HOUSE OF ASSEMBLY

Thursday 5 March 1981

The SPEAKER (Hon. B. C. Eastick) took the Chair at 2 p.m. and read prayers.

PETITION: DOG CONTROL

A petition signed by 130 residents of South Australia praying that the House urge the Government to amend the Dog Control Bill to maintain a South Australian Canine Association representative on the advisory committee; provide for the wearing of collars and discs on dogs only in public places; and to define "authorised person" in relation to the destruction of dogs was presented by the Hon. D. C. Wotton.

Petition received.

PETITION: ROSEWORTHY SPEED LIMIT

A petition signed by 87 residents of Roseworthy praying that the House urge the Government not to increase the speed limit beyond 60 km/h through Roseworthy was presented by Mr. Evans.

Petition received.

PETITION: PETROL PRICE

A petition signed by 61 residents of South Australia praying that the House urge the State Government to make representations to the Federal Government to stop the increase in the price of petrol was presented by Mr. Hamilton.

Petition received.

PETITION: GOVERNMENT CONTRACTS

A petition signed by 15 residents of South Australia praying that the House urge the Government to ensure that it does not let contracts to private enterprise to the detriment of Government employees was presented by the Hon. J. D. Wright.

Petition received.

PETITION: SALISBURY REZONING

A petition signed by 2 825 electors of Salisbury praying that the House urge the Minister of Planning to reject the Salisbury council's proposals to rezone the city of Salisbury was presented by Mr. Lynn Arnold.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. D. O. Tonkin)—

Pursuant to Statute—

1. South Australian Superannuation Board—Report, 1979-80.

By the Minister of Health (Hon. Jennifer Adamson)—

By Command—

Inquiry into the use of Laboratory and Experimental Animals—Report, 1981.

MINISTERIAL STATEMENT: I.M.V.S.

The Hon. JENNIFER ADAMSON (Minister of Health): I seek leave to make a statement.

Leave granted.

The Hon. JENNIFER ADAMSON: On 21 October last, I announced in Parliament that an inquiry was to be carried out into the use of laboratory and experimental animals at the Institute of Medical and Veterinary Science. This followed allegations in Parliament and the press of inadequate procedures for the use of laboratory and experimental animals at the institute. Professor Bede Morris, an eminent and highly respected scientist, who is Professor of Immunology at the John Curtin School of Medical Research, Australian National University, was appointed to conduct the inquiry, with terms of reference as follows:

1. To inquire into the use of laboratory and experimental animals at the Institute of Medical and Veterinary Science and to report and make recommendations to the Minister of Health regarding—
   - *(a)* the adequacy of existing procedures to safeguard the health and well-being of laboratory and experimental animals and what changes, if any, are necessary;
   - *(b)* the suitability of the present Animal Ethics Committee structure, operation, methods of monitoring and enforcement of decisions and any changes necessary;
   - *(c)* the staffing and administrative arrangements necessary to ensure that proper procedures are followed in respect of laboratory and experimental animals.
2. To advise the Minister on the application of recommendations in respect of the foregoing to other institutions administered under the Health portfolio.

Professor Morris has completed his inquiry and presented his report, which I now table.

In line with the terms of reference, Professor Morris comments on the situation at the Institute of Medical and Veterinary Science, both past and present. The report is critical of past practice at the institute and of "outside" users of the institute's facilities but, in the main, commends present facilities and procedures; it calls for increased veterinary oversight of experiments and inclusion of lay persons, with an interest in the welfare of animals, on the Animal Ethics Committees of all health units.

Specifically on the matter of past and present practice, Professor Morris concludes that the standard of animal care now established at the institute is of a high order, probably as high as any research or diagnostic institute in Australia. At the same time, however, he believes that there is no doubt that unsatisfactory incidents occurred with experimental animals at the institute prior to 1978, and it was these incidents that gave rise to criticism in Parliament and in the press. To use Professor Morris' words:

> There are no satisfactory excuses for the circumstances that were allowed to develop in the institute over a period of several years prior to 1978. The administration of the operating theatres and the supervision of the post-operative care of animals were just not good enough.

While on the one hand it is pleasing to note that the institute is now ranked as having a high standard of animal care (indeed, a standard comparable with any similar institution in this country) nevertheless, one cannot

overlook the miserable state of affairs that was allowed to exist prior to 1978.

I believe that responsibility for those unsatisfactory methods of dealing with experimental animals during that period must be shared both by the council which administered the institute at that time and by the Government of the day which had responsibility for the institute.

In relation to the second term of reference, professor Morris identifies severe deficiences in the animal accommodation at the Adelaide Children's Hospital.

The SPEAKER: Order! I draw honourable members' attention to the fact that there is too much audible comment. The honourable Minister of Health.

The Hon. JENNIFER ADAMSON: Again, the responsible bodies, that is, the Board of Management of the Adelaide Children's Hospital and the University of Adelaide, need to recognise and deal with these severe deficiencies in animal accommodation and in the supervision of animals that is undertaken jointly by the University of Adelaide and the Adelaide Children's Hospital at the hospital.

Also in relation to the second term of reference, the report commends attitudes and facilities at the Queen Elizabeth Hospital, and makes recommendations to enhance the value of the Animal Ethics Committee, or Animal House Committee, as it is currently known.

The report commends facilities at Flinders Medical Centre and the booklet prepared by the centre detailing guidelines for use of animals at the centre. It is critical, however, of scientists who use increasing quantities of animals and then use overcrowding as a justification for increased expenditure on animal-house facilities.

The report makes a number of recommendations aimed at safeguarding the welfare of animals through the provision of adequate accommodation, facilities and procedures and through legislation. I intend to take action in regard to Professor Morris's recommendations as follows:

Animal Ethics Committees: The Animal Ethics Committee structure of the Institute of Medical and Veterinary Science and other institutions under my portfolio will be immediately reviewed and upgraded as suggested by Professor Morris. It will be made abundantly clear to all users of experimental animals, particularly to surgeons who have access to the facilities of these institutions, that the responsibility for the care of animals undergoing experimentation, from the outset to the termination of the experiment, lies with the research worker. As Professor Morris states, the best approach is to establish proper attitudes in scientists towards the welfare of animals. Scientists and surgeons must accept responsibility for the effects of their experiments on the animal subjects. There should be no question of their abrogating this responsibility to someone else.

Accommodation: Urgent action will be taken to overcome serious deficiencies in current accommodation. This may require a restriction on the animals to be held at some institutions and arrangements being made for scientific staff to use facilities that are deemed to meet acceptable standards, or alternatively, to curtail activities within their own institutions.

Staffing: An examination will be carried out immediately by relevant bodies of staffing associated with the supervision, control and care of animals, in terms of classification and numbers.

Legislative review: Although Professor Morris has recommended the establishment of a working group to look into the question of the welfare of animals used in research and to make proposals for the legislative control of the supply of experimental animals and their use in the broadest context, I believe it would be appropriate for me to formally refer these questions to the Legislative Review Committee which has already been established under the auspices of the R.S.P.C.A. and which is expected to report to the Chief Secretary later this year. I will also refer to this committee the question of establishing an Advisory Council on the Welfare of Animals to provide the Government with ongoing advice in this area.

Because I regard the implementation of the report's recommendations as being of such importance, I have asked Professor Morris whether he will come back to Adelaide towards the end of this year to let me know how the animals in the institutions are getting on.

The Government of South Australia endorses the view that all animals used for experiment should be given the best possible treatment. This report expresses the scientific and human values of man's relationship with animals which ought to prevail in a civilised community and which, I believe, are endorsed by the majority of South Australians. I believe we are all indebted to Professor Morris for the manner in which he has approached this extremely important and sensitive issue. I commend the report to the House and express the hope that it will be widely read.

COMMONWEALTH DAY

The Hon. D. O. TONKIN (Premier and Treasurer): By leave, I move:

> That this House resolves to acknowledge the significance of Commonwealth Day on 9 March, extends to the people of all nations of the Commonwealth its warm greetings, and expresses the hope of all South Australians that the Commonwealth shall continue successfully to provide a common bond, dedicated to peace and human advancement, for people throughout the world, and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

Honourable members will be well aware that 9 March is Commonwealth Day, and those who have read their Commonwealth Parliamentary Association circulars will recognise that similar motions and ceremonies to recognise the existence of the Commonwealth are being held in countries throughout the world over the next few days. It is on such occasions as are presented by this motion, and on Commonwealth Day especially, that Australians and all other member nations of the Commonwealth are reminded of their historic affinity.

It is a time, also, to reflect upon the service which that affinity continues to offer the world in modern times, for, despite the differences of culture and language, and despite the vast distances that separate us, there remains a common and active resolve amongst member nations to serve the interests of peace and international goodwill. To members of Parliament, the Commonwealth's relevance to modern times, its readiness to pursue the objects of universal advancement, and its willingness to assist developing countries, are constantly evident in the activities of the Commonwealth Parliamentary Association.

But at the highest level also, in the Commonwealth Heads of Government Conferences, through the continuing activities of the Commonwealth Secretariat and through many cultural and professional organisations, member nations are constantly working together to achieve the worthy ideals of world-wide co-operation and

brotherhood. To paraphrase Macaulay, "The history of the Commonwealth is emphatically the history of progress", for out of what is now an out-dated concept of empire has evolved a valued sense of common purpose, equality and freedom which is unique in world affairs. As Her Majesty the Queen of Australia, in her capacity as Head of the Commonwealth, said last year:

> The new decade urgently calls for renewed efforts to tackle the many problems troubling the world—efforts which demand vision, effort, dedication and co-operation.

The Commonwealth alone does not have the answers to these problems, but it can play a part in helping the world to find them. In 1979, at Lusaka, and since then, the Commonwealth has shown its vigor and usefulness. Through their collective efforts, Commonwealth nations have helped to promote peace and enlarge freedom.

By being committed to these goals, and being ready to work together to achieve them, they have shown that the Commonwealth is a resource for the world's good. The challenge to us is to strengthen that capacity and to put it to good use for the peoples of the Commonwealth and, most of all, for our young people. There is little I can add to those words. I commend the motion to the House.

Mr. BANNON (Leader of the Opposition): I second the motion and endorse the sentiments that the Premier has uttered in this House. I think the Commonwealth is a very important grouping of nations. It has over 43 members, some of the richest and some of the poorest countries bound by an accidental thread, in many cases, the thread of being former colonies or part of the British Empire. The thread is a *lingua franca;* in fact, a language which has gone beyond the Commonwealth but which in part has acted as an international language because of the wide spread of Commonwealth countries. It is also a useful international forum for countries of very disparate modern-day constitutional systems, economic problems, and social conditions, which nonetheless have a common thread.

In fact, I can remember an international conference when I was being challenged by somebody from a non-aligned and underdeveloped section of the world about the fact that we had absolutely nothing in common. I pointed out that, slim though it may be, we did hold in common that membership of the Commonwealth which meant that at one stage both our respective countries had been colonies subject to the British imperialist ethic, and though our policies and problems have diverged, nonetheless that was a bond worth retaining. The Commonwealth, of course, allows for any of its members to be non-aligned; it is not a politically uniform group, and that is another of its desirable aspects because, despite the divergence of views, those nations can meet together with some sort of bond. I suppose if one looks at some of the benefits that the Commonwealth has achieved one of the chief benefits would be that it has managed to maintain and spread the game of cricket throughout most of the civilized world.

I would simply like to draw the attention of the House, in the context of this motion, to one of the aims of the Commonwealth, one of its principles. It talks about international peace and order and liberty of the individual. I shall recite these words:

> We believe that the wide disparities in wealth now existing between different sections of mankind are too great to be tolerated. They also create world tensions. Our aim is their progressive removal. We therefore seek to use our efforts to overcome poverty, ignorance and disease, in raising standards of life and achieving a more equitable international society.

With those sorts of aims, Australia's membership and contribution to the Commonwealth is something to be applauded.

Motion carried.

MOTION FOR ADJOURNMENT: NATIONAL PARKS

The SPEAKER: I wish to advise the House that I have received a letter from the Leader of the Opposition dated 5 March 1981, as follows:

> I wish to advise that when the House meets today, Thursday 5 March 1981, I shall move that the House at its rising adjourn to 2 p.m. on Friday 6 March 1981 for the purposes of debating the following matter of urgency: the failure of the Minister of Environment to make adequate provision for the management of this State's 193 national conservation and recreation parks.

Before calling on members who may wish to support the Leader's proposal, I want to indicate that I have given a great deal of thought to whether the matter nominated is of an urgent nature. I indicate that I am not completely convinced that the matter is one of urgency but, being mindful of the fact that this is probably the last sitting day for some months, I intend to allow it to proceed, subject, of course, to its obtaining the required support at the appropriate time. If it were known that the House would be sitting next week, for instance, I would not accept the proposal as one of urgency, and in future I wish all members to clearly understand that the urgency factor will be the essential criterion that I will examine quite critically. Is the letter supported?

Members having risen:

Mr. BANNON (Leader of Opposition): I move:

> That the House at its rising adjourn until 2 p.m. on Friday 6 March 1981,

for the purpose of debating the following matter of urgency: the failure of the Minister of Environment to make adequate provision for the management of this State's 193 national conservation and recreation parks.

Mr. Speaker, I assure you that, after hearing the remarks I wish to make about the national parks service, not only you, Sir, but the House and the public generally will be convinced as to the urgency of this matter. You make a very appropriate point, Mr. Speaker, if I may say so, when referring to the fact that this Parliament will not meet again for some time. The parlous state of our national parks is now a matter of such urgency, at a time when budgetary allocations and manpower levels for 1981-82 are under consideration and in balance, that the Opposition believes that it must be raised as a matter of urgency before the Parliament goes into recess. By June, when this Parliament reconvenes, the form of the Budget will be set, manpower allocations will be made and financial allocations will almost be finalised. It will then be too late for the Government to take the urgent action which is necessary and, indeed, which it promised to take some many months ago. Thus, we believe that the matter must come before the Parliament today on this, the last opportunity, that it can be drawn properly to the Government's and the public's attention. By the time we return it may be too late.

Decisions that will be made by then could well confirm the crisis already feared by us, and not just by the Opposition but by responsible organisations, active in the field of environment and conservation, such as the Nature Conservation Society—expert groups and organisations. I will be explaining the serious problems facing the 193 reserves under the control of the National Parks section of

the new Department of Environment and Planning; how the Minister has failed to live up to his specific pledge to take early action in the field of management of these parks; and how secretive the Government has been in its planning to cut services in this area still further—no doubt in yet another attempt to salvage financial problems of its own making.

Before I get on to details of how the present Minister, in the face of the clearest warnings of the disastrous consequences of inaction, has failed to stir himself, I should refer to previous Environment Ministers, because, no doubt the Minister, to excuse his sorry 18 months tenure in office and his dismal record of failure, will attempt to contrast whatever may have been happening in those last 18 months with attacks on the previous Administration. Let me say that his predecessors, too, had to operate in a climate of financial and manpower restraints.

During the 1970's, major acquisition work was undertaken. The opportunity was there and the land and finance available to extend our national parks system and network. This put great strains on the service, but the park maintenance problem was openly acknowledged. No attempt was made to cover up, or to indicate that those problems were not present. All of the Minister's predecessors pushed hard, both publicly and within the Government, to get help and assistance in that area. The record shows that they were starting to make headway. But then, they had significant help in such vital tasks as fencing of parks and preparation of public information from Labor's State Unemployment Relief Scheme, which made a major contribution to the development and improvement of our park amenity. Those who say that such schemes are a waste of public money, that they leave nothing behind, or contribute nothing, need simply go to a number of those parks and local government projects to see just what valuable work can be done when funds are made available in that area.

Earlier Environment Ministers and the Governments they served gave a continued high priority to the environment. Let us not forget that it was a Labor Government that set up the department. It has had various names and it has been reorganised—from Conservation, Environment and Conservation, and then Environment itself, but this was the first time a department at Government level was set up and established to do this work. Care and expansion of national parks was a vital area of responsibility for this department.

In recent times, under this present Government, those in the community with the best interests of our natural environment at heart have despaired to see a downgrading which has appeared parallel to the amalgamation of planning and environmental administrations, the effective abolition of the Department of the Environment, with control moving out of the hands of a man of high standing, even international stature, in environment, and being absorbed into another area under public servants with different skills, and not specialists in this area. The attitude of the Government to national parks is best exemplified by the proposal of the Minister of Agriculture to get in there and plough them up and turn them into agricultural production. Fortunately, that kite was not flown too far, but that statement was indicative of the sort of pressure on environmental concerns that was being applied within the Liberal Government.

One of the areas worst hit by enforced economies in the past year, especially in staffing, is, without doubt, national parks. South Australia has only 48 rangers to look after 193 reserves covering more than 40 000 000 hectares. There are now vast areas left almost entirely without supervision, let alone any maintenance or positive improvement. The ranger force is stretched almost to breaking point. Colossal totals of overtime have to be worked.

At the moment there is no ranger covering the huge area north and west of Streaky Bay. The ranger posted at Loxton has gone, the Mount Gambier station is down to one man, and Kangaroo Island has suffered the recent loss of one ranger. Two rangers only have to cover the whole of the heavily used, delicately balanced Coorong. If they want a boat, they have to borrow one from the Coast Protection Board.

When all indicators in this territory of Government are shifting around to crisis point, there are no replacements and the strong likelihood is that the new cut-price cut-value service will stay that way, or get worse, while the present Minister stays there, and while the Government continues to put environment at the bottom of its priorities.

There should be no real inevitability about this. The appointment, or secondment, last year of Mr. Neville Gare from the Federal service to direct our park service was a fine appointment. He is a very experienced man. He had the ball at his feet, yet he was given no money, no extra staff, no resources to work with.

He cannot feel very happy about this Government, and I cannot imagine him wanting to stay on beyond the time of his initial secondment. I suspect he will return to Canberra as quickly as he can.

Under Mr. Gare, there are some very highly trained officers, especially in the supervisory range. They, too, must be feeling tired and quite discouraged. Where money is being spent, it is going to one or two showplaces, like Belair and Cleland; it is going into bricks and mortar—on construction projects planned years ago. There are no new initiatives, and no new developments. There is nothing wrong about spending that money, but the key problem, the shortage of staffing, is covered not by Loan funds but by recurrent funding which must be made available as a matter of urgency.

I am afraid that this activity at Belair and Cleland, these apparent signs of development, must be seen largely as window-dressing. Certainly, the conservation movement does not see it as any answer to its pressing questions on the gross deficiences showing up in parks management. Letters have gone to the Minister, and to the Premier. Replies that have come back have been vague in the extreme, non-committal. There have been absolutely no renewals of the positive pledge given by the Minister in January 1980 when he went on record as saying that the Government was committed to improving park management as one of its highest priorities. That was January 1980, and absolutely nothing has happened since then, except more broken promises. What has happened to the "highest priorities"? Heaven help the other priorities.

