LEGISLATIVE COUNCIL

Thursday 11 February 1988

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

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

QUESTIONS

ADELAIDE DENTAL CLINIC

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Minister of Health a question about the Adelaide Dental Clinic.

Leave granted.

The Hon. M.B. CAMERON: Last November in this Chamber I raised the matter of what appeared to be a disturbing increase in the number of people waiting for treatment at the Adelaide Dental Clinic. The clinic provides free dental treatment for unemployed, the disadvantaged and pensioners—the very people who are least able to afford a private dentist should they need essential dental treatment.

When I raised the matter last November I quoted figures from the South Australian Dental Service's annual report which showed that more than 4 000 people were on the clinic's waiting list for treatment. That figure represented an increase of almost 25 per cent on the number of people waiting for treatment in 1985-86. The SADS report also showed that there was a more than 200 per cent increase in the number of people waiting for conservative dentistry, prosthetics and oral surgery.

At the time, the Minister tried to dismiss the figures as misleading, but it appears, if anything, that waiting times for treatment at the clinic are worsening. Incidentally, I am still awaiting the Minister's response on the 25 per cent increase in the waiting list which he promised on 24 November to provide 'immediately'. I quote from *Hansard* of 24 November, as follows:

> As to the specific question of a 24.91 per cent wage rise, I will immediately get a specific response.

My office continues to get complaints from pensioners and the unemployed who appear to be waiting unusually long periods, often in pain, for treatment. For example, I have been informed of one unemployed person who has been waiting nine months for treatment, and it could be at least another two months before the clinic will see him. When he asked what was causing the delays in treatment (he has been ringing up since October hoping to get a date for treatment), the man was told—and these are his words—that the clinic was acutely short-staffed. The clinic also told him that a large number of people seeking treatment during the Christmas period had extended the waiting list by three months. I am told that the clinic is currently seeing patients who applied for treatment in May 1987.

This man's case is just one of a growing number being reported to my office. It appears that people are growing increasingly tired and frustrated by the lengthening waiting times for treatment at the clinic. I recall the Minister trying to tell members in this Chamber last November that all was well and that the dental clinic was providing a service and that not many people were waiting.

It seems that, had the South Australian Health Commission not insisted on cutting more than $182 000 from the South Australian Dental Service budget this year, as a result of which the Dental Clinic would have been better able to retain or recruit additional staff, some of this sorry state of affairs would not have existed. My questions to the Minister are as follows:

1. Can the Minister provide current figures on the number of people awaiting treatment at the Adelaide Dental Clinic and on the average length of time that people are having to wait?

2. Is the Minister aware of the acute staff shortage at the clinic and, if so, can he say what measures are being taken to overcome the problem?

3. Does the Minister believe that it is acceptable for people to have to wait for at least 11 months to receive uncomplicated dental treatment at the clinic?

The Hon. J.R. CORNWALL: I am not able to provide current figures as, obviously, I do not carry them in my head, but I am able to comment on a number of matters which the Hon. Mr Cameron has raised. First, last year, 1986-87, the number of people seen through the Community Dental Service was 22 000. That is not just the Dental Hospital, of course, but includes a number of dental clinics at places like Noarlunga, and the Port Adelaide Community Health Centre, where there are now three full-time dentists who are seeing low income adults, pensioners and other Social Security beneficiaries who are cardholders. I might say that that number is 800 per cent more than it was in the 1982-83 financial year, when I became Minister. That, of course, is quite apart from the pensioner denture scheme, under which about 9 000 South Australian pensioners are provided with dentures at about 10 per cent of actual cost every financial year.

The community dental scheme was initially operated through some of the excess capacity that was available in some of the school dental clinics and also, as I say, because of the establishment of dental services in a number of community health centres. We must also consider that within what is literally a standstill budget situation—with the exception of one year when $500 000 additional funding was made available—the South Australian Dental Service has extended its services for children in South Australia, up to and including the year in which they turn 16. The promise that was made was by 1988 every child in South Australia up to and including the year in which they turn 16 would have access to the School Dental Service. We have met that commitment; we are on target. As I have said, that has been done during what has been virtually a standstill budget position over five budgets, so it is an enormous credit to the competence of the South Australian Dental Service.

It is perfectly true that, last year, like every other health unit in the State, the South Australian Dental Service had a budget cut of about 1 per cent—in common, as I say, with every other hospital and health unit in the State. The result of that, combined with the ongoing stagnation in the economy, has been that waiting times have in fact extended. I would dearly like to be able to do something about it. If, in fact, the conventional wisdom of our time was not to demand less taxes and not all about small government, and if the conventional ideology, which is espoused with great enthusiasm, particularly by the Liberal Party, was not to ensure that less money was spent in public sector activity, including health, then, of course, it would be possible for us to plead a case for more resources.

The simple reality is that while we are asked, as we have been asked to do by the Federal Government and by the people of Australia and South Australia over the past two years in particular, to accept ongoing reductions in public sector funding the waiting list is likely to get worse. Mr Cameron and his colleagues had better make up their minds

as to what percentage of our gross domestic product they think we ought to assign to health. That is a matter to which Health Ministers, Governments, Oppositions, alternative Governments, and the people of South Australia and Australia must turn their minds. I intend to put it on the national agenda by taking it to the Health Ministers' conference that will be held at Alice Springs in early March of this year.

We have to decide whether, as a nation, we find it acceptable to spend less of our gross domestic product on health care, both in the public and private sectors than almost any other Western democracy. I am aware of only two other countries in the Western bloc which spend less of their GDP on health care overall than Australia—that is, the United Kingdom and New Zealand. The United States spends 11 per cent. Scandinavian countries only recently managed to reduce their percentage of GDP that they spend on health and hospital care to a little under 10 per cent. Since 1977, under successive Federal Governments of different political persuasions, we have consistently spent around 7.5 per cent of our GDP.

If that is acceptable and if the conventional wisdom says that we must have less public sector activity, then there will be waiting times at the dental hospital. It will not be possible for us to meet all of the demands for dental care placed on us by low income adults, remembering that we do more in this area than any other Government in the country. Ours is entirely a State funded scheme. In the five years we have been in Government we have increased by 800 per cent the number of low income adult patients who are treated for restorative dentistry.

ASER

The Hon. L.H. DAVIS: I seek leave to make an explantion before asking the Attorney-General a question about the ASER office building.

Leave granted.

The Hon. L.H. DAVIS: The 10 storey office tower, which is part of the North Terrace ASER development, is scheduled for completion in September/October this year, at least five months behind its original schedule. If that is not bad enough, the cladding of the building is metallic grey rather than the originally planned sandstone colour to match the nearby railway station, hotel and convention centre. The Lord Mayor (Mr Steve Condous) was terribly disappointed at this change and, as he said, 'There is nothing the council can do about it.'

The change also attracted sharp criticism from Mr Newell Platten, a well-known architect and Civic Trust member. The Premier, Mr Bannon, in the *Sunday Mail* of 6 December, was quoted as saying that he had always believed that the office tower's colour would blend in with the whole project and that he would call for a report on why the colour had changed and whether the Government had been informed. There were further press reports in January claiming that the Premier was outraged at the colour change and that he found it incongruous. He was quoted as saying that the Government would make a last ditch bid to change the colour of the office building. Of course, by then the building was one-third clad in its gruesome grey garb. Predictably, the Premier's last ditch bid failed because he revealed that it would cost $4 million and delay completion of the building by at least 13 weeks.

So, Madam President, although portrayed in the press as heroes in fact the Premier and the Deputy Premier were the villains. I have telephoned Mr John Andrews, the ASER architect for the office building, who confirms that a letter was forwarded from the ASER developers to the Deputy Premier and Minister of Environment and Planning (Dr Hopgood) in August 1986, 18 months ago. The letter confirmed that the colour of the office building would be metallic grey. The Premier has claimed that he has received regular briefings on the progress of the ASER project; in fact, early on he was claiming that he was receiving a monthly briefing on the ASER project. Between them, the Premier and the Deputy Premier, have given new colour to the phrase 'fawlty towers'.

The colour change has clearly provoked an extraordinary backlash from many people. Bailleau Knight Frank, the sole leasing and managing agents for the ASER office building, two months ago published a comprehensive national leasing guide with a full colour photo of the completed ASER project highlighting the office building.

Members interjecting:

The Hon. L.H. DAVIS: The very high cost of maintenance; I think Terry would lock up the ladders. It would be very difficult—

The Hon. T.G. Roberts interjecting:

The Hon. L.H. DAVIS: They might rat on me; it might be hard. I would not like my chances when I got to the top floor. The colour of the building in the advertisement is (and I am sure members have guessed it) sandstone—not grey. Here we have Bailleau Knight Frank, the sole leasing agents, selling the building on the basis of its honeypink tones, of its sandstone colour. The copy is worth noting, because it says that 'the design of the building blends harmoniously with the high rise hotel and low rise convention centre which are its nearest neighbours'. So, the well respected leasing agents Bailleau Knight Frank did not know about the change. Therefore, my questions are as follows:

1. Will the Attorney-General advise whether the Premier receives regular briefings on the ASER project? If so, when did those briefings take place during 1987 and 1988? At any stage was the colour of the office building discussed with the Premier?

2. Will the Government make public the letter of August 1986 from the ASER developers to the Deputy Premier which advised of the colour change from sandstone to metallic grey? If not, why not?

The Hon. C.J. SUMNER: Obviously, I am not in the position to answer questions relating to briefings or otherwise that the Premier gets in relation to the ASER project. I will refer the question to the Premier and bring back a reply.

THIRD PARTY INSURANCE

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question about third party motor vehicle insurance.

Leave granted.

The Hon. K.T. GRIFFIN: Last year I asked the Attorney-General questions about the Government's intentions in relation to the limits which his Government has imposed through legislation on the insurance cover available under the Third Party Bodily Injury Scheme.

The Hon. C.J. Sumner: And supported by you.

The Hon. K.T. GRIFFIN: I raised many reservations about that point. The Attorney should check *Hansard* and he will find that—

The Hon. C.J. Sumner: You supported it.

The Hon. K.T. GRIFFIN: No. You look at the reservations. This scheme is managed by the State Government

Insurance Commission. The Attorney-General responded that he was aware of the problem, would consider the matter over the Christmas/New Year period and if legislation was rquried he would introduce legislation in this session of Parliament. We have not yet heard from the Attorney-General as to how the Government proposes to handle the problem. I have now received a copy of correspondence to SGIC by a man who owns a motor car and who is now a victim of the limitation of liability legislation. The letter to SGIC in part says:

I confirm that I attended at your office to submit a claim pursuant to the third party personal insurance you have on my vehicle. The claim related to an accident which occurred while my son was using the car on 14 April 1987. The circumstances of the accident as explained to you were that my son, after pulling up to the kerb to park my car, stopped the engine and opened his door to get out of the car. On opening the door a passing cyclist ran into the door. After returning from holidays on 25 January 1988 my son received a letter form Lombard Insurance Company (Australia) Ltd., a copy of which is enclosed claiming payment of $841.20 for payments made by it to Ms J. A. Carter by way of workers compensation for wages and medical expenses.

I confirm that one of your officers stated that, due to the amendment of the Motor Vehicles Act in 1986, your policy does not cover this sort of accident. It was explained to me that the policy only covers an accident arising during parking and not once the vehicle is in the parked position.

It seems incomprehensible to me that the term parking does not include the alighting from the vehicle. It would be sensible that the act of parking is not complete until the occupants of the vehicle have alighted from the vehicle or, if the occupants are to remain in the car, until the vehicle is stationary and the engine turned off. It is ridiculous to think that if my son had opened his door while the car was still moving which is a more dangerous manoeuvre and the accident had happened your policy would cover this situation.

The result of your decision puts the many thousand of cyclists in this State at risk. If a cyclist is involved in such a collision and is injured badly his or her only recourse (outside workers compensation if applicable) is against the driver who like my son has no assets and is unable to pay any compensation.

At the time of the Government amendments becoming law there was only one advertisement placed in a newspaper by SGIC about the change and there was no follow-up through licence renewals and registration renewals which go out to many South Australian motorists and which would have been a good way to draw to their attention the fact that their previous compulsory insurance cover is now severely limited.

Although at the time there was a suggestion—I think from the Attorney-General or from SGIC—that additional cover could be obtained from the private insurance sector, I am told that there are also difficulties with that. So the problem is unresolved and there are many thousands of South Australian motorists who are blithely driving or even parking their motor vehicles without realising that they are no longer covered by the compulsory third party bodily injury insurance scheme. As the matter is urgent, what action is the Government going to take to remedy the serious problem which has been highlighted yet again?

