss Laidlaw mentioned, there is a suggestion that one of the members of the adoption panel should be a member of the Aboriginal community. It might also be appropriate to provide information to such a child at a younger age because of the different nature of family relationships. That also might be a touchy subject, but it is a suggestion that came from that group.

As most children will come under guardianship legislation, not adoption legislation, concurrent provision needs to be made in the Acts concerned so that they address themselves to the particular requirements of Aboriginal children. These Acts are: the South Australian Children's Protection and Young Offenders Act 1979; the Guardianship of Infants Act 1940-1975; and the Federal Family Law Act 1975. As I have said, in broad terms the Government supports very strongly what this Bill is attempting to do.

The real problem is retrospectivity, where people feel that they have done something under a particular set of rules and that those rules have changed. We need to be sensitive about that. This is something about which there is never a right answer, but we endeavour to do the best we can in an extremely difficult situation. I have noted the suggestion that a select committee be appointed. I have spoken with parents who have relinquished children and with adoptive parents, but have never spoken with an adopted child, so I would welcome a select committee so that I can hear from that particular group. I see some merit in the Hon. Ms Laidlaw's suggestion that we should commit one or two clauses of the Bill, but not the whole Bill, to a select committee because there would be a danger that that committee would go on for longer than necessary, in light of the number of inquiries already held in relation to this matter.

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: I am aware that the honourable member does not want a select committee; I said that for some reasons I would support one and would welcome its terms of reference being narrowed as far as practicable. I support the second reading.

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

PLANNING ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 27 August. Page 548.)

The Hon. L.H. DAVIS: The Planning Act 1982 was introduced after five years of debate. Planning legislation is inevitably complex and contentious and, not surprisingly, there have been several amendments to the Planning Act in the five years since it was given passage by this Parliament. This Bill seeks to make three further amendments. First, it seeks to enlarge the Planning Commission from three to five members. It seeks, also, to do away with the present system of deputy members and will require that a quorum for the Planning Commission comprise three people.

The Bill seeks to retain the planning professional and local government members on the Planning Commission, and the proposed expanded Planning Commission will involve an urban development/industry design related person, an environmental/natural resources/community facilities person and a second planning professional who will act as chairman in the absence of the appointed chairman. It seems sensible to expand the size of the Planning Commission from three to five members; it provides for continuity and flexibility, and it also seems, in light of Planning Commission experience since it commenced operation, that three members is not enough. The Opposition accepts the reasonableness of the proposal to expand the size of the Planning Commission from three to five members.

The second measure in this amendment Bill relates to the composition of the Advisory Committee on Planning. It provides that that committee must still include a planning professional, but no longer should that planning professional necessarily be the chairman. The Opposition has reservations about this amendment and accordingly has put an amendment on file which seeks to retain the planning professional as chairman of the Advisory Committee on Planning. It is important to recognise the role of that committee; the Chairman of that committee is often required to do a good deal of negotiating with councils between meetings. It is important for that person to be a planning professional, someone who understands what is going on and who is able to negotiate and discuss matters with councils and other people involved in the planning process.

At this stage I want to read into *Hansard* a letter from Associate Professor Stephen Hamnett, President of the Royal Australian Planning Institute Incorporated (SA Division). The letter was addressed to my colleague, the Hon. Jennifer Cashmore, the shadow Minister for Environment and Planning. I am not quite sure whether a copy of the letter was addressed to the Minister for Environment and Planning, but the letter states:

> Thank you for your letter of 28 August on the subject of Planning Act Amendment Bill (No. 2) 1987. The Royal Australian Planning Institute (SA Division) Committee has not had an opportunity to meet formally to consider the changes proposed in the above Bill, although it may be possible to arrange such a meeting in the next few days. In my opinion, as President of the division, however, there are two matters which are likely to concern our members. The first of these is a general issue of consultation. Any substantial proposed change to the provisions of the Planning Act ought to be submitted to the Royal Australian Planning Institute for its comments. In this case no such comments have been sought.
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> The second relates to the chairmanship of the Advisory Committee on Planning. While there may be sound reasons for separating the chairmanship of the Planning Commission from the chairmanship of ACOP, I would expect RAPI members to be very strongly of the view that the appropriate person to chair ACOP should be a professional planner. ACOP rightly comprises individuals with a range of specialist backgrounds and skills, but the sort of breadth of background, training and experience required to take an overview of the fields of concern of the advisory committee is unlikely to be found in any one other than a professional planner. I should be grateful if you would request your colleagues in the Legislative Council to raise these matters at the appropriate time.

Associate Professor Hamnett, as President of the Royal Australian Planning Institute (SA Division), makes two points: first, to express concern that his professional organisation was not consulted with regard to those changes, which is totally unacceptable, slack and, unfortunately, becoming all too common with this Government, complacent with five years of government under its belt. It is unfortunate, indeed, when such important matters are brought into this Parliament without any consultation or communication with the relevant professional organisation. That is very poor form on the part of the Minister for Environment and Planning and Deputy Premier, the Hon. Dr Hopgood. That matter quite properly deserves public comment.

The second point made in that letter is, I think, an equally valid one; that is, that the Advisory Committee on Planning does need to be chaired by a planner. That point has been made in another place by my colleague the Hon. Jennifer Cashmore. It has been made with some force in that letter from Associate Professor Stephen Hamnett. I will not labour

that point: it is a matter that can be debated in the Committee stages of this Bill.

