LEGISLATIVE COUNCIL

Wednesday 8 March 1989

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

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

QUESTIONS

LOCAL GOVERNMENT SUPERANNUATION BOARD

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Minister of Local Government a question about the Local Government Superannuation Board.

Leave granted.

The Hon. M.B. CAMERON: The Local Government Act requires the Local Government Superannuation Board, which administers superannuation for all local government employees, to report annually to the Minister by 30 September. The Minister is then required to table the report in Parliament 'as soon as practicable' after its receipt. However, this is a duty that the Minister has failed to fulfil. The last two reports of the board have not been tabled, and the last to be provided to Parliament was for the 1985-86 year. My questions are:

1. Why has the Minister failed to table the last two annual reports of the board?

2. Why has the Minister failed to fulfil her statutory duty in tabling the last two annual reports of the Local Government Superannuation Board?

The Hon. BARBARA WIESE: The Local Government Superannuation Board apparently has not provided these reports to me at this stage. I was not aware, and it had not drawn to my attention, that these two reports had not been tabled in Parliament. If that is the case, I shall certainly make inquiries of the Local Government Superannuation Board and will advise Parliament as quickly as I can why those reports have not been presented.

MITCHAM CITY COUNCIL

The Hon. J.C. IRWIN: I seek leave to make a brief explanation before asking the Minister of Local Government a question about the former Town Clerk of the Mitcham City Council.

Leave granted.

The Hon. J.C. IRWIN: The former Town Clerk of the Mitcham City Council had been employed by that council for eight years. On his retirement, the Town Clerk received a superannuation pay-out of $654 878.41 which required the council to make contributions equivalent to 32.5 per cent of his salary when there is a statutory limit of 7.5 per cent.

He also received $34 974 in lieu of accumulated leave and a council car as a 'retirement gift', according to council minutes. The Opposition has been made aware of concerns within the Mitcham City Council about procedures adopted in making these decisions, besides the amount of the pay-out.

Council minutes we have seen show that on 10 August and 7 September 1987, and again on 4 July last year, the public was excluded from council discussions of payments to the former Town Clerk. We have also been informed that the Government wrote to the council last year seeking information about some of these decisions, but so far no further action has been taken by the Government. My questions are:

1. Has the Minister written to the Mitcham council seeking information on the matters referred to?

2. If so, when, and what was the council's reply?

3. Does the Government intend to take any further action in this matter?

The Hon. BARBARA WIESE: It has been drawn to my attention that there was a very large pay-out to the former Chief Executive Officer of the Mitcham City Council. When I heard reports about that and suggestions as to the scale of the pay-out, it was of enormous concern to me as Minister of Local Government—

The Hon. M.B. Cameron interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —although I must say that the superannuation arrangements for chief executive officers of councils are negotiated between those officers and their councils. Certainly, as Minister of Local Government, I have an interest in the levels of remuneration and superannuation that are provided to people in the local government industry because local government authorities use taxpayers' money, and it is certainly a matter of concern to me.

The Hon. M.B. Cameron: You are the Minister of Local Government.

The PRESIDENT: Order!

The Hon. BARBARA WIESE: Last year, after those issues were raised with me, I wrote to the Mitcham City Council seeking information about the nature of the superannuation arrangements that had been provided for Mr Wirth, the former Chief Executive Officer, and it was confirmed that there had been a total pay-out of nearly $655 000.

The Hon. M.B. Cameron: Why didn't you tell Parliament?

The PRESIDENT: Order!

The Hon. BARBARA WIESE: To suggest that this is an excessive level of benefit is, in my view, an understatement. However, it should be noted, in partial mitigation perhaps, that Mr Wirth made high employee contributions to private schemes. While that is certainly no excuse for the arrangements that have been made it is, nevertheless, one of the arrangements that was made.

As I understand it, the superannuation package was arrived at over a number of years. It must be borne in mind that Mr Wirth retired in October last year after some 38 years of local government service, 32 years of which were with the Mitcham City Council. So, there were many years during which this arrangement apparently was arrived at. It certainly is of enormous concern to me, but I am advised that no fault in this matter can be attributed to the Superannuation Board.

The Hon. M.B. Cameron: When did the board tell you this? Why was not the report brought to Parliament?

The PRESIDENT: Order, Mr Cameron, order! I call you to order.

The Hon. M.B. Cameron: I asked the question earlier, and she did not answer.

The PRESIDENT: The question asked by the Hon. Mr Irwin was heard in complete silence. I suggest that the answer from the Minister through me to the Hon. Mr Irwin be heard in equal silence.

The Hon. BARBARA WIESE: With regard to the honourable member's interjection, I would like to say that I have already indicated to this place that I will be seeking a report as to the whereabouts of the most recent Superannuation Board reports, but I am advised by my officers

that, in the matter of Mr Wirth and the Mitcham council the board certainly has no fault in the matter. The arrangements for superannuation for Mr Wirth were negotiated by him with the council, and I understand that the board was not involved in that process. Certainly, it is of concern to me that these arrangements were made and that there has been no public disclosure by the council of the arrangements that were entered into—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —over a period of years. As a result of the information that I have been able to seek on this matter there are now a range of issues that I am intending to address with respect to local government superannuation, and a range of measures that could be taken in consultation with local government on this issue in order to ensure that in future there are not these exorbitant packages entered into by individual councils with their chief executive officers. I treat this as a very serious matter—

The Hon. M.B. Cameron interjecting:

The PRESIDENT: Order, Mr Cameron!

The Hon. BARBARA WIESE: —and it is something about which I will be consulting local government with a view to ensuring that this sort of superannuation package is not something that becomes widespread. At this stage I do not know the extent to which this sort of thing might exist in other parts of local government. Certainly, one of the things that will be followed up, having had this case drawn to my attention, is that very point: we will be doing a survey of councils around the State to get some idea of the nature of the superannuation arrangements that individual councils enter into with individual CEOs. Whatever appears to be the appropriate way to prevent this situation recurring will be done. I stress that this matter is being dealt with, and no doubt some sort of agreement will be reached for future practices.

SENTENCE APPEAL

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Attorney-General a question about an appeal against a sentence.

Leave granted.

The Hon. DIANA LAIDLAW: Yesterday in the Children's Court a 15-year-old youth was convicted of causing death by dangerous driving. He received a nine months gaol sentence and five years disqualification of his licence. This was the youth's most recent conviction among numerous recorded in recent years, the last being for breaking and entering involving a sum of $10 000. In respect of this latter conviction, the youth was released after a short spell from the South Australian Youth Remand and Assessment Centre at Enfield into the charge of his stepmother, who is employed by the Department for Community Welfare as a residential worker at that same centre.

The terms of the bail agreement required the youth to abide by a strict curfew to operate between 8 p.m. and 7 a.m. each night, and to remain out of the southern suburbs—specifically an area bounded by Majors Road, O'Halloran Hill; Main South Road; Maslin Beach Road; Gulf Parade; and the Esplanade, Maslin Beach. The conviction yesterday related to an incident on a Wednesday evening in September last year. The youth, who because of his age did not have a licence to drive and during the hours when the curfew order should have applied, stole a car from Balhannah Motors.

Some hours later he was responsible for a hit-run accident in Wheatsheaf Road, Morphett Vale, in the southern area where he was not permitted to be, and this resulted in the death of a 17-year-old girl. Subsequently the youth drove the stolen car to Blackwood, smashed it into a tree and set fire to it. Five days later the youth handed himself in to the police. During subsequent interviews with his social worker he pleaded guilty to the charge, but later changed his plea.

Earlier, his stepmother, who had responsibility for the care and control of the youth, had failed in her duty to report that the youth was absent from home during curfew hours. She later denied that he had been missing for any part of the evening on which the accident occurred. Last month when the charge was heard in the Children's Court a pre-sentencing report prepared by the Department for Community Welfare noted that the youth was a 'cold calculating person'. My questions to the Attorney-General are:

1. In the light of the youth's previous convictions, the fact that he dishonoured the terms of an earlier bail agreement, together with the fact that yesterday, at age 15 years, he was found guilty of causing death by dangerous driving—and I can assure the Attorney that that girl's parents are beside themselves with anger and frustration at this matter—will the Attorney-General investigate the case to determine whether he deems the sentence of nine months (which with remissions will be much less) plus a five year licence disqualification period is a satisfactory penalty, or whether the sentence warrents lodging an appeal?

2. Will he also determine whether the responsibilities placed on the youth's stepmother by an earlier court order were complied with to the satisfaction of the Attorney-General and, if not, whether there are grounds for her to be charged for breach of her duty, or as an accessory after the fact, or grounds for her to be disciplined by her employer, the Department for Community Welfare?

The Hon. C.J. SUMNER: I will refer that question to the Crown Prosecutor for a report, bring back a reply and consider the matters raised by the honourable member.

PORT PIRIE INDUSTRY

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Environment and Planning, a question about new industry in Port Pirie.

Leave granted.

The Hon. M.J. ELLIOTT: I have been approached by a number of citizens of Port Pirie who are concerned about proposals for that town, particularly in light of the problems they have had in the past with lead, due to inappropriate management of the problems. A proposal has been made to set up a trial plant, it is said, to extract rare earths. The original report suggested that they would go through an old tailings dam in Port Pirie, left over from the days when they processed material from Radium Hill and that, in about three years time, the plant could go to a full-scale plant using monozite from interstate.

The Government line was that an environmental impact statement was not necessary until the expansion occurred. A more recent report suggests that, right from the beginning, the mill will be bringing monozite—initially from China—for the trial plant, as well as looking at the tailings dam. People are concerned that, as a by-product of extracting the rare earths, radioactive thorium will need to be disposed of. They are also concerned that the disturbance of the tailings dam, if done inappropriately, could lead to a fairly

rapid release of radon gas from within the tailings themselves.

The concern expressed to me is that, while not opposed to the industry outright, they are concerned that the Government has not instigated an environmental impact statement before the whole process starts up, rather than doing it three years down the line when the plant is well and truly entrenched. Further information suggests that it is proposed that some of the materials be stored at Roxby Downs down a disused shaft, which suggests that CRA, which has now bought into Roxby Downs, may be involved with this new process. A further suggestion is that CRA is also involved in the new uranium enrichment plant proposed for Port Pirie. My questions are:

1. What is the time frame for the construction of a uranium enrichment plant at Port Pirie?

2. Are the people asking too much to have an environmental impact statement before the work begins?

The Hon. C.J. SUMNER: I will refer the questions to my colleague and bring back a reply.

DEATH NOTIFICATION

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Health, a question concerning the notification of death to next of kin.

Leave granted.

The Hon. L.H. DAVIS: On 24 January last Mr Harry Somerfield died at the Royal Adelaide Hospital. He had been admitted eight days earlier, unconscious, from Glenside Hospital, where he had been a resident for 30 years. Mr Somerfield's next of kin were not advised that he had been admitted to the Royal Adelaide Hospital on 17 January and earlier in the month for three days from 14 January; nor were they advised that he had died and that an autopsy had been performed. This appalling sequence of events occurred notwithstanding the fact that the Glenside Hospital had a record of Mr Somerfield's next of kin—his niece, Mrs Whitman, and Mrs Ngugen. In respect to Mrs Whitman the hospital had a record of her current address, and, in respect of Mrs Ngugen, her current home phone number.

I understand that Mrs Ngugen was telephoned on several occasions by staff of the Royal Adelaide Hospital and Glenside—but always during day-time hours. Mrs Ngugen is in the paid workforce and is not home during the day. Mrs Whitman was never contacted, although in the past the police had paid Mrs Whitman a visit at her home on the odd occasions when Mr Somerfield would wander away from Glenside. The family first learnt about Mr Somerfield's death on 13 February—18 days after his death. On that day Mrs Whitman received a telephone call from an officer in the Department for Community Welfare who advised her of her uncle's death and that arrangements were in hand for Mr Somerfield to be provided with a Department for Community Welfare pauper's funeral. Not surprisingly, Mrs Whitman, and, subsequently, other members of the family, were furious about the shoddy treatment they and their uncle had received at the hands of public health administrators.

If they had been informed he was in the Royal Adelaide Hospital, after suffering a stroke, and was close to death, they would have arranged for him to be called on by a Roman Catholic priest. Also, it is unlikely they would have given permission for an autopsy to be conducted—but they were never asked and a post mortem was conducted. My questions to the Minister are:

1. Why were Mr Somerfield's next of kin not notified of his hospitalisation, that he was near death and that he later had died?

2. Who authorised the autopsy to be conducted, and why was this conducted without the knowledge of Mr Somerfield's next of kin?

The Hon. BARBARA WIESE: I will refer those questions to the Minister of Health and bring back a report.