Since January 1980, everything to do with park management, every initiative, has been moved into the "under review" or "under discussion" category. None of this review, none of this discussion, has been undertaken with the involvement and co-operation of the public. That is significant, because the printed platform of the Liberal Party, its environmental policy, stated quite clearly that anything that occurred would be done with the involvement and co-operation of the public. That promise certainly has not been honoured and does not look like being honoured. There is a 72-page document compiled by 13 departmental officers, which makes some disturbing comments, as follows:

> If the service is to deliver the necessary level of work to its Permanent Head, Minister and Government, it would

> require extra resources to do so. On the other hand, if the extra resources are not available, the staff team recognises the primary fact that the service must objectively reduce its number of functions to improve its performance in priority areas as set. Otherwise the existing problems will continue to the detriment of staff morale and efficiency, with resultant adverse effects on Government nature conservation action in South Australia.

They are very strong words indeed from an expert departmental working party, conveyed to the Permanent Head, the Minister, and to Cabinet itself. No wonder the Nature Conservation Society and other groups are closing ranks in defence of our hard-won parks. I understand that there is to be a major public meeting in Adelaide on 25 March on the future of the parks. I hope that the Minister's replies, which could include undertakings of Government action, can be conveyed to that meeting.

The 13 authors of the report rightly refer to the future of the parks as a critical issue. They were to do an unpleasant job, a job of deciding what areas could be dropped, what activities of the department could be dispensed with. They came up with a list of functions that they thought dispensable in the present cost-cutting climate, faced with that choice. These functions total 27 man-years of activity that could be lopped off.

Let us go through some of these major areas that the working party has identified. A major activity now under threat is law enforcement by rangers outside parks. If this task was not undertaken, they say, there would be a saving of six man-years. Under this heading, let it be spelt out plainly, come matters such as the protection of native birds, animals and plants, in all areas outside the parks—a very large area of the State. This must be especially disturbing to the Minister of Environment, who on 22 July 1980 announced that seven new positions would be created in the inspection service. Cabinet had approved the creation of new extra positions. In his press release, the Minister refers to a report given to him by a Mr. Steve Tobin, a former Assistant Police Commissioner, on this whole difficult question of law enforcement, and the prevention of smuggling and trafficking in our parks. The Minister said that the Government was now acting on some of the major recommendations of the report, which he would be tabling in State Parliament when it resumed. He said that the upgrading of the section and the importance of its place within the present organisation of the National Parks and Wildlife Service were long overdue. He went on to talk about establishing a senior fauna management officer as urgently as possible.

That was on 22 July. What has happened since then? The seven positions were advertised. As late as October last year, people were still being advised to apply. Then the service was told by the Minister that the positions would have to be made up within the existing staff establishment. In other words, the seven new positions were abolished; they were not to be filled unless persons within the existing staff complement could be found to do the job. There was no public announcement about this, of course. We understand that those who have been inquiring about it have been told that, whilst the seven new positions are no longer available, perhaps four posts would be filled, provided that they can be found within the existing resources. Simply, that means that the existing low morale, the existing overstretched resources, in this area, are providing an open go for traffickers and bird smugglers.

What are the other areas that have been identified? To keep within present finances—no further spending on interpretation and extensions. A whole range of cleaning up and upgrading of national parks is going to be done away with. "Crisis" is certainly not too strong a word to apply to this situation. The Minister's credibility, as revealed particularly by his announcement of the seven new positions which have since been abolished, is standing up for judgment at the moment. There is no confidence in this Government among those concerned about the environment, and it must act immediately and urgently to improve the situation. The new Budget provides it with such an opportunity. Let the Minister make some announcements about just what he intends to do as a matter of urgency in this area.

The Hon. D. C. WOTTON (Minister of Environment): What an incredible performance by the Leader of the Opposition! I can only imagine that the Opposition had no questions to ask on this last day of the sitting, that they had no important matters to bring forward. Therefore, they were prepared to bring this down as a total smokescreen to cover anything—

The Hon. D. O. Tonkin: They didn't want questions from our side of the House.

The Hon. D. C. WOTTON: That is probably it, too; they were frightened of what might happen.

The SPEAKER: Order! I draw honourable member's attention to the fact that the honourable Leader was heard in silence, and I would hope that the honourable Minister will likewise be heard in silence.

The Hon. D. C. WOTTON: I do not think I have ever heard in this House anything that is so hypocritical. If the Leader of the Opposition and members of the Opposition do not accept that, they have been blind to what was happening when the previous Government was in office. It was an incredible performance by the Leader of the Opposition.

I want to take this opportunity to cut off at the ankles what the Leader of the Opposition has said, that is if he said anything that was at all concrete. Let us find out. Before I get on to saying what we have achieved as a Government—if I have enough time to list it all—I want to just say a little bit about what the situation was with the previous Government. The Leader of the Opposition has been talking about documents that he has been able to obtain—let me talk about a document I have been able to obtain, because I think it is about time we started to play the game as the Opposition has been playing in regard to quoting from documents and lifting documents.

Let me talk about one of the documents that came out of the previous Government. It was written in 1978 by a previous head of a department to a previous Minister in relation to the National Parks and Wildlife Division. That minute stated:

> The inadequacy of staff and resources in the National Parks and Wildlife Service to effectively implement the provisions of the Act has long been recognised within the department. I believe there is evidence of a general assessment of the public that the National Parks in South Australia are understaffed and this viewpoint has certainly been put forward by the responsible conservation bodies in South Australia.

That sounds very familiar. The minute continues:

> An examination of staffing levels conducted within the department approximately 12 months ago [1977] indicated at that time there was a shortfall of some 120 officers at various levels within the division from that which was needed to establish the division at a basic level, but not providing the standard of service which might be regarded as ideal, nor even in our opinion to the level of that which is existing in other States.

The minute continues:

> More recent events including the demands from the Public

> Service Association, questions in Parliament and general staff unrest have highlighted these inadequacies but have not brought to light anything other than which was already known to the department, to yourself and to previous Ministers.

I could go on, but I do not have enough time to refer to everything to which I would like to refer. The document continues:

> Attempts have been made within the constraints of financial and manpower budgets to increase staff levels but little overall impact on the problems confronting the division have been achieved. The allocation provided under manpower budgets has done little more than cope with the manning of but a few of the new parks . . .

So it goes on. I do not intend to quote further from that document, because the previous Minister, who is in House at present, would know full well what the situation was at that time. Let us consider the previous Ministers of Environment. We started off with Mr. Broomhill: he faded out. We then had Mr. Simmons, who got into more trouble than anyone could point a stick at. We then had the member for Hartley, who was obviously embarrassed by that portfolio. Then there was Dr. Cornwall, an honourable member in another place, and, during the time in which he was Minister, he did very little, but he has had a lot to say since he has been in opposition.

The Hon. W. E. Chapman: An absolute disaster.

The SPEAKER: Order! The Minister of Agriculture must be silent.

Mr. Hamilton: Be quiet, Ted.

The SPEAKER: And also the member for Albert Park.

The Hon. D. C. WOTTON: That Minister was a complete disaster in the portfolio, and achieved nothing; he has achieved less in Opposition, but I will refer to that later. The Leader talked about the action that this Government has promised to take, and I will be pleased to say what we have done and what we intend to do. The Leader talked about a crisis situation—the fact that the Nature Conservation Society had indicated to the Leader that there was a crisis. I have had close liaison with the Nature Conservation Society as with other organisations. We have involved it and notified it about action that was taking place and action that will take place.

To show the ignorance of the Leader, I indicate that he spent quite a considerable time talking about what had been achieved by the new department: he may not realise that the new department does not come on stream until the end of June. I have had enough to say in this place and publicly about that.

The Leader also talked about the secrecy of the National Parks and Wildlife Service. When this Government came to office, the service was not allowed to open its mouth, and the Opposition knows that. The officers in the service were not allowed to open their mouths, and one of the first things I did was to indicate to the department that I was prepared to allow officers to make a point if they believed it was necessary to do so. That has happend throughout the regional offices, and I am quite pleased that it has, because that action has opened the department and the service and has allowed people to know what we are doing. We are not afraid or ashamed of what we are doing, as obviously the previous Government was. It certainly did not want anyone to know anything.

The Leader referred to what the present Government is doing in regard to Belair and Cleland parks. He said that he thought that that action was worthy. Those two parks receive the highest visitation, and they were sadly lacking in service facilities, Cleland in particular. We believe that there is a priority to improve those facilities in that park. We have already announced that there will be a substantial upgrading of the Belair park, and so there should be, because of the way in which it was allowed to run down, along with so many other parks, during the administration of the previous Government.

The Leader of the Opposition referred to the fact that supposedly, as far as he is concerned, we have stopped all interpretation; we have stopped putting out any posters, pamphlets or anything else. Let me say that I am proud that the first posters that can be remembered as far as I know have come out from the National Parks and Wildlife Service during the time of this Government, and more will be coming out. That is exactly why, under the new department, we are setting up a community information service to enable people to know what we are doing within our national parks and within other areas of the new department.

I have said in this House before that for the time being the Government is not proceeding with a programme of acquisition of more land for national parks. The previous Government was not prepared to stop and look at what was happening. All it wanted to do was buy up and buy up. It was not a matter of buying up land that should be set aside for conservation: it was obviously a matter, where a bit of land became available, of deciding to add that to a national park so that that Government could say that they had so many national parks and so much land under national parks in South Australia. The Government's policy announced prior to the election, which we have stated ever since, emphasises the management of existing parks, rather than the acquisition of more land, and we will continue to give priority to that policy. I might say that this is in stark contrast to the irresponsible policies of the previous Government, and that is the only way to describe them—irresponsible. The previous Government acquired land for national parks without any regard to how those parks would be managed. In fact, when confronted with requests for more staff, it either rejected them or decided to take on more land without concentrating on the need for more staff or the management of those parks. So, we had this ridiculous situation where the previous Government completely ignored the land management implications of its land acquisition policies.

This Government has taken steps during the last 12 months to overcome this appalling backlog in land management capacity. A major change in the National Parks and Wildlife Service over the last 12 months has been the establishment of a system of regionalisation of the operation of the service. The State has been divided into four regions, each being run by a regional superintendent, with provision being made for appropriate support staff. This has ensured that the national park management is fully aware of the needs and concerns of the local community so that as property managers they can be good neighbours to neighbouring properties within the local community. The context of the amalgamation of the Department of the Environment and the Department of Urban and Regional Affairs and a review of the organisational structure and deployment of resources within the National Parks and Wildlife Division have been carried out. This includes the allocation of an extra 38 permanent Public Service positions above the existing number of 95 permanent public servants. So, do not let the Leader of the Opposition tell this House that we are doing nothing about increasing staff: we are doing about twice as much, if not more, as anything ever suggested by the previous Government. When this is implemented, it will represent an increase of 40 per cent in the level of resources allocated to the National Parks and Wildlife Service. How can the Opposition argue that this represents a lack of action, when it failed to add one extra

position to the service?

The functions of the National Parks and Wildlife Service are being widened to include off-park flora and fauna management responsibilities in order to achieve a more integrated approach to nature conservation. The adoption by the Government in April last year of a three-year forward programme of funds commitment for nature conservation known as the COSAR fund has superseded the antiquated approach to funding of national parks adopted by the previous Government. This fund enables more efficient and effective programming and implementation of forward management development of parks. Under the previous system, the National Parks and Wildlife Service had to eke out an existence, not knowing until the last minute what funds would be available from year to year.

The amalgamation of two existing departments and the integration of existing units of the departments to take effect on 1 July this year will achieve substantial efficiency in the application of professional resources and modern technology to park management. For example, remote sensing and ecological survey resources will make substantial contributions to the formulation of management plans for our national parks.

Under the previous Government these technologies may just as well have been located in another department. A major problem within the Opposition's approach is that it has failed dismally to see national parks as just one element of the wider task of nature conservation. The Opposition fails to recognise that land acquisition and sound management of land can go only so far in protecting our heritage. This is particularly so during long periods of scarce Government financial resources. What is also needed is a sound approach to off-park management of flora and fauna, and that is exactly what we are going to do. So far as the public is concerned, we have set up consultative committees throughout the State and we have amended the heritage legislation to enable private people to protect and preserve native vegetation—

The SPEAKER: Order!

The Hon. D. C. WOTTON: —on their own land—

The SPEAKER: Order!

The Hon. D. C. WOTTON: —so do not let the Opposition say we have not done anything.

The SPEAKER: Order! Honourable members, whether on the front bench or elsewhere, will heed the call of the Chair when "time" is called.

The Hon. R. G. PAYNE (Mitchell): I rise to speak in support of the motion before the House. That motion, of course, involves the failure of the Minister of Environment to make adequate provision for the management—and members ought to note that term "management"—of the State's 193 national, conservation and recreation parks, because that is what we are really discussing here today. We have a Minister who was elected, and a Government which was elected, on a policy spelt out in their own document as follows (and I quote from Liberal Party policy on the environment):

> Institute a responsible policy of national park management.

So it cannot be argued that the Minister was in any doubt right from the beginning about what was the necessary next step to take in this matter—to institute responsible management.

The Minister did not have to worry about organising a programme of acquisition of a sufficient area of the State to be looked after and conserved—that has been taken care of by the actions of previous Labor Administrations before he ever got on the band waggon, and the Minister knows that. So, there was no problem there. The problem that he had to face was the simple one of winning in Cabinet a battle against the mining and other heavies —that is what it comes down to. The Minister who is in charge of environment is required to have enough guts and ability in Cabinet discussions to get a proper priority allocated in terms of funds for the task before him. As I pointed out, there was no doubt about what the task was, if one was to believe the Liberal Government's promise before it was elected—that was, to institute responsible management.

That gets down to the actual area in which the performance has been abysmal—no other term can be applied. The Minister had the hide to stand in the House and attack his predecessor, the Hon. Mr. Cornwall, and ask what he did. Of course, he thoroughly neglected to remind the House that the Hon. Mr. Cornwall was Minister for, at the most, four months. How long has this Minister been in his position? We are talking about 17 to 18 months and, as I pointed out, he had a clear task in front of him, as stated in the Liberal Party's own document. That is what this matter is all about.

If we look at any area of environment, the previous Administration bolts in. I will list a few of the matters for the benefit of the Minister. Here is what the previous Administration did: first, it provided the department and the administrative set-up to take care of this area. The Minister here now had nothing to do with that. The previous Administration covered a wide area in conservation of environment. It was the Labor Government in South Australia that brought in legislation about air and noise pollution and waste management. The Minister had nothing to do with that, either, and has done very little about it since.

It was the Labor Government in South Australia, through the far sightedness of the member for Hartley as far back as 1966, when he was Minister of Lands and at that time also looked after conservation, that adopted a conscious policy of acquisition of land in this State to get it back, to get it under control before it was all ploughed up, to bring it to the percentage that it is recognised anywhere in the world as the relevant percentage—about 5 per cent of the State's surface. That policy was followed continuously from 1966 onwards, and even in the period of the previous Liberal Government—

The Hon. J. D. Corcoran: I introduced the first National Parks Bill in 1966.

Mr. Lewis: To listen to you fellows, you built the Ark.

The Hon. R. G. PAYNE: That is not correct. It was the previous Government that set up the Coast Protection Board, another vital area, and provided the machinery and fabric for that important area of conservation. I do not blame the Minister for backing off from his normal place on the front bench and trying to get out of the limelight, because it is about his performance and nothing else that we are talking. Surely he has had an opportunity to get started on the responsible management of national parks. Is the Premier saying that 18 months is not long enough to take that small step and get started? Where is the evidence that anything has been done or has been promised? The Minister is so well in charge of his portfolio that when it came to describing policy and other matters in which he has a decisive role, he had to read it out, word for word, and had to correct what he was saying a couple of times. It was gobbledegook anyway. The Minister knows that.

Mr. Mathwin interjecting:

The Hon. R. G. PAYNE: The member for Glenelg does not have a great record in the area of conservation, and I do not suppose that he would claim that.

Mr. Mathwin: I should be careful—

The SPEAKER: Order! Order!

The Hon. R. G. PAYNE: The greatest area of concern to the honourable member was one which, when the Labor Party was in Government, he never stopped carping about. Now that his Party is in Government and the figures are higher, he never mentions it in the House. That might suffice for the present for the honourable member.

Let us look at Belair and Cleland. The Minister referred to those areas. Who set up the trust formation? It was the previous Government. Some members might ask why I am listing the achievements of the previous Government when this motion is about the non performance of the present Minister. That is the reason: all of those things were done long ago, and the Minister did not have any diverse number of things to consider. He had a simple one-proposition job in front of him, and he could not handle it; otherwise, we would not need to be debating this argument at this time. No matter where we look in that area, the Minister cannot point to any real performance. I heard him refer briefly to volunteer assistance in national parks. The first step in that area was taken in the time of the previous Government. Let the Minister deny that.

Members interjecting:

The Hon. R. G. PAYNE: Yes, there is another topic. The Minister said that regionalisation had been completed in the last 12 months, but he neglected to tell the House whose idea it was and when it was set in train. I will remind honourable members, if the Minister is too miserable to allot the credit where it is due, that it was done by the previous Minister. Decisions were taken then, and it has come through the system. The Minister did not even tell us—although we all know that some time is needed to put these matters in train—one thing that we can now await with bated breath. He talked a lot of nonsense, and mentioned a couple of things that would have been done, anyway, such as the setting up of consultative committees. I do not decry those, but that is not the way for him to tackle the task which the Party and the Government of which he is a member clearly identified to the public at an election as its greatest area of concern. I shall repeat those words: "institute a responsible policy of national park management".

There are not even many words. It is a single sentence. The Minister could not claim that he did not understand it, yet he was not able to do anything about it. What is the reason for that? There is only one answer. He has not got enough clout. When he goes to Cabinet, they say, "Keep quiet, David. This is where the real action is, up the top end of the table—mining, uranium and that sort of thing. To hell with the State." Is that what happens? It must be, because the Minister is not able to come away from the meeting with any loot at all. If he was getting any, he would not have hesitated to put out a press release and say that Cabinet gave him $1 000 000, $2 000 000 or $3 000 000. We have not had any of that. All we have had from the Minister is, "Leave it with me, we are looking at it", and, when pressed for a few words, "I will read what a previous Government said in a docket." So, he read to the House the contents of a docket, which was terribly illuminating! He was saying that because of the actions of the previous Minister, not because of anything he did, a working party had examined this whole area and decided that there was a need for something like 128 national parks extra staff. That was recognised by the previous Government. Is the Minister saying that he has just found that out, two years later? That was a problem. Clearly, the previous Government, over the period from 1970 onwards, acted very responsibly.

What was the initial task? It was to get the lands concerned, which was pursued vigorously and relentlessly. We do not say that that is anything to be ashamed of: we are proud of it. Future generations in this State will agree that the right steps were taken. Why was it that, when it was identified that 128 persons were necessary, it could not be proceeded with straight away? The Minister ought to ask his Federal colleagues about that. It was because of the new federalism, which is to give the State more responsibility and less money. That is all it is. It is quite simple. It was because at that time this State got less money overall that the programme that was to be set in train to get the extra staff organised had to be looked at in a three-year time frame. That was already underway. What has he done, except ride around in his big white car, in that time? Every programme and everything that was mentioned—and it may be that he has mentioned some small thing at Cleland Park or Belair—

The Hon. J. D. Corcoran: He knocked the swimming pool off at one park.