The Hon. C.J. SUMNER: The first point that needs to be made is that the legislation mentioned by the honourable member was passed by Parliament without dissent, as I recall.

The Hon. K.T. Griffin: You people bring in these things and then express reservations.

The Hon. C.J. SUMNER: And it is members opposite who complain about third party premiums.

The Hon. K.T. Griffin: That's right, and you were, too.

The Hon. C.J. SUMNER: That is why legislation was introduced—to restrain the increase in third party premiums, and to contain the deficit which exists in SGIC with respect to third party claims. That is the background to the legislation which placed limitations on the amount of damages that could be received by way of pain and suffering and non-economic loss; and it did a number of other things to contain the circumstances in which a person is entitled to damages from an accident arising out of the use of a motor vehicle.

In the Government's view and in the view of SGIC—which, by the way, produced a report on this which was made public—and, in the view of Parliament ultimately, decisions by the courts had unreasonably extended the circumstances in which people were entitled to claim under third party bodily injury insurance—remembering of course that persons injured at home in circumstances where no blame attaches to anyone are at present not covered by any comprehensive national insurance scheme. When that was proposed in the 1970s members of the Liberal Party were vociferous in their opposition to any such national insurance scheme for—

The Hon. K.T. Griffin: What year?

The Hon. C.J. SUMNER: When it was proposed in 1975, your Party was quite opposed, and is still opposed, to any such scheme. That means that people who are not insured personally, or who are injured at home or injured in circumstances that do not involve the negligence of someone else, are not entitled to claim for any damage or injury suffered.

The motor vehicle situation, because of common use of motor vehicles and the inherent dangers in it, has meant that a compulsory third party insurance scheme has been established and has operated for many years. However, it was in the context of the operation of the scheme that there were claims that went beyond what was the original intention of being compulsorily insured for injury caused in the use of a motor vehicle.

Therefore, Parliament agreed that there should be some limitation. Now a question has arisen, and has been the subject of considerable press publicity already, as to whether or not that limitation, which Parliament placed on the circumstance in which a claim could be lodged, has gone too far. There is an argument about whether the definition that Parliament inserted in the legislation is now appropriate in the light of some examples, including the one from the honourable member.

Following the publicity of this issue last year I have had the matter examined and have had discussions with the Insurance Council of Australia, and received representations from it on an appropriate change to the law. The Government has not made a final decision on the matter yet. Obviously, SGIC has an interest in it, and I expect to meet with SGIC and the Insurance Council of Australia next week to discuss a possible resolution of the difficulties that have arisen. Following that, and following the matter going to Cabinet, I should be able to make an announcement as to whether any legislation will be introduced.

ASTHMA

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister of Health a question about asthma.

Leave granted.

The Hon. T.G. ROBERTS: Recent publicity has been given to reports conducted in two States that have identified some of the problems and the increasing number of people who are suffering from asthma. One of the States is Victoria and the other is South Australia. Asthma is a serious problem in young children and, more recently, it appears that

many adults are starting to contract asthma later in life. My questions to the Minister are:

(1) What action is being taken nationally to collect figures and information, and perhaps to do an epidemiological study on the disease?

(2) Is the Minister aware of any action that is being taken nationally to do that?

(3) Can the Minister include in his reply any of the identifying causes or causal problems associated either geographically or by age with the figures and results of studies that may have already been conducted?

The Hon. J.R. CORNWALL: I cannot give any detail in response to those very good questions. They are far too important for me to try to answer off the top of my head. I would be pleased to take them on notice and to undertake to bring back comprehensive replies as soon as it is reasonably possible to do so.

SHOP TRADING HOURS

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General a question on the subject of shop trading hours.

Leave granted.

The Hon. I. GILFILLAN: Members will recall that in the recent past there was a very substantial rally and march, organised by the Amalgamated Shopkeepers Association, to this place indicating their opposition to and resentment of the extended shop trading hours. It was a very successful expression of public opposition to that move. That association has been in touch with me today and given me the results of a random survey of independent food outlets for the week ending 7 February, a week that was influenced by the extended shop trading hours. A large independent food outlet indicated a drop of 2.44 per cent in its trading; a medium sized independent food outlet indicated a drop of 3.26 per cent; and a seven day convenience store, somewhat similar to a deli type of operation indicated a drop of 4.44 per cent in trading.

According to the association, these figures indicate that extended shop trading hours are having an extremely adverse effect on overall sales of a wide range of independent stores. They say that this effect is added to increased costs associated with extending the shop trading hours and is creating a financial crisis for many independent stores. They say that it is clear that, with these drops in sales, major stores and supermarkets are taking trade away from the smaller and independent outlets.

The Amalgamated Shopkeepers Association also informed me that, as a result of Government proclamation on extending shop trading hours for their members, there has been a cost increase of 8 per cent, with an average 11 per cent increase in the actual trading hours that their members put in; that many of the shop traders were having to put in over 60 hours work per week individually; and that, as a result of this, many people are being forced either to leave their children at home alone or to pay for child care which, they say, is often extremely hard, if not impossible, to get on Saturday afternoons.

They indicated that there is a sharp increase in strain on families involved in this area of trade, and the association believes that increased bankruptcies are inevitable. Indeed, from their own experience they know that these bankruptcies are resulting in the shop owners' loss of homes. In one case recently, the parents of a shop owner who had innocently stood as guarantors lost their home as well. The Minister of Labour (Hon. Frank Blevins) has indicated his intention to reintroduce legislation to extend shop trading hours, and there is an article in this morning's *Advertiser* in which the Minister was quoted as saying:

> There is no urgency, because the Government could continue to issue proclamations each month for all day Saturday trading.

In the light of the clear rejection by this House of State Parliament of the Shop Trading Hours Act Amendment Bill last year, the growing resentment by small and large independent businesses to extended trading hours, and the dismay of thousands of shop proprietors and employees who are engaged in that industry and who see their quality of life severely damaged, how can the Government continue in conscience to proclaim continued shop trading hours on a monthly basis?

The Hon. C.J. SUMNER: It is interesting to note that the one group of people whom the honourable member did not mention in his question was the consumers. He apparently does not think that they have any place in the issue of whether there should be extended shopping hours and greater opportunities offered to people in South Australia to shop beyond the hours which they have available.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: I am merely making the point that the Hon. Mr Gilfillan did not mention once in his question the interests of the consuming public. He mentioned the interests of the shopkeepers who, of course, are one element in the question of extended shop trading hours. It is probably fair to say that not all shopkeepers are unanimously opposed to extended trading hours. There is obviously a section of stores that are in favour of extended trading hours.

The Hon. I. Gilfillan: Not too many.

The Hon. C.J. SUMNER: The honourable member says 'Not too many.' At the moment many stores are able to operate 24 hours a day, seven days a week and many of those do not want the increased competition that extended trading hours has brought about. The honourable member knows that as well as I do: that there are some who currently have a privileged position in the marketplace and do not want the competition.

Members interjecting:

The Hon. C.J. SUMNER: That is the reality. I am not quite sure where the Liberal Party stands on that matter today. It is very flexible on the question of shopping hours, depending on the political wind that is blowing at the time. Mr Olsen has—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Mr Olsen has on numerous occasions in the past expounded the virtues of free enterprise and unrestricted trading for shops on behalf of the Liberal Party but, of course, we know now that when the matter was debated in the Parliament the Liberal Party went back on those so-called principles of private enterprise and competition and attempted—

An honourable member interjecting:

The Hon. C.J. SUMNER: That may well be. I am surprised that you have not been listening to them for the past 10 years. Until this Bill was introduced, you had been espousing unrestricted shopping hours in this State. That is the reality as far as the Liberal Party is concerned: they have espoused it year in, year out, officially, unofficially, in this Parliament and outside the Parliament: they have espoused the benefits of free and open competition in the retail sector by not having restrictions on shopping hours.

An honourable member interjecting:

The Hon. C.J. SUMNER: Yes. 'At any cost' is what Mr Olsen told the Royal Commission in 1979, and you have already had—

Members interjecting:

The Hon. C.J. SUMNER: He certainly did. He said that cost was not a factor. He said, 'We believe in free enterprise.' That is what he said and you have repeated it since. I am aware that the Hon. Mr Hill has repeated it since. He is a small 'l' liberal free enterprise person from way back. It could be said that, apart from his parliamentary salary, which is not particularly great, his personal prosperity has come about as a result of free enterprise—getting out amongst the people on weekends; selling houses, doing good deeds for people and working up—

Members interjecting:

The Hon. C.J. SUMNER: Well, even working harder, helping the little people, helping himself, to get on in the world.

Members interjecting:

The Hon. C.J. SUMNER: That is what the Hon. Mr Hill did. I do not know whether anyone else in the Opposition has done it. He is one of the few self-made men in the Opposition. The others—the Hon. Mr Cameron, of course, from the landed gentry, and the Hon. Mr Davis—

Members interjecting:

The PRESIDENT: Order!

The Hon. I. GILFILLAN: On a point of order, Ms President, the Attorney seems to have forgotten that I asked the question.

The Hon. C.J. SUMNER: I was coming to the Hon. Mr Gilfillan. I suspect that he wanted to—

Members interjecting:

The Hon. C.J. SUMNER: That is what I was going to say—the wellknown and large landholder from Kangaroo Island who, for some reason—

The Hon. M.B. Cameron: My father was a carpenter.

The Hon. C.J. SUMNER: Well, he became a landowner. Perhaps I will have to put you in the same category as the Hon. Mr Hill. At least your father was a self made man, getting out and operating in the private enterprise sector, competing and providing service to people and, thereby, not having to come into Parliament to earn a salary—like the Hon. Mr Hill, being able to make a reasonable amount of money on which to live in his impending retirement.

I would have thought that with a background like that the Hon. Mr Hill would be enthusiastic about letting the market work, about competition and about free enterprise in the retail sector. But, of course, we know that members of the Liberal Party, despite having espoused this proposition of free and open competition in the retail sector for the past 10 years, squibbed and refused to grasp the nettle when they finally had a chance to do something about it last year.

The Hon. C.M. Hill: You know why.

The Hon. C.J. SUMNER: That was just an excuse, and the honourable member knows that as well as I do.

The Hon. C.M. Hill interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The union claim had to be arbitrated in the commission, as it is being arbitrated in virtually every other commission in Australia. What we are likely to end up with here is the rest of Australian consumers being able to shop on Saturday afternoon, at times where unions have got something for that extra work but not able to do so in South Australia. The Hon. Mr Hill will have to justify his position to the tourist industry and to his federal colleagues who want free and open competition. He will probably have an argument over the dinner table on Sunday night with Senator Robert Hill who I am sure, given his small 'l' Liberal free enterprise position is a very strong advocate of very open and free shopping hours.

If we take the shopping hours debate perhaps beyond the level of pure politics, it is symptomatic of what I think we are trying to do in Australia at the moment—whether relating to the Federal Government or the State Governments—and that is to free up the economic situation, to provide the opportunity for people to be entrepreneurial and to thereby better themselves in the community as a result. Of course, what is the recent two-tier wage system all about? It is all about getting workers, employees, to adopt more productive work practices, which is a move which has been going on in Australia under the Hawke Government in recent times. That is on the part of the worker.

In the area of big business, and making greater competition, for instance, for money that might be available to invest, the Federal Government has freed up the economic system and the financial system at the national level. Again, this is part of an attempt to make Australia competitive in the world. A part of that, albeit a small part, is an attempt to get greater competition, to free up the system in the retail industry in this State. It is all part of a move to try to make Australia more productive as a community, to get changes in work practices and to—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Members opposite actually agree with that, but for the reasons that are obvious to everyone, political reasons, they have decided not to go on with it. If they get out of the political gutter and start to think about what the Government has been trying to do nationally and in this State (at least in a micro way in South Australia) I think all would have to agree that what is happening in this respect deserves support. Certainly, they have supported it in the past, until it became politically opportune not to.

The Hon. C.M. Hill interjecting:

The Hon. C.J. SUMNER: The honourable member asks whether we are leaning towards privatisation. The privatisation debate will be conducted in the Labor Party. As members know, the Prime Minister has talked about—

The Hon. L.H. Davis interjecting:

The Hon. C.J. SUMNER: I don't know anything about factions. I do not happen to belong to one. The factions in the Labor Party confuse me almost as much as the factions in the Liberal Party.