Mr JUSTICE STAPLES

The Hon. K.T. GRIFFIN: My question is directed to the Attorney-General. Does the South Australian Government endorse the statement last week by all of the judges, commissioners and magistrates of the State Industrial Court and the Industrial Commission supporting the sacked Deputy President of the Federal Arbitration Commission, Justice Staples, and, if it does, has it made its views known to the Federal Government? If it does not, will the Attorney-General indicate what is the Government's attitude to this important issue of security of judicial tenure?

The Hon. C.J. SUMNER: The Government has not considered this matter and consequently has not made any representations to anyone about it. The matter is somewhat complex and of course the honourable member will realise that initial decisions affecting Mr Justice Staples were taken while the Fraser Government was in power.

The Hon. K.T. Griffin: But the Government didn't take any decisions.

The Hon. C.J. SUMNER: That is the situation. The initial decisions were taken by the President of the Commission during—

The Hon. K.T. Griffin interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: —the period of the Fraser Government. I just make that statement for whatever conclusion members would like to draw from it. The matter is perhaps more complex than it appears on the surface. The reality is that, for whatever reason, the Presiding Officer of the Conciliation and Arbitration Commission has not, over a period now of some years, assigned work—or certainly any substantial work—to Mr Justice Staples.

So, that seems to be the central issue in this vexed question. The reality is that independent judges—the presiding officers of the commission—have not allocated work to Mr Justice Staples. So, when there is talk about whether there is interference with the independence of the judiciary, it is important to realise that this issue stems from the fact that successive Presidents of the Commission (Sir John Moore and Justice Maddern) did not assign work to Mr Justice Staples; certainly they did not assign him a full workload. That is the genesis of the problem.

The Hon. K.T. Griffin: That's not the issue.

The Hon. C.J. SUMNER: It is the issue. It could well be that, had the Government made representations to the presiding officer of the commission with respect to Justice Staples' position, the Government could have been accused of interfering with the independence of the commission. That important fact is not sufficiently considered when this issue is discussed. One can only assume that the Federal Government decided not to appoint Justice Staples to the new, reconstituted Industrial Tribunal, because it knew that, had it reappointed him, he would not have been assigned any work. That being the case, it seems to me that questions about judicial independence should be directed to the presiding officers of the commission.

The Hon. K.T. Griffin: That's absolute nonsense.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: It is not nonsense. They are the ones who have not assigned Mr Justice Staples the work. That is where the issue ought to be diverted and resolved. The issue is not as simple as the honourable member would apparently like to make out, although it is interesting to note that he has not expressed his view on the topic, yet he was Attorney-General at a time when it was well known that Mr Justice Staples was not being assigned any work. He did not make any protest about it. Of course he would not. One would not expect him to, because Mr Fraser was in Government at that time.

The Hon. K.T. Griffin: Mr Fraser had nothing to do with it.

The Hon. C.J. SUMNER: Mr Justice Staples seems to think that Mr Fraser had a lot to do with it. If you are going to support Mr Justice Staples, perhaps you might look at the reasons for his position. Perhaps you might look at the reasons Mr Justice Staples is giving for his position. One of them is that he felt that the Government of the day did not agree with a decision he had made and that was why he was not given any further work. That is his story, at any rate. From what I know, the reason he was not given any work is something which must remain the business of the presiding judge at the time. Initially, Sir John Moore did not give Justice Staples work, and now Mr Justice Maddern has chosen not to give Mr Justice Staples work. Those circumstances place the Federal Government in an extremely difficult position. The origins of the problem go back to the fact that the presiding officer of the tribunal did not allocate work.

In those circumstances one really has to weigh up the question of interference with judicial independence because it is, in fact, a member of the independent judiciary—the presiding officer—who is taking the decisions that are leading to the dispute. In answer to the question, the Government has not taken a position. It has not been discussed by the Government as such and no representations have been made on the topic.

TOURISM DEVELOPMENT STRATEGY

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister of Tourism a question about tourism in South Australia.

Leave granted.

The Hon. CAROLYN PICKLES: I was very concerned to read the editorial in today's *Advertiser* which is very critical of South Australia's efforts to win its share of the tourism market. The editorial makes comments about our development and marketing strategies, and Tourism South Australia Great. First, what is the Minister's reaction to the editorial? Secondly, is she concerned about the impression that may be given about the Government's efforts in this area?

The Hon. BARBARA WIESE: I certainly welcome the opportunity to make some comments about this. I welcome the interest of the *Advertiser* in tourism and marketing development in South Australia. I also welcome the comments and the interest being shown by Peat Marwick Hungerfords and various other firms of consultants in the opportunities that now exist in South Australia for tourism development and marketing.

Some 3½ years ago, when I first became Minister of Tourism, one of the first jobs that needed to be done was to convince South Australians—and people in the Government—that tourism was actually something worth supporting.

The Hon. M.B. Cameron: Hadn't the previous Minister done that?

The Hon. BARBARA WIESE: To build on the work of the previous Minister, certainly. There was a feeling in this State that South Australia had very little to offer in the area of tourism, and that there was really no point in being involved in it. I certainly viewed it as one of my jobs to try to change that attitude in this State. I believe that now—and particularly during the past 12 months since people are starting to realise there that a tourism boom in South Australia and that there are some benefits to be gained—it can be important to our economy, as there is now a much broader understanding and a greater acceptance of the value that tourism can play in our economy.

In the meantime, this Government has been setting in train various things to capitalise on the opportunities that tourism presents in this State. The Government has reorganised Tourism South Australia so that it can be more effective in the work that it does. The Government has devised new marketing and development strategies. There is a new joint industry Government tourism development plan in place. This Government, too, has led the way in tourism development promotion.

It was this Government that brought the Grand Prix to South Australia. That raised the profile of this State internationally. Similarly, it was this Government that brought the ASER development to South Australia, which has given us another five star Hyatt hotel, the first purpose-built convention centre that is well in advance of other convention centres in Australia. Now we are building an exhibition hall to support the work of that convention centre. It was the South Australian Government that initiated the casino in this State. All these things have been flagships that we can promote interstate and overseas in tourism, and it is really starting to work. In addition to that—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: Late last year when I could see that an anti-development feeling was emerging in South Australia, it was I who also entered the fight and drew attention to the glass dome mentality that seemed to be developing in this State about people wanting to preserve South Australia as some sort of museum rather than realising that we needed to encourage sensitive development in appropriate areas in order to capitalise on tourism.

I might say that I did that two months or so before Tim Marcus Clark joined the debate. I was pleased that people of his calibre and standing in our community were prepared to join that development debate and to talk about the opportunities that exist here. South Australia's development and investment strategy is based on promoting those things which are different or unique. This strategy, which is designed to capitalise on our natural assets, presents something different from other parts of Australia and of the world. That is why we have promoted a resort development in the Flinders Ranges. That is why we support the development of a wilderness resort of some kind at the western end of Kangaroo Island. That is why we have developed our 'Invest in success' campaign to fill the product gaps that we can see in the tourism product in South Australia.

I recognise that we cannot have tourism and promote greater visitation without better promotion and marketing. For that reason, I started a campaign to try to get people to understand that we need more money for marketing if we are to be in the tourism race. That is why last year we prepared the best argued case ever to the Treasury for an

increase in funding and were successful in gaining a $1.6 million increase in our marketing budget, which has allowed us to develop the best television advertising campaign on which this State has ever embarked and which is already showing signs of enormous success, as many regions in the State are reporting. Indeed, they have seen the best summer results that they have had for a very long time.

In order to boost our share of international tourism, we recognise that it is important to increase the number of direct flights coming into Adelaide Airport. I have spent an enormous amount of time talking to airlines about the reasons why they should be coming to South Australia. I have visited the head offices of the international airlines in Japan and various Asian countries in order to let them know of the developments that are taking place in South Australia and the reasons why they should consider this State as a place to enter Australia. Those negotiations and discussions have paid off because, during this year, we shall have a new direct flight from Tokyo to Adelaide and from Bangkok to Adelaide.

All those things have resulted from the actions of this Government. I am very proud of this Government's record in tourism. I know that there is much more to be done, and we shall be in there fighting to see that it happens. I am also grateful for the greater understanding that exists within our community about the benefits that tourism can bring. The *Advertiser* editorial recognises that tourism is important and it wants to be involved in a campaign to promote it. I am grateful, too, that tourism consultants in Australia, such as Peat Marwick Hungerfords, should have suddenly discovered South Australia, that we have potential, and that they are prepared to come in and tout for business to realise that potential. I look forward to working with all of them.

TANDANYA PROJECT

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister of Tourism a question about the Tandanya project.

Leave granted.

The Hon. J.F. STEFANI: Yesterday, in answer to a question, the Minister made the following reply concerning Mr Stitt:

> I think he was suggesting that Mr Stitt had been involved at some stage or other with the development inside the national park. To my knowledge that is not so. Mr Stitt has never had any involvement with any proposed development inside the national park. The only development with which I understand he has had any involvement is the one outside the national park.

I have been informed that Mr Stitt was a principal negotiator for Paradise Developments, owned by one T. Lillis, of Alice Springs, in the Paradise Development proposal and subsequent application to the Government to build a tourism development within the Flinders Chase National Park.

I have been informed that Woods Bagot subsequently was chosen for the park development and Paradise Developments, again with Mr Stitt as a principal negotiator, switched its interest to Tandanya outside the park. I am informed that all this information is freely available and can be checked through the Department for Environment and Planning. This, of course, is quite contrary to the assertion made by the Minister yesterday. My questions to the Minister are:

1. Has she had time now to consider her reply, and is she prepared to indicate to the Council that she misled the Council yesterday in her statement that Mr Stitt 'had never had any involvement with any proposed development inside the national park'?

2. Will the Minister apologise both to the Council and to me for this misleading statement?

The Hon. BARBARA WIESE: I do not believe that I owe anybody any sort of apology on this issue. I stick by the statements that I made yesterday about the nature of the questioning of the Hon. Mr Stefani and some of his sleazy colleagues with respect to the business arrangements of Mr Stitt.

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: I suggest that the honourable member should read today's editorial in the *News*, because it sums up clearly what the—

The Hon. R.I. Lucas: Have you read the second edition?

The PRESIDENT: Order! You sound like a cracked record, Mr Lucas.

The Hon. BARBARA WIESE: That editorial sums up clearly what the general public would think of the nature of the questioning that the Hon. Mr Stefani and many of his colleagues seem to be engaging in with great frequency in this Parliament.

I understand that Mr Stitt has been involved in the capacity of a consultant, not a principal negotiator, for a company called Paradise Developments that owned and has owned for a number of years—

The Hon. J.F. Stefani: When did you find that out?

The PRESIDENT: Order!

The Hon. BARBARA WIESE: You could have found out if you had bothered to speak to the developers, too.

An honourable member interjecting:

The PRESIDENT: Order! I ask that the reply should come through the Chair.

The Hon. BARBARA WIESE: I understand that the Tandanya property outside the national park has been owned for some years by a company called Paradise Developments. That company intended to develop or expand the tourism operations on that property in order to provide accommodation in the western end of the island. In fact, I understand that an application was lodged with the local council, which the Hon. Mr Stefani could find out, too, if he bothered to approach the people who are involved with this company, to build a small scale development outside the park. I understand that later the company was able to have negotiations with others about increasing their capital base for some sort of development, and indeed it put in a revised application to the council for a much larger tourism development.

Some time after that, as I recall, the State Government, through the National Parks and Wildlife Service, called for registrations of interest for a development within the Flinders Chase National Park. I believe that Paradise Developments was among those who registered an interest in carrying out some sort of development within the Flinders Chase national park, but, before it got to the point of any further negotiations on the matter, I understand that the proposal was withdrawn.

I believe that since that time that company has been pursuing the application that it had lodged with the local council for planning approval to build its Wilderness Resort development. That matter is now before the council. That is a private issue for a private company dealing with the appropriate planning authority, which will determine it in due course.

I again point out, as I did yesterday, that the attempts that have been made by the Hon. Mr Stefani and others in the Liberal Party to suggest that there may be some improper

involvement by Mr Stitt in any sort of development here or in other areas are nothing more than cheap political attempts to besmirch my character and reputation and that of the people around me. I resent that enormously. I do not believe that the people of South Australia will support the sort of tactics that are being employed by this Opposition, which is bankrupt of any ideas whatsoever, in its last desperate throes for Government. These people stand up in this place and ask question after question designed to besmirch Ministers' characters and reputations because they have nothing else to run with. They are bankrupt of ideas, and they are recognised as being bankrupt of ideas by the media and the people of this State. When election time comes they will get what they deserve.

The Hon. R.I. LUCAS: My question is to the Minister. What is the distinction—

The PRESIDENT: Which Minister?

The Hon. R.I. LUCAS: The Minister of Tourism. What is the distinction between Mr Stitt's alleged role as a consultant to Paradise Developments as opposed to being a negotiator?