The Hon. R. G. PAYNE: Something was done after all, even though it was a negative action. I would not quarrel with that, as that is one decision we know he took, so the whole period has not been entirely wasted. At least he showed that he can be decisive, even if it is in a negative direction. I suppose that we should be grateful for that, on our side.

Members interjecting:

The SPEAKER: Order!

The Hon. R. G. PAYNE: I am always willing to take help from someone, but it is a bit awkward when there are three at once. I do not need any help from the Minister. The State needs help to be protected from the lack of action from the Minister. That is what we are here for. This is not a laughing matter; I do not know why the Minister is laughing about it. It is his performance in this matter that we are examining.

The Hon. H. Allison: It's your performance—

The Hon. R. G. PAYNE: The Minister who interjected has enough on his hands with the funding for Aboriginal children that he will not provide, and in the ancillary staff area, to keep him occupied.

The SPEAKER: Order! I ask the honourable member to come back to the motion before the Chair.

The Hon. R. G. PAYNE: I will be delighted to do so. The attempt by the Minister to divert me, thankfully intercepted by you, Sir, was prevented. I am glad to get back to the area in which I should be working. It was a lamentable and dismal performance by the Minister in respect of a simple promise. Let us not be loud: let us be fair.

Mr. Mathwin: Don't be loud—you'll wake me up.

The SPEAKER: Order! I warn the honourable member for Glenelg.

The Hon. R. G. PAYNE: A simple promise was made to the people of South Australia in September 1979: "If we are elected, as a Liberal Party we will institute responsible management." That is the charge placed at the feet of the Minister today. The Government has failed to do that, and he has not been able, in the time that he was on his feet, to give one single instance of where he has directed his attention to this problem. It would have been perfectly acceptable to members on this side if the Minister had stood in his place and said, "That is the problem; I have been working on it. This is my solution. It will take a while, but this is what I propose to do." We were never told anything of that nature whatsoever by him. I believe that it is one of the poorest performances ever put on in the House. When he said that the member for Hartley was embarrassed, he was right. The honourable member was embarrassed at the performance of a Minister of the Crown in this House.

The Hon. D. O. TONKIN (Premier and Treasurer): Talking of poorest performances ever seen in this House, I can only say that the member for Mitchell is in no position to speak whatever. If, in fact, the testimony to the eloquence which he has displayed or not displayed in the last quarter of an hour can be judged by the activities of his nearest colleague, I think that spoke volumes, far more than I could say.

The Hon. R. G. Payne: He went to sleep while David was talking.

The Hon. D. O. TONKIN: The honourable member for Mitchell has made certain that he stays asleep. I could not understand, for the life of me, why this motion was brought on this afternoon. It is not a motion of urgency, with great respect to your ruling, Sir. There is nothing urgent that we have here this afternoon. I thought "What is the problem; what is the difference? There is nothing new in the Leader complaining about this Government. He does it all the time." Then I suddenly realised that the real reason for moving this rather weak and dishwaterish motion was simply to avoid Question Time. I am quite convinced that I am right. I suddenly realised that this move—and I do not know who advised the Leader to bring on this topic—

The SPEAKER: Order! Every honourable member who has had the call has been protected by the Chair, and it is its intention that the Premier will be likewise protected.

The Hon. D. O. TONKIN: Thank you, Mr. Speaker, I suddenly realised that this was all connected with a series of articles that we have seen appearing in the press over the past 24 hours, outlining the enormous turmoil in the Australian Labor Party ranks. Their concern is not with the management of national parks but with conservation and environment of a different kind—their own Party's environment and conservation of their claims to the positions on the front bench to which each aspires.

The SPEAKER: Order! I ask the Premier to come back to the substantive motion, the subject before the House.

The Hon. D. O. TONKIN: Indeed I will. I was discussing conservation and environment, which is very closely related to national parks. There is no question that this weak effort is designed to avoid facing up to the possibility that during Question Time the splits and conflicts currently tearing the A.L.P. apart would be ventilated.

Let us examine some of the matters raised by the Leader of the Opposition and his friend currently on the front bench. First, the basic proposition is that there has been failure to make adequate provision for management control. This demonstrates a very blinkered and short-sighted view of his own Party's shortcomings, because the Minister in an excellent defence outlined quite clearly the shortcomings of the previous Government's record.

The situation we inherited was one of which we could not be proud. The present Government's record has already been outlined. There has been an increase in staff; there has been a greater involvement of the private sector, of private landholders, with the passing of the heritage agreements. I suggest that the Leader of the Opposition and the Opposition generally would do better if they would stop unreasonably criticising the fine record that has been established by the present Minister in putting the previous situation back into gear, and tell us what he proposes. Does he propose that we should be spending large sums of money over and above the budget that has been set down?

If he does so propose, does he propose therefore that to get that money he will reimpose State taxation? I know that he has been advocating that. Let me tell him that this Government will not be in that because the people of South Australia quite clearly do not want increased taxation. Will he be cutting back on expenditure in some other area? Perhaps he will tell us in what areas he will make those cuts. Will he cut back on health and hospital services, community welfare services, police or prison services, public and community safety, or education? Which of these fields will he cut back? We will certainly not cut back on them.

Mr. Hamilton: You want to be careful when you talk about safety.

The SPEAKER: Order! The honourable member for Albert Park wants to be careful when he interjects.

The Hon. D. O. TONKIN: Let me make quite clear that in these service areas, as I have outlined to the House on previous occasions, we have approved considerable expenditure over and above the Budget so that essential services will not be cut. We will not be cutting back on those essential services, but will the Leader do so? Is that what he is proposing?

Will the Opposition advocate the sacking of public servants? Is that what it wants? We certainly will not. We have honoured our commitment not to sack public servants, and we will continue to honour that commitment, but the Opposition apparently is prepared to consider sacking public servants and, if that is so, perhaps we will hear from the Leader or from the member for Mitchell which public servants they will sack. This Government will not sack them, but apparently a Labor Government would, so will the Leader please tell us whether they will be doctors, nurses, policemen, teachers, or prison officers and, if so, which of these will he sack? I repeat that we will not in any way consider the sacking of any public servants but apparently the Leader, since he has not put forward anything else constructive or positive, is considering this action.

Let me make one thing clear; this Government acknowledges the very necessary place of national conservation and recreation parks in contributing to our recognised quality of life. Such parks we believe are best held under a management agreement with the former owners, and this is the involvement of not only those concerned people in the community who make up the membership of conservation societies and associations but also of individuals who have a love of nature, of natural vegetation, and who are doing everything they can to preserve it. This is the course of action which is now being taken by this Government to correct the disastrous situation which we inherited.

We inherited, indeed, vast areas of national parks, and national parks are fine, but they are of little value to a community which is starved of essential services because of the cost of managing those parks. It is all a matter of priority and, if the Leader thinks we have adopted the wrong priority by putting more resources into the management of national parks without cutting back services in other areas, then all I can say is that he has a very funny way of setting priorities. It is quite clear that the Government's record in managing its national parks is much better than the record of the previous Government. It is quite clear that the situation which applied to the department when we took office was a disastrous one and that we have made steady progress since that time. I repeat that this whole urgency motion has been a sham designed to protect the strife-ridden Opposition from exposure during Question Time, and nothing else.

At 3.15 p.m., the bells having been rung, the motion was withdrawn:

SUSPENSION OF STANDING ORDERS

Mr. BANNON (Leader of the Opposition): I move:

That Standing Orders be so far suspended as to enable the period allowed for asking questions without notice to be extended until 4.15 p.m.

In the course of his remarks in the urgency debate the Premier made much, both at the beginning and at the end, of what he implied to be our motives in moving a motion of urgency. I made very clear indeed in the course of my remarks in the urgency debate that in fact we believed this to be a matter of urgency, and the debate itself demonstrated that. There was no intention whatsoever, as the Premier suggested, by the Opposition to avoid questions. On the contrary, we had the very difficult choice to make, as we understood it then, whether or not to proceed with our urgency motion or whether to have questions. I am quite sure that many members opposite have questions to ask—rather questions that have been supplied to them in order to take the maximum advantage of the last day in order to have a go at the Opposition.

The SPEAKER: Order! I would draw the honourable Leader's attention to the fact that he may not refer again to the urgency motion which has now been disposed of, and that in debating the present motion before the Chair he must refer to the reason for the suspension and not widen the debate.

Mr. BANNON: I am confining my remarks to the reason for this suspension—

The SPEAKER: Order! The Chair will decide that.

Mr. BANNON: —which is to take advantage of the offer that the Premier has made in fact for a Question Time to be held. I did not intend at all to canvass the urgency debate we have had. I think what is relevant and where it may be alluded to is simply in respect of the invitation offered to the Opposition, as I understood it, to have Question Time.

We can assure the Government that, while there are a number of matters pending, we will attempt to expedite their consideration, but certainly we would be grateful indeed to have the opportunity to ask questions of the Government. Many of my colleagues, as I am sure do members on the other side, have questions that they desire to ask, and Question Time would be extremely fruitful and useful to this Parliament. I am certainly very grateful for the Premier's suggestion. I am surprised that he did not move this motion himself, but in fact I have taken the opportunity to do so as he perhaps omitted to do it. There is absolutely no question that we are not grateful indeed to have the opportunity to question the Government.

It is a difficult decision for any Opposition to decide whether or not to forgo a Question Time opportunity, but the pressing urgency of another matter was such that we wanted to bring it on. The Premier has made quite clear that he does not want to deny us the opportunity of questions. We have the questions. I have my question prepared and ready to ask, and I speak for all my colleagues. We thank the Premier for his offer and we are sure that he will support this motion.

The Hon. D. O. TONKIN (Premier and Treasurer): The Leader cannot have his cake and eat it. He knows perfectly well that the programme has been set for the day, and he knows perfectly well that he has not conformed to the normal courtesies which usually exist between the Leader of the Opposition and the Government. If he had come and spoken to me on this matter before he decided to waste the time of this House on the former motion, we would have been perfectly happy to accommodate him, and now he is totally and absolutely trying to get out from under. He will have to live with the decision he made. If he decided to bring in a motion that was not worth a crumpet, he will have to live with that decision. There is no way that this desperate attempt to extricate himself from a most embarrassing situation, as far as he and the members of his Party are concerned, will succeed.

The House divided on the motion:

Ayes (20)—Messrs. Abbott, L. M. F. Arnold, Bannon (teller), M. J. Brown, Corcoran, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, McRae, O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (23)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, Chapman, Evans, Glazbrook, Goldsworthy, Gunn, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin (teller), Wilson, and Wotton.

Pairs—Aye—Mr. Langley. No—Mr. D. C. Brown.

Majority of 3 for the Noes.

Motion thus negatived.

The SPEAKER: Call on the business of the day.

OFFENDERS PROBATION ACT AMENDMENT BILL

The Hon. W. A. RODDA (Chief Secretary) obtained leave and introduced a Bill for an Act to amend the Offenders Probation Act, 1913-1971. Read a first time.

The Hon. W. A. RODDA: I move:

That this Bill be now read a second time.

The principal object of this Bill is to implement a scheme whereby adult offenders may be put on a bond under which they are required to perform community service, as an alternative to a fine or imprisonment. Fines are often inappropriate as sentences both for persons who are impoverished and therefore simply unable to pay a fine, and for those for whom a fine of a couple of hundred dollars does not constitute a particularly serious penalty. Imprisonment is, in some cases involving offences of a less serious nature, also an inappropriate sentence in that the disruption caused to an offender's family as a result of loss of employment is counter-productive from every point of view. The community service scheme will offer an offender an opportunity to repay his debt to the community in a tangible manner and outside a prison environment. The consequent reduction in the prison population will lead to obvious savings in money and resources, but of equal importance is the hoped for rehabilitative effect community service may have on some offenders.

Similar schemes are operating successfully in several other States, and of course another variant of the scheme is already in operation in this State for young offenders who default in paying fines. I have had the opportunity of inspecting the schemes operating in Victoria and Tasmania, and have been most impressed. It is proposed that our scheme will be administered from local district probation offices which from Tasmanian experience appears to be the most cost-effective system.

The Bill before us provides that an offender will be required to undertake community service for a total number of hours fixed by the sentencing court. He will be required to carry out actual community work for eight hours each Saturday, and also to attend for two hours at evening classes on a week night, where he will have the opportunity to undertake courses of instruction. The maximum number of hours of community service that can be imposed upon an offender is 240, spread over a period not exceeding one year.

Work projects selected for the scheme will not deprive

the community of employment opportunities. The Bill establishes a community service advisory committee which is comprised of between three and five members. One of the members is the nominee of the United Trades and Labor Council and another member is nominated by the Director of the Department of Correctional Services. The function of the committee is to formulate guidelines for the approval of projects and tasks suitable for the community service scheme. The Bill also provides for community service committees. The function of these committees is to approve, within the guidelines formulated by the community service advisory committee, specific projects to be performed by probationers attending the community service centre in respect of which the committee was established. These projects will be regularly reviewed by the local committees.

A community service scheme for offenders was one of the recommendations contained in the First Report of the Criminal Law and Penal Methods Reform Committee. It surprises me that the Opposition, when in Government, did not itself introduce the scheme, as that report was handed down eight years ago. The Offenders Probation Act has also undergone a thorough review, and consequently the Bill contains a number of amendments designed to clarify various sections of the Act, and to bring the Act into line with today's requirements. For example, the conditions that may be attached to a bond are more clearly spelled out, and the powers and duties of probation officers are stated in more realistic and positive terms.

Another provision of the Bill allows the Minister, in selected cases, and upon the recommendation of the probation officer, to waive the obligation of supervision during the latter part of an offender's bond. In such cases, the offender will still be required to be of good behaviour and to conform with any other bond conditions, but nonetheless will be rewarded for making the most of the opportunities provided to him while under supervision. It will also enable the Department of Correctional Services to utilize its resources more productively.

The other provision of the Bill which I believe requires explanation relates to the courts being given greater discretion in dealing with breaches of bonds which carry a suspended sentence of imprisonment. When faced with a minor breach, the courts may now take into account the circumstances surrounding the breach and may or may not order that the suspended sentence come into effect, may extend the period of the bond by up to one year, and may, if it orders that the suspended sentence come into effect, reduce the term of that sentence in special circumstances. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the Bill on a day to be proclaimed. The definition of "offence" is amended so as to make it quite clear that the Act does not apply in relation to murder and treason. Clause 3 inserts new definitions required by the amendments contained in the Bill. Clause 4 provides for the establishment of probation hostels and community service centres, and any other necessary or desirable probation facilities. The Minister is directed to promote the use of volunteers where practicable in the administration of the Offenders Probation Act. New section 3b gives the Director of Correctional Services the power to delegate his powers, etc., to another officer of the department.

Clause 5 provides that where a person is put on a community service bond, the term of the bond may not exceed one year. Clause 6 sets out an expanded list of the conditions which a court may attach to a bond under the Act. It is provided that a probationer may be put under the supervision of a probation officer, may be requried to reside, or not to reside, with a certain person or in a certain area or place, may be required to undertake community service, may be required to undergo medical or psychiatric treatment, or may be required to abstain from drugs or alcohol. The court is at liberty to include any other conditions it thinks fit. A probationer may not be required to be both under supervision and to undertake community service. The court is obliged to be satisfied, before including any condition in a bond, that the condition is viable and appropriate for the probationer. It is provided that a probationer subject to more than one bond requiring him to undertake community service cannot be required to undertake more than 240 hours in the aggregate. The court is obliged to satisfy itself that a probationer, at the time of sentence, clearly understands all the conditions and implications of his bond.

Clause 7 inserts three new sections. New section 5a requires the court imposing a bond with supervision or community service to also include in the bond a condition requiring the probationer to report to a specified centre within two working days, unless the probationer is contacted by the department first. New section 5b sets out various provisions relating to community service. A probationer will normally be required to perform community service work eight hours each Saturday, with an hour for lunch, and to attend classes for two hours on a week night. However, a community service officer can change the days and times (but not the number of hours) to suit the particular probationer. Community service must not interfere with a probationer's paid employment or his religion. Community service work will not be remunerated. The director is given the power to impose a penalty of extra hours of community service work if a probationer fails to obey a direction of a community service officer as to the conduct or behaviour of the probationer while he is undertaking community service. This penalty may be imposed in lieu of proceedings for breach of bond, and a total of twenty-four hours may be imposed during the term of a bond.

The director may suspend a community service condition where proceedings for breach of that condition have been commenced. New section 5c establishes a community service advisory committee for the purpose of formulating guidelines for the approval of tasks and projects for community service work. The committee member appointed from the panel nominated by the Trades and Labor Council will have the power to veto any particular guideline proposed by the committee. Each community service centre will have a committee established for it, for the purpose of approving the actual projects and tasks to be performed by probationers attending the centre. Projects and tasks must be for disadvantaged persons, for non-profit organisations, or for Government or local government authorities. A committee may not approve a project or task if it would mean that a paid job would be displaced, or would not be created.

Clause 8 substitutes two sections. New section 6 provides for the assignment of probationers to particular probation officers or community service officers, as the case may require. The basic duty of such an officer is to see that a probationer complies with his bond. New section 7 sets out the various directions that such officers may give to probationers assigned to them. All such directions must be reasonable. Clause 9 is a consequential amendment. Clause 10 provides that a probative court may not only

vary a condition of a bond, but may also revoke such a condition. The Minister is given the power to waive a supervision condition where he thinks special reason exists for doing so.

Clause 11 widens the range of powers of a probative court dealing with proceedings for breach of a bond where a suspended sentence of imprisonment is concerned. The court may refrain from ordering that the suspended sentence be carried into effect and, in that case, may extend the term of the bond for a further period of not more than one year. The court may, if it orders that the suspended sentence be carried into effect, reduce the term of imprisonment. It is provided that a court of a superior jurisdiction to that of the probative court may, if it is dealing with the probationer for a subsequent offence, also deal with the proceedings for breach of the bond, but that superior court is bound by any sentencing limits that the probative court would have been bound by in sentencing the probationer for the original offence. It is made clear that any amount payable upon estreatment is recoverable in the same manner as a fine. Clause 12 is a consequential amendment. Clause 13 provides immunity for probation officers and community service officers.

Mr. ABBOTT secured the adjournment of the debate.

ARCHITECTS ACT AMENDMENT BILL

The Hon. W. A. RODDA (Chief Secretary) obtained leave and introduced a Bill for an Act to amend the Architects Act, 1939-1976. Read a first time.

The Hon. W. A. RODDA: I move:

That this Bill be now read a second time.