Members interjecting:

The Hon. C.J. SUMNER: As to the factions in the Democrats—

The PRESIDENT: Order! I think members have had a fair go. I suggest that interjections cease and that the Minister address the Chair rather than having conversations across the Chamber.

The Hon. C.J. SUMNER: I agree, I would certainly prefer to address you, Ms President, than the factions in the Liberal Party. The question of shopping hours is obviously a matter that is before the Government at present, and in due course a decision will be made.

The Hon. I. GILFILLAN: As a supplementary question: how does the Attorney justify the proclamation month-by-month of a measure which is patently contradictory to legislation that was defeated in this House of Parliament?

The Hon. C.J. SUMNER: If the honourable member thinks that the Government is acting contrary to the law, I suspect that he could get one of his tame counsel to take the matter to the courts.

Members interjecting:

The Hon. C.J. SUMNER: Members are able to go and get their own legal advice on what the Government should do. If their advice from learned counsel, whoever it is, is that the Government is not acting in accordance with the law, which I might add was introduced by a Liberal Government, by Mr Dean Brown, no less, as Minister of Industrial Affairs, and supported very strongly by the Hon. Mr Hill, because he could see that by extending trading hours—

The Hon. C.M. Hill: What about the—

The Hon. C.J. SUMNER: The honourable member voted for this legislation. The honourable member was a member of the Government that introduced it. The legislation was introduced by Mr Dean Brown, who lost his seat because he could not compete with—

The Hon. M.B. Cameron: You directed your people to vote against him.

The Hon. C.J. SUMNER: Well, we are sorry about that; we will not do it next time.

Members interjecting:

The Hon. C.J. SUMNER: Mr Evans is hoping that we will do it again, do you think?

Members interjecting:

The Hon. C.J. SUMNER: Well, we had to decide on the merits who was the better candidate. The State Executive met for hours over the matter. There was a big factional dispute within the State Executive as to whether the Labor Party should give Mr Brown the preferences or support Mr Evans. In the final analysis it came down on the side of Mr Evans being, on balance, the slightly better candidate and, therefore, the one that the Party should give its preferences to.

So, in answer to the Hon. Mr Gilfillan's question, I again point out that as I understand it the legislation which provided for this was introduced by the Hon. Dean Brown, as he then was, in his capacity of Minister of Industrial Affairs—with the support of the Hon. Mr Hill as Minister of Local Government, and the Hon. Trevor Griffin as Attorney-General. It provided for extensions of shopping hours by proclamation.

The Hon. M. B. Cameron: Not for the purposes that you're using it for.

The Hon. C.J. SUMNER: If you are able to do it by proclamation then you are able to do it.

Members interjecting:

The Hon. C.J. SUMNER: Well, go to the courts—don't come in here—go to the courts and seek learned counsel's opinion. The point is your Government introduced it.

The Hon. M. B. Cameron: We had no idea we'd have people like you around.

The Hon. C.J. SUMNER: That is all very well, but it was introduced: it was farsighted legislation, introduced by the Hon. Dean Brown. It was not enough to enable him to retain his seat of Davenport, but nevertheless it was introduced by him. I understand that he is much better off out of Parliament than he was in it. The simple answer to the question is that what is happening at present is within existing legislation.

FIREARMS REGISTRY

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Attorney-General a question about the firearms registry.

Leave granted.

The Hon. R.J. RITSON: I have received information that I cannot confirm, not having the resources of Government, and I ask the Attorney-General to do so. The information is to the effect that the card index system of firearms registration existent before the new computerised system had about 400 000 firearms registered and that when the new system was implemented the number of firearms registered on the computer was about 200 000. By 30 April 1981 that number had risen to 247 000 and some hundreds, and the number of persons licensed was 111 958.

I believe that the community was told, and correctly told, that firearms previously registered under the card index system would be deemed to be registered, but that their owners must, under the new law, also apply for a licence. There is evidence that owners of those long registered firearms are still unaware of their duty to have a licence.

The Hon. C.J. Sumner: What law are you talking about?

The Hon. R.J. RITSON: I am referring to the 1979 regulations that were implemented during 1980 and concerned the provision for a licence. I am not discussing the Bill that is in the other place or anticipating anything about that.

The Hon. C.J. Sumner: Liberal regulations?

The Hon. R.J. RITSON: Yes. We have a situation where, according to information that I cannot confirm, some 400 000 firearms on the card index turned into some 200 000 firearms on the computer. We know that some of those firearms that were registered to people who never subsequently applied for a licence when the new regulations came in still exist. Indeed, I am informed that the shotgun used in the recent tragic Riverland shootings was such a firearm—it was registered to the person who perpetrated that act but that person had never applied for a licence under the regulations that were implemented in 1981.

It may be that the discrepancy is not as large as the 200 000 unaccounted for firearms that I was informed of. It may be that there is some double accounting. It may be that those firearms have largely been handed in under amnesties, or they may be lying around in attics as part of deceased estates. I do not know.

Will the Attorney-General discover what discrepancy there was between the number of firearms registered on the card index system prior to the electronic processing of registration and the number of firearms stated to be registered on 30 April 1981? Of the owners of those previously registered firearms, how many failed to apply for a licence under the new regulations? Has the Police Department ever made a budgetary request or requested funding for police manpower to cleanse the register, which could be done by either general advertising notification to previous card index registered owners, or visits to houses to find out what has happened? Does the Government see any merit in a cleansing of the register? Does the Government believe that it is a good idea to start tightening firearm registrations by cleansing the old system before introducing regulations that unnecessarily impinge on clubs, this not being the area where the problem is?

The Hon. C.J. SUMNER: I will seek some information on the questions raised by the honourable member and bring back a reply.

VIOLENT MATERIAL ON RECORDS

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Attorney-General a question about violent material on records.

Leave granted.

The Hon. DIANA LAIDLAW: Earlier this month a journalist with the *News* surveyed a number of Adelaide record shops and discovered what she deemed to be a vast number

of records that incorporated violent material. Records currently in stock include material such as the Dead Kennedy's song *I Kill Children*. I will not go through all the words, but the first few lines are:

I kill children, I love to see them die. I kill children and make their mamas cry.

Another record by the Painters and Dockers includes the lines:

Just kill, kill, kill. Get a gun and kill your mum . . .

Other records are available in South Australian stores that are presently banned, because of the violent material they include, from being played in the United States. Recognising that at present we have for good reason a high level of anxiety in our community about such matters as child abuse, domestic violence, and that we are looking at the control of firearms, the free availability of such records to any person of any age would seem to be unacceptable.

Of course, particular courses of action could be taken. I am not suggesting the banning of such material, because I do not believe that that would curtail the supply of such records. However, it may be an option to bring together the distributors and stockists of such material and impress on them the undesirability of such material being distributed and stocked in this State, because of the ramifications and implementation. Members are aware that there is sufficient research available today to suggest that there is an association between violent material, whether in film or on records, and violent behaviour in the community.

Does the Attorney-General view with concern or alarm the increasing availability of violent material on records that is available in South Australian stores? If so, what action, if any, would he or the Government be prepared to take to curtail the supply of such material?

The Hon. C.J. SUMNER: I believe that such material would be covered by existing law in any event. If it was indecent or obscene, then under the terms of the Summary Offences Act appropriate action could be taken. I will have that matter checked and reply to the honourable member. All I can do with respect to the rest of the question is say that I will examine the matter. Obviously, the question of violence, particularly sexual violence, is a matter of considerable concern and is being addressed by State and Commonwealth Governments, and in the near future there will be a meeting of the Ministers responsible for censorship.

I also hope that the report of the Federal Parliament's Select Committee on Video Violence will be available soon and will throw some light on the debate. However, my own view is that, if those records are such as to exceed the present bounds of the law in the Summary Offences Act, they could be prosecuted. I will check that and the other issues raised by the honourable member and bring back a reply.

BEVERAGE CONTAINER ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 February. Page 2629.)

The Hon. L.H. DAVIS: This amending Bill seeks to vary the definition of 'Low alcohol wine based beverage' contained in the Act. This definition was varied less than two years ago. In fact, the amendment of May 1986 resulted from an initiative of my colleague in another place the Hon. Jennifer Cashmore. As a result, the definition had added to it the words 'that at 20 degrees centigrade contains less than 8 per cent alcohol volume'.

However, it appears that in the period following the amendment of May 1986 at least one company sought to find a way around the amendment which obviously had an intent to limit alcohol by volume content to 8 per cent. At least one company had introduced a product onto the market with an alcohol volume content exceeding 8 per cent, and so this amendment seeks to strike out the existing definition of 'low alcohol wine based beverage' and ensure that the prescribed percentage of alcohol in future will be fixed by regulation. That will provide the Government of the day with more flexibility.

However, it is disappointing to note that the Minister for Environment and Planning in another place continues to ignore the wishes of the industry. For example, some concern is expressed by the Wine and Brandy Producers Association with the proposed definition. The definition before us in clause 2 *(b)* refers to a wine based beverage. We are addressing drinks popularly knowns as 'coolers' and, while certainly the first generation of coolers had a wine base, there are apparently coolers now being introduced onto the market that will have a spirit base, and I have even heard of one to be introduced shortly with a beer base.

It seems not inappropriate that that should be recognised by broadening the definition to 'alcohol based beverage', rather than limiting it to 'wine based beverage'. This argument has been advanced by the Wine and Brandy Producers Association. Certainly, it is an argument that I accept, and I will be interested to hear the response of the Minister in Committee. It may well be that the Opposition takes the matter further by putting an amendment on file to broaden that definition.

One aspect of concern that does not directly touch on the amendment now before us is the hamfisted way in which the Government has handled the Act. The Government has messed up the legislation in an extraordinary manner. I suspect that the wine industry within South Australia has wasted about $1 million at least on plant that is now redundant and on labels that are now irrelevant because of the 1986 amendments.

There are disadvantages suffered by producers here that are not suffered by producers in other States; there is a disadvantage suffered by the industry in this State. Indeed, many overseas manufacturers will simply not put their products on the South Australian market. Whilst it is not appropriate to address those matters at length in today's debate, it is clear from discussions with the industry that the Minister has ignored the industry's wishes on various aspects of beverage container legislation. Whilst the Opposition does not deny the importance of the legislation in regard to litter control, it is unfortunate that there are so many complaints about the administration of this important Act.

Bill read a second time.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 February. Page 2608.)

The Hon. PETER DUNN: I make four points concerning the Bill, because they stand out like a sore thumb. The Bill has been talked about through the length and breadth of the State for some time. Indeed, anything to do with local government seems to get a good airing, which is understandable considering the number of people involved. When one

starts speaking about local government, particularly in country areas, it becomes very near and dear to the hearts of the people who are paying in support of local government.

The Bill has some good features in it, but there are four major matters to which local government has objected. Local government has objected to two of those matters in a most vociferous manner. The four matters that have been raised are: (1) the abolition of the minimum rate; (2) the inability of a council to declare a differential rate; (3) the variation within the valuation system under the Local Government Act; and (4) the delegation of power by the Minister. As to the abolition of the minimum rate, I am at a loss to understand why the Government would want to get rid of the minimum rate, because it talks about introducing a service fee.

For the life of me, I cannot see the difference. No-one in Government has explained to me the difference, in the final analysis, between a service rate and a service charge or minimum rate. I guess it is because the Government, which owns and deals with the Housing Trust, gives rent relief to many people throughout the State, and it probably thinks that, if it lowers the local government rate, the relief that it must bear will be lowered. That may be so, but let us look at the situation in those areas that will be most affected—large country towns. They do not have high valuation areas or people who receive high incomes, and I refer to Mount Gambier, Port Pirie, Port Augusta, Whyalla and Port Lincoln. Those large rural towns will be hit savagely as a result of abolition of the minimum rate.

If the minimum rate is abolished, rates for the rest of the community will have to rise, especially rates for higher socio-economic areas. There are large numbers of Housing Trust homes at Port Pirie, Whyalla and Port Augusta. The minimum rate in those towns has been static for some time, and I think that their councils, which adminster the minimum rate, do a good job. Anyone who has attended the Spencer Gulf cities local government group—comprisng Port Pirie, Port Augusta, Whyalla and Port Lincoln—would be aware of the high standard set by those councils.

I return to that group of people that will have to bear the cost of this provision, particularly those people nearing retirement. I refer to a case that I know of personally where a couple has bought a home and has spent a considerable amount of money upgrading it because they are near retirement; they wish to spend their twilight years living in their home in that area close to their friends and relatives and because they like that area.