The Hon. BARBARA WIESE: I think the honourable member will have to consult Mr Stitt in order to determine that. I am not in a position to do it. I am not a principal of Paradise Developments. As I understand it, when someone is a consultant they provide advice on various aspects, depending on the nature of the contract. I have no idea of the nature of Mr Stitt's contract—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —with Paradise Developments. The role of a consultant, if it was required by the people by whom he is employed, is to speak to representatives of Government departments, the media and to others who might have some interest in the matter, such as, the local council, developers on the island, and who knows who else. I do not know because I am not involved in Mr Stitt's business arrangements.

If the Hon. Mr Lucas is suggesting that because Mr Stitt has an association with me he has no right to conduct business in this State, talk to representatives of Government departments, or to negotiate with anyone else in this State, then I think he had better think again because that is quite unreasonable. No reasonable person would suggest that that is an appropriate expectation of someone who has any sort of relationship with a Minister of the Crown. By raising issues of this kind in this Parliament they will be found to be the frauds that they are.

The Hon. R.I. LUCAS: I have a supplementary question, to the Minister of Tourism. Does she believe that the role of Mr Stitt and his particular company is that of a political lobbyist as well?

The Hon. BARBARA WIESE: I have already indicated that I do not know what the role of Mr Stitt is with Paradise Developments.

The Hon. R.I. Lucas: Is he indeed a lobbyist?

The Hon. BARBARA WIESE: Mr Stitt is a consultant, and sometimes that requires him, as I understand it, to negotiate with Governments. I know of occasions when he has consulted, on behalf of clients, with the Commonwealth Government, and the Governments of Queensland, Western Australia, Victoria, and New South Wales. There are occasions I have known of when he has been involved in discussions, on behalf of clients, with Governments all round Australia. If the Hon. Mr Lucas or any of his colleagues is suggesting that Mr Stitt, because of his association with me, is not entitled to fulfil a role of that kind as a consultant and a public relations person in this country, then I think he is suggesting that Mr Stitt has no civil rights at all in this country, and nobody will support that.

Members interjecting:

The PRESIDENT: Order!

SCHOOL HOLIDAY

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Education, a question about a school holiday.

Leave granted.

The Hon. M.J. ELLIOTT: Apparently the Minister of Education, in his wisdom, has decided that the day before Anzac Day is to be a holiday for students but not for teachers. I have been told that at one particular school it is intended that the school run an open day on the Sunday which the teachers would have been required to attend, and the school council felt it would be reasonable that that Monday, which was at the end of the school holidays and before Anzac Day, could have been a day off for the staff.

I am told that the Minister ruled that out absolutely. Apparently, a number of staff members wrote to the Minister—some rather strongly worded letters I believe—and the Minister became extremely angry and some knuckles were rapped after that. The point was made that perhaps teachers should not be writing directly to the Minister of Education but should be following the correct channels. So, he does not want teachers writing to him. My questions are:

1. Does the Minister believe that teachers do not have enough prescribed working days?

2. Is this an indication that there is consideration as to the number of prescribed working days during school holidays being increased?

The Hon. BARBARA WIESE: I will refer those questions to my colleague and bring back a reply.

PATIENT ASSISTANCE TRANSPORT SCHEME

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Health, a question about the Patient Assistance Transport Scheme.

Leave granted.

The Hon. PETER DUNN: I have been contacted by a rural constituent who draws attention to the apparent inequities within the Patient Assistance Transport Scheme (PATS) which is administered by the South Australian Health Commission. This scheme allows people living in country areas of the State to obtain financial assistance with travel and accommodation costs when they have to come to Adelaide for surgery or to visit specialists.

The constituent, who is a primary producer, points out that he has been recently advised that all applications for assistance through PATS must be accompanied by a complete list of receipts to cover the claim. He says that while this poses no problem with accommodation costs, it does in the area of fuel purchases. Many farmers fill their vehicles, which they use to travel to the city, from fuel tanks on their property. The only receipt for the purchase of fuel would be that obtained for fuel bought when their tanks were next filled up. Further, the constituent says:

For reasons unknown $30 is automatically deducted from all claims, so that for the small amount received (from PATS) it is really not worth the humbug of making the application. It would

appear that this is a step toward the eventual discontinuation of a service which really did help country people with ongoing illness requiring regular visits to Adelaide for specialist treatment.

My questions are:

1. Will the Minister explain why it is now necessary for receipts to be provided for all claims for money under the Patient Assistance Transport Scheme, and why some alternative arrangements could not be evolved for primary producers who often use fuel from their own farm supplies?

2. Why, in some cases, is $30 automatically deducted from the sum payable to patients who claim travel assistance?

The Hon. BARBARA WIESE: I will refer those questions to my colleague and bring back a reply.

UNDERDALE CAMPUS

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Employment and Further Education, a question about the Underdale campus of the South Australian College of Advanced Education.

Leave granted.

The Hon. J.C. BURDETT: The Opposition has been contacted by an elderly constituent who is very concerned at what he describes as the 'penny-pinching' attitude of the Underdale campus of the South Australian College of Advanced Education over the air-conditioning of premises hired out at weekends. The man, a member of the Assemblies of God, says his church has for some time hired an assembly room at the Underdale campus on Holbrooks Road for Sunday services. The man says that, although the church pays a hire fee of $350 a week for the room, it has had to make numerous requests to the college for air-conditioning to be turned on on Sundays, the requests understandably increasing during Adelaide's recent heatwave. The college's attitude, however, according to the constituent, is that all air-conditioning be turned off after lectures on Friday and not turned back on until Monday.

Last Sunday, with the temperature hovering near the old century mark, the constituent says more than 100 churchgoers, many of them aged, had to suffer stifling conditions inside the assembly room for three hours with no air-conditioning and no way of opening windows which are designed to remain closed due to the cooling system. I am informed that there were elderly ladies in particular who were fanning themselves and who were very distressed, and that several of them collapsed and fainted due to the distressing conditions. Therefore, what representations will the Minister of Employment and Further Education make to the college so that air-conditioning is available to users of college premises during non-lecture hours when excessively hot conditions prevail?

The Hon. C.J. SUMNER: I will get a reply for the honourable member.

DRINK DRIVING

The Hon. K.T. GRIFFIN: Has the Attorney-General a reply to my question of 3 November 1988 about drink driving?

The Hon. C.J. SUMNER: The penalties imposed were as follows: on the two convictions of driving without due care, returned by the jury, a fine of $250 on each count and, on the charge in the Magistrates Court of driving with more than the prescribed concentration of alcohol, a fine of $400 and disqualification of licence for eight months. This charge was brought up to the Central District Criminal Court to be dealt with at the same time. The reading was 0.12 per cent.

CHILD SEXUAL ABUSE

The Hon. K.T. GRIFFIN: Has the Attorney-General a reply to my question of 13 October 1988 about child sexual abuse?

The Hon. C.J. SUMNER: On 25 August 1988, the day that the man referred to in the question was acquitted, the Assistant Crown Solicitor contacted the police and asked that the witness be interviewed as a matter of urgency. The Assistant Crown Solicitor stated that the girl had given evidence at a criminal court trial that day about an allegation that her father had sexually assaulted her. During cross-examination the girl stated that the alleged offence had not occurred. The Assistant Crown Solicitor required the witness to be interviewed in relation to this matter, as it was very important to the Crown as other court proceedings pertaining to the family were pending. I have been informed that the three children of the family are now under the guardianship of the Minister of Community Welfare.

In an endeavour to assist in the processing of sexual abuse allegations I have had guidelines prepared to ensure police refer to the Crown certain criminal proceedings or potential proceedings. Matters should be referred to the Crown Prosecutor in any sexual abuse case involving an alleged child victim if:

(a) it is uncertain whether criminal charges should be laid;
(b) advice is sought as to the admissibility of the evidence;
(c) pressure is being applied by the parents of the victim (or by solicitors on their behalf) or by the Department for Community Welfare to proceed with the matter in which it is believed there is insufficient evidence;
(d) using declarations, the defendant will be committed, but there is little or no prospect of a conviction at trial;
(e) in any case where 'special reasons' have been found to call the child in committal proceedings the matter should be referred to the Crown Prosecutor immediately. An adjournment should be sought to enable the Crown to be briefed and attend as counsel.

The guidelines will ensure that the Crown Prosecutors will be involved as early as possible in these matters. In my response to your question I indicated that a working party was examining courtroom structure and courtroom environment. There is no official working party formed. The relevant departments are examining these matters, and of course by the nature of the matters are in frequent contact with each other to discuss the issues.

KALYRA HOSPITAL

The Hon. M.B. CAMERON (Leader of the Opposition): I move:

That regulations under the South Australian Health Commission Act 1976, concerning Kalyra Hospital, made on 26 January 1989 and laid on the table of this Council on 14 February 1989, be disallowed.

It is with no great pleasure that I move this motion, but it is an attempt to end a saga of deceit by the Government. In the end, it is the sort of saga that will lead to the destruction of the Government because this matter outlines the Government's arrogance to a particular section of the community, that is, those people who face the end of their lives. Kalyra was an excellent institution, which provided hospice and rehabilitation care in this State. Kalyra pro-

vided support to the poor and sick people in this State for longer than anyone in this Chamber has been alive, and it did so at low cost to the people of this State.

A trust operated the Kalyra Hospital for 95 years, but this Government just said, 'That is the end, we do not need you any more. This is the finish of what we required of you.' That was despite the fact that Kalyra was the pioneer of hospice care in this State. Suddenly, the South Australian Health Commission withdrew funding.

A licence was held by the trust for a private hospital known as Kalyra Sanatorium, which was established by the trust in 1875. It ran until June 1984. Renewal of the 75 hospital bed licence was considered in May 1984 by the local board of health, Corporation of the City of Mitcham. The reissue of the licence for the period 1 July 1984 to 30 June 1985 was anticipated. However, I refer to comments by Mr Bruce Doley, Chief Health Surveyor, of that corporation, because it is important to note the affidavit, which outlines clearly that Kalyra was offering a service from premises which were considered to be adequate and suitable by the corporation, which was then the surveyor. In part, Mr Doley stated:

> In June 1970 the James Brown Memorial Trust as the proprietor of Kalyra Hospital made application to the Mitcham local board of health to be licensed as a private hospital pursuant to the provisions of the Health Act 1935 as amended... Pursuant to section 23 of the Health Act every municipal council at that time was constituted as the local board of health for its area. Following an inspection of Kalyra Hospital the inspectors of the Mitcham Local Board of Health were of the opinion that the facilities in the hospital were substandard. After negotiations with the James Brown Memorial Trust and its architects, the facilities at the Kalyra Hospital were upgraded and improved to a standard which was as good if not better than any other private hospital then being operated in the area of the Corporation of the City of Mitcham.

He went on to say that the extension was continued each year, that inspections were carried out in April and May each year when inspectors from the local board of health made several random inspections, without warning, of private hospitals during the licensed period, and Kalyra continued in licence until 1984. Mr Doley went on to state:

> In accordance with usual practice, an inspection of Kalyra Hospital was carried out on 29 May 1984 by an officer of the Mitcham Local Board of Health in company with a Senior Health Surveyor from the South Australian Health Commission for the purpose of preparing a report for the local board of health in relation to the renewal of the private hospital licence for the year commencing 1 July 1984.

Shortly after preparation of the report, consequent upon the inspection of 29 May 1984, an officer of the local board of health was advised orally by a representative of the South Australian Health Commission that the Health Commission had taken over control of Kalyra Hospital and the local board of health was no longer empowered to renew the licence to that hospital. He went on to say:

> I assume that the Government or the Health Commission have bought Kalyra and for that reason the powers of the local board of health had ceased. No correspondence was received subsequently from the South Australian Health Commission confirming the oral advice. In accordance with its previous practice the local board of health would have issued a licence to the James Brown Memorial Trust to operate Kalyra Hospital as a private hospital pursuant to the provisions of the Health Act at its meeting on 5 July 1984 had it not received the oral advice for the South Australian Health Commission, as I said.

As I have said, that was not consequently confirmed in writing. What that indicates is that the local government authority in that area was perfectly satisfied with the operation of the hospital. The issue of the licence was clearly blocked by the South Australian Health Commission. This occurred at a critical time as, under the Health Commission Act, part IVA, sections 57C and 57D, issue of the licence would automatically be granted where a body held a licence under the Health Act on 30 April 1985. In May 1986, the SAHC indicated that it would seriously consider any formal request by Kalyra to dispose of some or all of the hospital beds. It reiterated that view in June 1987.

A request in March 1987 by the trust to sell five hospital bed licences was approved by the SAHC on 30 June 1987. This demonstrated quite clearly that the SAHC recognised the James Brown Memorial Trust as the rightful owner of Kalyra's hospital beds licences. On 4 July 1988 the SAHC withdrew this approval—four days and 12 months later. An application to the SAHC for a private hospital licence was made by the trust on 14 September 1987. The commission advised that it was unable to determine whether it should grant a licence to Kalyra Hospital to operate a private hospital.