There are two principal objects of this Bill. First, the Bill embodies the final resolution of the conflict on the question of whether or not the building designers profession ought to be regulated by way of a registration system similar to that applying to architects. As members will be aware, the Architects Act was amended in 1975 for the purpose of tightening the provisions dealing with the requirement to register under the Act. The Act at that time virtually only prohibited the use of the title "architect" by an unregistered person and, so, a person could hold himself out to the public as being qualified or willing to do architectural work without offending against the Architects Act. The 1975 amendment remedied this situation.

After strong representations from building designers and others, a power to exempt was provided by an amendment in 1976, and, since then, building designers have been exempted from the registration provisions of the Act, pending resolution of the various problems. In March 1980, I set up a working party chaired by Mr. Stan Evans, M.P., and comprising representatives of the Architects Board, the Building Designers Association, the Institute of Draftsmen, the Master Builders Association, the Housing Industry Association and the Institute of Engineers, and a research officer from my office. This working party concluded that the cost of establishing and maintaining another registration system was not warranted in the light of the relatively few complaints about the professional competence of building designers. The working party finally concluded that the situation existing prior to the 1975 amendment ought to be re-established, subject to some exceptions permitting certain categories of persons to use the word "architect" or "architectural" as part of their title or description.

The second object of this Bill is to deal with a problem that has arisen in relation to one-director companies registered as architects. Some registered architects, who were in practice on their own, formed family companies with themselves as sole director, and then registered the company as an architect under the Act. However, since then, the Companies Act has been amended requiring a minimum of two directors. The Architects Act currently provides that all directors must either be registered architects or hold other qualifications prescribed by the by-laws of the Architects Board. If an architect on his own does not employ a person with such a prescribed qualification, he is unable to comply with both the Companies Act and the Architects Act, and so must be in breach of one or the other. The Architects Board has therefore sought the amendment proposed in this Bill whereby the other of the two directors may be a relative of the architect, an employee of the company, or an accountant or solicitor who acts for the company.

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

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that an unregistered person shall not use the word "architect" or "architectural" as part of his title or description, and shall not use any other title or description that implies that he is a registered architect. It is an offence for any person to apply those words in relation to an unregistered person, for example, an employer must not describe an employee in such a way. This offence was created by the 1975 amendment and is to be retained. The listed exemptions from the requirement to register as an architect relate to landscape architects, naval architects and golfcourse architects, and also to architectural draftsmen and technicians employed by registered architects. By-laws made by the board will allow persons such as architectural technicians and draftsmen to state their qualifications. Subsection (3) *(a)* makes clear that an unregistered person who designs a building or superintends building works does not offend against this section. The power to exempt further categories of persons by regulation is provided, as it is impracticable to amend the Act every time a new profession emerges that wishes to use the word "architect" or "architectural" in a way that is acceptable to the Architects Board.

Clause 3 provides that, where a company to be registered as an architect has only two directors, then, if only one is a registered architect, the other must hold a prescribed qualification, be a relative of the architect ("relative" is defined in subsection (2)), an employee of the company, or an accountant or solicitor who acts for the company. A safeguard is provided in this situation, ensuring that the opinion of the registered architect will prevail in the event of a disagreement between the two directors.

Mr. SLATER secured the adjournment of the debate.

SELECT COMMITTEE ON LOCAL GOVERNMENT BOUNDARIES OF THE CITY OF PORT LINCOLN

Consideration of the Legislative Council's message.

The Hon. D. C. WOTTON (Minister of Environment): I move:

That the address be agreed to.

Honourable members may recall that, on 4 December 1980, the Legislative Council appointed a Select

Committee comprising the Hon. C. M. Hill, M.L.C., Minister of Local Government (Chairman); and the Hons. G. L. Bruce, M.L.C.; C. W. Creedon, M.L.C.; L. H. Davis, M.L.C.; M. B. Dawkins, M.L.C.; and J. E. Dunford, M.L.C., to inquire into the boundaries of the City of Port Lincoln.

The Council directed the committee to examine whether the present boundaries of the City of Port Lincoln adequately encompass the present and potential residential, commercial and industrial development of the Port Lincoln urban area, and assess their effect on the planning, management and the provision of works and services and community facilities for the urban area. In carrying out this examination, the Select Committee was directed to take into account any operational, financial and management issues it considered appropriate as well as community of interest in its determination of the question.

If the Select Committee considered any adjustment to the present boundary between the City of Port Lincoln and the district council was deemed necessary, it was directed to prepare a joint address to His Excellency the Governor, pursuant to section 23 of the Local Government Act, 1936, as amended, identifying the area, or areas, to be annexed to and severed from either council, the necessary adjustment between the city and district council of liabilities and assets, the disposition of staff affected by any change, and all other matters pursuant to the Local Government Act, 1936, as amended. The Minister of Local Government, in the other place, brought down a report and tabled the joint address which has now been passed in the Legislative Council. The Select Committee has met on six occasions.

Following its appointment, advertisements were inserted in four newspapers, namely, the *Advertiser*, the *Port Lincoln Times*, the *West Coast Sentinel* and the *Eyre Peninsula Tribune*. The committee met at Port Lincoln so that interested persons residing in the areas under consideration would have adequate opportunities to give evidence. The committee, having carefully considered all the evidence, is of the opinion that the boundaries of the City of Port Lincoln should be extended to include areas to the south, south-east, west and north of the city, and these areas are detailed in the joint address.

The committee recommends that the boundaries be altered to include within the City of Port Lincoln areas occupied by the urban community. The new area also provides for further growth and for the proper planning of drainage and the provision of community services. The committee in its report acknowledges the past involvement of the District Council of Lincoln and the services provided by that council in the administration of the areas affected by the change. The committee recommends the abolition of the present four wards of the City of Port Lincoln and the division of the enlarged municipality into five wards. The committee further recommends that any proclamation issued to give effect to the matters set out in the joint address should have effect from 1 July 1981.

The committee gave consideration to the question of councillor representation for the municipality and its new wards and received advice that it was not necessary for these matters to be dealt with in any address or subsequent proclamation, as provision for this exists in the Local Government Act under section 20 (2). The determination of the number of councillors for each of the wards is a matter which is also adequately provided for in section 49 of the Act.

In view of these provisions, the present councillors and the Mayor in the municipality will continue in office until the next annual election in October this year when they will all cease to hold office. All, of course, would be eligible to re-nominate but the requirement would then be for 10 councillors, not the present eight, with two councillors in each of the wards which would then number five. No alteration is necessary to the number of councillors in the area of the Lincoln District Council.

Necessary adjustments between the city and the district council of assets and liabilities will be the subject of further inquiries by officers of the Department of Local Government and a separate proclamation by His Excellency the Governor. This process is provided for under the provisions of section 8 of the Act.

I record the Select Committee's thanks for the co-operation received from numerous people on Eyre Peninsula, including members of the city and district councils.

The committee reached the very definite view that, as the boundary issue has extended over many years without resolution, the councils were incapable of resolving the problem by mutual agreement. The new area for the City of Port Lincoln will not be the whole area as sought by the city in its submission to the Select Committee. In this respect, the northern boundary of the municipality will be an old Government road between the Rustlers Gully area and the Boston House property.

The SPEAKER: Is the motion seconded? If the motion is not seconded the matter cannot proceed. Is the motion seconded?

An honourable member: Yes, Sir.

The SPEAKER: I indicate to the House that if a motion is moved or seconded it needs to be clearly heard by the Chair.

Mr. Millhouse: Don't mumble, next time.

The SPEAKER: Order!

Mr. HEMMINGS (Napier): Before speaking to the report of the Select Committee, let me say that it is a real disappointment to me that on this last day we are dealing with an item, which I suppose is important, on the boundaries of the District Council of Lincoln and the municipality of Port Lincoln. However, there was another, more important measure on the Notice Paper, the Dog Control Act. It seems that the Government is not prepared to discuss that measure, which would affect the people of Port Lincoln and the District Council of Lincoln.

Mr. Millhouse: There's been a revolt in the Liberal Party.

Mr. HEMMINGS: I understand there is a revolt in—

The SPEAKER: Order! I draw the honourable member's attention to the motion before the House and ask him to address himself strictly to the content of the motion.

Mr. HEMMINGS: Thank you, Mr. Speaker, I will do that. Being the last day, I had to place on record the Government's incompetence so far as dog control is concerned. One thing that concerns me, bearing in mind what the Minister said—that both the district council and the municipality have been unable to reach agreement over the past few years—is that the committee met only six times, and few of those meetings were held in Port Lincoln. Perhaps this is part of the Government's cost cutting process. I hope that the Minister will be able to enlighten us later about this. One thing that concerns me appears in the report in paragraph 4, which deals with areas such as Bayview and the Rustlers Gully subdivision. There was real feeling from the residents in those areas that, if that particular subdivision was taken into the municipality of Port Lincoln, there could be problems with regard to that council not spending money in those areas. The residents are concerned, and they have written to me outlining that concern. I received a letter from the

Secretary of the Boston Community Association Incorporated, which represents the residents of Rustlers Gully, Boston Estate and Gledstones Terrace, as follows:

Dear Sir,

Re Council Boundaries—Port Lincoln

You are no doubt aware that a Parliamentary Select Committee is currently investigating a petition, lodged by the Corporation of Port Lincoln, requesting expansion of its boundaries, so as to take in certain areas currently under the control of the District Council of Lincoln.

The residents of the Rustlers Gully, Boston Estate and Gledstones Terrace, areas of Port Lincoln, on whose behalf I write, will be affected by the proposed realignment of boundaries and unanimously voted at a recent meeting to preferably remain under the influence of their existing council.

Their reasons for doing so stem from the fact that the district council has served their area well and they feel that should they be incorporated within the city council area. Projects currently under way, and those proposed for the future, have little chance of reaching fruition in the short term, if ever.

I mention that our area is relatively isolated from the city proper and that the residents feel the city council is petitioning not with a view to developing the area further but for the revenue it will obtain for channelling into high-cost projects currently under way.

When the Select Committee reports to Parliament on its findings we, the residents who will be most adversely affected, request you to support us with a view to having the boundaries remain as they are.

I am not putting a case for the boundaries to remain as they are. I feel that (having read the report), the Select Committee has come up with a recommendation which will suit the population in that area as a whole. What does concern me is that those residents in those subdivisions I have mentioned could be adversely affected if the municipality will not spend its money in a uniform way. I am not saying that the council will do that, but I would like to think that if this report is agreed to the council will recognise its responsibility and then perhaps will be able to allay the fears of the Boston Community Association. On other aspects of the extension of the boundaries, it is heartening to know (and I know you, Sir, were concerned previously in your own area of Port Augusta, where there was a realignment of boundaries to the mutual satisfaction of all parties) that this is once again a step in meeting the recommendations of the Royal Commission. In that light, I support the adoption of the address.

Mr. BLACKER (Flinders): I do not really know where I stand on this issue, for this reason; the boundaries issue has been a long and protracted dispute in Port Lincoln and surrounding areas. In fact, it could go back to the time where this area under question was handed back to the district council by the corporation because there were too many rabbits on it, so it has gone full circle. What I do know is that the handling of the Select Committee report has stirred up the people of that area so much that I have never known a more volatile climate to exist in that area than exists at the moment. If the Government has done one thing, it has stirred the people.

I will make a couple of comments about the appointment of the Select Committee. It was appointed by the Legislative Council on 4 December. I did not know that such a Select Committee was to be set up. I was not paid the courtesy of any forewarning. Because this House was in session, I received a phone call from somebody who had heard through the media that such a committee was being set up. From that point on, I had little or no say in what happened. I feel that, had I been able to make some input at that stage, I may have been able to assist the committee.

The comment was made by the member for Napier that there were only six meetings. I do not object to that fact, but I take objection to the fact five of those meetings had been held since 20 February. The committee met once before Christmas, received evidence from Dr. McPhail, and then did not sit again until 20 February, when it turned up in Port Lincoln to take public evidence. While that may be okay, if they had started taking public evidence back in December, when the committee was set up, we may have been debating a more realistic result than we have received.

That was not the case. Furthermore, on Tuesday at noon I received a copy of a letter from the Secretary of the Select Committee, which stated, in part:

> Should you wish to give any additional information or to make any important alteration, it will be necessary to communicate the same by letter addressed to the Chairman of the committee or to apply to be re-examined.

That was at noon on Tuesday. When I looked at the Legislative Council Notice Paper, I saw that the Bill was to be presented to the Legislative Council on Wednesday, so I thought I had 24 hours in which to prepare something. However, 2¼ hours later I found that the report had been tabled in the Legislative Council. That is not a fair go, and I do not care what anyone says. It is not possible to expect a fair report to be presented in that sort of climate.

About 20 minutes ago I had a telephone call from Port Lincoln, from a very irate constituent who had presented evidence to the committee. He had received his minutes today, with the same request about whether he would like to present additional evidence. The matter had been in the paper for two days. I wonder what is going on. Accusations are being made that the whole thing is a put-up job—and I quote a constituent who made that comment on the phone a few minutes ago, and who is happy to be quoted in that fashion. That was Mr. Lyle Robertson, if anyone wishes to take the matter further. That is the type of comment that has been made in the area because of the handling of this matter.

When we look at the notice of the appointment of the Select Committee, as presented by the Hon. C. M. Hill in the other place on 4 December, we find no reference to what the petitioned area would be. I had a representative from the District Council of Tumby Bay asking whether that council would be affected, because they understood the decision was to be based on earlier recommendations. I found out that council would not be affected because it would not be in that area. It was not until I appeared before the Select Committee that I found out what the proposal was. On the wall behind the Chairman was a large map with a green or blue dotted line around the petitioned area. I asked whether anyone else knew about it and was told that they did then, but that until the Select Committee went to Port Lincoln no-one knew what the petitioned area was. They had their suspicions, but no-one knew.

In fairness to the district council, its officers were not told of what the petitioned area consisted. When I appeared before the Select Committee there was never an alternative of extending the boundaries further than was proposed in the petition. I think that should have been the alternative. Instead, they are looking for a compromise to further restrict it. Rustlers Gully and Gledstones Terrace are left out of the petitioned area, and it may be four or five years before the whole process starts again.

The measure before us is a stop-gap measure, and it is not an answer to the problem. The real problem is the

division of assets and liabilities. The District Council of Lincoln receives between $100 000 and $115 000 from rate revenue from the area in dispute. From that, it provides a service to that area and services the tourist roads in and around the city of Port Lincoln, as well as the Stamford Oval. That is a large sporting complex and the main centre for football on Lower Eyre Peninsula. Generally speaking, it has been set up entirely by the district council. The council has put the racecourse in the area, and the industrial area and the fish factory, and has adequately serviced them, but this proposal takes in the industrial and fish factory areas.

I shall try to explain in broad terms so that members who know the area will understand what I am saying. It starts at the southern end of the town, south of the fish factory, goes around the industrial area, up to the top of the ridge past Winters Hill, and east to the unsurveyed road just south of Boston House. Much of the argument put forward by the corporation was that that was a watershed area. It did not seem to make much difference that we probably have a watershed area in Adelaide from Mount Lofty to the coast, passing through seven or eight corporation areas, all of whom are able to work quite satisfactorily together to overcome the problem.

This proposal has denied the District Council of Lincoln from $100 000 to $115 000 in rates, and left it with the liability of the tourist roads, and all the areas around the national parks, which are one of the focal points to try to attract tourists. It has left with the district council the main oval, and everyone would know what it costs to maintain an oval. This is the sort of thing the council has been fighting against.

Mr. Keneally: Who's got the golf course?

Mr. BLACKER: It is still in the district council, and it is a liability for that local government area. Those arguments can be put up. What other options were available? It has been said that it could have been a suggestion. However, when I appeared before the Select Committee there was no option; the area was delineated on the map. I have a copy of the map showing the area in question. The report of the Select Committee came down with a compromise, because it left the area encompassing Boston House and Gledstones Terrace out of the original petitioned area. What good will that be? It is a compromise, perhaps, but it means that it will be only a short period of time before the whole exercise starts again. If the area to be annexed took into account the tourist roads and the liabilities of the oval and the golf course, the racetrack, the motor racing circuit, and the go-kart track, perhaps it would have been a more realistic and acceptable report.

I would like to get back to the point of the Select Committee and the reason for its being set up, and to the address of the Minister. No reference was made in that report to the fact that it referred to the petition as presented by the Corporation of the City of Port Lincoln. This raises another interesting issue. This matter has been before various committees, Royal Commissions, and so on, and it has been thrown out. Each time we find another petition coming up, and the irony of the situation is that, immediately after the measure was thrown out last time, the district council petitioned the Minister to have an additional councillor for that area. I think it goes back to November 1979, a long time ago. The Minister acknowledged receipt of the letter—

Mr. Millhouse: That's all they heard!

Mr. BLACKER: That is all he did about it. Nothing more was heard about it, despite repeated contact with the department and the Minister's office. No further reply was received until, under the stress of this Select Committee operation, a letter was sent to the Premier. It was a "stinker". I do not agree with the way in which that letter was worded, but I make the point that it was provoked by the way in which the petition had been handled, by the refusal of the Minister at least to give them a deputation to discuss the matter.

On that basis, they were very annoyed and council sent a letter to the Premier. Naturally enough, a reply was received from the Premier, which indicated that the Minister of Local Government had a right to be Chairman of the Select Committee. That matter had been placed in question because it had been claimed that the Mayor of the City of Port Lincoln had a close personal relationship with the Minister of Local Government, and therefore it was a foregone conclusion that these boundaries would come in. The Minister of Local Government obviously was incensed at that report, and quite rightly; I would have been if that sort of letter had come to me.

He stated in his explanation that the reason why he did not acknowledge the petition at that time (and it is now 12 months old) was that he was then considering the Select Committee. So, someone has had 12 months to think about it. It is difficult to understand, and hard to be fair about it.

Although I have not checked with the Secretary of the committee, I would very much doubt whether one of the persons who gave evidence before that committee has had the opportunity to return corrected evidence. Therefore, I say quite conclusively that the evidence tabled in the other House is not accurate, because I know that there are two major mistakes in my own evidence. I say that, without equivocation, what was tabled in the other House is not accurate. Why was there such haste? We come back to the problem that there were not enough Select Committee members around to be able to call meetings between Monday 15 December, the first meeting with Dr. McPhail, and Monday 20 February.

But why penalise the people involved because sufficient committee meetings could not be arranged in that time? Then, between 20 February 1981 and 3 March 1981, the whole exercise was completed, and the axe brought down. There were a few other issues that came into it. I met the Minister of Local Government at Tumby Bay on Monday. I suppose that it was the first time I had had the opportunity to make a helpful comment or advise the Minister personally. I asked him whether he would hold back the report of the Select Committee because of the antagonistic attitudes prevailing in the area.

The Mayor of the City of Port Lincoln claimed a close personal association with the Minister, and this has subsequently been denied. That attitude and those comments aroused division in the community. If we had allowed some time to elapse so that heat was no longer there, there might have been a chance to get this off the ground. An annexation causes anger and dissatisfaction in any situation. I do not think we could kid ourselves by saying that it could be done easily, but it could not have been done at a more inopportune time than it has been. Indirectly, the last four Port Lincoln *Times* show what a hassle the tree issue has become. I do not know the merits of trees, but it has totally divided the community.