The abolition of the minimum rate will increase their rates considerably, because local government in that area will still have to find the same amount of money each year to provide the same services. If the minimum rate is abolished, you will have to add to the top of the rating structure, as it were, what you have lost from the bottom. As I have said, these people have spent money upgrading their home to make it comfortable in their retirement but, if the minimum rate is abolished, they will be penalised by having to pay a very high rate. So the Government is belting around the ears people who have helped themselves.

Unfortunately, Australia with its present Governments—State and Federal—has fallen into that trap, and everyone is calling on Government to fix the problem—a problem which it has caused. Legislation such as this seeks to abolish a practice which has been tried and proven over a long time but, if it passes, people will automatically run to the Government and ask it for money to fill the gap that it will create. In fact, during Question Time today the Government complained about people running to it for money, yet it is introducing a Bill that will only exacerbate the problem. Abolishing the minimum rate will have that effect.

I think the towns that I mentioned previously will be most affected, because they do not have a rural area attached to them and do not have to provide many services. Some of the small rural councils have small town centres, where most of the business is transacted. Apart from that there is a large area of farming land which usually receives fairly minimal service from the council. Indeed, there is no need for garbage collection or stormwater drains and, at the moment, road funding is provided predominantly by Federal and State funds. Therefore, those councils do not have to spend much money. In fact, in those council areas today when you have a weed or feral animal problem a cost is usually associated with it. So, costs for local government in rural areas are fairly minimal with the result that most of the money is spent in the towns. Therefore, if the minimum rate is abolished, rates for such forms will increase.

I turn now to the effect of abolishing the differential rate, which has always been a part of local government. I know that many smaller rural councils would like it to continue, and for a very specific reason: there are usually satellite towns around the main town in which the local government area is seated. Because the town where the council is seated is the business centre of the area, that area and the housing area tend to have higher valuations. The satellite towns can vary in distance from a few miles to many miles away, and they service their local area. As a result, the valuation of land in those areas is much lower. The differential rate can be, say, 10c in the dollar in the main town and, if the valuation is, say, $1 500, the rate is $15. However, the valuation in a satellite town could be only $150 for a house and a block of land, so the rate paid to the council for the services that it provides would be only $1.50.

If you multiply all those by about 10 you will come up with the right figure. I will read to the Council a letter which refers to a small town in the area of the District Council of Cleve. This letter demonstrates very clearly the effect that abolishing minimum rates and differential rating will have on that council. Headed 'The impact of abolishment of a minimum rate and disallowance of differential rating in different towns in the District Council of Cleve', the letter states:

> In 1987 the District Council of Cleve assessed that any ratepayer paying general rates less than $150 was undersubscribing to the range of services provided by the council. It therefore applied a minimum rate of $150 for the years 1987-88.
>
> If the minimum rate is abolished or limited to an insignificant service charge, together with the abolishment of differential rating within the various towns, many will not pay a fair share towards the services that they receive. Those who choose to live in the district's smaller towns will ride on the back of the rest of community.
>
> Cleve is the main district town. With the majority of residential lots valued at $10 000. In 1987-88, the rate was 2.36 cents in the dollar, resulting in a rate product of $236 from the average Cleve household.

The council said that, if the Bill had been in force and the differential rate had been abolished the Cleve rate would have, by necessity, become that applicable to all residential assessments in the district. It would have applied in all towns, where otherwise a minimum of $150 would have resulted per assessment. For instance, any allotments in Darke Peak, 30 miles to the north-west, which are valued at $200 (one must remember that the valuation of blocks in Cleve was $10 000) at 2.3 cents in the dollar, would produce for the council an income of $4.72, not $2.36 as is the case in Cleve. That demonstrates dramatically what will happen if differential rating is abolished. The council continued:

The residents of Darke Peak would be disgusted if they were described as poor. Valuations are low because there is not, and never has been, any significant employment source, and there is demand for land. Those living there do so by choice, providing basic services to the local rural community, or are themselves farmers with properties nearby.

The District Council of Cleve in its letter went on to say that it had, to date, directed $540 000 towards the construction of the sealed road linking Darke Peak to its service centre, Cleve. That is another argument that I will pursue with the Government later: no funding is provided directly from State or Federal Government arenas for that road or any other roads in the area. The council said that $377 403 of the $540 000 had been funded from general revenue and that construction had been continuous since 1982-83 and is still continuing. The removal of a reasonable differential rate base and the minimum rate will preclude the Darke Peak townspeople from contributing towards a service from which they receive a direct benefit. The council concluded:

A similar situation will arise in respect of Arno Bay, which is 18 miles to the south-east. The council has expended some $60 000 in kerbing and sub-base works in readiness to seal the streets of the town. It had expected a reasonable return of rates from the town in future years, as some reimbursement for funding in which the rest of the district had invested in it. The disallowance of a reasonable differential rate base and a minimum rate will not only prevent any redemption of investment but will also jeopardise the proposed further construction in Arno Bay.

So, that demonstrates how those smaller towns will be very severely affected if a differential rate is not allowed to proceed. This not only causes hardship to those smaller towns but also results in a lack of roads and fundamentals, which are the basics that the people here in the city take for granted as their right, that is, a road or transport system.

These country people do not have free transport, or public transport of any sort, so they must take their own cars over what are some very poor roads. They have a reasonable communication, power and water system now, and council is endeavouring all the time to improve the road system. If the differential rate, or the minimum rate, is abolished it will mean that those outlying areas will not be provided with the facilities that people here in the city take for granted.

The system of valuation is another issue that has been a long and vexed question. I will not go into that issue this afternoon, but I do say that the fact that one's having chosen a valuation system that cannot be changed seems to me to be fairly draconian and fairly silly in a day and age when things are moving and changing so rapidly. We know that what is black today is likely to be grey tomorrow and white the day after. So, systems that do not allow for a small amount of variation and change seem to me to be very restrictive and will be quite reactionary.

Of course, the fourth matter that I raised, the delegation of power, has been canvassed very well in this Chamber, and I will not say anything about it. The Minister would be well advised to heed what local government is saying to her. She will have to work with local government bodies in the future and must have their help and cooperation. However, she shows very few signs of getting out and talking to local government and understanding the problems. It is fine for her to sit here and say, 'You cannot have a minimum rate because we are being affected, we are paying money for a system of rate relief.' It is fine for us to say that, but the fact is that many of these towns do not have rate relief. Many of them have very small populations where that applies. They have very small Housing Trust areas, etc, so by introducing this system we will make fish of one group and fowl of another.

I suggest to the Minister that she listen very carefully. The Local Government Association does not agree with what she is trying to do. Perhaps she should listen a little more to what the association is saying and gently change the system or try to influence the introduction or trial of a different system. We know that this proposal will not work very well because she has got the people offside. She has the councillors offside and the ratepayers offside.

Furthermore, if councils put up their rates too much, since they are democratically elected every three years if the people do not like it they will soon put them out of power. That is just the same situation each of us has to face regularly. Local government faces the people more often than we do, and if councils start charging exorbitant rates and penalising the people to such a degree that the people do not like it, they will very soon put them out of office.

The Hon. T.G. Roberts interjecting:

The Hon. PETER DUNN: I have not said that at all. Voluntary voting is essential in this area, just as it should be in this Chamber.

The Hon. T.G. Roberts: How will you get the major changes?

The Hon. PETER DUNN: The same way as we get the changes now, because people will go and vote. The Hon. Mr Roberts is implying that people do not vote at local government level. I suggest that he get out in the country and have a look at the voting patterns in some of these country areas. The Labor Party might have a problem in Mount Gambier, where many people do not vote. As we saw last Saturday, unless people are compelled to vote they will not do it—but they will if something affects their pockets. If their pockets or their hearts are affected, they will go along and vote—I kid you not.

It will not take very long for them to race up to the poll. Instead of a 30 or 40 per cent poll it will soon be 70 or 80 per cent, so do not let the Hon. Mr Roberts kid himself that we must have compulsory voting to have an effect on who is in or out of local government. With those few remarks and that opinion, I support the Bill.

The Hon. R.J. RITSON secured the adjournment of the debate.

ABORIGINAL HERITAGE BILL

Adjourned debate on second reading.

(Continued from 1 December. Page 2280.)

The Hon. PETER DUNN: This Bill has even more problems, I believe, than the local government Bill. The mere fact that there was a Bill before the Parliament nine years ago which has never been proclaimed indicates to me that there are many problems. The Bill itself, as laid out by the Minister, has a number of deficiencies. Once again, a number of people do not like what is in the Bill. In this bicentenary year for Australia, if one thing has been loud and clear—other than the celebrations in New South Wales with very little taking place in the rest of Australia—the most significant thing was the highlighting of the plight of Aborigines, whether we have divested them of their land, their charter or whatever. It has certainly been highlighted this year.

I guess that I have as much contact with the Aboriginal community as almost anyone in this Chamber, having visited them on many occasions (a number of them live in the area in which I live). There is nowhere near 100 per cent agreement on the effects of this Bill.

The Hon. M.J. Elliott: Most people agree the Bill needs fixing up.

The Hon. PETER DUNN: Just about everyone agrees that the Bill needs fixing up. Whether it be the Aborigines who live in the Pitjantjatjara lands, or the Aborigines who live in the Coober Pedy area, in Yalata, in Whyalla, Port Augusta, Port Lincoln, the River Murray area or any other part of South Australia, universally there is opposition. First, I do not think that they understand, and I do not think that the Minister has communicated with them and told them exactly what is going on. They want something to look after their heritage, to look after the sites and areas important to them, but they do not believe that this Bill will solve the problem. I do not clearly understand the workings of the Aboriginal mind and how he relates to his land. I read a lot about it and I guess that, as a farmer, I do have a feeling for land and understand what it is like to own some land.

If we look at the history of the world we will find that 99 per cent of wars have been caused by fighting over land. We have had, I guess, some scraps over religion but most of them have been caused by the occupation of a patch of land for whatever reason. I suppose that all of us have a feeling for the land, and it is interesting to note, again in this bicentenary year, the number of people writing about Australia and the Australian outback, and the joy and delight they find in the outback. Only today I was listening, coming in in the car, to a Catholic priest talking about the most significant thing in his life, when he bought a four-wheel drive vehicle and went out into western New South Wales and appreciated the joy of that country.

The Aborigines, of course, have lived with it for many more years than we have, and their relationship to the land is stronger and more colourful than ours, so they want to be able to enjoy that and enjoy those areas which, through their religious beliefs, are very important to them. I would agree with that and try to assist them in it. However, this Bill is deficient, and one only has to look up the amendments from, first, the Minister and, secondly, the Democrats in the form of Mr Elliott. There are pages and pages of them. I realise that the Democrat amendments are fundamentally changing the group of people who will advise the Minister, and the rest of it is consequential through the Bill.

I am not happy with it. I think it is very awkward, and contains nothing specific. In the past the Aboriginal community has had problems in determining who will represent it. I cite the case in relation to the Pitjantjatjara lands and the Maralinga lands and the problems we had in the Coober Pedy area. So, there will be problems, and if they are not sorted out in this area we will finish up with a Bill that remains unproclaimed.

For those reasons, I think the best way to cure this and to get an understanding from each corner of this State would be to have a select committee. I know that we are under great pressure because there are a lot of select committees at the moment, but we will not otherwise solve this problem. That has been proved by the fact that there has been a Bill in existence for nine years on this matter but it has not been proclaimed. If we do not get it right for another six or 12 months it will make no difference at all. If we have a select committee at least everyone will have an input. At the moment the arguments are underground. I would guess that only about three members in this Chamber understand the Bill or have any inkling of what it is about.

The Hon. Diana Laidlaw: I think you do your colleagues an injustice.

The Hon. PETER DUNN: No, I don't. I honestly believe that all the arguments in this Bill are hidden and that we must get these matters out in the open—and it will be for the betterment of the community if that is done. The best way to do that is to have a select committee and to ask the people involved to come and put their views. The Aboriginal community wants the Bill, and I have no doubt that people from the Aboriginal community will come and put their points of view. It will be from those interested groups that we will get a fairly good feeling as to who should be representing those people. It would become clearer as the select committee continued. I think this would be the best way to deal with the Bill. Even the Minister who introduced the Bill has two or three pages of amendments, which I guess have come to him via one or other of the Aboriginal communities. Again, that reflects the confusion in both the white and black communities as to what is the best for the Aborigines.