Kalyra Hospital is not legally a private hospital and, while it is a recognised hospital, is legally incapable of being a private hospital. That is the point we have reached now. If we allow this regulation to go through, does the Government then accept that Kalyra Hospital is returned to its original status (which it held prior to 1984) as a private hospital with the number of beds it had then? If the Government does not do that, then on present bed licence prices it has taken away $2.5 million in capital from Kalyra—from the James Brown Memorial Trust. That point must be clarified by the Government. If this regulation is to pass, it is up to the Government to indicate just what will occur.

The Hon. Diana Laidlaw: Will there be compensation?

The Hon. M.B. CAMERON: Either compensation or the return of those licences which were taken away in 1984. That is the important point.

The Hon. R.J. Ritson: That's an abuse of—

The Hon. M.B. CAMERON: Yes. As I understand it, there has been some indication that this will be considered after this regulation is passed. That is information which I received from inside the commission. That is not good enough. We want to know before we take away this status, the one last link which Kalyra has with the hospital system, that we will see those bed licences that were taken away by a phone call—not even something in writing—returned to Kalyra trust.

If the Government does not do that, it has committed a serious offence against a worthwhile institution, one which people in this State really appreciated. Let me tell the Government this before it heads into an election, as it will some time this year or next: if it goes into an election leaving this up in the air, the people in the southern part of the State from whom these hospice care beds were taken will remember. Many people signed a petition, about this, and they will all be informed of what the Government has done to them, because we happen to have a list of them and know exactly who they are.

Justice Bollen ruled on January 1988 that the applicant, James Brown Memorial Trust, lacked standing to apply for a licence. It should not have had to apply for a licence. Those licences should never have been taken away. There should never have been any doubt about the James Brown Memorial Trust in relation to those licences, because it held them until action was taken by the Government through a telephone call—most amazing action, I would have thought.

Kalyra, of course, has been blackmailed from one end of this argument to the other. Following a ruling that the trust did not have any right to the licence legally because of what had been done to it, it was offered by the Commonwealth 40 nursing home places on the Kalyra site with the following conditions (and this is the sort of treatment it has received): the withdrawal of the trust's appeal for a private hospital

licence and the trust's commitment towards provision of nursing home care accommodation only on the Kalyra site, at the exclusion of all hospital functions. That is for an institution that has served this State since 1875. That is the sort of thanks it gets from the Government for providing at very low cost to the Government the sort of services it has provided throughout the TB years with all of that problem.

The James Brown Memorial Trust was the only institution that really provided the care that was needed. Because I went to school near there I know exactly the situation it was in and the care it provided. In a similar vein the trust responded to the SAHC's letter of 27 July 1988, inquiring into the trust's attitude towards the commission's intention to remove Kalyra Hospital from the list of recognised hospitals under the Medicare agreement regulations under the SAHC.

I understand that the trust indicated that the transfer of recognised hospital services from Kalyra was regrettable, and removal of Kalyra Hospital from the main list acceptable, providing that it was without prejudice to any further action by the trust. This is the trust, as I have said, that has served the underprivileged, sick and needy citizens of this State for the past 95 years. It was created under the will of Jessie Brown who died in 1892. The trust was incorporated by an Act of Parliament for the purpose of perpetuating the memory of her late husband, James Brown, through humane action.

This is a person who provided something to this State for which this State is now saying 'Thanks very much and goodbye.' It provided treatment for consumptives (tuberculosis patients) in 1895, and Estcourt House as a home for crippled children and the blind, whether young or elderly, and they were both firsts for South Australia. The trust bought property, built facilities, and managed and operated a central service at its own expense, and with the assistance of donations and bequests from distinguished citizens and ordinary people in those formative years of this State.

At the turn of the century, tuberculosis was the single condition which accounted for the highest mortality rate at that time. Polio and tuberculosed joints left children crippled. The trust established Kalyra Hospital for these people, services the Government at that time was unable to provide. Until the middle of this century, the trust applied the entire proceeds of its investments and sold property to continue the operation of these services.

With Kalyra Hospital and Estcourt House fully occupied, the trust recognised the need to provide housing and employment for its former patients, particularly those cured of tuberculosis, this debilitating disease which was a major setback to the future prospects of these individuals. However, low cost housing and gainful employment gave many the opportunity to start and live normal and productive lives again. Today, these low cost units situated at Mansfield Park, Findon, Clovelly Park, Klemzig, Windsor Gardens and Crafers continue to provide accommodation to pensioners, be they aged or invalid.

Kalyra Hospital changed its role and tailored the service to meet emerging needs. It progressed from the days of tuberculosis services to be the geriatric assessment unit for the southern region—and there are plenty of people in this State who well know the services provided—followed by rehabilitation, convalescence, and hospice care. The State at this time provided the recurrent or operating costs; Kalyra provided the beds, the facilities, staff and management.

At Kalyra, hospice care for the terminally ill advanced in technique and status to the level we appreciate in South Australia today. I do not think anyone would argue that, if it had not been for Kalyra, we would not be at the standard of hospice care in South Australia that we have reached today. It was the pioneer in hospice care in this State, and I know that the Hon. Mr Davis has been well aware of that.

Recognising the emerging need for palliative care for patients with terminal cancer, the trust supported its medical superintendent and a social worker in study trips to Montreal in Canada to learn the philosophy of care and adopt a holistic approach to the hospital based care of these patients. The blueprint for today's hospice services is embodied in the State Government's hospice policy, which is a statement of practice formerly at the Kalyra Hospice, integrated with the community hospice program based at Flinders Medical Centre.

In fact, a booklet on hospice care was put out by the Government using photograph after photograph of Kalyra Hospital to indicate how hospice care was carried out in this State. There was the Government, prepared to use Kalyra as a means of promoting hospice care, but, when it came to the crunch, the Government just defunded it.

The hospital bed entitlements at Kalyra were created through the efforts of trustees since 1895 and have an assessable value of approximately $3 million. The 40 nursing home places approved have a value of $320 000. The amendment to the regulation, if accepted without condition to reinstatement of private hospital bed licences to the trust to utilise in a manner it considers appropriate, would disadvantage the trust to that level, if it was sanctioned by the Government of the day.

The Government ought to be ashamed of this whole saga because right from the start it was clear to everyone concerned that the Government was not interested in the provision of care; it was interested only in saving money. That is the sad thing about this whole saga, that somehow or other the people who were receiving care were forgotten; the people who were providing care were forgotten; the institution was forgotten. In amongst it all, I do not know what happened—whether someone got himself uptight; whether someone developed an antagonistic attitude towards this institution; whether there was a Minister who felt he had to prove himself in some way; or whether there was a Chairman of the commission who said, 'There is $1 million; let us save it.' I do not know what happened. It was clear to me right from the start that it was done without any thought at all as to the consequences. In fact, it was done without any consultation with Kalyra or the James Brown Memorial Trust.

That is the most amazing aspect. Most of the people on the trust were serving voluntarily and, having done that for all these years, suddenly Kalyra was just wiped out without any discussion whatsoever—no prior consultation at all. Within two weeks of its announcement that it would use Windana as an alternative, the Government had to scrap it. That is how much thought was put into it. It had no idea of what it was going to do. It just found a place and said, 'That will do.' I do not think anyone in the commission or in the Government had ever visited Windana to see just what it was like. They had no idea of what was needed for hospice care. I do not think anyone in the Government at that stage had been to Kalyra. I would ask any member of the Government if they had actually visited the hospital at that stage. I know that the Hon. Mr Bruce did later—I am fully aware of that—but at that stage I do not believe that any person in the Government had taken the trouble to go up and see just what was provided.

The Government then said it would cost $12 million to upgrade Kalyra. Anyone with half a brain would have been able to say to the James Brown Memorial Trust, 'What is

this $12 million?' They would have found that it was an ambit claim put in at a time when the Government said, 'We have money available; put in a claim and we will see what we can do.' Little did the trust know that in 1987 the Premier would use that figure against it. It was not necessary. However, the money was apparently around and everyone in the State was applying for it at that stage because money seemed to be falling off trees. The Government must have been coming up to an election. It was just an ambit claim and the Government knew it, but it used it deceitfully against Kalyra and against the James Brown Memorial Trust.

On 21 August 1987, I called on the Government to withdraw plans to close Kalyra. The Government seemed utterly determined to continue. It then announced it had changed its mind and would make the shift not to Windana but to Daw House. The rehabilitees from Daw House would be transferred to the Julia Farr Centre. Again, the people at Daw House did not know about that—they had not been told. At Julia Farr people did not know—they had not been consulted. It was like a chess board with the Minister and his commission working away shifting things around. The only problem was no-one down the bottom knew what was going on. They had not been consulted—not once.

On 9 September I said that the reason why the Government wanted to close Kalyra was that it wanted to reduce Kalyra's funds by $1 million. Kalyra then replied, 'If you are really determined to do that, we will accept a cut of $800 000, but leave us open.' But no, the Government was not interested in that. It was still set on this course. The Minister's ego was up in the air and there was no way it would stop. It would go straight down the track with the Health Commission tramping along behind it, very subserviently.

At that stage I also tabled a document with an architect's report which stated it was a sound building and could be upgraded for no more than $170 000. That is a bit different from $12 million—just slightly—but perhaps the Government does not understand. It does not seem to know much about money. At that stage we indicated that after the next State election we would restore funding to Kalyra. I do not know what is the attitude now of the James Brown Memorial Trust, but I hope that it would be prepared to take up the challenge of some long-term hospice care again because I believe that in that institution there is still the spirit of the people who used to work there. I am sure that some of those who left that type of care because of what was done to them would be prepared to return and restore what was an excellent unit. I would also hope that there would be some return to long-term rehabilitative care, but that matter will be the subject of negotiation after the next election. This unfeeling Government will certainly disappear then.

About 22 000 signatures (and that was only a small percentage of what could have been collected) were collected from the southern areas of this State, including the electorates of Fisher, Bright and other areas down south. That is where the Government will lose the next election and we will see the return of a Liberal Government, which will treat with some respect, dignity and feeling people in the community who provide services at a very reasonable level. A Liberal Government will understand exactly the commitment of these people to those less fortunate in our community, because no-one wants to enter a hospice unit but, by gosh, they are needed. If people want to know what is this Government's attitude, they just need to go out to the northern areas where none of these services are provided.

We get plenty of promises. There is always a promise—always a promise a day. We will have another announcement at the next election. They will say, 'We will commit ourselves to hospice care in the northern areas of the State,' and then we must wait another three or four years. Then, maybe just before an election, just in case, they will say, 'We will put it there.' That is no way to run a Government. On 27 October the Government appointed an administrator to control Kalyra's entire expenditure, and prevented the hospital functioning without the direct approval of the Health Commission.

At that stage it was clearly indicated that not even the Flinders Medical Centre, which worked in close consultation with Kalyra, knew what was going on. The Government spent $600 000 upgrading Daw House, and then withdrew susbsidies to Kalyra to fund the refurbishment of Daw House. All but 18 of Kalyra's beds were closed in February 1988, and 60 staff were relocated. These are the people, many with long-term service, who had helped set up the unit that had staffed Kalyra over many years. They were relocated. That is a great feeling. These people in the glass castle down at the end of Rundle Mall love that word 'relocate'. They have never had to be relocated, although they might find that it happens a little more in the future.

The Hon. Diana Laidlaw: They didn't like it recently.

The Hon. M.B. CAMERON: No, but they were quite happy to relocate people at that stage, so people were shifted hither, thither and yon and put into situations that were not suitable. As a result of that, Kalyra was closed in August 1988. The Julia Farr Centre was supposed to have a 44 bed rehabilitation and convalescent section as a result of Kalyra's closure, but severe staff shortages resulted because these very dedicated people finally gave up the ghost. They were reduced to 18 beds. They did not even have available the 44 beds which they were supposed to have, and which the Government had boasted about.

On 30 November 1988 the new Minister of Health (Mr Blevins), in answer to a question in Parliament, finally admitted that the Government's reason for closing Kalyra was purely a cost-cutting measure. He actually said that. He outlined why they had closed Kalyra, and said that the hospital had no shortcomings in care. Throughout this whole saga, the Minister had attempted to imply that there were shortcomings in care. He even quoted the RSL at one stage as saying that there were no toilets in one area of the hospital. He went through a long dissertation, saying that the RSL had asked him to do that. That claim was subsequently rejected, but the real fact of the matter is that the Government was trying to save money.

I understand that the Julia Farr Centre now has 44 beds for rehabilitation and convalescence. Daw House has 15 beds today for hospice care. That compares with Kalyra's 65 officially approved beds. But Kalyra always had the flexibility of institutions of that sort to go to 70 beds, that is, 20 hospice beds and 50 rehabilitation beds. So, we are not even where we were in the days when it was open. Kalyra had 65 staff working: 41 full-time workers on rehabilitation and convalescence and 33 staff, 19 of whom were working full-time in hospice care prior to its demise. I would be very interested to know what the Julia Farr Centre has at this time.