Mr. Millhouse: I think we should refer this back for a bit more thought.

Mr. BLACKER: The member for Mitcham suggests that it should be referred back for more thought, but the axe has fallen and the report is out. I asked the Minister to do that before a result was known.

Mr. Millhouse: The axe has fallen on the tree.

Mr. BLACKER: Yes, at 6 o'clock Monday morning last week. That has angered the community. I know it was a matter of personalities. Senior officials of the Local

Government Association and the Minister's office were at the annual dinner at Tumby Bay last Monday night. I think that anyone present would know the type of comments made. They were rather foolish and built up the division in this community. The Mayor's comment to the chairman of the District Council of Lincoln across the chamber, before the results of the committee were made public, "Tom, you had better get used to losing," was a grossly improper thing to say, and was very close to—

Mr. Millhouse: Contempt.

Mr. BLACKER: —contempt of Parliament. A Select Committee was in operation, and no-one knew its results, or was supposed to know. Yet, the remark was being made against the Chairman of the District Council, "Tom, it is time you got used to losing." Members would appreciate that comments such as that one, as the member for Mitcham suggested, may come into the category of contempt of this Parliament.

The Minister did not heed my request. He chose to introduce it in Parliament, despite what the Notice Paper had to say. I challenged him on this and said straight away, "Let us be fair about this. You have just tabled the report in Parliament and yet have given me the opportunity to apply in writing to give further evidence." As I said, many of the witnesses who appeared, and there was quite a list, have probably only received their evidence today. I know that one received it this morning. That is probably the case with all witnesses.

I have probably left the House in no doubt that there is a very big problem here. I would like to think that there was a way of getting around the antagonism that is present. But, because the issue has been announced, we can only hope that common sense will prevail. Problems of division of assets will arise. Many corporation councillors do not know that they have to take on another loan. The problem has not been considered in a reasonable atmosphere; it has been confrontation from the start.

A Select Committee that attempts to do the work in eight days does not give the people of the area a fair go. I had to make these comments because not one person has come to me in favour of the annexation. In those circumstances, particularly as I have had many dozens of people come to me who do not want annexation, I know that conclusively that, if a ratepayers poll of the affected constituents had taken place, in no way would this have gone through.

Mr. Russack: They still have that right.

Mr. BLACKER: A general election right but not annexation of the area. They have a right to choose councillors next time, but as far as I know they have no right to go to the people on a poll for annexation. The Select Committee has, effectively, circumvented that situation. If I am wrong, I hope that the Minister can clarify that point and set the record straight.

This Government went to the people at the last election on the basis of amalgamation by consent. (I think those were the words used). It made specific promises that there would not be issues of confrontation. The idea of compromise was not beyond reason. There was a time not so very long ago when the district council realistically offered a compromise. That was subject to negotiation, but the personalities involved created difficulties.

I apportion much of the blame on the Minister of Local Government, because he was aware of this situation more than 12 months ago. He kept from the District Council of Lincoln the right, or even the opportunity, to talk the subject over with him about the additional councillor. As he had it in the back of his mind for more than 12 months about a Select Committee and did not bring that committee to Parliament until 4 December 1980, he left it until the very last minute to report or do anything about it, and, really, in effect, called his committee together eight days before reporting. I think that a few questions need to be asked about that.

Quite frankly I am concerned about the antagonism that is occurring in my district as a result of this. It would be wrong of me if I did not voice to this House the strong opposition and concern expressed by my constituents in relation to this proposal. Realising that the decision has been made, realising that it has been made public, there is little more we can do but wear it. I believe the Government will carry on its shoulders a heavy load for handling the matter in this way. When the matter of amalgamation or annexation was raised previously, the people were told that it would be done by mutual consent and co-operation. That has not occurred, and many people have told me blatantly that they were promised at the last election that this would be done but their wishes have been overridden on this occasion. I think I have made quite clear how many people feel about this matter.

I know that some members of the corporation are absolutely delighted about it, but I also know that the number of such people is small; I venture to say that I could count them on my fingers and toes and I have less of them than anyone else in this House. On that basis, I am fearful for the Government's reputation on this issue. I do not think the results of this recommendation will worry me personally.

I cannot really ask the Government to retract, because the damage has been done. I only hope that every possible assistance will be given by the Minister of Local Government and any other Minister to help to resolve this situation in an amicable way. I will leave it at that because this is a no-win situation. I have not had an opportunity to raise this matter in the House before, and now that I do get such an opportunity it is a case of *fait accompli*. In these circumstances it grieves me to think that the Minister would not at least consider an option I put to him, particularly in the light of what is occurring in the district at the moment.

I only hope that if it is at all possible, some co-operation, mutual consent and conciliation will take place, and that the officers will work most diligently to get it sorted out in a reasonable way. More importantly, I think the people of the area will have to give due consideration at the next local government election to the situation and make sure that they cast their vote in the right and proper way when, hopefully, rectification of the situation may occur.

Once again I express the concern of the local people that they did not have the right to vote on the issue. The Minister was presented with a petition signed by 90 per cent of the people in that area but that was thrown aside. They have now had this measure forced on them without so much as a right to say something about it. Because it is a *fait accompli*, I will have to allow the measure to go through, but I will express on another occasion my opposition to the Minister for the way in which this matter was handled, particularly for pushing it through in eight days.

The Hon. E. R. GOLDSWORTHY (Deputy Premier): I move:

That the sitting of the House be extended beyond 5 p.m.

Motion carried.

Mr. KENEALLY (Stuart): I, and my colleagues grouped around me on this side of the House, support and accept the report of the Select Committee. Having said that, I must express my surprise at the history of the Select Committee hearings as recounted to the House by the

member for Flinders, for whom I have a great deal of respect. I know he assiduously looks after the interest of his constituents and to hear him advise the House of the activities of a Select Committee as he viewed them I found surprising.

When a similar Select Committee examined the boundaries of the Port Augusta-Kanika-Quorn, and Wilmington council areas within my district, the performance of that Select Committee was at complete variance from what we have just heard. I believe the Minister and the members of the committee were tactful, patient and helpful to the local community in determining what ought to be the boundaries in the district. Every Government makes mistakes and some Governments make fewer mistakes than others, and I believe it was a mistake of the previous Government (the Government of the same political persuasion as I am) that it did not put into effect the recommendations of the Ward Royal Commission into Local Government Boundaries. Had that recommendation been put into effect all the troubles with which we are now faced over local government boundaries would have been overcome. There would have been a great outcry, but nevertheless by now the State would have settled down and I believe local government would have been more effective than it is able to be.

I think that the Minister of Local Government has been quite courageous in grasping the nettle and attempting to rectify local government boundary difficulties that exists in some of our major areas. First it was in Port Augusta, now it is in Port Lincoln, and I hope the next area with which the Minister of Local Government will concern himself will be the city of Port Pirie, where there are also problems with local government boundaries. I am well aware of the stress and pressures that the local member would have been put under at Port Lincoln as a result of the operations of the Select Committee, not so much as a result of the operations of the Select Committee but because of the intentions of the Select Committee to change the boundaries, because we know of all the vested interests that are involved in the maintenance of existing councils and we know that ward councillors, mayors, chairmen and district councils and so on fight strenuously for the welfare of the people they represent and the view that they believe those people have towards local government boundaries.

For a century people have been used to certain boundaries in South Australia and they do not lightly agree to changes in those boundaries; they fight against them. However, the Government has a responsibility, which the Minister is fulfilling, to make the decisions that allow local government in South Australia to be a much more effective servant of the people that it represents. The first and most critical way of doing that is to try to bring into effect, as far as a Parliament and a Government can, the recommendations of the Royal Commission.

Having said that, I must say once again that I am concerned that the member for Flinders has been put into the position of having to make the charges in this House that he has made and to voice the criticisms that he has voiced.

That seems to indicate that somewhere the relationship between the Select Committee, the local member and those people he represents must have broken down. I am not prepared to lay blame anywhere, but my experience with the Select Committee has been contrary to that.

My speech will not be long because I do not have the personal or specific concern with and knowledge of the area that the member for Flinders has, but I congratulate the Government for taking the action it has taken and express the hope that, once the problems of the Port Lincoln city and district councils have been rectified (and the Select Committee report may be effective in doing that), the Government, and more particularly the Minister of Local Government, will direct attention to the Port Pirie city council and the Port Pirie district council.

The people of that area have vastly differing views about what needs to be done, and if the matter is left to them, no decisions will ever be taken that will benefit the community generally. Therefore, the Government and the Parliament can play a very important role. I have no doubt that the passions and tensions that have been aroused at Port Lincoln, about which we have heard today, will reflect the passions and tensions that will arise as a result of any decision by the Government to involve itself in Port Pirie. We must be prepared to face that problem, and as the local member I am prepared to face it. I know that the member for Rocky River, who helps me in the servicing of the Port Pirie district council, will agree with me, and I trust he will express views on this matter.

I have respect for the members of the Select Committee, but there seems to have been a failure in the relationship between all parties concerned. However, as I have no personal or specific knowledge of that matter, I cannot comment, except to say that I have no reason to disbelieve what the member for Flinders has said, and that the situation is regrettable.

Mr. MILLHOUSE secured the adjournment of the debate.

SITTINGS AND BUSINESS

The Hon. E. R. GOLDSWORTHY (Deputy Premier): I move:

That the House at its rising adjourn until Tuesday 2 June at 2 p.m.

PUBLIC SERVICE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 March. Page 3365.)

The Hon. J. D. WRIGHT (Deputy Leader of the Opposition): The Opposition is totally opposed to this Bill. Any objective analysis shows that it is a sleight of hand that attempts to conceal what we believe is probably the most Draconian piece of industrial legislation introduced into this Parliament since the Second World War. I do not make that claim lightly. First, I would like to deal with the Premier's second reading explanation in which he clearly intended to mislead this House.

Yesterday the Premier, in a short speech, said the amendments to the Public Service Act that he was introducing were simply designed to include Public Service regulation 16a into the Public Service Act itself. In other words, the Government was supposedly, in the interest of clarity, substituting legislation for regulation—quite a simple thing. Clearly that is not the case. The Bill that the Premier introduced yesterday bears no relation whatsoever to regulation 16a and, in fact, goes much further.

Indeed, the proposed legislation is not only a denial of fundamental employee rights but it also clearly flies in the face of the ruling of the Full Bench of the Federal Court in the Gapes case. I wonder whether the Premier has bothered to find out about that case. I hope he will reply. It ignores the recommendation of Judge Stanley of South Australia's Industrial Commission that were made only last November. Regulation 16a was introduced by the Liberal Government on 6 December 1979. It reads:

> The board shall have the power to direct that, where an officer has absented himself from his office or other place of work during his ordinary hours of duty, or as otherwise directed or has not discharged his duties as a result of or in the furtherance of industrial action taken by that officer, the salary of that officer may be reduced by such an amount as is equal to the amount of salary that would have been payable to such officer had he not absented himself from his office or other place of work during his ordinary hours of duty, or as otherwise directed, or had discharged his duties. Any such direction of the Board shall be given effect to.

Fortunately, that badly drafted, convoluted load of nonsense was found to be unenforceable in law. The first attempt by the Government to invoke regulation 16a came about through a dispute with the Public Service Association involving word processers. That dispute involved some officers refusing to do certain duties.

The board attempted to deduct salaries from those employees proportionate to the duties they refused to perform. They did not refuse work, and that is the important thing: they refused certain extra erroneous duties.

In a conference before Judge Stanley, an agreement was reached which did not include the deduction of any pays. Judge Stanley recommended that the Public Service Association lift its bans, provided that the Public Service Board, first, drop proceedings under regulation 16a, and, secondly, undertake a quick programme of joint inspections to further the claim. That is good and sensible industrial relations in my view. The Premier will be aware that the P.S.A disputes committee met and recommended acceptance of the judge's recommendation.

The impotence of regulation 16a was demonstrated by the word processers' ban, and the Premier is well aware of that. When the Public Service Board attempted to invoke 16a, it found itself unable to do so. The board had to pull its horns in, and rightly so. Regulation 16a has never been successfully employed by this Government, and shall never be.

The amendments now before us go much further (and this is where the Premier tried to mislead the House) than regulation 16a and raise serious implications about the future of industrial relations in this State. Let me read the main points of contention, regarding new section 36a:

> (1) Where an officer refuses or fails to carry out duties that he is lawfully required to perform, he shall not, if the board so directs, be paid salary for a day or days on which he refuses or fails to carry out those duties or persists in that refusal or failure.
>
> (2) A direction may be given under subsection (1) notwithstanding that, on a day or days to which the direction relates, the officer has performed some (but not all) of the duties that he is lawfully required to perform.
>
> (3) A direction under this section is not subject to appeal or review under this or any other Act and may be given notwithstanding the provisions of any award or industrial agreement.

There are no appeal provisions in the Bill—no consideration of employees' rights to appeal. A clear intention of this Bill is to frustrate the Industrial Commission in performing its legitimate arbitration and conciliation role in the settlement of disputes involving Public Service officers. Indeed, this Bill amounts to a massive vote of no-confidence in the commission, a commissioin that has helped South Australia enjoy the very best record of industrial relations of any State in this nation.

This Bill is in fact unnecessary. The Public Service Board, like other employers, can seek stand-down orders from the Industrial Commission where work bans have been applied. Of course, in such cases the onus is on the employer to prove his case and the employees do have a right of appeal. That is the fundamental difference. Clearly, it is these democratic aspects of the current industrial legislation that this Government is trying to avoid, trying to find a way round them. This bill attempts to interfere with the traditional role of the commission in trying to solve industrial disputes. It is clear that the question of strikes and disputes is more appropriately and properly dealt with under the Industrial Conciliation and Arbitration Act. That way, stand-off situations can be avoided by referring matters of dispute to conciliation before the commission.

This Bill is a sledgehammer that will serve to worsen industrial relations in this State. The Premier, his Government and his back benchers well know it. Instead of helping to bring disputes to quick and fair settlement through conciliation, it is a punative measure—like the Federal Government's penal laws—that deliberately introduces confrontation into what should be a dispute-solving process. If the clauses of this Bill are invoked, then any dispute will clearly be exacerbated and prolonged, and a stand-off situation will inevitably result. Not only is there no appeal to the Industrial Commission under the amendments introduced by the Premier but there is no appeal provision whatsoever to any other third party that could be brought in to independently try to resolve a dispute situation. The Commission should be able to intervene in an industrial dispute, in the public interest, in order to defuse a dispute. That is the role of conciliation and arbitration commissions in this country and must remain, and not be taken away by this Government. Not having any appeal provision whatsoever is just plain dumb industrial relations. It is interesting that the Minister of Industrial Affairs has not introduced this piece of legislation. That is quite interesting; apparently he wants to avoid the stigma of introducing it, so it is left to the Premier to bring it in. I cannot believe that this Bill is supported by the industrial relations section of the Public Service Board, who must realise that they are buying trouble when trouble can be avoided. I do not believe the heads of that section in the board would be so stupid. It has to be something the Premier and his ambitious young Minister of Industrial Affairs dreamed up after a hard night, in a most vindictive way.

The aims of this Bill are quite clear. The Premier well knows that there are occasional disputes where the employees, supported by their unions, believe that some aspect of their work is improper to perform. That may be because a particular piece of machinery is considered unsafe or a health hazard, nothing about which was mentioned by the Premier in his second reading explanation, or it may be that some new equipment requires skills that employees believe warrant reconsideration of their award rates of pay. So, partial work bans are sometimes enforced; that is quite different from a strike. Employees or officers, in a partial work ban situation, continue to perform all their normal duties except in the area of contention and under dispute. This Bill seeks to remove that right and to remove the right of appeal to the Industrial Commission or any other appeal tribunal. As such, it is quite different in content from regulation 16a and for the Premier to pretend otherwise is patently false and an attempt to mislead this Parliament.

I also believe the Government's confrontationist attitude is underlined by the fact that neither the Premier nor the Public Service Board bothered to consult with the Public Service Association about its decision to introduce regulation 16a or its decision to introduce this Bill. We are

told every day that this is a consensus Government, that this is a Government of consultation. I have been told on good authority that no consultation has been held with the organisations that this measure will affect. So much for the Party whose State platform talks about the need for an improvement of communications between Government, industry and commerce and stresses the common interests of employers and employees and the need for harmonious industrial relations. The Premier will learn that harmonious industrial relations will not be achieved by a failure to consult and by a failure to reach consensus around the negotiating table. It is that kind of arrogant, insensitive approach to industrial relations that has seen the Fraser Government's penal clauses provoke rather than settle disputes, and it is that kind of attitude by the current South Australian Government that has seen a record number of public servants involved in industrial disputes last year.

The Premier, who knows as much about industrial relations as I know about eye surgery, told this House yesterday:

> It is a common law principle of many years standing that, where employees are not prepared to carry out duties as directed, the employer can refuse to pay them, that is, the "no work as directed, no pay" principle.

I referred this matter to a number of leading industrial lawyers here and interstate today, and the response I received to the Premier's exposition of common law principles was laughter and ridicule. In fact, the common law principles support the opposite contention. When work is done there is no right at common law to deduct pay or to suspend. The common law principles to which the Premier refers apply to a quite different situation, where workers, either at their workplace or not, refuse to work at all. That is quite a different situation from one where a partial work ban is in force and where workers observing that ban are peforming all their duties except the particular duty under contention and negotiation.

The Premier is obviously quite unaware of the *Gapes v. C.B.A.* case and the Northrop ruling, and the subsequent successful appeal by the bank officers to the Full Bench of the Federal Court. As I mentioned earlier, this Bill runs contrary to the recommendation of Judge Stanley in the word processor case. This Bill unfairly discriminates against one particular section of the workforce—white collar Government employees. Its Draconian provisions do not apply to private sector employees or to the Government's weekly paid, blue collar workforce. The Premier has not explained why this discrimination is being applied. I can only think that it is part of the Government's obvious Public Service bashing campaign. Why, I do not know. The South Australian Public Service has an excellent record of performance and an excellent record in terms of industrial relations. To try to spoil that record by introducing provocative and discriminatory legislation, without consultation, is clearly due to motives other than wanting to encourage harmonious industrial relations. It is using the big stick, Sir, that is what the Premier is about in this piece of legislation, and well he knows it.

I take this opportunity to announce that I am inviting the South Australian Public Service Association to join me in raising the implications of this legislation with the International Labour Organisation in Geneva. The Premier should be aware that the I.L.O.'s Freedom of Association Committee, the watchdog of human rights, has been severely critical of similar punitive industrial legislation introduced by the Fraser Government. I am sure that this committee and the I.L.O. itself will be most disturbed that another Australian Government, here in South Australia, is now trying to deny fundamental employee rights.