We have an example now in relation to the Maralinga lands of a method by which some of the important and sacred sites of the Aborigines may be registered and protected. The system is not faultless, but I think we should look at that and use it as a starting point, because I do think it could work. The Bill addresses this matter in a roundabout fashion. The Maralinga lands Bill provides for a register, which is very restricted. Access to those sites is restricted. This is very important and the Aborigines want that.

They do not want every Minister—and we change governments very regularly—knowing where their sacred sites are. Under this Bill, the Minister and other people will. The register in relation to the Maralinga lands has been written up and put into the ANZ Bank at Ceduna. The only people who can get it out are the elders of the Yalata community and the Minister himself. That is fairly restrictive but at least it is relatively secure. I suggest that not many Ministers would have need to have access to it, because it will not be used very often and there will not be much exploration in the area in the near future. Thus, not many Ministers will have a reason to look at the register. So, that is a very bald and basic outline, but I think a select committee would be by far the best way of solving this problem. As it stands, I cannot support the Bill.

The Hon. R.J. RITSON secured the adjournment of the debate.

EVIDENCE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 February. Page 2615.)

The Hon. R.J. RITSON: My contribution will be brief, because much of the comment on this Bill has been canvassed by my colleague the Hon. Trevor Griffin. One point that I want to make is perhaps more appropriate for the Committee stage but I will make it now so that perhaps the Attorney-General can contemplate his reply in Committee. It concerns clause 5, which deals with the status of evidence given by a child. It provides that, under certain circumstances, to be decided by a judge, unsworn evidence from a child will have the same weight as sworn evidence.

I express my grave concern about this clause, because of the great difficulties involved in assessing a child's ability to tell the truth as it actually happened rather than as the child believed it happened. This is no criticism of the integrity of children, but one must recognise the fact that a child's world is far more a mixture of fact and fantasy than is an adult's world, although even adults, of course, have an element of fantasy and confabulation in their set of beliefs, whether they realise it or not, and I do not think

anyone is exempt from that. But it is particularly difficult in the case of children to discern which truths, which things that the child perceives as truths, are in fact truths and which are in fact strongly held beliefs in something which did not happen and which is a product of fantasy.

I heard a very impressive experiment described by a senior psychologist. It was done, actually, with an adult subject. It involved the implanting of ideas, not by positive suggestions but by leading questions, questions in which there was an implied statement. The experiment went something like this: the subject was asked how she slept the previous night, and the answer given was that she slept very well and woke refreshed. Then, under hypnosis a series of questions were asked. Never was it put to her positively that she did not sleep well, but she was asked questions which implied that she did not sleep well—questions such as 'At what time did you awake during the night?' or 'What was the sound which awoke you?' Following that the subject when further questioned insisted that she had slept badly because she had been awakened by a sound, something like the backfiring of a car at about 2 a.m. That was never positively suggested to her but it was filled in by her mind and remained as the real truth as the subject perceived it—until the whole experiment was explained and a tape recording of the original truth, namely, that the subject had slept well, was played back to her.

By the time children get to the stage of giving evidence in a criminal trial investigations will have been undertaken. Those investigations will have involved fairly lengthy and detailed interrogation of children.

Although the experiment I referred to was performed manifestly with the aid of hypnosis, hypnosis is not a magic property of a particular person, and many of us from time to time and from day to day have little moments of being in a hypnotic state. Therefore, when one interrogation takes place and includes a lot of leading questions—questions which imply that perhaps the accused did certain things—it is possible for a new and untrue idea to be perceived as a real truth—as the only truth—by the child who is truthful, is capable of telling the truth, and of understanding the importance of a promise to tell the truth. The process of determining a child's capability for telling the truth becomes highly specialised, difficult and fallible.

This Bill gives to the judge the rights and responsibilities of determining those sorts of factors in relation to a child. To my knowledge there is nothing in the training of a judge that would equip a judge to perform this task. I do not know whether the Act means that the judge shall make his own decision in this matter or whether the judge shall give the fact of the person's ability to give reliable evidence the same weight as sworn evidence after hearing expert witnesses examined and cross-examined as to their opinion of the child's ability to give evidence.

As I read the Bill it seems that the judge himself of his own common knowledge and judicial experience is expected to make these decisions which taxes all the skills of those steeped in the specialties of psychology and psychiatry. I make the point again that although the examination of the child at a trial, or hand-ups of a child's evidence to the court, will be cleansed of leading questions, there is no rule that prevents investigators from asking leading questions with such implications in them during the stage of investigation and interrogation. Therefore, we really do not know, unless every one of those preliminary inquiries and interrogations is taped, to what extent ideas may have been implanted in the minds of the most honest and intelligent child—ideas that will contaminate the value of the evidence in a criminal case where we are not merely talking about the welfare of the child on the balance of probability (from DCW's point of view) but about whether an alleged perpetrator is to be imprisoned.

I am very disturbed, and will remain disturbed unless the Attorney-General can explain the matter in a different light, that this very complex area which taxes people highly trained in the depths of specialties will be handed over to the judge to make what is not a decision based on common knowledge and judicial wisdom but a decision based on the science and art of psychology and psychiatry—and a decision which at best can be a matter of probabilities rather than of certainties. I support the second reading of the Bill and look forward to the Attorney-General's comment on that point during the Committee stage.

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

COMMUNITY WELFARE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 February. Page 2619.)

The Hon. R.J. RITSON: I support the second reading, and say at the outset that I am never loath to give credit where credit is due. This matter is consequent on the emergence of social problems—perhaps the highlighting of social problems such as family problems, problems of child care, child protection, child neglect, and child assault that have only really been looked at intensely and scientifically in recent years. As the matter became a matter of greater public scrutiny, there developed, I believe, some very real problems in the way in which Governments handled this, such as very real problems in initial Government responses.

I am sure that the Attorney became aware, through his own profession—the law profession—and representations from lawyers, of judicial disquiet; of disquiet amongst members of his own Party as I am sure they received constituent representations the same as we did; and of the fact that we had a problem on our hands with the way in which the Government was handling the matter, particularly that of child sexual abuse. Unlike his colleague, the Hon. Dr Cornwall, who perhaps angrily, absolutely and sometimes abusively defended his own fixed position, the Attorney-General took some legislation he had given notice of off the Notice Paper. He has obviously consulted widely. Indeed, some of the lobbyists that had approached members on this side with great concern about the way in which the Bills were originally drafted, are now, to a significant extent, relieved that the Bills have been improved.

As I say, I give credit to the Attorney-General where credit is due that he has been prepared to look objectively at some of the problems raised by the Opposition and the community at large. I now make a few remarks about the problem that is persisting, namely, the dispute about the methodology of assessing complaints of child sexual abuse. Many of the complaints that were brought to members of the Opposition, and probably to members of the Government, involved the use of behavioural signs of a child being either sick or unhappy as being signs of sexual abuse.

The work of Dr Susan Sgroi, to which I have referred, lists a number of behavioural signs such as nightmares, bedwetting, poor examination performance, truancy, stealing, and the like, as being signs that a child may be an abused child. What is happening is that doctors are being reminded by Dr Sgroi that in making their differential diagnosis of children with these symptoms they ought to

bear in mind the possibility that the child is in some way being abused.

They are basically signs of a sick or unhappy child from some cause, and one needs to discover the cause. The problem is that these signs have been taught to people of lesser and lesser professional understanding and qualification in the area of psychology and psychiatry. They have been taught as being signs of sex abuse. Consequently, we have incidents where one of the signs occur and the immediate assumption is made, quite unreasonably in my view, that there is a case of sex abuse.

I give an example. A constituent approached me two or three weeks ago—a very sensible and highly intelligent person—who was deeply disturbed because a teacher had reported her child as a case of suspected sex abuse because of a performance fall off in one subject on a term school report: one subject of a term school report showed deterioration, and that teacher said, 'Aha! This is a case of sex abuse', and made the report.

These reports are very destructive to families, and it is not reasonable to suspect child sex abuse on such a basis. My understanding of the legislation with regard to mandatory reporting is that there should be a reasonable suspicion. It is just not reasonable to report such a case on the basis of such flimsy evidence but, unfortunately, there has been a type of teaching emanating partly from Freda Briggs and partly from the department that has encouraged people to believe that some of the signs are evidentiary when, in fact, they are not.

The other problem has been the use of projective tests designed for therapy as investigative tests; in particular, the use of forensic dolls. The psychiatrists/psychologists to whom I have spoken who are trained in projective testing see this as an abuse of the test. I quote from a paper by Professor Kosky in the *Australian and New Zealand Journal of Psychiatry 1987*. Professor Kosky was then Director of Child and Adolescent Psychiatry in Perth but has since been appointed to the Chair of Psychiatry at Adelaide Children's Hospital, and I am sure that the Minister for Health and Community Welfare would hold in high esteem the opinion of Professor Kosky. In his paper 'Incest: what do we really know about it', he deals in part with the question of behavioural signs and projective testing, and states:

> The assessment of whether the child victim of sexual abuse is telling the truth is still very much dependent on the finding of physical corroborative evidence. Drawings, use of media, knowledge of sexual matters, and exhibition of symptoms, such as nightmares or enuresis, which many claim point to sexual abuse, are nevertheless non-specific, subjective, or dependent on the clinical experience, personal values and judgment of the examiner. Such attributes in the child and the examiner may be very variable. Thus, the use of drawings or anatomically correct dolls to evaluate claims of incest seem suspect.

One has to consider that statement in the light of the matter raised by my colleague the Hon. Diana Laidlaw concerning the qualifications of the short diploma social worker who, as I say, does a short diploma for people with medium to average Year 12 results or less. The *Medical Journal of Australia* of December 1987 (volume 147) contains an article by Oates and Tong. Professor Oates, of the Department of Paediatrics and Child Health, University of Sydney, co-authored this article with Liz Tong, M.A. Diploma of Psychology, Research Psychologist, and, amongst other things, they deal in this article with the quality and professionalism of persons seeking to assist in this problem. Amongst other things Oates and Tong have this to say:

> The professional persons whose work brings them into contact with the sexual abuse of children include medical practitioners, social workers, nurses, welfare officers, teachers, psychologists, the police, lawyers and the judiciary. Persons from such diverse professional backgrounds view the problem in the light of their own training and expertise; some take a counselling approach, others take a punitive or adversarial role and yet others, a traditional medical approach. However, many of the professional persons who come into contract with sexually-abused children have only a rudimentary knowledge of the area and have little experience in communicating with, and understanding, children.

I believe that that is so and that the Government understands this. Remarks have been made across the Chamber during previous discussions on this matter indicating that there is a fairly open mind in this part of the Government that comes under the ambit and influence of the Hon. Mr Sumner, so I do not believe that we are beating the air uselessly in this regard. Indeed, I give credit where it is due. I only wish that the Hon. Dr Cornwall would be a little less adamant and angry, and a little more willing to see the need for some more flexibility and to see the lack of infallibility in his department. I wish perhaps he were not so manipulated and under the power of a small handful of the loony Left who surround him and who appear to have mesmerised him and caused him to suffer a certain narrowness of mind in that regard.

As to Prof. Kosky, he looked at the various motivations of theories behind the pursuit of child sex abuse zeal, and made reference to the feminist origins of some of the theories. He referred to the theory that all sexual activity is an attempt by the male to dominate the female and that there is a great feminist reaction to that which gives an ideological base to some of the zeal with which this matter is pursued. This brings me to my final point, and it raises a question of policy in relation to this zeal, that is, that really everyone deeply concerned about this matter has to ask at what point does the zeal start to cause more harm than good.

If one is going to approach with zeal the task of leaving no abused child unprotected, one must fully investigate every set of circumstances where there is the slightest probability of it having occurred—not just a 50 per cent or 20 per cent probability but the slightest probability. The Hon. Mr Griffin and the Hon. Ms Laidlaw indicated in their second reading contributions that with the greatly increased reporting there has been an ever-diminishing proportion of substantiated cases, and we are now down to about 25 per cent substantiation. That certainly means that 25 per cent of children have the opportunity of protection, but it also means that then 75 per cent of children who have been found not to have been abused have been investigated.

I think that the Attorney-General should know that in many cases the investigation consists of forced rectal examination against the wishes of the child (sometimes with the child being restrained), lengthy interrogation, and grave family disruption because, if a wife suddenly hears that her husband has been accused of this offence and the child is to be placed in protection, one can imagine that even if it is not substantiated it may place the marriage in a situation where it is beyond repair. This can happen very easily as a result of careless reporting. I know of one case where a husband was so accused because a child indicated in a conversation that there had been some sexual activity with (and the father's christian name was used). The knights in shining armour then swung into action and intervened and a lot of damage was done until it was found that the father had the same christian name as the boy next door with whom there had been a bit of 'you show me and I will show you'. So there must be more care in this area. I am encouraged that the Attorney-General—to give credit where it is due—has displayed an opening of the mind in this regard and has improved these Bills.