The Government can get this regulation approved. We will not proceed to disallow it, provided that it indicates that Kalyra has its private hospital beds. If the Government does not indicate that, then this regulation will be rejected time and time again until the Government is sick of it, because this is merely an attempt to get rid of that final bit of embarrassment. I do not believe the Government when

it says, 'We will discuss it afterwards.' I would suggest that the people of the James Brown Memorial Trust do not believe the Government either. If they do, they are naive, and I do not think they are that.

The Hon. Diana Laidlaw: They have learnt by bitter experience.

The Hon. M.B. CAMERON: Yes, they have learnt by bitter experience. They have had enough experience of this Government to know that, when a telephone call comes through, it can mean the end. They know that they are not even given the courtesy of getting things in writing.

I will await the Government's reply. If the Government does not reply in that manner, then this regulation should be rejected until the Government comes to its senses, and I will ask the Democrats and anybody else in this Chamber to support us in this respect. It is a sad day to see the potential end of such a magnificent institution which has served the public patients of this State. It is sad that they are being forced to go back to something with which they feel uncomfortable, because their trust was set up for the purpose of helping people who could not help themselves. It is a great pity that the Government did not recognise what a worthy institution it had.

The Hon. G.L. BRUCE secured the adjournment of the debate.

SELECT COMMITTEE ON ENERGY NEEDS IN SOUTH AUSTRALIA

The Hon. I. GILFILLAN: I move:

That the time for bringing up the report of the select committee be extended until Wednesday 5 April 1989.

Motion carried.

SELECT COMMITTEE ON EFFECTIVENESS AND EFFICIENCY OF OPERATIONS OF THE SOUTH AUSTRALIAN TIMBER CORPORATION

The Hon. T.G. ROBERTS: I move:

That the time for bringing up the report of the select committee be extended until Wednesday 5 April 1989.

Motion carried.

SELECT COMMITTEE ON THE ABORIGINAL HEALTH ORGANISATION

The Hon. CAROLYN PICKLES: I move:

That the time for bringing up the report of the select committee be extended until Wednesday 5 April 1989.

Motion carried.

SELECT COMMITTEE ON CHRISTIES BEACH WOMEN'S SHELTER

The Hon. G.L. BRUCE: I move:

That the time for bringing up the report of the select committee be extended until Wednesday 5 April 1989.

Motion carried.

DEMOCRACY

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

That this Council calls on the State Government to defend and extend democracy in South Australia by:

1. Enacting freedom of information legislation;
2. Enacting privacy legislation;
3. Enacting citizens' initiative legislation;
4. Enacting legislation to allow a wider range of persons to have *locus standi*;
5. Amending the Government Management and Employment Act, such that Government employees may speak freely as individuals except in narrowly prescribed circumstances;
6. Amending the Planning Act such that there is true public involvement in the environmental impact process.

When one talks about defending and extending democracy, one needs to recognise that there seems to be a fairly wide definition of what democracy means. East Germany calls itself a democracy—the German Democratic Republic. Many of the one-party States of Africa call themselves 'democratic', and we call ourselves democratic. There is quite clearly a rather wide definition of what constitutes a democracy.

Democracy can take a number of directions. What is important is what, in the end result, is its effect on the citizens of the country. Australia has been a world leader in the growth of certain aspects of democracy. The secret ballot, votes for women, votes for all, regardless of financial means, and equality of vote values are all important steps that have been taken in Australia and have strengthened our democracy. Democracy in Australia though is now at a standstill. South Australia in particular is marking time, if not going backwards. The leading State is now trailing.

The operation of our parliamentary system is largely to blame. Governments are increasingly run by a small inner clique, which frequently does not even see the platform of their own Party as any constraint. Governments operate on the basis that they know what is best for the State, and they manipulate the citizens by withholding information, or the selective release of it.

There are some very basic questions to be answered: What do citizens have the right to know? What contribution can they make to the direction their society is moving in? It is my belief that there is very little of the workings of government that should not be directly accessible to the average citizen.

Certainly, law enforcement agencies need a level of confidentiality, as do certain commercial considerations. However, our present Government is only too willing to hide behind the latter. Personal information held about individuals should not be available in identifiable form to other individuals. With those provisos all other information should be available.

The Government's recently announced administrative directions on information privacy principles and access to personal records are highly dangerous. They fail to address a significant component of the concept of freedom of information. While they give access to personal files, they deny public access to other information which one would expect to be available in a participatory democracy.

It is of interest that Oppositions support FOI but when they get into government they lose all enthusiasm. Information is power. Governments see information in the hands of citizens as a threat to their power. Even in this Parliament, Question Time is made a farce by Ministers who frequently give misleading answers by way of omission and distortion. There are a number of Ministers who do not answer correspondence from MPs, or answer after an inordinate wait and then incompletely. If the elected representatives of the people cannot get information, what hope have average citizens of knowing what is going on. They are all members of the 'Mushroom Club.'

Why were South Australians not told about plans to dump toxic waste into Bolivar? Why are South Australians not told that the Port Adelaide sewage works is responsible for

the toxic tides at Port Adelaide? Why are South Australians not told about the appalling conditions in homes for the intellectually disabled? Why are South Australians not told that plans for a uranium enrichment plant at Port Pirie are well advanced?

Without commenting on the issues themselves, does not everybody have a right to know? If there are things going wrong and everybody knows about them, then everybody can share the credit or the blame? If more resources need to go into waste management or care of the disabled, how on earth can there be public support if the public does not even know of a potential problem?

Our problems are all about power. Governments want to keep power. As our system now operates, if anything goes wrong, then it is the Government's fault. Therefore, it cannot admit any problems. In fact, it tries to cover them up. Closed government is about power, and it is bad government.

I have said that the Government's administrative directions are dangerous. They certainly are in terms of freedom of information and privacy. The Attorney-General has told us that 90 per cent of FOI inquiries interstate relate to personal information, but the other 10 per cent are equally important. The Government has decided that it does not want such information to be available. Even on matters of personal privacy, I see the directions as dangerous. It is difficult to understand why, if the Government claims a strong commitment to privacy legislation, it refuses to enshrine it in legislation. At least the Federal Government, even if in a weak form, has recently legislated in this area.

South Australia has seen a rapid growth in the storage of information on computers by Government departments in particular. I have on previous occasions raised my concerns about the possible misuse of the Government's large computer, which stores the files of five different departments. I have recently been informed that the Government has made approaches to people outside. It has been going to non-government agencies and asking whether they would like their information stored on the Government's computer. I am glad to say that those of which I know have so far said 'No, thank you very much.' However, I was astounded to hear of such things occurring.

If the Government has such a strong commitment to the privacy principles, which in themselves I support, I believe it is obliged to put them into legislation. Otherwise, by a mere stroke of the pen tomorrow, it may retract what it has said that it now believes. It has changed its beliefs before on matters such as FOI. Indeed, a future Government, which may be even less trustworthy than the present one, may decide to retract those administrative guidelines, because that is what they are.

If the Government believes that these guidelines are correct, then, by entrenching them in legislation, it will protect South Australian citizens in future. Such protection could be taken away only by legislation, which would have to pass through both Houses, and that could be difficult if there were an attempt to take away people's freedoms and rights.

Finally, I want to address the question of citizens' initiative legislation. When people vote for a political Party, it is rare that they will vote for the complete package which is being presented. It is rare for a group of voters to agree with the whole of the policy of any one Party. Therefore, a Government will be elected with some policies which are unpopular generally with the electorate, but, because of other considerations, the majority of people will elect and support the Government.

The possibility of citizens' initiative legislation means that we can get legislation which more truly reflects the opinion of the total electorate. Citizens' initiatives have been the Democrats' policy since our foundation 12 years ago. The support for citizens' initiatives goes right across the broad spread of politics. The League of Rights apparently supports such initiatives. From time to time one ends up with strange bedfellows, but we agree on this important principle. I suspect that the League of Rights believes, as we do, that, given a chance, people would like to have more say in government. Where we disagree is what we think the people would ask for if they were given the opportunity. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

CHILD PROTECTION POLICIES

Adjourned debate on motion of Hon. Diana Laidlaw:

1. That a select committee of the Legislative Council be established to consider and report on child protection policies, practices and procedures in South Australia with particular reference to—
   (a) provisions for mandatory notification of suspected abuse;
   (b) assessment procedures and services;
   (c) practices and procedures for interviewing alleged victims;
   (d) the recording and presentation of evidence of children and the availability and effectiveness of child support systems;
   (e) treatment and counselling programs for victims, offenders and non-offending parents;
   (f) programs and practices to reunite the child victim within their natural family environment;
   (g) policies, practices and procedures applied by the Department for Community Welfare in implementing guardianship and control orders; and
   (h) such other matters as may be incidental to the above.
2. That the committee consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order No. 389 be so far suspended as to enable the Chairperson of the committee to have a deliberate vote only.
3. That this Council permit the select commitee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to the Council.

(Continued from 15 February. Page 1913.)

The Hon. T.G. ROBERTS: I oppose the setting up of this proposed select committee, but that does not mean to say that I do not take into account the important issues that have been raised by the Hon. Miss Laidlaw. I will take this opportunity to outline to the Council exactly what the Government is doing, and in doing so I hope that members will take cognizance of my contribution which may show that there is no need for a select committee to be set up in relation to such a matter.

The responsibility for welfare services, needs, and delivery have been identified and accepted by Labor Governments of this State and, more recently, at the Federal level, since the late 1960s. The Steele Hall Government played some part in the early recognition of delivery and needs. However, the welfare needs of people living in communities cannot be handled by welfare agencies alone; they need cooperation from the people in those communities to ensure that these services are put forward, implemented, and delivered in the proper way.

During the 1970s the South Australian Government introduced major reforms in the juvenile justice system, undertaking extensive consultation across agencies in the process. During that period there was widespread fear in the community that the proposed reforms would lead to increased violence, with young people running wildly out of control.

These fears were followed by a backlash, with pressures to return to a more punitive system for dealing with young offenders. In the end, however, the present juvenile justice system in South Australia is widely acclaimed, both in

Australia and overseas, as innovative, effective and economical in its use of resources.

Since the late 1970s a similar process can be seen in relation to child protection. Major changes have been happening both in community perceptions of child abuse, in agencies' responses, and in methods of child protection. Much of the public outcry that we see today in the media is a result of much the same kinds of fears and backlash as occurred in the 1970s with the new ways of dealing with new offenders. The recognition that violence and neglect happen in many families is very threatening, and has resulted in attention being diverted from our basic responsibility—the protection of children, the most powerless members of society. Instead, the arguments and venom has been directed at the complaints of parents who believe that they have been unjustly accused, and the Government is aware of the balance that is required in the service delivery to children and protecting the rights of parents.

Many changes are occurring at this moment in South Australia in relation to child protection just as they are in other States and around the world. We have travelled about 70 per cent of the journey, but there is still some distance to go and people are still learning. The problems arising from systems designed to protect children from abuse and the apparent threats to human rights and family life that these systems may pose are not, or course, confined to South Australia. During the past couple of decades the problem has received attention all over the world, and a vast amount of research has been carried out in legal, medical, welfare, sociological, and psychiatric disciplines. Developments in South Australia are occurring against this backdrop of research data and wide-ranging practical experience.

In general, child abuse and neglect refers to injury or damage to a child, other than accidents, which is caused by the actions of parents and caregivers of children, by other people known to the child, or by the failure of these people to take reasonable action to prevent injury to that child. I will now highlight the classifications of child abuse and neglect. For statistical purposes, child abuse and neglect are classified into the following categories which are not, in practice, mutually exclusive. Physical abuse is non-accidental physical injury inflicted on a child. Sexual abuse is any sexual behaviour imposed on a child under the age of 18 years. The child is considered to be unable to alter and/or understand the perpetrator's behaviour due to his or her early stage of development and/or powerlessness in the situation. Emotional abuse is a chronic attitude or behaviour towards a child which is detrimental to and impairs the child's emotional and/or physical development. Neglect refers to any serious omission or commission by a person which jeopardises or impairs the child's physical, intellectual, or emotional development.

Because of this, an effective response to the problems of child abuse requires the concerted action of a full range of agencies and departments involved in many aspects of service delivery to victims and their families. An inter-professional approach to child protection has arisen from a realisation that the different forms of child abuse are too complex to be understood and handled from within the conceptual confines of a single discipline, and that the victims' needs cross the boundaries of the services provided by each individual profession.

Following receipt of the notification of abuse, decisions are made on the extent of involvement of other agencies in the investigation and assessment. These agencies include the police, the Adelaide Children's Hospital, the Flinders Medical Centre, the Child Adolescent and Mental Health Service, and the Education Department. Agencies included in the provision of treatment and follow-up services are the Child Adolescent and Mental Health Service, community health centres, various non-government welfare agencies, and community-based self-help groups.