I have already pointed out that the Bill departs from all established precedent in that it fails to allow those penalised some recourse to arbitration to determine the legal validity of the board's action to deduct pay. That is essentially the principle in what the Premier is trying to achieve. In particular, the Bill not only denies the right of State employees to demand the employer to prove his case but it also denies the public servant even the right to an independent review of that decision. Thus, to take an extreme example, what if an individual had not been involved in a ban or restriction, yet the board deducts his pay—what rights has such a person for a review of his position? Even in Queensland, with its statutory stand-down powers, there is a right of appeal to an industrial court. That is what this Bill is permitting—no rights of appeal to the area were disputes can be and are settled. Also, where proportional reductions in pay are made for work bans, problems will arise as to the equity of the amount of such deductions. That is why the services of the Industrial Commission are to be preferred so that such matters can be decided on their merits.

If this Bill passes, the commission may attempt to settle a dispute in the public interest only to find its efforts frustrated because of the unappealable punitive action taken by the employer. It is only by allowing the industrial commission to consider all aspects of a dispute that the public interest will be protected. To do otherwise flies in the face of reason and suggests that disputes can be split up into parts, with some parts capable of resolution by the commission but not others. I ask the Premier to answer that point. That is clearly ludricrous, in my view.

Finally, it is patently obvious to industrial relations practitioners that penal provisions such as those contained in this Bill will not act to stop work bans and stoppages, but will simply exacerbate and prolong them. I want to make a personal, not political, appeal to the Premier to reconsider this legislation before it goes too far and before he creates an area where confrontation is going to be the order of the day, where disputes will not be settled lightly, and where industrial chaos can occur if the employer, in this case the Public Service Board, takes that action after the legislation is passed. Whatever chaos comes out of that will be squarely on the head of the Premier. This is the Premier's legislation, and he ought to be giving some consideration to not proceeding with it now. There is time, I believe. It is not imperative for the Government, or for anyone else, that this legislation go through at this time. It can quite easily be held over until June—in all probability it will be, by the time it gets through this House and to the Legislative Council and back again. I am not sure what the time allowance is, but it may not be proceeded with. The Premier can take this matter out of debate now and back to all parties to have the consultations he ought to have had before bringing it into this place. I believe that that would be acting properly, sensibly and rationally. The Premier has it in his own hands to make that decision now. He should withdraw this legislation, because it is bad legislation.

Mr. McRAE (Playford): I join the Deputy Leader in making a personal plea to the Premier. I do not think that the Premier necessarily realises (at least I hope he does not, because on his past record he is not a person who has been on record as one wanting confrontation, but rather a person who has looked for consultation—and he has told us that often enough) what he is doing here. I hope the Premier will not be joining his Federal Leader, Mr. Fraser, in using this as the first in a set of Draconian industrial legislation such as has been applied in the Canberra scene.

I join with the Deputy Leader in saying that it is highly appropriate that this legislation lie on the table until June and that, in the meantime, it be referred to Judge Stanley (or, for that matter, to the President of the Industrial Court and Commission and all his colleagues) for report and recommendation. I would like the Premier, if he does not accept that approach, at least to explain to the House what consultation there has been with the Industrial Court and Commission, which, of course, is going to be caught in this whole scene anyway, this Bill or otherwise. This matter has a convoluted history. I believe that someone apart from someone in the Premier's office has written this speech. I hope that is the case, because the speech is so full of inaccuracies, downright mis-statements and wrong statements as to be quite alarming. Let me say this to the Premier: he will note from his second reading speech that somebody (and I presume he did not write the speech personally) has said:

> I emphasise that this amendment to the Public Service Act replaces an existing Public Service Act regulation.

Does the Premier believe that? It does not. I have the regulation from the records of the Joint Committee on Subordinate Legislation, paper No. 110, Regulation Under the Public Service Act, 1967-1978, which was approved by Executive Council on 6 December 1979, so it is clearly the one referred to in the second reading speech, and it was tabled in this House and subsequently first dealt with at the committee's meeting of 19 February 1980. I will read the regulation slowly so that honourable members can see the vast differences that exist between that regulation and the piece of legislation we have before us. New regulation 16a states:

> The board shall have the power to direct that where in the opinion of the board an officer has absented himself from his office or other place of work during his ordinary hours of duty, or as otherwise directed or has not discharged his duties as a result of or in the furtherance of industrial action taken by that officer, the salary of that officer may be reduced by such an amount as relates to the time during which that officer was absent from his office or other place of work or had not discharged his duties; and any such direction of the board shall be given effect to.

What that comment quite clearly meant was that if an officer, for instance, improperly left his office to have a drink at a hotel or for some other unlawful purpose his pay would be docked accordingly. That is sensible. It also provided that if an officer was involved in a strike situation and simply refused to carry out any duties, then (and let me stress this), subject to the arbitration procedure, there was a right of the board to deduct pay. I stress those words "subject to the arbitration procedure". I hope that the Premier has a copy of that. In fact, I will see that he is handed a copy because it is important that he should have a copy.

All honourable members will realise that the Joint Committee on Subordinate Legislation is supplied with a report in all of these matters. I have the report here, and it is signed by D. J. Mercer, Chairman of the Public Service Board, on 12 December 1979. Again, I propose to read this short explanation so that the difference between the regulation and the legislation can be seen clearly. Mr. Mercer said:

> In accordance with the common law contracts of employment which cover all employees, employers may deduct pay from an employee during a period of absence on strike—

no dispute about that, quite right—

> While this has been the practice with officers employed under the Public Service Act, a recent dispute with marine pilots employed in the Department of Marine and Harbors has cast some doubt on the legality of this practice as far as Public Service officers are concerned. This doubt has arisen because the Public Service Act and regulations are a complete code of conditions of employment for officers and contain specific provisions for disciplining officers.

Again, no doubt that is perfectly correct, and that is in line with the *Gapes v. Commonwealth Bank* case to which the Deputy Leader referred, also *Bennett's* case, a famous New South Wales case—that is perfectly right. The final paragraph of Mr. Mercer's report states:

> To clarify the situation, the board considers that the new regulation will remove any possible doubt and eliminate the need to involve the disciplinary provisions of the Public Service Act, which are completely impracticable in the case of strike action or other forms of industrial disputation.

I hope that every honourable member listened to that. That was the Chairman of the Public Service Board of this State completely agreeing with the remarks that the Deputy Leader made just a few moments ago. Mr. Mercer said he wanted to clarify the situation and eliminate the need to invoke the disciplinary provisions. He said nothing about removing appeal rights. He said nothing about partial work disputes, nothing at all. On the basis of that report, which I would like, with the attached regulation, the Premier to study, the committee took the view that it was proper and that therefore somebody, I do not recall who (but the minutes are available for perusual) to move "no action", and it went through the House.

Mr. Millhouse: Could I ask a question? If in the Bill there was no subclause (3) taking away the right of appeal, where would the appeal be? To what body would there be an appeal?

Mr. McRAE: To the Industrial Commission. I ask the Premier and his officers (there is an officer here from the board at the moment) to peruse the regulation and the attached report carefully. I am not wishing to cast reflections on the honourable gentleman, but I ask the Premier then to look at the speech that someone has written for him, because this Parliament has been solemnly told:

> I emphasise that this amendment to the Public Service Act replaces an existing Public Service regulation.

It does not; it creates a whole new ball game, and a highly undesirable ball game at that. As the Deputy Leader has indicated, the speech is also incorrect (unlike Mr. Mercer's report, which is totally correct) in attempting to say that the common law position in relation to a partial work ban is the same as that which applies to a total work ban. It is clear that it is not. There is no High Court authority on the matter, but there is Federal Court and New South Wales Supreme Court authority for that proposition. What is more, that regulation has now come under discussion (and unfortunately we have no reported authority) on several occasions in matters involving Judge Stanley.

As I understand the matter, Judge Stanley took the view that the existing regulation was simply *ultra vires* and, as a result of that, felt that he could not rely upon it, but that did not prevent—and I stress this to the Premier—the settlement of the dispute. As I understand it, the marine pilots dispute is long over, as are the word processors dispute and all the other disputes that this Draconian measure is attempting to deal with.

Mr. Millhouse: Brian Stanley regarded regulation 16a as *ultra vires?*

Mr. McRAE: That is correct.

Mr. Millhouse: Was that *obiter*, or did he make a finding on it, or what?

Mr. McRAE: I understand that it was a finding, in the sense that he told the board that he was not prepared in any way to be bound by the regulation but would deal with

the matter as though it was a dispute in the normal manner. I have no transcript before me, but I am informed that that is the case. The important thing that I stress to the Premier is that, if the worry of the board is still in accordance with the report given by Mr. Mercer, then by all means amend the principal legislation to introduce the same regulation which Judge Stanley regarded as being *ultra vires*. If that was the situation, no-one of any common sense could deny a reasonable measure of that kind, because the appeal then is still left open.

If I have not succeeded in persuading the Premier on one of two courses, that is, either leave it lie until June, discuss the matter with the judges, and then come up with some option, then let me take the other tack and pose this series of questions. Take the measure before the House at the moment, and let the Premier seriously ask himself what additional benefit he thinks can possibly flow from this situation. Let us assume that there is another marine pilots dispute, or another word processors dispute, or one of the endless disputes that go on in the public and private sectors all the time and have done for 100 years. How on earth is this measure going to help the matter? As soon as the Premier or the board attempts to invoke it, are they not going to be confronted with the same deplorable mess in which the Commonwealth Government finds itself at the moment with its Draconian legislation?

Let me pose that for the Premier. What has the Commonwealth gained by its Draconian legislation in the past few months? Not one thing, I would suggest. Is there any officer of the board who would seriously say that the legislation of the Commonwealth is said by his colleague or colleagues on the Commonwealth board to have advanced any cause a fraction of an inch? It has not. It has created more disputes, ancillary disputes, and more suspicion and ill will in all directions. Surely, the last thing the Premier wants is an unworkable piece of legislation that will aim to create disputes.

The first of my two final points relates to the lack of an appeal. This is the greatest affront to the Parliament. In circumstances where, throughout our industrial history, there has always been an opportunity to have an independent commissioner, arbitrator or judge deal with the matter, to take that right away in these, of all circumstances, is an affront. We are not dealing with some routine little matter on which we might say, although I still would not be happy about it, that we would take away the right of appeal, but we are dealing with an important matter such as this, which, of course, can be politically manipulated, and has been politically manipulated by the Fraser Government.

I assume that the Premier has been called away on urgent business, so I will now put the next question to the Minister of Transport. Perhaps he will make a note of it so that the Premier can reply. If both of my lines of argument have failed, I want to put this question: will the Premier advise the House in his reply whether this is the first of a series of measures in line with those cognate Bills or allied Bills introduced in the Federal House late last year and early this year? I would like a clear answer to that question. Is this the first cab off the rank, or is this all we are going to get? I hope reason will prevail. In South Australia, there have been occasions when there have been difficult confrontations and problems between the board and the employees of the Public Service, but overall we have had a very good record. I see Mr. Bachmann is here in the House today. There have been occasions, no doubt, when he may have felt frustrated by a decision, and there have been occasions when I have felt frustrated.

The ACTING SPEAKER (Mr. Russack): Order! The honourable member must not make reference—

Mr. McRAE: I am sorry, Sir. I did not intend to breach Standing Orders. Whoever the officer or the advocate may be, frustrations abound in this jurisdiction. That is the name of the game. There must be an umpire to sort out the mess. In general terms, that has been done very well under our system. It is a very sad day when we, for the first time, adopt this confrontationist line. I am not attempting to indulge in a political points scoring exercise. I am appealing to the Premier to think this one over again, but, if he cannot do that, then certainly strike out this wretched thing, subclause (3), which provides no ground of appeal. That will backfire on him worst of all. In practical terms, that is the worst thing here. Let him assure the community, and particularly members of the Public Service, that this is not the first of a series of Draconian measures. As it stands, I must oppose the measure outright.

Mr. MILLHOUSE (Mitcham): Mr. Deputy Speaker, or Mr. Speaker's deputy, it is not often—

Mr. Hamilton: —that you are here.

The ACTING SPEAKER: Order! The honourable member for Mitcham has the floor.

Mr. MILLHOUSE: I cannot remember where that fellow comes from, and I am not sure that he is sitting in his proper seat, either.

The Hon. Peter Duncan: Is it so long since you have been here that you can't remember his name.

The ACTING SPEAKER: Order! The honourable member for Mitcham will please resume his seat. The honourable member has the call, and several honourable members have interjected since he rose in his place. I ask all honourable members to exercise decorum in this Chamber.

Mr. MILLHOUSE: The only thing that occurs to me when that chap interjects is the railways.

The ACTING SPEAKER: Order! I point out that when the honourable member refers to any other member it must be by that member's electorate.

Mr. MILLHOUSE: I cannot remember it.

The ACTING SPEAKER: I suggest that the honourable member refers to that person, as "the honourable member", not as "that chap".

Mr. MILLHOUSE: It is a pity, because I was about to pay a compliment to the member for Playford, and was going to say when I was interrupted by this yobbo that it is not often—

The SPEAKER: Order! The honourable member will please resume his seat. I have clearly indicated on earlier occasions that it is not my intention from the Chair to interfere with language which may be offensive to a member of the House, but I do take exception, a matter of seconds after the Acting Speaker had drawn the honourable member's attention to actions which were not in the best interests of the House, to the intrusion of that word. I ask the honourable member for Mitcham to withdraw the word "yobbo" without reservation.

Mr. MILLHOUSE: Yes, I withdraw it without reservation. I am not sure what it means. If it were offensive to you, Sir, I would certainly withdraw it without reservation. I do not know whether it was offensive to anyone else. It is withdrawn, absolutely.

The SPEAKER: Without any qualification?

Mr. MILLHOUSE: Without the slightest qualification.

The SPEAKER: I ask the honourable member for Mitcham to come to the Bill before the House.

Mr. MILLHOUSE: I will try again to pay a compliment to the member for Playford, in the course of which attempt I was interrupted by the honourable member who has now gone back to his right seat, but whose electorate I still

cannot remember.

Mr. Keneally: Albert Park.

Mr. MILLHOUSE: That is it; I have learned something this afternoon. It is not often that any of us in this place are swayed in our consideration of a measure before the House by a speech that is made here. Normally, we make up our minds either in a Party room or on other considerations. But I must say that, having heard the member for Playford speak this afternoon, I think that the Government would be well advised not to go on with this Bill at present. I say that with due deference to the member for Adelaide who spoke first, but whose speech I did not hear, except for fragments of it. It may be that I would have come to the same conclusion if I had been able to listen to his speech, in the same way as I was able to listen to that of the member for Playford. I am certainly going to support the Labor part of the Opposition in opposing this Bill.

The Hon. M. M. Wilson: But you always do.

Mr. Millhouse: No, I do not.

The Hon. M. M. Wilson: That really is so; you nearly always do.

The SPEAKER: Order! The Bill before the House relates to the Public Service. I ask the honourable member for Mitcham to continue his remarks relative to that subject. I ask all other honourable members not to interject on the honourable member for Mitcham.

Mr. MILLHOUSE: Thank you. I am glad of your protection. I often need it, as well as your chastising, too, that I get from time to time. As I understand the member for Playford, the explanation made by the Premier the day before yesterday, which I now have and which is very short, is misleading because one gets the impression reading that speech that this is simply putting into the Act what has been, up to now, in a regulation and in substantially the same form, but we find from what has just been said by the honourable member that not only is the form of the regulation different from that of the proposed section of the Act, but the validity of the regulation has, at the least, been blown on by His Honour Judge Stanley in the Industrial Court. Neither of these things was said by the Premier in his speech.

The Hon. Peter Duncan: It borders on deceit.

Mr. MILLHOUSE: Maybe it does border on deceit; I did not say that. I accept what the member for Playford has said. It does not add up as it should. This House is entitled to a full, frank and accurate explanation of what is going on. It may be that the Premier will come up with the complete answer, but I doubt that he will from the way in which the member for Playford spoke and the references he made to the Subordinate Legislation Committee document.

That is bad enough to throw some doubt upon the wisdom of hurrying this Bill through. The other thing which the member for Playford said and which made me look at the Bill itself is that proposed section 36a (3) takes away any right of appeal. That to me is, as a matter of principle, most undesirable. If the Government persists and gets this into Committee, if the member for Playford or some other member of the Labor Party does not move to delete new subsection (3) I certainly will, because the member for Playford tells me, and I accept this as well, that there would now be an appeal to the Industrial Commission. That is the very least that I would have thought should be allowed. To have some arbitrary power given to the Public Service Board and to have it unapplicable is, whatever the power may be, quite undesirable.

That is my view. If the Government proposes to steamroll the Bill through the House this afternoon, and I suspect that is what it would like to do, although I cannot give any undertaking on this (I do not know what view he will take), I will certainly discuss the matter with my colleague in another place and suggest to him that the Bill ought not to go through at present, but that it should wait for a little further consideration than has been possible in the past 48 hours. I may fail in that. He may brush me aside and not accept what I suggest to him, but the chances are that he will accept what I say to him, and the Government, if it wants to have a pleasant evening with our international guests, might be well advised not to go on with the Bill, so that we in this House can have another look at it in June after outside advice and reactions have been received.

I do not need to say any more. Every time I speak I seem to stir up some sort of trouble with both Parties, or one Party, or with you, Sir, or with all members. I hope that I have made my position clear, and that, perhaps, despite any obtuseness because of tiredness on the part of the Ministry, I have made the message clear to them as well.

Mr. WHITTEN (Price): I join with the Deputy Leader and member for Playford, and now, also, surprisingly, the member for Mitcham in appealing to the Premier to show a little bit of reason for once in a while. I ask him to withdraw this Bill so that it can be given more consideration and its implications can be thought about. First, it is a Bill devised for confrontation and not consultation. As a person who has been involved for many years in the industrial movement I am reminded of the penal clauses in the Arbitration Act, and how inflammatory they were. They do not solve anything at all.

The clauses in this Bill should be likened to the stand-down provisions of the arbitration Act, because that new section 3a (2) is what they provide:

> A direction may be given under subsection (1), notwithstanding that on a day or days to which the direction relates, the officer has performed some (but not all) duties that he is lawfully required to perform.

If he has performed some duties, probably there has been some type of dispute that has taken place, and the officers are prepared to do certain duties. But there are perhaps one or two things that may be in dispute and they withhold their labour from those.

However, they are quite prepared to work in some other part of the job where their duties are needed, but under this provision they will not be paid for whatever duties they do perform.

The member for Playford and the member for Mitcham have already asked why this is being done. It has been held that the Public Service Act and regulations comprise a complete code of conditions for the Public Service officers that may override common law principles. The member for Playford and the member for Mitcham have both spoken about this, and being lawyers, they are much more able to do so than I am as a common layman.

Mr. Keneally: I am not too sure about that.

The Hon. D. O. Tonkin: You are probably right.

Mr. WHITTEN: Thank you very much for that back-handed compliment.

The Hon. D. O. Tonkin: No, it is a sincere one.

Mr. WHITTEN: What concerns me greatly is that there is no provision for a right of appeal and that is a contravention of natural justice. New Section 36a (3) provides:

> A direction under this section is not subject to appeal or review under this or any other Act and may be given notwithstanding the provisions of any award or industrial agreement.