The third leg of the amendments to the Planning Act is the proposal to amend section 43 to ensure that supplementary development plans do not lapse with the expiration of the current 12-month limit which gives interim effect to the plans. The proposal in clause 7 will ensure that the 12-month lapsing provision will not apply once the plan has completed the full display process and been referred to the Joint Committee on Subordinate Legislation.

The second reading, perhaps somewhat too cutely, seeks to lay some blame on the Joint Committee on Subordinate Legislation for being slow to consider these plans but, as my colleague in another place has pointed out, no blame can be attached to the Joint Committee on Subordinate Legislation. Rather, the blame should be attached to the Minister and to the department, because it seems from all the evidence that can be gathered that there has been enormous frustration on the part of local government, planners, developers and architects with the bureaucracy and the clogging up of these plans in the department. I do not accept the proposition put in a fairly subtle fashion that the Joint Committee on Subordinate Legislation is in any way at fault. I think it has been a useful device to have the committee examine the plans. I will not comment on that aspect at length because, certainly, it has been a matter of contention since that mechanism was introduced five years ago.

Arguments can certainly be advanced to query the Government's proposal to amend section 43 in this way, but at this stage the Opposition does not have an amendment on file which seeks to vary the proposition advanced in this amendment. With those comments, I indicate that the Opposition supports two of the three amendments proposed for the Planning Act but seeks to contest the third, and has placed an amendment on file to ensure that the Chairman of the Advisory Committee on Planning should be a planning professional.

The Hon. J.R. CORNWALL (Minister of Health): I thank the Hon. Mr Davis for his contribution. There are a number of matters he has raised on which I would like to take some advice from the Minister for Environment and Planning, and I therefore seek leave to continue my remarks later.

Leave granted; debate adjourned.

LAND TAX ACT AMENDMENT BILL

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

The Hon. J.R. CORNWALL (Minister of Health): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

Last year the Government modified land tax liability to take account of two factors—

- that the Valuer-General had brought all property valuations up to date
- that market values of commercial and industrial properties had continued to rise sharply.

A rebate of tax was introduced to help phase in the impact of these factors.

Following further significant increases in the values of commercial and industrial properties the Government has decided to extend the rebate for a further 12 months but at a reduced rate. For 1987-88 liability for tax will be reduced by 25 per cent of that part of the tax calculated on taxable values between $60 000 and $200 000. This rebate will apply irrespective of the total taxable value of land in an ownership. The cost to the Government of this concession will be about $4 million.

The Land Tax Act was amended in 1982 to allow an exemption for land comprising a retirement village provided certain criteria were met. The criteria included that the land be owned by an association and that the whole of the net income of the association be applied in furtherance of its objectives and not be retained as profit by the association or its members. Three associations have received exemptions from land tax under these provisions. More recently, commercial enterprises have become active in the development of retirement villages. These villages have been developed on land owned by companies and do not satisfy the existing criteria for exemption from land tax.

The Government has been concerned to ensure that persons who take up residence in these villages are accorded proper protection and security of tenure. Accordingly, the Retirement Villages Act was passed recently for the purpose of regulating retirement villages and the rights of their residents.

Although title to the land occupied by these villages remains with the enterprise and does not pass to residents, the Government has resolved to provide residents with relief from land tax. Since the residents are not owners it has been necessary to provide the concession to the enterprise which owns the land and not directly to residents.

Care has been taken to ensure that owners of these villages do not receive an advantage over other developers. Therefore, the exemption from tax has been limited to

- units occupied by natural persons as their principal place of residence,
- land appurtenant to such units, and
- facilities provided for the exclusive use of residents and their guests.

Land which will remain subject to tax will include—

- undeveloped land,
- units unoccupied at 30 June (the date on which liability for land tax is calculated),
- units occupied other than as the principal place of residence, and
- land used for facilities other than for the exclusive use of residents and their guests.

It is proposed that residents who occupy units as their principal place of residence will be protected by a provision which will ensure that tax payable in respect of land used for these purposes cannot be recovered from them.

Clause 1 is formal. Clause 2 deems the Act to have come into operation at midnight on 30 June 1987, so that the remissions and exemptions provided in the Act will operate in respect of land tax payable for this current financial year. Clause 3 inserts a definition of retirement village—the expression has the same meaning as in the Retirement Villages Act.

Clause 4 widens the present scope of the exemption provision as it relates to retirement villages, so that the operator of such a place, whether run as a profit-making commercial enterprise or not, will be entitled to exemption for all units that are occupied by residents as their principal places of residence. The exemption will also extend to land appurtenant to those units and to facilities that are provided exclusively for residents, pursuant to the retirement village scheme.

Clause 5 continues for this financial year the remission of 25 per cent of land tax for properties of $200 000 or less in value that was given in relation to those properties last financial year. The remission of tax for properties over $200 000 in value is $470.

Clause 6 amends the Retirement Villages Act, by inserting a new provision that prevents retirement village operators from recovering land tax payable on undeveloped or unoccupied land directly or indirectly from residents. This does not prevent direct recovery of land tax from a person who has been admitted to occupation of a unit but who is not occupying the unit as his or her principal place of residence. So people who acquire the right to such a unit for the purpose of using it as a 'second' house only, or intending not to occupy it until some later date, will be liable to pay the land tax on the unit to the taxpayer.

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

MARKETING OF EGGS ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendment No. 2 and had disagreed to amendment No. 1.

ADJOURNMENT

At 5.18 p.m. the Council adjourned until Wednesday 14 October at 2.15 p.m.