I turn back to the question of policy and ask: at what point is more harm done than good? If you reach a stage where, for every 25 abused children that are protected, 75

are forcibly examined with the result that families are traumatised and disrupted only to find that the allegations are not substantiated, who is the biggest child abuser if it is not the State? So there is a serious problem here of determining at what point you start to do more harm than good on a global basis.

The final point I make relates to the question of the model of dealing with sexual abuse when it is found to have occurred. There are two models: first, the perpetrator/victim protection by removal model with punishment of the perpetrator; and, secondly, the family pathology with the abuse as a symptom of the family pathology followed by assessment of the child's needs but including the possibility of the child's needs being fulfilled by the reconstitution of the family. I will describe a story from my own clinical experience in a way that I do not think anyone can publicly identify because it is now lost in the mists of time and I will change some of the facts.

I distinctly recall a person who came to me quite distraught and confessed to some—not particularly physically harmful or repetitive—sexual activity with a child. It happened once and caused guilt. In my wildest dreams I never considered reporting that case to a body like DCW because the first thing that would have happened would have been intervention and disruption. I correctly assessed the situation and referred all members of the family to a psychiatrist. All members of the family dealt with the situation very well. In fact, it drew the family closer together and they ended up mentally healthier than they had been for years. That is another possibility in the right selection of cases.

Once you send in a policeman or remove the child (who is sometimes better off with a daddy—almost any daddy—than no daddy) the family is just about finished. It is generally believed in South Australia that DCW adopts very much more the perpetrator/victim punishment model than the family pathology/family therapy model. Indeed, the task force report to the Government includes a couple of pages on the world literature on family pathology but states almost out of hand that it will not recommend this approach because it tends to blame the victim. I suppose one of the difficult things to accept if you are a short course diploma social worker is that in most cases of inappropriate sex within a family—and in most cases of abused children—there is at least subconscious maternal condonement and family pathology involving every member of the family.

At the moment when an allegation is made and intervention occurs the party who has been accused may not know that they have been accused. They may not be told—for instance, if a couple is separated—the reason why access is barred. The mother or custodial parent may be told that there has been an allegation and that is why the custody of the child or access is somewhat different, but they may not know what the allegation was or who made it and, of course, the perpetrator is shut right out of the counselling process from the beginning. I wonder really, in the final analysis, what is in the best interests of the child if as a result of an allegation or even a self-admitted act against a child the punishment model is swung into action and the father suicides.

Is that in the best interests of the child or, alternatively, is it in the best interests of the child if there is family therapy and the father is treated and perhaps survives? I just wonder in those sorts of cases about the pathological bereavement of the child. If it is a situation where the child reported the matter and the father then suicides, how many years of psychotherapy will it take to unravel that child's damaged personality and emotional life? The unnecessary guilt that the child may assume upon himself—

The Hon. C.J. Sumner: Do you support a diversion from a court approach for offenders? What you are saying suggests that you support a proposition that people should not necessarily end up in court in these circumstances and should be diverted for treatment.

The Hon. R.J. RITSON: That is a difficult question because it is very multi-factorial and, as you know, not every case that comes before the prosecutor goes to the court, either.

The Hon. C.J. Sumner: In the appropriate cases.

The Hon. R.J. RITSON: I have just said that I have personally made a decision in my medical practice which I believe was right and the outcome extremely favourable. This was a case where someone came along and said 'Please help me: this is what has happened.' It was not a situation which began with an almightly dispute, with conflicting stories, bitterness, hatred and a scared and injured little kid in the middle, and where one does not really know what has happened. Often, in these cases, the caring professional is not competent to sort out the problem. It may be that the policeman is the one who is competent to come along and begin the sorting out process. I do not have a hard and fast rule. I simply say that we should not have the dismissal of the other model, as was virtually done in the task force report to the Government.

The Hon. C.J. Sumner interjecting:

The Hon. R.J. RITSON: I know that this occurs. It gets linked with the punitive approach because fathers are told, after being isolated from their children, 'Look, we know you did it. If you confess you can come into therapy. If you do not, you will not see your child again.' So, it is not really an open minded understanding and judgment as to which case needs to be dealt with in this way. It is a complex issue; I appreciate the open mindedness of the Attorney-General. There are no real experts on this in South Australia or perhaps in the world, because it is the first time in our society that various people, from various professional disciplines, have tried to come together and sort it out in depth. Just to be a child psychiatrist who has previously dealt with other areas of child psychiatry does not make one an expert in this area because, for example, one may be very forensically deficient in the presentation of evidence to court. So, there is no universal expert on this issue.

It is a very difficult problem and, quite frankly, I think that with the sort of debate that has occurred—even though at times it has generated a lot of heat—we are seeing progress, and we will see more and more opening of minds to the difficulties that are involved. Perhaps the Hon. Dr Cornwall will be the last person to relax and accept some fallibility and some professional deficiencies in his department, but everyone else is prepared to accept that in themselves. Although I have said a lot about it, I do not claim to be infallible and free of error in what I have said during the debate. However, I was most impressed when I went to a public meeting on this subject some weeks ago because I would not have been surprised to see the audience as a sad group of rather inadequate people—perhaps inadequate at parenting—mourning the loss of the guardianship of their children. But, it was not like that at all; it was a group of highly intelligent, very well put together people who were very unhappy about the relative inadequacy of the services available from Government agencies.

I will not go back through these papers, but there is a paragraph to the effect that, in surveying people needing welfare services in that area, above all helping agencies, the welfare departments were seen by the clients as the least helpful. Indeed, at that meeting there was present a very substantial proportion of people who were not there because

they disputed that sexual abuse had occurred but because they felt that the sorts of decisions that had been made to deal with the matter, or to help, had been wrong, foolish and unhelpful decisions which were mitigating against the reconstruction of the family.

Having said that, I look forward to the Committee stage of this Bill—and I do have hope. I was particularly buoyed by the appearance at that public meeting to which I have just referred of Dame Roma Mitchell, whose general attitude was one of interest, observation and open-mindedness. I am sure that she will do a very good job in the new position that she holds in relation to this matter. I am encouraged, therefore, that, except for a small number of people who influence Dr Cornwall's subconscious, the rest of the Government deserves some credit for the response and the changes that they have been prepared to consider as this complicated and difficult matter works itself out to a situation of better understanding.

The Hon. J.C. IRWIN: I wander in many of the same areas stressed by the Hon. Dr Ritson, albeit without the medical experience. Rather, I share with him and others in this place the experience of being a parent. I feel somewhat obliged to make a contribution to the debate on this Bill, because quite a number of people and organisations have contacted me and spoken to me over the past six months or so. I recognise that there are quite a number of Bills dealing with child abuse in some form or other. There are three now on the Notice Paper, and my comments, therefore, have a relevance to the whole area of child abuse, and not just to this Bill.

I commend the contributions made by my colleagues, particularly the Hon. Diana Laidlaw and the Hon. Trevor Griffin, who have already made contributions to this debate. I also commend them for the contributions that they have made to the other interrelated Bills. I think I am safe in saying that all of us have been stunned by the prevalence of child abuse. I am sure that that goes for everyone in this Council and every member of Parliament—none more so than myself. Before I took the time to read the Bidmeade report and the report of the Task Force on Child Sexual Abuse (at the same time, I guess, reading articles and letters on the subject in newspapers), I had very little idea of the magnitude of the problem.

It is fair to say that the problems were not known to me at any time in my life, despite the quite extensive community work in which my wife and I have participated in the area in which we live over the past 26 or 30 years. That does not mean that it does not happen or has not happened: it is just not the nature of the problem, as I now understand it, to surface quite as publicly as it has surfaced recently. It is also fair to say that what I and many of my generation received in the form of family and school discipline may now be classified as child abuse.

The disciplinary measures handed out to my children by my family and by their school would have been far less strict than was my experience and, although they may not agree with me, I have no hesitation in saying that they are less well prepared for the real world than I was. Certainly, thank God, those born in the sixties, seventies and eighties have not had the reality of world wars and global conflict, even though there have been conflicts such as those in Korea and Vietnam.

The simple fact is that society must have laws and disciplinary measures to enforce them. No people know that more than we do, because we spend hours talking about laws which enforce in one way or another, disciplinary measures on our constituents. I firmly believe that the earlier the lessons of discipline and the difference between right and wrong are learnt by our young people, the better it is for them. Having said that, I understand that most of the legislation dealing with child abuse is, in fact, related to child sexual abuse.

Any form of this is abhorrent to me, no matter what, and no matter what customs may apply in other countries of the world whose citizens now reside in Australia. In October 1984 a task force was approved to identify problems associated with child sexual abuse. The task force had seven terms of reference, and I think that the very first is as important as are all the other six added together. That reference states:

> To investigate and make recommendations on strategies to prevent and alleviate the incidence of child sexual abuse.

Further, the task force Chairperson's covering letter, when presenting the report to the Minister in October 1986, says in paragraph (3):

> The report contains recommendations which should provide the Government with a comprehensive framework for actions to alleviate and prevent child sexual abuse.

My reading and simple understanding of the report on child sexual abuse leads me to say as clearly as I can, with one qualification, that the report does not address the alleviation and prevention of child sexual abuse. It most certainly addresses at great length all the other task force terms of reference, and many of the recommendations have flowed through to the Bills that are now being debated. In almost every instance relating to points two to seven of the task force's terms of reference, the task force was asked to start from the point of when the abuse took place. I will go through the points very quickly to try to illuminate that point. They are as follows:

> 2. Examine and make recommendations relating to health, welfare, police, education and legal services involved in dealing with child sexual abuse, etc.
>
> 3. Examine and make recommendations on training of personnel who are involved with victims of child abuse, child sexual abuse, etc.
>
> 4. Investigate and make recommendations on education programs or strategies which will equip children and the general community to recognise and report instances of child abuse.
>
> 5. Examine South Australia's laws relevant to the sexual abuse of children—*(a)* reports of child abuse; *(b)* investigative procedures; *(c)* the substance and procedural law relating to prosecution, etc.
>
> 6. Recommend mechanisms to monitor the implementation of Government policies.
>
> 7. [which is only formal] Present a final report.

I firmly believe that the task force has not told us how to prevent this problem other than (and these are my qualifications), first, recommendations on preventing reoffending against the child by taking certain actions relating to certain circumstances and, secondly, recommendation 102 which concerns preventive and protective programs in schools. That may be a help, but at best it will teach the child only to be more aware of what may be abnormal behaviour by parents. If this is acted on immediately, it may well prevent future advances. We have to hope that the educative program designed to influence children in schools who go on to be parents will have a lasting impact. That is at least an attempt at prevention in the next generation of parenthood.

That does not address the prevention and alleviation of abuse of children by those of us who are parents. The report does not discuss what steps can be taken to prevent primary advances by parents or others or what motivates parents or others to make the advances culminating in child sexual abuse. The Minister may help me with this serious concern. Indeed, the Government should commission studies on the points that I and others have raised.

In the past, I have asked a number of questions of the Government and will do so again. On page 14 of the task

force report in the concluding remarks under the heading 'Definition and Terms' there is a short paragraph headed 'Pornography and Prostitution', which states:

While there is no doubt that the involvement of children in the production of pornographic material and in prostitution is sexually abusive, the task force decided early in its deliberations that detailed consideration of either topic would not be possible, given time and resource contraints.

I do not wish to pursue that matter any further other than to urge the Government to have the courage to look further into this matter and add alcohol and drug abuse and film and video availability to any serious look at prevention of sexual or violent abuse of children. We are constantly reminded about the joint select committee of the Federal Parliament which is investigating video and film censorship and other related matters. That committee has been in existence for three years. When and if it reports, I hope that it will provide a good guide to the future and will help with any deliberation in South Australia relating to child abuse.

My second point concerns people seeking treatment as convicted or self-confessed child abusers. Last year I asked a question about advice that I had received from a person who had just published a book on child abuse. The author said that, following the publication of the book, television appearances and newspaper articles, calls were received from self-confessed child abusers, all of them professionals working with children. The author telephoned St Corantyn's Clinic and found a six month waiting list. The author was told that a psychologist at Adelaide Gaol might help but no-one was prepared to risk calling there. The author has said for a long time that offenders should be encouraged to come forward for treatment; but where is the treatment? The Minister of Health replied, as follows:

I am acutely aware of the fact that the current treatment counselling services for child abusers, whether they be guilty of physical or sexual abuse, are quite inadequate. They are inadequate here and elsewhere in the country, and that is a matter of some concern. The report of the task force on child sexual abuse referred quite specifically to this deficit and made a number of recommendations. For example, task force members were unable in the short term, at least, to recommend diversion from the criminal justice system for treatment programs because of what they considered to be a very substantial lack of adequate treatment and counselling services.