How will this go down with the P.S.A. or any other organisation that organises labour because this clause will override any agreement or any award provision. Is that natural justice? I can understand why the Ombudsman had a go at this Government over what happened regarding a right of appeal in another place.

I am also worried about why this is being brought in under section 36 of the principal Act which deals with allowances and deductions. The principal Act talks about travelling allowance; allowance in lieu of quarters; meal allowance; living away from home allowance; locality allowance; allowance in lieu of overtime; shift work allowance; allowances for work on public holidays or week-ends; and allowances in respect of other matters. I do not see where stand-down clauses or penal clauses relate to allowances.

I appeal to the Premier to take heed of what the previous speakers have said (and I join them) and lay this Bill aside. Have another think about it. I am sure it requires more consultation. The Government should talk to the P.S.A. and the Public Service Board about it so that, if there have to be some provisions, they should be reasonable provisions and not provisions that will cause confrontation and industrial unrest. The last thing we want in this State at the present time is industrial unrest, but what the Premier is doing in this Bill will incite industrial unrest.

The Hon. D. O. TONKIN (Premier and Treasurer): I have listened to the points that have been made by members opposite, and I must say I have been impressed by the sincerity and obvious knowledge which they have displayed in their contribution to the debate. I meant what I said by way of interjection earlier about the member for Price because it is a matter of long experience in this field, and I am well aware of his expertise in it. I must say that I believe members of the Opposition (and I suspect that in this they have been led by the Deputy Leader of the Opposition) have considerably over-reacted to what is being proposed. The Deputy Leader talked about sleight of hand, the most Draconian legislation introduced into this House since the World War, he referred to punitive steps, the first step in a series of confrontational legislation—

Mr. Keneally: I am sorry I missed that speech; it must have been a good one.

The Hon. D. O. TONKIN: It went on in that vein and I am prepared to accept that the Deputy Leader of the Opposition is concerned about it. I do not think he would have made those comments without some concern, but I do believe that he over-reacted a little. He said that we were denying fundamental employee rights, and so on. I can only say that I believe that, if there is concern, I am quite happy to listen to the basis of concern but I cannot react to the rather extravagant claims which have been made.

At this stage, I want to refer to some of the points that have been brought forward. The position basically is that this legislation will make certain the current position, which is prescribed by Public Service regulation 16a. In effect, it is not changing the current law; it is simply putting it beyond doubt. I invite the member for Mitcham and honourable members to read the form of 16a and then compare it with the clause in the Bill. It is not identically worded; there is no suggestion that it is.

Mr. Millhouse: Read it out.

The Hon. D. O. TONKIN: Regulation 16a provides:

> The Board shall have the power to direct that where an officer has absented himself from his office or other place of work during his ordinary hours of duty, or as otherwise directed or has not discharged his duties as a result of or in the furtherance of industrial action taken by that officer, the salary of that officer may be reduced by such an amount as is equal to the amount of salary that would have been payable to such officer had he not absented himself from his office or other place of work during his ordinary hours of duty, or as otherwise directed, or had discharged his duties. Any such direction of the board shall be given effect to.

Mr. Millhouse: There is nothing in new section 36a about industrial disputes.

The Hon. D. O. TONKIN: I simply say that, although the wording is not exactly the same—

Mr. Millhouse: That's a fairly significant difference.

The Hon. D. O. TONKIN: The wording is not exactly the same, but the meaning is.

Mr. Millhouse: No fear it's not; it is far wider.

The SPEAKER: Order! The honourable member for Mitcham had the call on an earlier occasion. The call is now with the honourable Premier.

The Hon. D. O. TONKIN: There is no difference in the actual meaning of that clause as it stands in the Bill. The so-called difference in the form of the regulation has been described, I think by the member for Playford, who has continued to say this throughout this debate, as being *ultra vires*. Regulation 16a cannot be *ultra vires* unless it has been the subject of a judgment or decision of a court, and it has not been. There has been no such decision and no such judgment.

The Hon. J. D. Wright: Not on 16a, but on other provisions like it.

The Hon. D. O. TONKIN: That may be so, but there has been no such decision on 16a, and it is not therefore competent for the member for Playford or for anyone to say that the provision is *ultra vires*, and that is the point I am making.

Mr. Millhouse: I think you are on pretty thin ice on that one.

The Hon. J. D. Wright: I wouldn't like to argue that in the court.

The SPEAKER: Order! The honourable Premier.

The Hon. D. O. TONKIN: The doubt that has arisen as to its validity has come from a decision of the Supreme Court of New South Wales, and that is freely admitted. The *effectus* of the Commonwealth legislation has been brought forward, and the effect of the Commonwealth legislation is that those people who have been on strike and have taken industrial action can now have their pay legally deducted without amendment to the Commonwealth legislation. The formal disciplinary sections of the Public Service Act would have had to be used. Under the provisions of that Act it would have been necessary, and it would be here, if this power is not given, to deduct the salary, to use the disciplinary provisions of the Public Service Act in South Australia. That of course would require that every officer would have to be charged separately; that would be absolutely necessary.

The passage of 16a in its present form into the Act will remove the necessity for taking that individual action against each officer. I hope that that will not be necessary, but at present the position is totally unworkable and there is doubt about it.

It has been suggested that this is only the first step in a whole series of legislation that will stimulate confrontation. Let me assure the House that that is not so. This Bill is in no way related to or in line with the Federal legislation regarding redeployment or redundancy. This is important, because it is one of the bases of the concern expressed by members opposite. This Bill is not the first or any part of a series of legislation on redundancy or redeployment, and that must be made quite clear. If it

helps members opposite, I am happy to give that assurance. The only basic reason for this Bill is to make certain that employees do not have to be formally charged to have their pay deducted for strike action. There is no intention to introduce any further legislation.

The Hon. J. D. Wright: Define what you call a strike action.

The Hon. D. O. TONKIN: I think that is something that we should leave to the experts. Generally speaking, I believe that the Deputy Leader knows more about industrial action than I know, and I am sure he is better able to define a strike action than I am.

The other matter of concern is the fact that there is no appeal right (as the member for Playford suggested, "appeal" is perhaps not the appropriate word). That is consistent with the Federal legislation that has been passed in this way. The provisions, as drawn, have been drawn to make them consistent with the Federal legislation. It is a fundamental matter of philosophical argument that industrial law and arbitration commissions should not be able to supersede the common law relationship. I believe that that is a matter that we could probably debate all night. I hold the view very firmly that the common law provisions, wherever possible, should apply and that industrial provisions should apply only where the common law is not clear to allow for specific industrial disputes.

Further, it has been suggested that there has been no consultation with the unions. I quite agree, and I do not attempt to suggest anything else. There has been no formal consultation with the unions, and that was done quite deliberately, because this Bill applies only to Public Service officers. Other weekly paid employees are already covered by the common law. In my view, despite what has been said by members opposite, it applies only to a confirmation of the existing law.

This provision will remove doubt that this power exists. I think the member for Playford asked me what this Bill would achieve: it will remove the doubt and make it possible for those deductions to be made without formally charging each individual under the terms of the Public Service Act. I think the honourable member would agree that, under certain circumstances, regrettable though they may be, that could almost be an impossible thing to do.

The Hon. J. D. Wright: In what circumstances?

The Hon. D. O. TONKIN: The honourable member knows perfectly well the sort of circumstances that would be involved. I believe this Bill is important. I do not believe it is to be feared, as members may have been led to believe. It puts the power beyond doubt, and in fact it simply replaces a regulation with something which I agree is not exactly the same but which has exactly the same meaning. I regret that members have been unnecessarily concerned about this matter. If any issue is still of concern, I undertake that it will be examined in another place and before the Bill gets to the other place. I can only repeat my reassurance that this is not in any way the beginning of any punitive confrontational or provocative legislation on the part of this Government.

The House divided on the second reading:

Ayes (22)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Ashenden, Billard, Blacker, Chapman, Evans, Glazbrook, Goldsworthy, Gunn, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin (teller), Wilson, and Wotton.

Noes (20)—Messrs. Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Corcoran, Crafter, Hamilton, Hemmings, Hopgood, Keneally, McRae, Millhouse, O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright (teller).

Pairs—Ayes—Messrs. Becker and D. C. Brown. Noes—Messrs. Duncan and Langley.

Majority of 2 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Clause 2—"Reduction in salary arising from refusal or failure to carry out duties lawfully assigned."

Mr. McRAE: I move:

Page 1, lines 18 to 20—Leave out all words in those lines.

As I understand the position, if subsection (3) of proposed new section 36 (a) is omitted, that would then permit an appeal or review in one sense or another by the Industrial Commission of an action by the board. When I used the word "appeal" before, I did not intend that that be taken with its technical connotations. If subsection (3) is removed, whether it be by review, appeal, arbitration, award, order, or some other means, at least the opportunity will be there for the Industrial Commission to review the matter. I cannot add to the arguments that the member for Mitcham and I have already put.

Mr. MILLHOUSE: I support the amendment. At least the excision of this subclause (3) would soften the effect of new section 36a. That section is as wide as the world. It is not, as the regulation apparently, is, according to the way in which the Premier read it out, restricted to industrial disputes. This could be on any ground at all, whether there was an industrial dispute or not, whether there were a lot of people involved or one particular officer. To take away a man's income, his salary, and then say that he has no appeal at all is absolutely and utterly wrong. So, at least I think subsection (3) ought to come out.

The Hon. J. D. WRIGHT: I support the amendment. I mentioned my concern during the second reading debate about the absence of appeal rights in this legislation. I think that is quite improper. I understand that the Premier will give this consideration. I am not quite sure whether that will be now or later, but if that is the case I do not think we need to belabour the thing.

The Hon. D. O. TONKIN: I am certainly prepared to consider this further and take advice on it. At the present time, I will not accept the amendment in this House, but before it reaches the other place I will make sure that it has received further consideration.

Mr. WHITTEN: I am concerned about the provisions in subsection (2) of new section 36a, which states:

> A direction may be given under subsection (1) notwithstanding that, on a day or days to which the direction relates, the officer has performed some (but not all) of the duties that he is lawfully required to perform.

It seems wrong to me that a man can work for seven hours in a day, but because he refuses to do some job or some section of his duties which may be in dispute he can lose all that salary. Can the Premier clear that up.

The Hon. D. O. TONKIN: I think that is exactly the situation, as the honourable member has described, and I think that is the meaning in the regulation also, but it is not inconsistent.

Amendment negatived.

The Hon. J. D. WRIGHT: Even though the Premier has given what I would have thought were unqualified qualifications that this is not the beginning of a great run of Draconian type legislation, which I am prepared to accept, I would like put on record that I believe that this in itself is Draconian legislation. It can be amended to some degree, if the Premier accepts the amendment moved by the member for Playford, which I sincerely hope he considers. I am sure that trade unions that would be watching the success or otherwise of the legislation would be concerned about it, but at least may have some compensation, from what the Premier has said. I know that if the Premier

makes that assertion he will not go beyond it. I am grateful that there will be no further moves, although I am extremely sorry that this piece of legislation was brought in, because I do not think it will work.

The Hon. D. O. TONKIN: I am quite prepared to confirm for the Deputy Leader again for the record that this is not introduced in any way as an intention to introduce a series of Bills for Acts for redundancy, redeployment, and so on, as some people have been concerned about. I can give him that assurance quite unreservedly.

The Hon. J. D. WRIGHT: There is only one further matter I want cleared up. I asked the Premier by interjection, whether or not he would care to define a strike. I can understand his lack of willingness to do so, as it is a fairly wide subject. However, I asked him that quite seriously because it is in what circumstances that this piece of legislation will be used that I am concerned about. Can the Premier give me at least one example of what he sees will be the Government's attitude, or the Public Service Board's attitude, in regard to when this legislation may be used?

Mr. Millhouse: You would be lucky to get an answer.

The CHAIRMAN: Order! The honourable Deputy Leader does not need the assistance of the member for Mitcham.

The Hon. J. D. WRIGHT: I think those employees who will be affected by this legislation (and there are literally thousands of them who work within the Public Service Act) ought at least to have some understanding of how the Government intends to implement this legislation. I am sorry that the Government is determined to go on with it, as I was hoping that we might get a withdrawal of this legislation, but as the Premier is not prepared to do that I think it is proper that this House should initially know in what circumstances the board will take this action against employees. It is quite clear to me that the people who will be affected by this legislation should have some idea of the circumstances under which it will apply. That ought to be placed on record, and I hope the Premier can give me a satisfactory reply.

The Hon. D. O. TONKIN: There are two matters that I will answer. The member for Price raised a question earlier, and I am quite happy to reassure him about the matter he was concerned about, that is, if an employee has completed a certain number of hours work in a day before being stood down, there is no question that he will be paid for that first part of the day. I was not certain of that situation, and I, too, have learnt something. Regarding the other matter, the Deputy Leader knows full well that if employees refuse to perform certain duties, or if they withdraw their services altogether, contrary to the directions which are given to them, then this is when this legislation is likely to be invoked. He knows as well as I do that that could apply to a large and wide range of things, and he has already made that point himself. That is the basic principle involved, and that is the principle that will be carried through in this Bill.

Clause passed.

Title passed.

Bill read a third time and passed.

SHEIDOW PARK PRIMARY SCHOOL

The SPEAKER laid on the table the following report by the Parliamentary Standing Committee on Public Works together with minutes of evidence.

Sheidow Park Primary School—Stage II.

Ordered that report be printed.

SITTINGS AND BUSINESS

The Hon. D. O. TONKIN (Premier and Treasurer): I move:

That the sittings of the House be extended beyond 6 p.m.

Motion carried.

SELECT COMMITTEE ON LOCAL GOVERNMENT BOUNDARIES OF THE CITY OF PORT LINCOLN

Consideration of the Legislative Council's message.

Debate resumed on motion.

(Continued from page 3590).

Mr. MILLHOUSE (Mitcham): This is the Port Lincoln matter.

Mr. Gunn: He doesn't know anything about it.

Mr. MILLHOUSE: The member for Eyre says that I do not know anything about this matter. Let me tell him (and I do not know whether he has had any approaches) that I have had a number of approaches on this matter, both by letter and by telephone, protesting about the possibility, which has now become a recommendation, that parts of the district council area be given to the corporation. People wrote to me saying, "Please try to stop it; it is not fair." People rang me, said the same thing, and protested about the way this was being done. I would have thought that the honourable member for Eyre would take the matter a little more seriously than he appeared to take it a little while ago, because he comes from that part of the State. In fact, he once set up his electorate office next door to the member for Flinders when he thought he was going to have to have a straight out fight with him to represent the area.

Mr. Gunn: Tell us what you are going to do.

Mr. MILLHOUSE: I am going to move an amendment in a moment, if the honourable member wants to know what I am going to do. I had, before the debate came on this afternoon, some disquiet about it. I must say, quite frankly, that I do not know the rights and wrongs of it. All I know is that the people who spoke to me said, "This is unfair, because the corporation is going to take good rate-bearing areas away from the district council, but the district council will still have a lot of the facilities around the town to keep up, and that will cost money." If that is the fact, then it is unfair. There may be countervailing arguments; it may well be that it is a good idea for a closely settled area like a town to be all under the same council. No doubt that is why there is a corporation and a surrounding district council area, but which of the two arguments should prevail I do not know, and do not presume to know.

We then have the speech by the member for Flinders. I do not derogate from the speech given by the member for Napier on behalf of the Labor Party, but the member for Flinders is the member for the area, and he protested (and it sounded to me as though he protested on good grounds) about the way in which this matter has been handled. I must say that when one reads the report one sees that there were six meetings of the Select Committee, one before Christmas and all the rest in the past fortnight or 10 days. That is not put in the report, but it is one of the things that the honourable member said. He also made it clear that there was obviously some confusion at Port Lincoln as to what was at stake, and whether people knew about it or not I do not know.

I am perturbed enough about this matter to believe that we should not simply agree to the Select Committe report from the Legislative Council but that it should be referred back to that Select Committee for further and better consideration. It has been dragging on, as I understand

from the member for Flinders, for a long time, and a few more weeks, or a few more months, will not make the slightest difference to that. If ruffled feathers can be unruffled, and if justice can be done and be seen to be done, I think that course ought to be taken. The only way we can do that is not to accept the motion moved, because that is just a blanket approval of what is being done, but to amend the motion and refer the matter back to the Select Committee for further consideration. That is what I believe should be done, even though it was not suggested by those who spoke earlier. I did not think of that, either, until I heard the member for Flinders speak. It seemed to me, after hearing him speak, that that was the proper course for this House to take. Accordingly, I desire to move an amendment to the motion, as follows:

> Leave out the words "agreed to" and insert in lieu thereof the words "be referred back to the Select Committee on Local Government Boundaries of the City of Port Lincoln for further consideration".

Mr. GUNN (Eyre): I want to say one or two words in relation to this matter. I have been aware for a long time of the difficulties associated with this matter. It is one of those problems with which Governments have to grapple, and about which, on many occasions you are going to please no-one. There have been protagonists on both sides of the argument who on some occasions have not helped resolve what is a difficult situation. I have been approached by people, I point out for the benefit of the member for Mitcham, about this matter. I was approached last Monday at a conference in Tumby Bay of the Eyre Peninsula Local Government Association by people who are members of the District Council of Lincoln. I think that a little more time should have been given, and ought to be given, to resolve this matter in a manner which will allow some of the ruffled feathers to go back into their rightful place.

There is no point, in my view, in unnecessarily buying a fight. Whatever happens, we will not please everyone; everyone knows that. Local government boundaries throughout the State have always been a subject of controversy. I know the arguments which have been advanced for a long time by the corporation of Port Lincoln, to the effect that the corporation is providing facilities for residents who live in the district council area to use, although they make no contribution to them. That argument is based on fairly good grounds. On the other hand, the district council has provided reasonable services, from my limited knowledge of the situation, and I understand that many people who live in the area have been satisfied with the service they have received and have no desire for their area to be incorporated.

I do not know whether it is still the situation, but the corporation had considerable loan debts. The member for Flinders could correct me on this if am wrong. I understand that it had borrowed a considerable amount of money, and some of the people who would be brought into that area were concerned that their rates would have to be increased to finance that situation. It is my view that we should leave the matter at least until after the dinner adjournment, and then some discussion should take place. I firmly believe that the matter must be resolved soon one way or the other. I am aware of some of the problems that will be created, but I know from experience in other parts of the State that the matter must be grappled with, and someone must be upset, as someone will be upset in the Port Lincoln area.

We have to face reality. I am somewhat embarrassed because, when I had discussions on Monday, I was not aware that the report was to be tabled and dealt with today, and I told some people that they would have time to consider the matter. Before long, a firm decision must be made, but at least these people should have the opportunity to comment. I am aware that certain people in the corporation have made comments—

Mr. Keneally: Like Coober Pedy?

Mr. GUNN: I am fully aware of the problems at Coober Pedy. It is all very well for the member for Stuart to laugh. His Government did not have the courage to do anything about it, and eventually this sort of thing catches up with Governments. Someone must grasp the nettle and make a decision. The Select Committee principle has been a good principle. It is a legitimate and proper course of action for members of Parliament to be involved in.