In the small number of cases that proceed to the Children's Court, the Department for Community Welfare involves representatives of other agencies in pre in-need-of-care and protection case conferences to consider the circumstances of the child and the need for ongoing intervention, including an examination of the necessity to proceed with court intervention. The decision to proceed with lodging an application to remove a child from his or her family with the Children's Court is made by a regional director of the department. The Children's Court makes the final decision on this application.

The present situation is that notifications of child abuse have increased 500 per cent since 1979. The figures are commensurate with other States in Australia and overseas. Of the 4 500 children notified in this State last year, because of improved inter-agency services to the families, 94 per cent did not enter the courts system. Of those 503 children in the past two years whose cases have gone to court, only four children were deemed by the Children's Court to be in need of care.

Most of those children who are under a court order removing them from their families have ongoing contact and are often returned to their families. The Hon. Diana Laidlaw presented to this Council a list of statistics from 1981 to 1987 which, if read separately and without the necessary explanations required to analyse the data, could be misinterpreted. From 1981 to 1982 child abuse notifications numbered 474, and substantiated cases of abuse were 427. The percentage of substantiated cases was 90.8 per cent. In 1986-87 the number of child abuse notifications rose to 4 027, with substantiated cases of abuse reaching 1 033, giving a percentage of substantiated cases at 25.65. There could be real cause for concern about over reporting of such abuses.

The Council will find that the way the system is set up, with the back-up services provided across the departmental range, and with the investigations that are carried out, it is probably just as well to be slightly alarmist in many of these cases and to talk the problems out. In some cases it is overreaction by families to behavioural problems with children that may, in the first instance, be seen as abuse. It may not be acute. It may reflect itself in some minor problems associated with children's behaviour and perhaps some over-zealous and not commensurate punishment fit for crimes that occur. Once follow-up and counselling takes place, either through school teachers, or in some cases, relatives and friends, many of the problems can be talked through.

It is important to have the community back-up services that are provided through the family support systems and friends that are close, for example, grandparents etc, extended families, to make sure that those cases are not extended from over-zealous punishments not befitting crimes to continual abuse.

The Hon. Diana Laidlaw: Are you arguing that my figures are misleading?

The Hon. T.G. ROBERTS: I am not saying that they were misleading.

The Hon. Diana Laidlaw: They are the department's figures.

The Hon. T.G. ROBERTS: My point is that statistics, if they are not followed up and analysed properly, can be misleading. The fact is that in the early years of child abuse

the number of childhood abuse cases being registered officially was far lower.

When I was at school it was rare: we would not have had any cases registered or at most very few cases until they hit the courts. Once the provisions were extended by the Government to include all agencies in being able to come to terms with some of the problems associated with child abuse and to make sure that the minor cases of over-zealous parental reaction to behaviour problems were nipped in the bud, then that is where society ought to keep it.

It should keep it in the confines of counselling and community support systems which I have just outlined. The position of cases flying through into the court and intervention by agencies to remove children from parents ought to be minimised, and I think that it is. The statistics that I have mentioned need closer scrutiny.

The Hon. R.J. Ritson: They are important questions which the select committee ought to go into.

The Hon. T.G. ROBERTS: The position that I have outlined is the position of which the Government is aware. The contribution that I have made is that there is still a learning process going on. The Government is quite capable of using the available statistics to determine its own position in relation to the growing problem. It is able to look at some of the studies that are continuing overseas. Obviously, there will be debate in the community. It can be done. If we look at how some of the select committees have been set up, if it was an honest attempt by the Opposition to put a select committee into place with the vital concerns of assisting the Government in putting its program into place to ensure that child abuse is not continued and perpetrated, we would not be opposing the motion.

I will elaborate further in my speech to show that the Government has a program set up and is in the process of setting into train a number of events which hopefully will be able to come to terms with the problem. The present situation is that notification of child abuses has increased, as I said before, by 500 per cent since 1979. The figures are commensurate with other States in Australia and overseas. Of the 4 500 children notified in this State last year, because of the improved inter-agency service with families, 94 per cent did not enter the court system. Of those 503 children in the past two years whose cases have gone to court, only four children were deemed by the Children's Court not to be in need of care. Most of the children who are under court order and removed from their families have ongoing contact and often return to their families. That is a vital and important statistic.

Many of those who cannot return to their families have suffered permanent physical damage. The psychological scars are impossible to measure. Every day workers in the community welfare centres, the hospitals, the police stations and so on deal with children who have been blinded, deliberately poisoned, deliberately burnt, thrown against walls, and punched and abused to the point where they have received brain damage. Recent and recurrent reviews and reports, particularly the Bidmeade Report on In Need of Care Proceedings, highlight this. The Government has initiated a number of legal reforms to improve the in need of care proceedings and also to establish a child advocacy care unit within the Children's Interest Bureau.

Those changes have led to clearer and better informed decision making, and a higher standard of evidence submitted to court. However, as they have been operational for less than a year it is premature to review them. The Child Sexual Abuse Task Force Report was released in November 1986. It contained over 100 recommendations on improvements in the coordinating of services, legal reforms, proceedings in the Children's Court, service delivery and training. Community awareness has been monitored by the Child Protection Council. The terms of reference of the Child Protection Council are wide and varied, and its objectives are as follows:

1. *(a)* To ensure the co-ordination and evaluation of child protection programs in South Australia with particular emphasis being given to programs for the alleviation and prevention of child sexual abuse.
   (b) To assist and encourage the development of child protection programs within relevant departments, authorities and non-government agencies.
   (c) To ensure the co-ordination of community education and professional training programs in the area of child protection.
   (d) To encourage co-operation between the various State and Commonwealth agencies and non-government agencies with respect to child protection; and
   (e) To encourage research into child abuse and the publication of information concerning child abuse.

2. The council may do all things necessary or convenient to assist the promotion of its objects, and in particular may:
   (a) Report and make recommendations to the Minister of Health and Community Welfare concerning child protection.
   (b) Establish sub-committees and working parties as necessary drawing on its own resources or such other resources as may be made available.
   (c) Raise awareness within the community of the incidence and significance of child abuse.
   (d) Review and report to the Minister of Health and Community Welfare on legislation relevant to child protection.
   (e) Convene forums, seminars and conferences and
   (f) Provide pre-budget advice concerning child protection programs.

3. In the promotion of its objects the State council shall have regard to the report of the South Australian Government Task Force on Child Sexual Abuse—October 1986.

4. The council shall report annually to Parliament through the Minister of Community Welfare.

5. The council shall be constituted for an initial term of three years with its continued operation to be then subject to review by the Government.

I hope members opposite agree that that is enough to monitor and deal with the problem as it is emerging. No-one disagrees with the proposition that child abuse is a major problem which needs to be dealt with in a way which does not put people offside. There is no reason for scepticism about the program; the problem will not be hidden away from people. If communities see child abuse cases reported and proven, they will be confident that the structure that is in place is designed to help them, and they will make themselves available for counselling in some cases, while in other cases there will be a direct offer of support and assistance by family and friends.

The Child Protection Council comprises very responsible people, and one will find that the terms of reference of that council are far wider than the terms of reference set down by the Hon. Ms Laidlaw in her speech supporting the setting up of the committee. Although there are no firm guidelines or recommendations in relation to mandatory (as opposed to voluntary) notification of suspected abuse, I notice that in the Hon. Ms Laidlaw's speech there is a preferred position: the assessment procedures and services; practices and procedures for interviewing alleged victims; the recording and presentation of evidence of children; and the availability and effectiveness of child support systems.

As I pointed out earlier, in many cases it is far too early to assess some of the systems which have just been put in place, and we are acting on reports that have been handed down as recently as 1986. Information is still coming in in relation to the way in which we are to proceed, and this needs to be analysed. The council itself is quite capable, and receives a vote of confidence from the Government and from me at this stage in saying that the council will be

quite adequately staffed. The people on the council will be adequately equipped to assess the reports which are coming down and make recommendations.

One of the points that I have made is that the devolution of responsibility back into the community is one way we can solve the problem. Centralising, particularly, the programs of review, which have not had time to be put in place, is not the way to do it. The way to do it is to allow the Government to have its program put in place to permit the people on the Child Protection Council to analyse the data available and to make recommendations back into the community. Then we can start an education program in the community to allow those reforms to be put in place, so that the prevention programs start.

The Hon. Diana Laidlaw: Non-elected members of that council, rather than elected members of this Council.

The Hon. T.G. ROBERTS: I will list the members of the Child Protection Council to see whether it can be argued by the Opposition that they are inadequately qualified.

The Hon. Diana Laidlaw: It is not accountable to the community, as we are.

The Hon. T.G. ROBERTS: If the community determines that what the Government is doing in this area is inadequate, the community has other avenues available to it to make its wishes known. The Chairperson of the Child Protection Council is Dame Roma Mitchell; the Deputy Chairman is Ray Sayers of the South Australian Health Commission. The other members are: Ms Sue Vardon, Chief Executive Officer, Department for Community Welfare; Ms Cathy Branson, Crown Solicitor; Ms Margaret Wallace, Education Department; Mr Brenton Wright, Director, Children's Services Office; Mr John Dawes, Executive Director, Correctional Services; Ms Sally Castell-McGregor, Children's Interests Bureau; Mr David Hunt, Commissioner of Police; Ms Josephine Tiddy, Commissioner for Equal Opportunity; Dr Peggy Mores, Chairperson, Education & Training Committee; Dr Helen Winefield, Chairperson, Research and Evaluation Committee; Ms Kim Dwyer, Chairperson, Inter-Agency Relations Committee; Ms Lindy Powell, Chairperson, Legal Committee; Ms Carmel Kerin, Chairperson, Community Education Committee; Mr Harold Bates-Brownsword, Representative—South Australian Council of Social Services; Mr Michael Flannery, Representative—S.A. Commission for Catholic Schools; and Ms Donny Martin, Representative—People Against Child Sexual Abuse.

We can see the cross-representative position of those people in the community, and the amount of information they will be able to bring to such a council will be most helpful. As the documentation comes in terms of the number of reports that are being presented on child abuse around Australia and internationally, one of the problems with select committees is the length of time for which they run and when they make their final recommendations. The Child Protection Council can run indefinitely, if the Government sees fit. It can constantly analyse the data coming in, analyse how each departmental office is handling the situation, and make recommendations for change.

I would say that most of the people I have named are eminent figures in most of the key departments which will have responsibility for service delivery in the prevention of child abuse. That is what we are all talking about. It is not the intention of the Hon. Di Laidlaw or anyone to whom I have spoken on this issue to get into the position of looking for scapegoats in terms of abuse by parents or those people who are put in charge of children. It is a matter of prevention, and anything that members on either side of the Council can do to put those programs into place so that the agencies in the field and the community can pick up the programs is welcome.

If one looks at the role of the Education Department and some of the other Government agencies which are brought into play to make sure that the early reports on child abuse are followed up, one can see that the community is starting to take child abuse seriously and starting to pool its resources to try to assist those with the least amount of rights, that is, the children of people perpetrating the offences.

One of the other problems associated with child abuse is that, in most cases, the parents or care givers, as the Hon. Dr Ritson would know, are people generally under extreme stress or pressure in some form, and the problems associated with that stress and pressure in many cases manifest themselves in child abuse.

The Child Sexual Abuse Task Force Report was released in November 1986. The report, containing over 100 recommendations on improvements in the co-ordination of services, legal reforms, proceedings in the Children's Court, service delivery, training and community awareness, has been monitored by the Child Protection Council and it will be continually making recommendations.

In addition, there are many other multi-agency working parties on child protection matters, as follows:

Sexual Offender Working Party Report;
Gaps in Services Working Party Report;
Inter-Agency Guidelines;
Medical Protocol Working Party;
Adolescent Perpetrators Working Party;
Assessment Procedures Working Party;
Education Steering Committee on Child Protection;
Tape Recording of Interviews of Children;
Child Health Policy Committee;
Access Working Party;
Attorney-General's Working Party on Courtroom environment;
Cooper Report on Under-age Parents;
Children with Disabilities Working Party;
Child Rearing Practices Working Party in Remote Aboriginal Commuities (with co-operation of WA and NT); and
Family Court/DCW Working Party on Procedures and Co-operation.

From that list and from the make-up of the council, I think that anyone who studies the subject will acknowledge that the Government is doing as much as any Government can do to, first, identify those areas that are producing the problems associated with child abuse and is coming to terms with putting some of the programs into place to bring about the prevention.

South Australia hosted a national workshop on family court personnel, private practitioners and other agencies working on policies and procedures in Family Court matters. A national workshop of policy makers in child protection from all States and New Zealand was held in Canberra. This was initiated by South Australia.