What is the Government going to do and what has it done? In his reply the Minister referred to the 1987-88 budget, but I am not aware of any great advances that have been made with counselling services, given the recommendations of the task force. The author to whom I referred mentioned that all of her contacts were professionals working with children. I link that to an article, written by Ray Whitrod, about sexual assaults on children which appeared in the August 1987 edition of the Victims of Crime Service newsletter. It states:

There are now a 'large' number of groups and individuals putting points of view about child abuse; many of them arguing from a particular perspective. I find it difficult to separate facts from propaganda sometimes. Journalists don't seem to have the same problem. For example, the *Advertiser* of 23 July confidently claimed that child sexual abuse 'is nearly always committed by a close family member or friend'.

I was pleased that Geoffrey Partington, of Flinders University, subsequently corrected this statement, using the same statistics. He pointed out that for each known child victim the chances are that the offender is:

mother or sibling—under 1%
father, step or friend—under 2%
other relatives—under 3%
strangers—around 20%
professionals—just over 70%.

Note: 'professionals' are those employed mainly in schools, children's institutions, and welfare services.

Partington also pointed out that step fathers and casual male companions of children's mothers are far more likely to engage in sexual abuse than are the natural fathers. (*Advertiser* 26 July 1987)

If there is an actual increase in child abuse perhaps part of the reason lies in the greater number of step and *de facto* fathers.

I agree that it is very difficult for people like me to separate fact from propaganda: I would like to know who is closer to the mark—the sources of the *Advertiser* article of 23 July or Mr Partington's sources quoted on 26 July. I am alarmed at the statistics on professionals and would warn those who should know better than I that we just might be looking in the wrong direction in relation to the whole question of and solution to child abuse.

In a similar vein, I refer to a *Bulletin* article of 26 May 1987. The Hon. Trevor Griffin incorporated in the record of the debate yesterday statistics in relation to notifications and subsequent registrations. The article supports the trends indicated by the Hon. Mr Griffin. It reports on a paper given at a crime and media conference in April 1987 by Professor Tony Vinson. The article states:

Vinson, who is Professor of Social Work at the University of New South Wales, analysed 11 318 child abuse notifications received in that State in 1984. He discovered that only 34.5 per cent of such notifications possessed sufficient credibility to be registered. Moreover, a third related to family situations already on the register.

In other words, only about 2 700 cases, one in four notifications—resulted in new registrations. Applied to 16 000 notifications in 1985, the same pattern would have resulted in 4 000 new registrations. While serious, such figures put child abuse into a far different perspective.

Even more startling were notifications by category—physical, sexual, neglect, alcohol, not coping, etc. Whereas 75 per cent of physical abuse notifications led to registration, only 8 per cent of those of sexual abuse did so. If accurate, such figures make nonsense of the tip of the iceberg theory.

That was mentioned, apparently, in relation to the New South Wales report of child abuse in 1985 and the South Australian task force in 1986. The article continues:

Vinson's paper contained another hand-grenade. It concerns the class distribution of child abuse.

It is a truism that those who first identify a problem shape how others will perceive it. In Australia, the matter of child abuse was taken up first by the welfare industry—people naturally and properly very protective of their predominantly working-class clientele.

Part of the received wisdom of child abuse soon was that it was equally and randomly distributed across socio-economic groups: the upper class did not surface proportionately in official figures, however, because of greater social skill in concealing its conduct.

Vinson's figures destroy this myth. The working class is more likely than the upper class—approximately six to eight times as likely—to abuse its children.

Of course, this does not mean that members of the working class are morally inferior. It means, as Tony Vinson resoundingly insists, that child abuse is itself to a large extent a function of disadvantage and poverty. The issue is, for him, one of social welfare policy and service delivery. The child abuse industry, like the domestic violence industry, has seemed perhaps to be on automatic pilot for the past few years. Task force reports echo each other; new legislation replicates that of other States. Vinson's findings should start us all thinking again about strategies in this immensely important area of criminal justice policy.

I certainly do not know exactly who or what is right in this argument, but poverty, in terms of the Henderson calculation, has doubled since 1982 and with the increase in child abuse, physical and sexual neglect, etc., reportings and registrations. We must soon as a society determine what is right and exactly what course should be followed to eliminate abuse of any kind, particularly against our children.

In conclusion, I refer to a largely voluntary self-help group called 'Friends of Abused Children Task Force' who work in the Salisbury area. As I understand from its newsletter, in the year to June 1987 it dealt with about 100 families. I called on this group last year at its invitation in an effort to be more familiar with the question of child abuse. I am delighted to know that it has just received $14 000 in the

1987-88 year to cover running costs and employ a half-time coordinator. The funding is provided on the requirement that FACT establish support groups in the northern metropolitan DCW area. I applaud its initiative and drive, and commend the Government for helping it to survive. Finally, I cannot escape the feeling that the measures announced so far and the legislation and action that will flow from the Bills before us, are only very much part of the solution. Like so many cases, we think we are achieving something by dealing with the problem after it has arisen. I hope I can see serious movement towards this Government having the courage to tackle the problem of prevention.

With respect, the task force report does not help me believe that it has addressed the problem and the three Bills we are debating, although helping with many procedures associated with abuse and possibly helping to stop reabuse, will not help prevent primary abuse in my opinion. I support the second reading.

The Hon. C.J. SUMNER (Attorney-General): I thank members for their contributions and support of the Bill and seek leave to conclude my remarks later.

Leave granted; debate adjourned.

CHILDREN'S PROTECTION AND YOUNG OFFENDERS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 February. Page 2624.)

The Hon. DIANA LAIDLAW: Before seeking leave to conclude my remarks last night, I indicated that I would confine my contribution on this debate to a few general issues relating to this subject of in need of care applications and orders. The matter with which I was dealing at the time of seeking leave was clause 6, which seeks to insert the provision relating to the interests of the child being the paramount interest in all considerations when dealing with a child pursuant to part III of the Act, that is, all children in need of care or protection. I indicated that I had no fundamental objection to this principle and believed it to be desirable to have such a consistent standard incorporated in all legislation relating to the care and protection of children.

However, I do have a concern about the processes that we set up and who we charge with the responsibility for determining what is a child's best interest and the need for accountability in this decision making process. Last night I referred to a statement by Mr Bidmeade in his report on page 33 in which he states:

> ... the department's hand is everywhere. It controls care givers, child protection panels, pre-court conference and assessment panels, applications to court, and review proceedings. Its ethos is likely to prevail in all of these proceedings.

I repeat that because, at the time the Minister of Community Welfare interjected and asked, 'What about the court process', and the court being a vehicle to stem this all pervasive hand of DCW in the child protection area. In reply I indicated that the court tends to accept in need of care applications from DCW on the basis that the department would have had sufficient concern about the issue to have lodged the application in the first place. At the time I could not find reference in the Bidmeade report to this matter. I now refer to recommendation 10 on page 88. Mr Bidmeade is looking at the competence of the court in relation to in need of care applications and notes:

> The court, despite the obvious competence of its judicial and magisterial officers, is not properly constituted for carrying out the work of this unique and special jurisdiction. Partly because of this, the court is in some respects a spectator of the real action and decision making, which tends to take place within the department or under the control of the department.

I stress 'within the department or under the control of the department'—that is where decision making processes are presently concentrated, notwithstanding the fact that a court is involved. I suppose that the structure to which Mr Bidmeade alerted us, in isolation, need not be a bad thing if one was highly confident that the ethos to which the Bidmeade report refers was objective and wise and reached only after a very thorough exploration of a child's home environment, and related and changing circumstances.

Regrettably for some time it has been apparent to all who are interested in the integrity of child protection practices in South Australia that this is not the situation. I am not sure whether a direction has come from the Minister, but it is clear to all who bother to take the time and the trouble to look closely at current practices that the policy today is that parents be rarely, if ever, seen or heard. Even if the Minister has not directly issued such an instruction, under our tradition of ministerial responsibility he must accept responsibility for current practices and policies and their implementation. As the system operates today there is no question that parents and custodians are rarely given the opportunity to present their case, and I do not understand why this should be so.

The Hon. R.J. Ritson: He should listen more to the Attorney-General and less to some people in his department, perhaps.

The Hon. DIANA LAIDLAW: That interjection is timely. It may help to explain why the Attorney-General has responsibility for these Bills. The need for rational debate in the whole area of child protection is absolutely vital. Without reflecting on the Minister of Community Welfare in too damaging a way, I, for one, am very heartened to think that these measures are being addressed by the Attorney-General. I am particularly concerned that parents and other parties who have an interest in the well-being of a child are not being seen or heard within the department's assessment of a child's well-being before in need of care applications are made, and certainly not at later stages either. As I indicated previously, I do not understand why this should be so. To me it represents a denial of natural justice, while in practice it overturns the time honoured tradition that one is innocent until proven guilty.

In terms of child protection practices in this State, of equal importance, I ask: how can any person attest with confidence and without qualification that a decision or action is in a child's best interests if a child's parents or custodians are not even given the opportunity to put their case? Current practices, either implemented or condoned by the Minister, have drawn attention to the fact that the structure for determining in need of care orders in South Australia places far too much authority and power in the hands of too few and in this instance the power and authority is concentrated in the hands of the DCW.

I have long held the very strong view that, when we in this Parliament entrust Ministers of any persuasion (Liberal, Labor, or otherwise), their departments or authorities with powers, particularly with powers of intervention, the Minister and hierarchy of that department or authority must be diligent in ensuring that these powers are applied with great care and caution. If this is not the standard insisted upon, the integrity of the agency and the programs that they sponsor are compromised. I firmly believe that, until the past few years, successive Ministers (and here I pay credit to the Hon. John Burdett and the Hon. Greg Crafter) have been acutely aware of the need to ensure that the very

considerable powers at the disposal of the DCW are used with great caution, care and respect.

The Hon. R.J. Ritson: What you're really saying is that it all blew up under Cornwall. You don't want to reflect, but I do.

The Hon. DIANA LAIDLAW: I will reflect shortly, but I think it is timely to say that I do not believe that the Minister physically has the time to deal with the major issues confronting Community Welfare at the present time. These issues are extremely complicated and they require a great deal of attention and care. When the Minister talks about working 70 hours a week, something in the system is wrong. He certainly would not have time to address the sensitivities of the issues that are raised in in need of care situations, especially given the magnitude of the applications that are being made today by the DCW.

That is as an aside, but I believe that things have gone astray in the past few years. In the past, under the Hon. John Burdett and the Hon. Greg Crafter (and they are the only two Ministers with whom I have had a working relationship), DCW workers enjoyed the general confidence of the community, notwithstanding the very difficult and often very emotive environment in which those workers are required to use their skills on a daily basis. This has been so because they were conscientious and diligent in ensuring that not only were they fair and impartial but also that they were seen to be fair and impartial.

With great regret I make the observation that, over the past few years, under the guiding hand of the current Minister, the Hon. Dr Cornwall, this situation has been turned on its head. I make the observation today in the knowledge that many other people within his department, senior social workers, and the like, dare not speak out on these matters. If one cared to look at the resignation rates of senior social workers who were long-time employees in the DCW, one would see that there are great problems within that department and enormous concerns about the current policies and practices that are being pursued with such vigour at the present time. In making that observation I am confident that I speak for a large number of people who are still senior social workers; who are highly competent and able; who are very concerned individuals; and who are working within that department today—and also on behalf of many who have left that department in recent years.

The Minister, whose propensity is to overkill virtually everything he touches, today sees that child abuse and crisis intervention have been propelled to the top of the list of DCW priorities for service provision. Most of the department's resources have been channelled into that area to the extent that areas traditionally funded such as services for children and youth, after care and care during school holidays have had their funding completely wiped out. This action has been taken by DCW and the Minister without any reference to any other agency to see whether they could take up the funding of these long-standing programs.

The Hon. R.J. Ritson: What is happening—

The Hon. DIANA LAIDLAW: We wonder what is happening to these kids in terms of their protection, when DCW withdraws from these programs without even seeing whether the Education Department, for instance, can take them on. Yet this agency has responsibility in this State for looking after and administering child protection. I would maintain that the funding for services such as I have just mentioned is surely a key component of any agency that purports to be seriously interested in child protection, because such services are prevention oriented.