Major progress has been made by Government agencies working in the area of child abuse. Reforms in all agencies working in this area have been undertaken in the past two years. These include administrative procedures and policies now in place in the Children's Services Office, Department for Community Welfare, police, South Australian Health Commission and education, and in non-government organisations such as Regency Park, Judith House, PACSA and FACT. Skills development training has been implemented and programs have been introduced to staff to assist them in their work and inform them of their agencies, policies and procedures.

In the Police Department, a Victims of Crime Branch has been established. A manual is currently being compiled to include all procedures relating to child protection. All police recruits now have training on child abuse. Programs have been initiated for the specialist sex crime investigators course,

detective courses and courses for supervisors. A pilot project to streamline joint Department for Community Welfare/police investigations has been established at Holden Hill. The police and Department for Community Welfare currently have a working party to examine the feasibility of joint interview teams to ensure co-ordinated uniform interviewing across the State. Future directions are:

to update input of existing courses on child protection;
to initiate in-service training re child protection;
to finalise a suitable system to overcome operating problems as identified by the review of current procedures, without cost implications, and to address other lower priority recommendations.

In the Education Department, the Child Protection Advisory Committee responsible to the Director-General of Education has been established, protective behaviour programs have been trialed and presented in schools. The Child Protection Curriculum Committee has outlined a number of desired learning outcomes for students, and a Child Protection Co-ordinator was appointed in May 1987 to set up policies and procedures. The next phase to implement these has begun.

It is very important for the Education Department to become involved because, in a lot of cases, the people to be confronted with the first indications of child abuse are, if not neighbours, school teachers. Training programs are now in place to be able to handle and recognise some of the early symptoms and signs, and I have personal knowledge of teachers who not only counsel the children in a warm and loving way but are able to get the confidence of the children to be taken home into their family situation and to talk to the parents. That has not produced any statistics in terms of bringing forward those cases of abused children, but it has enabled them to talk with the parents about some of the problems and, in a lot of cases, give the parents the confidence to be able to handle some of the minor behavioural problems that children normally go through.

I am sure that many of us in this Chamber would have had minor behavioural problems as children. I think the Hon. Mr Davis may have had major problems associated with child behaviour. He looks to me like one of those who may have been abused as a child by his parents.

The Hon. L.H. Davis: I would ask you to withdraw that. They were very kind to me.

The Hon. T.G. ROBERTS: I am glad to hear that. In most cases, parents are able to be counselled, when early recognition does take place, so they do not become statistics.

The Hon. L.H. Davis: That was an outrageous suggestion. My father reads *Hansard*. You'll probably get an anonymous letter from him.

The Hon. T.G. ROBERTS: Perhaps he could write to me and explain the honourable member's behaviour in this Chamber. If it is not from being an abused child, then it must be for some other reason.

In the Health and Community Welfare Departments, the South Australian Health Commission established the position of Co-ordinator of a joint Health and Welfare Child Protection Policy and Planning Unit.

The Department for Community Welfare has issued updated standard procedures on working in child protection. A Unit for Child Protection Services at the Adelaide Children's Hospital has been established. The Flinders Medical Centre has been funded and is about to commence. The Medical Protocol draft has been sent out all over Australia for comment from doctors, lawyers, hospitals and other professional bodies. The comments have been taken into consideration by the committee and the protocol has been amended.

Regional child protection planners and special child protection workers have been appointed in the Department for Community Welfare. A successful Child Protection Week was held in 1988 with another planned for 1990. Country towns have run their own child protection weeks. All Department for Community Welfare staff have been trained in child protection work. A newsletter is distributed by the Health/Welfare Child Protection Unit to all agencies in the field to keep them updated on trends and information.

A community education kit has been distributed. Funding has been given to self-help organisations. There has been a major increase in crisis care staff and they have been trained in child protection work. The Community Health Program runs support groups for adult victims and adult perpetrators of violence. Department for Community Welfare funds the Homemaker Program to support families at risk. The film *The Secret* was initiated by the Child Protection Unit and recently won a silver medal at a New York film festival. Training videos have been prepared.

Unit staff are actively supporting the development of the National Association of the Prevention of Child Abuse and Neglect in its plans for a national community education campaign to protect children. Southern Women's Community Health Centre has been funded for the production of a training package for both government and non-government workers who work with the non-offending parents of child victims. This has been piloted in seven locations. Training for foster parents of abused children is taking place and specialist recruitment procedures for these foster parents are being introduced into Department for Community Welfare.

In the Department of Correctional Services, training for the parole staff is a high priority. Treatment programs for persons convicted of child sexual offences are currently being examined by the department.

In the Children's Services Office, the Children's Services Office Executive endorsed the policy on child protection which was consistent with the Children's Services Act 1985 and the recommendations of the task force report. This policy made four areas of commitment:

(1) To meet the training requirements of Mandated Notifiers, some of whom are employees of Children's Services Office and some who are not.
(2) Prevention of child abuse.
(3) To promote co-operative practices with other agencies.
(4) To monitor and evaluate all programs.

The Children's Services Office has for the past 12 months been working on procedures for handling abuse in child care. Child protection co-ordinator positions have been established within the six regional teams. A range of preventive programs have been trialed. For statistical purposes, child abuse and neglect figures are being collated and will be analysed constantly. The member of the Child Protection Council will be able to make recommendations and provide the fine tuning advice that will be required to allow the program that is being put together in South Australia to come up with what the Hon. John Cornwall hoped would be the best program for South Australia and the best in Australia, a program to prevent and to deal with child abuse of which we all ought to be proud.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

MOTOR VEHICLES ACT AMENDMENT BILL (No 2)

In Committee.

(Continued from 7 March. Page 2176.)

Clause 2—'Interpretation.'

The Hon. C.J. SUMNER: The Hon. Mr Griffin, in his second reading speech, was correct. A person who enters the State may drive on a current interstate or foreign licence for up to three months. If the person last entered the State more than three months ago, the driver's licence held by that person ceases to be recognised as a licence and he is deemed to be unlicensed.

In the event of a person who is deemed to be unlicenced in these circumstances having an accident in which a claim is made against an insurer, there would be two consequences, depending on the nature of the accident. If the claim related to bodily injury, it would be dealt with pursuant to the provisions of the Motor Vehicles Act. As, under the bodily injury policy, the insurer would have to pay direct to the injured person, it would be possible for the insurer to claim against the insured, but it would not be automatic that the insured person would have to reimburse the insurer in the case of a bodily injury claim. In order to claim against the insured, the insurer would need to establish that the person was in breach of the policy of insurance by not holding a driver's licence, and that presumably would be the case. However, that does not automatically mean that the insured would have a claim against the insurer.

If the insured had an accident which was caused by his being under the influence of liquor, there would be an automatic claim by the insurer against the insured; but, if it was an accident caused in other circumstances involving negligence, the claim by the insurer against the insured would still have to be determined by a court, and the court would have to find that it was fair and reasonable for the insurer to be entitled to claim against the insured.

It would not be automatic for an insurer—the SGIC—with respect to a bodily injury claim—to be able to claim successfully against an insured person who was not holding a driver's licence because an interstate licence had lapsed because of the expiry of the three-month period. It would have to be admitted that the possibility of a claim by the SGIC against an insured person in those circumstances does exist. However, the SGIC is of the view that a court would not uphold that claim unless it could be established that the non-holding of a driver's licence contributed to the accident. In those circumstances, the SGIC would have to establish to the satisfaction of the court that it was fair and reasonable that the insured indemnified the insurer for the moneys already paid out.

With respect to property claims, I have not sighted any actual policies, but my impression would be that failing to have a licence would be a breach of a comprehensive policy and, depending on the terms of the policy, that would entitle the insurer to claim against the insured person and probably get full indemnity from the insured person because of the breach of the policy. It may be that a court would intervene in some circumstances, but there are not the same statutory provisions with respect to comprehensive property damage as there are with bodily injury claims. That confirms the situation as outlined by the honourable member in his second reading speech.

The Hon. Mr Dunn argued that the three-month cut-off period was too short, and he has placed an amendment on file to provide for an interstate or foreign licensee to be able to drive in South Australia for a period of six months before the licence expires. All I can say is that this scheme was agreed to at a national meeting of ATAC, which is the Federal-State conference of Transport Ministers. The Ministers agreed that three months was an appropriate period. If we assume that the legislation is passed in all the other States for a three-month cut-off period, if South Australia went to six months, it would be out of line. I am not sure whether all the other States or Territories have passed the necessary legislation, but, if they pass it in the agreed form, three months would be the standard around Australia.

The Hon. K.T. GRIFFIN: As the Attorney-General has responded, this is probably an appropriate point at which to make some observations on his response. The Attorney-General confirmed what I believed to be the position about a person who may inadvertently have entered South Australia more than three months ago but was not aware of the law or, if aware of it, had not taken immediate action, for a variety of reasons, to get a corresponding South Australian licence.

In those circumstances, the driver puts himself or herself in jeopardy of a substantial liability if involved in an accident. I know the Attorney-General has said that in relation to third party bodily injury it may be a bit more doubtful whether or not there is any right for the insurer (SGIC) to seek to recover from the unlicensed driver, but even if that were correct and there is no liability it is still possible to sustain a significant personal liability for claims arising under a comprehensive policy.

I am very concerned that that sort of potential jeopardy is in the category of draconian. It may be that ATAC did not give any thought to that, but whether or not it did I think there ought to be some provision in the law which, whilst not absolving the driver from the responsibility to obtain the South Australian licence, nevertheless removes the potential liability in circumstances where the driver holds what has been up to that time a valid interstate licence that has not been changed to a South Australian licence.

In those circumstances, I wonder whether the Attorney-General will indicate whether or not he will accept an amendment along those lines which does not absolve the driver from the penal provisions of the Act but, at least, for the purposes of third party bodily injury insurance and comprehensive insurance, means that the driver is not faced with the potential liability which would arise. Even one day after the three months since his last entry to South Australia he would technically be liable to quite considerable claims.

It seems to me that the solution is to include something in the Bill which meets that in respect of insurance liabilities. If the Attorney-General is not prepared to countenance that, I want to take some advice and have an amendment drafted to try to accommodate the position which I think does have very significant and, I would hope, unintended consequences.

The Hon. C.J. SUMNER: I am happy to entertain an amendment for discussion, but whether or not the Minister responsible for the legislation will I cannot say. I can only suggest that if the honourable member contemplates an amendment, he has it prepared and places it on file. I will then discuss the matter with the Minister to see whether the Minister would be amenable to accepting it.

The Hon. K.T. GRIFFIN: I appreciate the Attorney-General's intimation of a preparedness to consider it. I will have an amendment drafted as soon as possible, and as soon as Parliamentary Counsel can prepare it I will arrange to have it forwarded to the Attorney-General in the hope that some accommodation can be reached on the issue.

The Hon. PETER DUNN: I think this matter could be rectified if my amendment were adopted, because the length of time would go from three months to six months.

The Hon. K.T. Griffin: It doesn't solve it.

The Hon. PETER DUNN: I am advised that it does not solve the problem but, as I pointed out in my second reading explanation, it would give elderly people who spend five or six months on the Gold Coast more time. The actual date

that one enters a State needs to be made clear. If one were on the Gold Coast one could be in and out of New South Wales and Queensland quite often, and the actual time one started the three months might be hard to determine.

I cite the example of a veterinary student who might study at a university in Brisbane because there is no course here. It is reasonable that at some time during that course he might have to undergo practical work for six months or longer and have to travel farther north into Queensland. I would have thought that my amendment to increase the time to six months would cure that problem.

However, the other Ministers have agreed to a period of three months and I guess that that presents a problem with compatible State legislation. By allowing six months fewer people will unknowingly drive a vehicle without a licence. The Bill does not provide that if one knows one is going to be in a particular State for a certain length of time or permanently that one should immediately change their licence. It only provides that one can drive a vehicle for up to three months before one needs to change one's licence. There should be an onus on the driver, if he knows that he will permanently reside in another State, to immediately change his licence, as many people who shift will wait to the last day to do so.

The Hon. R.J. RITSON: I cite the hypothetical case of a Queensland student whose home is in northern New South Wales and who comes home for a long vacation that would probably exceed three months. Could he avoid changing his licence toward the end of his long vacation and then changing it back a week later when he returns to university by departing the State for one day, staying overnight in Brisbane, then coming back home and completing his vacation?

The Hon. C.J. SUMNER: The Bill does not talk about residence; it talks about entering the State. So, it would be possible for a person in those circumstances to cross the border and that would then reactivate the three months. I will now respond to the Hon. Peter Dunn. What the honourable member says is correct. Having a six month period would overcome, to some extent, the problems that the Hon. Mr Griffin outlined, but it would not cover them completely.