Their focus is the prevention of problems before they escalate to crisis proportion yet the department today under the authority of the Minister is dealing almost exclusively with situations that have reached crisis proportion involving crisis intervention. One knows this from advice from any DCW office in the metropolitan area, but regrettably also in country areas: today most offices are solely monopolised by crisis intervention work related to child abuse. That is where all the DCW resources are going today, both in terms of staffing and other funding for programs.

In this environment it is legitimate to ask whether this is the most appropriate focus for an agency which we in this Parliament entrust with addressing the best interests of children. I earnestly believe that that is not the case and I believe that the Minister, if he actually found time from his very heavy health portfolio to stand back and look critically and objectively at what was happening in DCW, would concede that the very narrow prescriptive crisis interventionist approach that is the theme of policies and programs dominating DCW today is not an approach that is in the best long-term interests of children.

The Minister and the department's hierarchy now employ the argument that the department has no choice but to focus all its attention on child abuse because of the increase in notification of abuse. I do not deny that it is increasing, but it is important that one looks at the relationship between the increase in child abuse in this State and the fact that DCW now has this matter as its No. 1 priority. Within the department one finds members of the senior hierarchy and the Minister using statistics such as one in three girls is being abused or one in four boys is being abused in our community, yet no research is forthcoming to suggest that there is anything to provide that base.

It is an alarmist approach bringing fear and uncertainty into the community. In my view, such an approach does not help to ensure the best interests of children or their protection, but it does unsettle the community and accounts for some of the escalation of notifications in recent years. Certainly, I do not believe that it sits neatly with the objectives that this Parliament has provided for the Minister and the Director-General, and those I referred to yesterday and I do not intend to repeat them now.

A number of options could be employed to check DCW's all powerful role in this area of child protection. I am aware that the department is currently in the throes of developing a paper on the appeal procedures. Such an initiative in the view of the Liberal Party is long overdue, and certainly I have been calling for a community welfare ombudsman for well over a year now—a step which the former Minister of Community Welfare (Hon. Greg Crafter) endorsed some years ago, but one which lapsed when the Hon. Dr Cornwall became the Minister of Community Welfare.

The Community Welfare Act provides powers of intervention that are as broad in many respects as those entrusted to the Police Force in this State. Some years ago, this Parliament deemed it necessary to establish a Police Complaints Authority as an appropriate avenue to investigate complaints arising from actions taken by police officers. By contrast, the Department for Community Welfare maintains a rather tame internal investigation system for consumer problems. In my view this mechanism is totally inappropriate and inadequate as a counterbalance for the public against the powers that we as a Parliament have entrusted to DCW.

Related to this matter of appeal provisions is the need for much greater access by clients to the files maintained by DCW. These matters of accountability and appeal are important, especially when one looks at clause 9, which retains the Director-General's control order. Recommendation No. 27 of the Bidmeade report states that the powers

of the Director-General in relation to children under guardianship should be deleted and that those powers should be a matter of delegation from the Minister—the Liberal Party would heartily endorse that response. It is a matter of regret that the Government has maintained the power of Director-General control in this Bill. I am not sure why the Bidmeade report recommendation has not been accepted: I assume that it is an acknowledgment that the Minister cannot take on any more responsibilities and authorities, but that may not be the case—there may be some other reason.

The reference to the Director-General in this Bill came as somewhat of a surprise to me because I am well aware that the Minister and the so-called Director-General do not call the head of the Department for Community Welfare by that title any longer but rather by the title of Chief Executive Officer. I would like some explanation as to whether or not the term 'Director-General' used in the Bill is in fact appropriate considering the change in the title of that position within the past year.

The Bill also offers one means of addressing this problem of DCW's all powerful role in child protection matters. It accepts the recommendation in the Bidmeade report that child advocates should be assigned to the Children's Interest Bureau, and this is a step that the Liberal Party also supports. However, as the Hon. Trevor Griffin outlined in his contribution to this debate and, as I mentioned at some length last night in respect of the Community Welfare Act Amendment Bill, the Liberal Party does not believe at the current time that the Children's Interest Bureau is independent in fact or in perception from the Department for Community Welfare.

We therefore believe that if this recommendation in the Bidmeade report and the establishment through this Bill of children's advocates assigned to the Children's Interest Bureau are to be seen to be as effective as the Bidmeade report hopes, we must ensure that the Children's Interest Bureau is removed from the jurisdiction or responsibility of the Minister of Community Welfare. We recommend that it is not only appropriate but also desirable that the Children's Interest Bureau be transferred to the responsibility of the Attorney-General.

The Bill also proposes a number of measures to ensure that 'in need of care' applications are presented before the Government without undue delay and that the hearings are not unduly protracted. Certainly, the Liberal Party supports all those measures and believes that they are in the best interests of children who are alleged to be in need of care and protection. I question, however, the practical implications of these measures without the court being provided with extra resources including the appointment of judges. The resources of the court are crucial in realising our wish to ensure that 'in need of care' orders are attended to expeditiously.

While on the subject of reforms to the legal processes applied in matters of child protection, it is important for members to keep in mind that, no matter what action is taken in this Parliament to alter rules of evidence, narrow judicial direction, change from an adversarial system or arena or amend standards of proof, the best interests of children will not be accommodated until the quality and comprehensiveness of reports are suitable for tendering to a court and professionals who attend the court to be examined and cross-examined are deemed to be credible witnesses.

For some time much evidence has been successfully challenged because of improper methods or because the information has been gathered by a person without the necessary skills to do so. That adds to the trauma of a child before the court, and we believe without reservation that such a circumstance is not in the best interests of that child.

As recently as yesterday I was informed by a senior child therapist that she and others in her field are continuing to be asked by the Crown Solicitor to support an application by the Department for Community Welfare for an 'in need of care' order. The Crown Solicitor is taking such action to the frustration of this senior child therapist and her colleagues, because, I suggest, insufficient time and resources are being provided by the Minister and the Government to ensure that DCW case workers have received sufficient training and advice in a manner that will ensure that the evidence is presented to the court in a manner that is acceptable and that the officers themselves are expert witnesses.

I am not sheeting home any blame to the DCW workers, because I believe that within their competence they are doing their best. However, I question the whole focus, thrust and euphoria of child sexual abuse, the relationship between that and the increase in notifications, and the lack of effort and resources, until very recent months, to ensure that DCW workers are given the training to enable them have the confidence that their reports will be presented to the court in a manner which is acceptable to the court and that they will be judged as expert witnesses in that area.

Until these matters are redressed, I do not believe that the Minister or the Government will be seen to be taking the subject of child protection as seriously as the Minister and the Government would have us all believe. Without any doubt, the child's best interests in a courtroom environment are best served when the representatives on his or her behalf are credible, both in their presentation of initial reports and in their presentation during examination and cross-examination.

In conclusion, I am particularly pleased that we are addressing this Bill and related Bills today. However, I am concerned about this question of a child's best interests and the application of that very important principle. I cite another example where it is so difficult to judge what is, in fact, in a child's best interests. A report by Fiona Kerr for a working party comprising the Family Court and DCW, prepared last year, raised a number of these problems about what, in terms of legal practices, can be judged as in a child's best interests or against a child's interests. One problem I highlight in particular has arisen in relation to reports prepared by both the DCW and SARC and, in relation to who has the ownership of those reports. Ms Kerr noted:

> Reasons for restricting access to reports prepared on allegedly sexually abused children are obvious. At the same time there may be repercussions from this restriction which result in further trauma for the child, for example, a multitude of further interviews and assessment.

There is no doubt that I and others in this Parliament who have taken a keen interest in this subject of child sexual abuse are very keen to ensure that interviews and assessments are kept to a minimum. At the same time, I respect the fact that the ownership of the reports prepared by both the DCW and SARC are important in terms of restricted access, yet both those issues raise such a dilemma about what is, in fact, in a child's best interests. I accept the principle that we are incorporating in this Act provisions to ensure that a child's best interests are paramount, but I believe that that will give rise to conflicts at times as one make's judgments on those issues.

As judgments must of necessity be made on what is in a child's best interests, it is absolutely vital not only that in DCW we have more processes for ensuring accountability but also that we have more parties involved in making some of these very important assessments. It is also impor-

tant that the parents and others who have a keen interest in the well-being of a child and who are known to that child should be interviewed at a very early stage within this process, ideally before applications are made for 'in need of care' orders, and certainly also after that time. With those words, I support the second reading.

The Hon. C.J. SUMNER (Attorney-General): I thank honourable members for their contribution to the debate and seek leave to conclude my remarks.

Leave granted; debate adjourned.

FAMILY RELATIONSHIPS 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 second reading explanation of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

It follows on the report of the select committee of the Legislative Council on AID, IVF and related procedures. The select committee recommended:

that the Family Relationships Act be amended to remove the sunset clause in section 10b (2);

that the definition of 'fertilisation procedure' in the Family Relationships Act be amended to include the gamete intra-fallopian transfer technique; and

that surrogacy be opposed on principle, that surrogacy contracts be unenforceable, that any person who organises a surrogacy contract for fee or reward be guilty of an offence, and that any fee paid to a person who organises a surrogacy contract be recoverable by those who paid the fee.

The Bill provides that surrogacy contracts are illegal and void. The reference to illegality attracts a common law principle under which the loss lies where it falls: the client cannot recover back money paid to the surrogate mother and conversely she cannot recover money to which she is ostensibly entitled under the contract. Provision is specifically made for a person who has paid another to negotiate, arrange, etc., a surrogacy contract to recover any money so paid. It is also an offence to negotiate, arrange, etc., surrogacy contracts.

The select committee did not make any recommendations in relation to advertising for surrogate mothers. This is an important aspect of the subject and the Bill prohibits advertising a person's willingness to enter into or negotiate a surrogacy contract, or to seek persons willing to enter into such a contract.

Clauses 1 and 2 are formal.

Clause 3 repeals section 3 of the principal Act which is a preliminary provision setting out the arrangement of the Act.

Clause 4 amends section 10a of the principal Act (the interpretation provision of Part IIA) by striking out the definition of 'fertilisation procedure' and substituting a new definition. 'Fertilisation procedure' means *(a)* artificial insemination, *(b)* the procedure of fertilising a human ovum outside the body and transferring the fertilised ovum into the body, or *(c)* the procedure of transferring an unfertilised human ovum into the body for the purpose of fertilisation within the body.

Clause 5 amends section 10b of the principal Act by striking out subsection (2) to remove the 'sunset' provision which presently provides that Part IIA of the Act does not apply in respect of a fertilisation procedure carried out on or after 31 December 1988 within or outside the State.

Clause 6 inserts after section 10e of the principal Act Part IIB.

Section 10f is an interpretation provision. 'Procuration contract', 'surrogacy contract' and 'valuable consideration' are defined. A procuration contract is one under which *(a)* a person agrees to negotiate, arrange, or obtain the benefit of, a surrogacy contract on behalf of another, or *(b)* a person agrees to introduce prospective parties to a surrogacy contract. A surrogacy contract is one under which a person agrees to become pregnant or to seek to become pregnant and to surrender custody of, or rights in relation to, a child born as a result of the pregnancy or a contract under which a person who is already pregnant agrees to surrender custody of, or rights in relation to, a child born as a result of the pregnancy.

Section 10g makes procuration and surrogacy contracts illegal and void. A person who gives any valuable consideration under, or in respect of, a procuration contract may recover the amount or value of it as a debt from the person to whom it was given.

Section 10h sets out offences. A person who *(a)* receives valuable consideration under a procuration contract, or enters into such a contract in the expectation of receiving valuable consideration, *(b)* induces another to enter into a surrogacy contract, having received or in the expectation of receiving valuable consideration from a third person who seeks the benefit of that contract, or *(c)* who publishes an advertisement or causes an advertisement to be published to the effect (i) that a person is or may be willing to enter into a surrogacy contract, (ii) that a person is seeking a person willing to enter into a surrogacy contract, or (iii) that a person is willing to negotiate, arrange or obtain the benefit of a surrogacy contract for another, is guilty of an offence. The maximum penalty fixed for offences against this section is $4 000 or imprisonment for 12 months.

Section 10i provides that this Part of the Act does not affect the operation of any law relating to the guardianship or adoption of children.

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

ADJOURNMENT

At 5.32 p.m. the Council adjourned until Tuesday 16 February at 2.15 p.m.