I can only say in response to the Hon. Mr Dunn that this has been agreed to at ATAC. It is in effect in a number of other States already, in Victoria for two years and in Queensland, New South Wales and the Northern Territory. It looks as though it is South Australia, Western Australia and Tasmania that have not yet implemented it, but it has been implemented in those other States.

Progress reported; Committee to sit again.

NATIVE VEGETATION

Adjourned debate of motion of Hon. I. Gilfillan:

That in view of the actions by Mr C.A.J. Amadio, a principal of Gumeracha Vineyards Ltd, in destroying several large, old and valuable gum trees in the Gumeracha area in order to more easily establish a vineyard, and in view of the failure of the Native Vegetation Unit to prosecute Mr Amadio or Gumeracha Vineyards for the destruction of the trees, the Council urges the Government to undertake immediately the revision of regulations under the Native Vegetation and Management Act 1985, to prevent any further loss of valuable trees and to enable successful prosecution of offenders.

(Continued from 22 February. Page 2035.)

The Hon. I. GILFILLAN: The Council will remember that I sought leave to conclude my comments when first moving my motion in respect of the destruction of gum trees at Gumeracha at the action by Mr Caj Amadio and the failure of the Native Vegetation Unit to prosecute Mr Amadio. I referred to the risk that this posed to the further destruction of trees. Since that time there have been further developments and I wish to outline them to the Council. Before giving some of the detail I would like to indicate that in the interim, since I spoke last, I have become even more concerned about the situation.

Mr Caj Amadio has indicated that he intends to destroy a further 15 to 20 gum trees in the same area without any seeking of formal approval, and I will refer to that later again in my remarks. What stands out starkly is that we have a weak native vegetation authority which has not exercised any of its available powers to prevent the destruction of these trees. We have a weak Government, which has not intervened and made sure that the intention of the regulations and the legislation are being implemented. We have seen vacillation, drifting and pusillanimous reaction by the people who are responsible in the Department of Environment and Planning and, in particular, in the Native Vegetation Unit. It is time that this was stopped.

Further, I believe that we have been embarrassed—certainly I have been embarrassed—to see what I believe to have been intimidation of not only the Native Vegetation Unit but also the *Advertiser* by Mr Caj Amadio. The Council will remember that last time in my address on the subject I indicated how heavy pressure had been brought by Mr Amadio on the unit and that it had bowed before the pressure of his verbal bullying. I also believe that the threat by Mr Amadio to prosecute both the *Advertiser* and me for an article which highlighted how one significant tree had been felled without permission late last year has so far intimidated the *Advertiser* that it has not reported a single word of the motion which I moved and spoke to with, I believe, some force and eloquence about a fortnight ago.

It is a great shame if we in this State are to see not only Government departments influenced by bullying but also our free press. Certainly, I would like to make it quite plain that I am not bowing to that pressure, and it is my intention to make it quite plain how I see the inappropriate and unethical behaviour of Mr Caj Amadio in his treatment of the trees and in his responsibility as a landowner.

It is a privilege for people to own land in South Australia, to have the care of the native vegetation, and he has completely disregarded and abnegated any sense of responsibility in that respect. I demand that the Government prosecute Mr Caj Amadio. It is quite apparent that he did contravene the legislation in the felling of trees last year. As I will point out, it is a very clear interpretation of the regulations that were contravened by him, and I have great doubt about the sincerity of the Government unless it shows its strength and take offenders—in this case, take the offender Mr Amadio—to court to prosecute for his offence against this legislation.

As I indicated, since the earlier part of my address, Mr Amadio has written to the native vegetation authority indicating his intention to fell 15 or 20 more gum trees for stages 2 and 3 of his vineyard development, on the spurious grounds that he wants them for fence posts. If there is any doubt about the effectiveness of the regulation, let me refer to it, as follows:

Division 1 Exemptions

Section 5. Pursuant to section 20 of the Act, native vegetation may, subject to any other Act or law to the contrary, be cleared—

(j) where the clearance is solely for the purpose of providing fencing material or firewood for use (for a period not exceeding two years from the time of clearance) by the owner of the holding on which the vegetation was situated and the nature and extent of the clearance is reasonable.

If there is any doubt about the effectiveness of that regulation, the Government should test it in court where, I believe, it would be successful, and then amend the regulations to be absolutely certain. The amendments that I believe should be entertained should ensure that in certain areas of the State recognised as particularly denuded of native vegetation or as containing particularly valuable trees, such as red river gums, which trees are the subject of this motion, any application to fell trees for fence posts or firewood would require local council approval.

Further, the provision in the regulations that the sole purpose is for fence posts or firewood should require local council endorsement before felling can commence to avoid the quite obvious hypocrisy attaching to the Amadio claim to want to fell the trees solely for fence posts—when he really wants to remove them for vineyard development. Unless these actions are taken and the native vegetation authority takes a more aggressive attitude to those who, like Mr Caj Amadio, make a mockery of our native vegetation heritage, the destruction of irreplaceable gum trees will go on unhindered.

It is great support to me to be informed that the Gumeracha council, the council responsible for this area, unanimously passed the following motion. This motion indicates the exasperation and frustration of that council with the current situation. I point out to this Chamber that Mr Caj Amadio is the principal of Gumeracha Vineyards, which is referred to in the motion, which I quote as follows:

The Native Vegetation Authority be advised that this council deplores the actions of Gumeracha Vineyards, relating to the removal of native vegetation, namely red gum trees of between 50 and 500+ years of age, in the Gumeracha district and strongly recommends refusal of the latest notification for the removal of further trees, relating to stages two and three of the development of the ex-Newman and Viney properties.

The exemption claim, namely for the purpose of milling for fence posts, is not, in council's opinion, sustainable, as many of the trees in question are unsuitable for milling, due to their being hollow or not being of sufficient size to yield timber of adequate quality for fence posts.

It must also be noted that the removal of subdivisional fencing from the Viney property will yield sufficient reusable concrete posts for between two and three kilometres of fencing, which would be, in the opinion of council, together with what has already been 'milled for the purpose of providing fence posts', [allegedly] sufficient for any needs of the company concerned for the planned development of those properties which it holds in this district council area at this time. Further—

and I emphasise this to the Council:

. . . should the removal of the trees in question proceed before the authority has had time to give consideration to the proposal, this council recommends and supports prosecution of the company, namely, Gumeracha Vineyards, to the full extent of the law!

This council is of the opinion that, if it is the intention of the legislation, regarding the removal of native vegetation, to protect the heritage of the State, then the regulations need to be strengthened in such manner so as to prevent the use of exemptions within the Act for the express purpose of achieving land clearance which would otherwise be refused.

That motion, passed unanimously, adds substantial weight to the call I have been making for months that action should be taken against Mr Amadio for the way in which he has irresponsibly and flagrantly broken the obligations of the law in regard to native vegetation clearance. I wish to read to members of the Legislative Council some comments which were sent to me in a letter from a councillor of the Gumeracha council, after having read a letter which I read largely into *Hansard* during the earlier part of my address, relating to the response from the Native Vegetation Unit. Members may remember that it virtually convoluted itself in an effort to justify what Mr Amadio had done, and led me to accuse it of having bowed to the pressure of Mr Amadio's bullying tactics. This is a letter written to me and dated 25 February. I do not intend to name the councillor, but I quote the following paragraphs from the letter:

At the last meeting of the Gumeracha District Council the letter from the Native Vegetation Branch of the Department of Environment and Planning *re* the removal of trees by Gumeracha Vineyards was presented to council. I asked for a copy of same and am now in receipt of it.

I am absolutely amazed at just how the authority bent over backwards in order to avoid having to prosecute in this instance and one can only assume that every effort has been made to prevent the Act from being tested in the courts thereby exposing the many loopholes contained in it and having every landowner who wishes to clear native vegetation from his land carry out such work knowing that he is able to defend his actions and not be brought to account by the authority.

The many inconsistencies in the letter, to the person who is unaware of the facts, create the impression that the alleged offender made every effort to comply with the provisions of the Act, yet well we know that he was not in the position to even make an application for the removal of the trees as he did not have title to the land in either instance at the time of the removal of the trees. In fact settlement has as yet not been made in both cases as far as I am aware at this point in time.

As stated earlier, I am amazed at the lengths to which the department has gone in order to avoid launching a prosecution, when quite clearly grounds would have existed.

I do not intend to speak at further length to my motion, but I must say that another piece of good news that has come to me in the past couple of days was a news item as of yesterday regarding the destruction of 100 or so gums in the South-East, and I would like to read that text into *Hansard*. This was an item from the ABC radio news of Tuesday 7 March this year as follows:

South Australia's native vegetation authority has refused to grant retrospective consent for clearing a large stand of centuries old red gums at Coonawarra. The NVA met last night to consider the application and heard a submission from a lawyer representing the Ron Tiers group, which owns the Katnook Estate Winery. The application concerned more than 100 trees which were bulldozed last year to make way for a new vineyard. Court proceedings against Ron Tiers were adjourned pending the authority's ruling on the application for retrospective consent.

Perhaps the tide has turned. I think it has needed the emphasis and the publicity which I have given it to give the authority some backbone and, were that not to have taken place, I prophesy that the destruction of irreplaceable, priceless gums would have continued all over South Australia.

With that in mind, I urge the Council to pass this motion. It is not just a measure for a specific situation: it is important for strengthening the protection of native vegetation, in particular, large gums, throughout South Australia. Without it, I believe we are susceptible to the further destruction of trees when those who wish to do so have the strength and the will to pressure those who administer the law and circumvent the law in a most spurious fashion. With those remarks, I urge the Council to support my motion.

The Hon. G. WEATHERILL secured the adjournment of the debate.

PASTORAL LAND MANAGEMENT AND CONSERVATION BILL

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

ANIMAL AND PLANT CONTROL (AGRICULTURAL PROTECTION AND OTHER PURPOSES) 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 inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The objects of this Bill are to make several amendments which have been shown to be desirable since the Act was introduced to provide an integrated system for the control of proclaimed plants and animals under the guidance and direction of the single authority, the Animal and Plant Control Commission.

There are two major changes which have been found to be needed to safeguard a landholder or a board and its officers in the proper discharge of their responsibilities, and two minor alterations which will improve the budget performance of boards and allow the commission to exempt a landholder from controlling a proclaimed plant.

Boards have been concerned that under the Act they are exposed to claims for professional negligence.

Currently, in the event of a significant claim a board would have insufficent resources and the Crown would be required to accept liability for the additional funding to allow the board to discharge its functions.

Under the financing provisions of the Act extra annual costs of approximately $45 000 to be borne partly by local government but largely by the State would be incurred for professional indemnity insurance to cover all the boards.

It is relevant to note that no claims have been made against any control board during the 12 years in which a similar provision to the proposed amendment operated under the Pest Plants Act and it is anticipated that a considerable saving will be effected.

The Bill also provides the opportunity to assist with more accurate budgeting by requiring boards to submit their estimates to the commission at the end of October rather than in June as is currently the case. This will allow negotiations between the commission and the member councils of a board before adopting the board's budget and provide greater relevance to its impending financial year which is concurrent with the calendar year.

There are also occasions where a person may need an exemption from the duty to control a proclaimed plant and an amendment has been included to provide the commission with the power to grant this, subject to appropriate conditions. The most common case in which an exemption will be granted will be to enable plants to be kept for the purposes of research.

Some concern has been expressed by some landholders and authorised officers that they could be prosecuted under provisions of the Criminal Law Consolidation Act 1935 or the Summary Offences Act 1953 for complying with provisions of the Animal and Plant Control Act 1986 for the control of feral goats. The Government considers that such lawful action should be clearly seen to be protected and the amendment has been drafted accordingly.

Clause 1 is formal. Clause 2 changes the date for submission of a board's budget to the commission.

Clause 3 provides the commission with the power to exempt a person from the duty of controlling a proclaimed plant.

Clause 4 makes an amendment consequential on the amendment made by clause 5.

Clause 5 inserts a new section which states that a landowner or any other person taking measures to destroy or control animals or plants pursuant to the Act is not subject to any civil or criminal liability. A landowner who destroys feral animals on his land is performing a public service and in view of the fact that the Act requires him to perform this service the Government believes that the Act should clearly state that he is not liable if he has acted pursuant to the Act and regulations under the Act. It is proposed to make regulations that will require a landowner who knows, or believes, that another person claims ownership of animals, to give that person an opportunity of removing the animals before the landowner proceeds to destroy them.

Clause 6 provides protection from civil liability for members of the commission or its staff or persons acting at the direction of the commission and also for local control boards, their members, staff or contractors. This clause attaches such liability to the Crown. The section has been repealed and re-enacted for convenience. The new section gives immunity to the control board itself as well as the members of the board and also gives immunity to a person who assists an authorised officer (see section 27 (4) of the Act). The other difference is that the Crown and not control boards pick up the liability of those exempted by the section.

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

ADJOURNMENT

At 5.31 p.m. the Council adjourned until Thursday 9 March at 2.15 p.m.