The Hon. D. J. Hopgood: We put through amalgamations.

Mr. GUNN: Yes, but the Labor Government shied away from the difficult ones.

The Hon. D. J. Hopgood: So are you.

Mr. GUNN: This proposal is far from shying away from a difficult matter. There were difficulties at Quorn, and the Government resolved the situation. There are difficulties at Coober Pedy, and I believe the Government will resolve that in an acceptable fashion. My friend from Port Pirie knows the difficulties he is facing, and there are other areas with problems. The member for Rocky River is giving fine representation to the people of Port Pirie, unlike the member for Stuart, who tends to be ducking for cover when controversial issues arise.

The Hon. D. J. Hopgood: Suddenly the standard of your speech has plummeted. You were going well.

Mr. GUNN: I am sorry if I have lost the interest and support of the member for Baudin. I did not rise to my feet for that purpose, but I was baited by the member for Mitcham. My family has lived on Eyre Peninsula for four generations, and I would not like him to say that I was not prepared to get to my feet on a matter affecting that fine and very important part of South Australia. I hope that the matter can be resolved shortly, but, because I am aware of its long and difficult history, I believe there may be room for discussion.

Mr. PETERSON (Semaphore): Like other speakers, I do not have the full story, but I oppose the principle of legislation being thrust on the community. This report obviously is very divisive in the community of Port Lincoln, and strong feelings have been aroused, so I think it should warrant a little more time to allow resolutions to be made. As the member for Eyre has said, there must be a decision.

One of the points that perturbs me is that the Select Committee, as I understand it, met in Port Lincoln on 20 February (it is my birthday, a day of note, so I remember it well), and then on Saturday and Sunday, which meant that it had three days in the town. It seems that a hasty decision has been made, in view of the feeling in the community. I understand that the delay in reaching the final decision of the Select Committee was brought about because of a Parliamentary bowls trip to Tasmania, which hardly seems a significant factor, but it has delayed the report, which has come out at the last moment. This has forced a hasty decision. I am not aware of all the details, but I am aware that the action will be divisive in the community and will leave open sores for many years. I think the matter should be reconsidered to give everyone a fair chance to put in submissions.

The Hon. D. C. WOTTON (Minister of Environment): I shall be saying more in the debate when I have the opportunity, but at this stage I shall simply say that the Government does not support the amendment. I believe

that what has happened is right. The decision is a very difficult one to make; I am the first to recognise that, and I shall have more to say about that later. However the Government cannot support the amendment.

The House divided on the amendment:

Ayes (3)—Messrs. Blacker, Millhouse (teller), and Peterson.

Noes (41)—Mr. Abbott, Mrs. Adamson, Messrs. Allison, L. M. F. Arnold, P. B. Arnold, Ashenden, Bannon, Becker, Billard, M. J. Brown, Chapman, Crafter, Duncan, Evans, Glazbrook, Goldsworthy, Gunn, Hamilton, Hemmings, Hopgood, Keneally, Langley, Lewis, Mathwin, McRae, Olsen, O'Neill, Oswald, Payne, Plunkett, Randall, Rodda, Russack, Schmidt, Slater, Tonkin, Trainer, Whitten, Wilson, Wotton (teller), and Wright.

Majority of 38 for the Noes.

Amendment thus negatived.

The SPEAKER: The question is "That address be agreed to".

Mr. MILLHOUSE: I rise on a point of order, Mr. Speaker. Unfortunately, the Minister (and I should have prompted him at the time) did not realise he did not have two rights of reply.

Address agreed to.

PERSONAL EXPLANATION: DEPUTY LEADERSHIP

The Hon. PETER DUNCAN (Elizabeth): I seek leave to make a person explanation.

Leave granted.

The Hon. PETER DUNCAN: The matter about which I seek to make a personal explanation relates to a matter about which you, Sir, and other members, particularly of the Government, have been making various comments during the past few hours of the sitting today, and that involves the deputy leadership of the Opposition. I want to place on record that this Party, the A.L.P., having made a decision on that matter, I am happy to support that decision and will certainly not be seeking that office during the life of this Parliament.

An honourable member: Are you seeking the Leadership?

The SPEAKER: Order!

The Hon. PETER DUNCAN: I wish to place on record that I will not be seeking the Leadership of the Party either now or in the future.

Mr. Millhouse: Either now or in the future?

The Hon. PETER DUNCAN: I have said that for some years, and it is now on record as it has been in the past. I wish to place on record that the speculation that particularly members opposite have been perniciously peddling has not been good for the Party. I recognise that, and I seek to take this opportunity to ensure that that sort of perniciousness is put to rest. Apart from that, I simply say that I will have much pleasure in supporting the current Deputy Leader of the Opposition during the term of this Parliament. He will continue to have my full and undivided support. I am happy to have had this opportunity to place those matters on record before Parliament.

[Sitting suspended from 6.09 to 10.38 p.m.]

STATE TRANSPORT AUTHORITY ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

HARBORS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ROAD TRAFFIC ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ROAD TRAFFIC ACT AMENDMENT BILL (NO. 2)

Returned from the Legislative Council without amendment.

HAIRDRESSERS REGISTRATION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

WORKERS COMPENSATION (INSURANCE) ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

NATIONAL PARKS AND WILDLIFE ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

COMMONWEALTH DAY

The Legislative Council intimated that it had agreed to the House of Assembly's resolution, without amendment.

PRISONS ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 9, lines 18 and 19 (clause 12)—Leave out "as he thinks fit, either before the board or in writing" and insert "in writing as he thinks fit".

No. 2. Page 9, lines 22 and 23 (clause 12)—Leave out "as he thinks fit, either before the board or in writing" and insert "in writing as he thinks fit".

No. 3. Page 9 (clause 12)—After line 26 insert new subsection as follows:—

"(3) Where, in any proceedings before the board, the Director, an officer of the department, the Commissioner of Police or a member of the police force appears personally before the board, the prisoner the subject of those proceedings may appear before the board for the purpose of making submissions."

Consideration in Committee.

The Hon. W. A. RODDA: I move:

That the Legislative Council's amendments be agreed to.

The amendments will provide for a prisoner to apply in writing to the Commissioner of Police or the Director of

the Department of Correctional Services—

The Hon. J. D. WRIGHT: I rise on a point of order, Mr. Chairman. I point out that the Chief Secretary speaks softly, and there is so much audible conversation in the Chamber that I cannot hear him. This is a very important Bill. I want to understand it, and the Chief Secretary is doing his best to explain it, but I cannot hear him.

The CHAIRMAN: I suggest that honourable members conduct their private conversations outside the Chamber.

The Hon. W. A. RODDA: These amendments should be accepted; I hope there will not be any argument about that.

The Hon. J. D. Wright: Why shouldn't there be? Tell us that.

The CHAIRMAN: Order! The honourable Deputy Leader will have an opportunity at the appropriate time to raise any matter that he wishes. The Chief Secretary is explaining the reasons for the amendments.

The Hon. W. A. RODDA: There was debate in this place and debate in the other place—

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

The Hon. W. A. RODDA: I think we have been through this sort of thing before at the close of sessions; after a very good dinner it is difficult to get points over. I commend my colleague in the other place who handled this Bill and I commend the people that he worked with, including members of the Opposition. Under these provisions, the Commissioner of Police and his officers and the Director of Correctional Services can apply, in writing to appear before the board if they have any matters that concern the prisoner, and the prisoner can do the same. So, the same position applies to all three parties. This was what was wanted by members in the other place, and I accept what is now before the Committee.

Mr. McRAE: I am glad to have such a good reception, and of course I deserve it after all the research I have done on this matter and for the fact that the Government has now accepted the major tenor of the amendments that I moved in this House. Notwithstanding that, I am not completely satisfied because I would like the Chief Secretary make an explanation to the Committee in relation to the third amendment, which comes closest to the wisdom given to the Government by the Opposition in this place. The situation as it now stands is that the Director of Correctional Services, or an officer of the department, or the Commissioner of Police or a member of the Police Force may appear personally before the board. The prisoner equally can make submissions before the board himself. The worry that the Opposition has about that is that, in the case of both the Director and the ommissioner of Police, an expert or counsel, including legal counsel, might be able to appear before the board, but the prisoner does not have that opportunity. Is the Minister saying that it shall be the situation that there is no legal representation on the part of the Director of Correctional Services or the Police Commissioner?

The Hon. W. A. RODDA: I take it that the member for Playford wants to know whether there should not be representation. This concerns the Parole Board and a prisoner seeking parole, a prisoner who has been found guilty and who is serving a term. It is not a question of having representation, and it is not proposed to provide representation for the prisoner. I am not recommending that legal representation be given for the prisoner, nor does that apply to the Director of Correctional Services or the Police Commissioner, as they appear in their own right, or an officer representing them appears.

The CHAIRMAN: Order! I point out to the member for Glenelg that we are debating the amendments from the Legislative Council, and I intend to endeavour to keep the debate strictly to the amendments.

Mr. MATHWIN: I refer to clause 12, which proposes a new section 42nh (2) *(a)* which states:

> The Director, or any other officer of the department authorised by the Director for the purpose, may make such submissions to the board as he thinks fit, either before the board or in writing.

The amendment provides that the words "as he thinks fit, either before the board or in writing" should be left out and that the words "in writing as he thinks fit" should be inserted. I would like to know what is the difference between the clause as it stands and the amended clause. They both seem to mean the same thing. What order of brilliance drew up this amendment even surprises me, and I am an ordinary layman.

Members interjecting:

The CHAIRMAN: Order!

Mr. MATHWIN: I am pleased that my friends and colleagues, sometimes my enemies, on the other side are at last agreeing with me. I have been here 11 years and it is the first time they have supported me. I refer to the third amendment. Here again there is the same situation, because in the original Bill there was a provision that the prisoner may make submissions in writing to the board as he thinks fit. That is the whole principle behind it. I do not think these amendments do anything at all.

The member for Playford belongs to the legal profession, which sticks together and is a more closed shop than we have at Broken Hill. He thinks that prisoners who come before the board should have legal representation. I do not agree with that. What difference do these amendments make to the Bill?

Mr. McRAE: I am astounded that the Chief Secretary did not reply to the member for Glenelg, because this is a serious question by the honourable member, who was insulted by the Chief Secretary.

The CHAIRMAN: It is entirely a matter for the discretion of the Minister whether he replies or not.

Mr. McRAE: He seems to have used his discretion pretty wisely on this occasion. I turn to the clause most concerning the Opposition, which relates to proceedings before the board. May we have a definite assurance from the Chief Secretary that neither the Director of Correctional Services nor the Commissioner of Police will directly or indirectly have legal counsel acting for them before the board? I want to make it quite clear that, if things are going to be completely equal, either there is a right that the prisoner has his legal counsel and the Commissioner of Police and Director of Correctional Services have their legal counsel, or, alternatively, that none of them do. Can we have that assurance?

The Hon. W. A. RODDA: That is the importance of the clause: they are all treated equally. There is no intention that the Director or Commissioner of Police will have legal counsel. I can give the honourable member that assurance. It is not the intention of the Bill that they should be represented by counsel. This matter was raised by the honourable member's colleagues in another place, and the position was accepted by them. I hope this clears up the matter for the honourable member.

Mr. McRAE: I seek another assurance—that if, perchance, a Director of Correctional Services or a Commissioner of Police did in fact happen to have an officer on his staff who was a member of the legal profession, then equally the prisoner could have legal representation. If the Minister looks at amendment No. 3, the proposed insertion, it will be seen that in any proceedings before the board a Director or officer of the department, the Commissioner of Police, or an officer of

the Police Force may appear personally before the board. It may be that, in the exercise of the discretion of the Director or the Commissioner, they might engage legal practitioners as officers in their departments. Can we have a complete assurance that if such a thing were to occur the Government would undertake that, equally, the prisoner would be able to have legal representation.

The Hon. W. A. RODDA: It is my intention in this matter that the Director, the Commissioner of Police, and the prisoner be on an equal footing. It is not my intention that, if there was an officer with the qualifications that the honourable member is worried about, he would be going along in a role of lawyer or solicitor. I think he should not. I will give that assurance. We are talking about the Commissioner of Police, the Director of Correctional Services, and the inmate, and we leave out the trained legal officer. Does that reassure the honourable member?

Mr. McRae: The assurance is that everyone will be on an equal footing?

The Hon. W. A. RODDA: On an equal footing. That was the argument, and the matter was put on motion while it was discussed, and it was discussed at great length in another place. I do not want to mislead the honourable member, but that is my understanding, and as Minister I give that assurance. Does that clear up the matter?

Mr. McRae: Yes.

Mr. KENEALLY: The Opposition is very pleased that the Chief Secretary has given the Committee that assurance. We now know that in any actions before the board the prisoner will not be disadvantaged *vis-a-vis* the Commissioner of Police, the Director, or any officer of the department who may possess legal qualifications. The Opposition is pleased that that assurance has been given, and we on this side look forward to its being honoured. We know that the Chief Secretary is an honourable man and that there will be no attempt by the Government, in this House or in the other, to try to resile from the assurances we have been given. Of that, the Opposition and I can be assured. We thank the Chief Secretary.

I want to ask a further question of the Minister, and it follows a question asked by the member for Glenelg, who unwittingly asked a sensible question, which the Chief Secretary unwittingly failed to answer. The part of the Legislative Council's amendment No. 1 that I am not quite certain about is the phrase to be inserted, "in writing as he thinks fit". Can the Minister explain what sort of writing it is that he would think fit? Obviously, it is of some importance.

The Hon. W. A. RODDA: I think the Parliamentary Counsel has given his interpretation in the widest form that he thought best for all three parties concerned in this amendment.

The Hon. PETER DUNCAN: That does not explain the point that the member for Stuart was dealing with. The point is unlikely to be explained, because the simple explanation is that it is a piece of very sloppy drafting. Why put the word "such" in line 18 and the words "as he thinks fit" in line 19, when it could quite easily have been drafted to say "may make submissions to the board in writing"? We have five additional words which are absolutely unnecessary and superfluous to the new meaning that the Chief Secretary has adopted. I am sure that the Attorney-General, if he were present in the Chamber tonight—

An honourable member: He's here.

The Hon. PETER DUNCAN: I am not allowed to refer to persons in the gallery. I am sure the Attorney would see why I am raising this point. It is quite ridiculous that we have additional unnecessary verbiage in this. Apart from that, referring to the drafting, it is very unclear just exactly what a legal interpretation of this section will eventually be. In (2) we have the Director or any officer of the department, in (2) *(a)* the Director or any officer able to make submissions in writing, in *(b)* we have the Police Commissioner or any officer able to make submissions in writing, and in *(c)* we have not in addition to that, or some simple words that would explain the Government's intention and meaning. We have not got that. We have simply got the following:

> Where in any proceedings before the board, the Director and officer of the department . . . appears personally before the board, the prisoner, the subject of those proceedings, may appear before the board for the purpose of making submissions.

I accept that that is clear that the prisoner may appear where the department etc., has appeared in person. However, where is the section that specifically sets out that the Director, an officer of the department, the Commissioner of Police or a member of the Police Force have the power to appear personally? I am not expecting the Minister to give an erudite answer to that, as it is a drafting matter, but I suspect that the power has not been given by this amendment. I think that the Attorney-General ought to look closely at that. One would normally have expected the drafting to contain a provision—

Mr. Mathwin: It is in paragraph *(b)*.

The Hon. PETER DUNCAN: Subclause (2) *(b)* only gives the Commissioner the power to make submissions in writing. Where does it authorise him to appear personally? My concern is genuine about the drafting in this clause. Normally I would have expected there to be a further section before the proposed subclause (3) along the lines that "further in any proceedings the Director, an officer of the department, the Commissioner of Police or a member of the Police Force may appear personally before the board".

That could be followed up with what we have in subclause (3), which provides:

> Where in any proceedings before the board the Director . . . appears personally before the board, the prisoner, the subject of those proceedings, may appear before the board for the purpose of making submissions.

I think everyone can see that clearly.

Mr. Mathwin: It is covered in paragraph *(b)*.

The Hon. PETER DUNCAN: The appropriate section allowing him to appear in person has been written out.

Mr. MATHWIN: As I see it, the whole situation is covered in paragraph *(b)*, which provides that the Commissioner of Police or any member of the Police Force authorised by him for the purpose may make such submissions to the board. We have altered it to read "as he thinks fit either before the board or in writing." I suggest that the honourable member check that point and he will see that I am quite correct.

The Hon. W. A. RODDA: This is a matter of the Parole Board, which sets its own rules. The amendment moved in the other place is quite clear and gives the same rights to the three parties, namely, the Director of Correctional Services, the Commissioner of Police, and the prisoner. That is what the Bill sets out to do. I have given assurances to the member for Playford. We want to be fair to everyone. This amendment meets the requirements of the Government.

Mr. PETERSON: It seems that a prisoner has a choice either of appearing in person or submitting evidence in writing. I cannot see how a prisoner would be better off submitting his evidence in writing. In what situation does the Chief Secretary envisage that it would be more suitable for a person to put evidence in writing than it would be for him to appear personally? It seems to me that the whole

purpose of this is to enable prisoners to put their cases personally at these hearings.

The Hon. W. A. RODDA: The written submission is a requirement for all parties, and, after those written submissions have been made, the Commissioner, Director or the prisoner can appear before the board. The prisoner therefore has an opportunity to appear personally; that opportunity is not denied to him. In the first instance, however, he must submit his evidence in writing.

Motion carried.

CITY OF ADELAIDE DEVELOPMENT CONTROL ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

EDUCATION ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendment:

Page 2, line 6 (clause 8)—After "persons" insert "nominated by the board and".

Consideration in Committee.

The Hon. H. ALLISON: I move:

That the Legislative Council's amendment be agreed to.

The Hon. D. J. HOPGOOD: I support the motion and want simply to say that this is a useless and quite fatuous amendment. I suppose that the Hon. Mr. Hill managed the business for the Government in the Upper House and considered that the obvious thing was for him to accept the amendment. However, it does nothing. It merely prescribes in the Act a course of action that would have taken place, anyway, given the amendment to which this House had agreed when it was moved by the Minister. It seems a pity that the time of the other place and of this House, however brief that time may have been, has been wasted in considering such a move.

Motion carried.

PUBLIC SERVICE ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1, page 1, line 10 (clause 2)—After "Where" insert ", in consequence or in furtherance of industrial action,"

No. 2. page 1, lines 18 to 20 (clause 2)—Leave out all words in these lines.

Consideration in Committee.

The Hon. H. ALLISON: I move:

That the Legislative Council's amendments be agreed to.

The Hon. J. D. WRIGHT: I only wish to deal with amendment No. 2. I am pleased that the Government has been able to see its way clear to assist anyone who is in difficulties over this legislation.

I am still not happy about this legislation, and I made that point strongly earlier today. In relation to the agreement by the Government to accept the provisions that were moved earlier by the member for Playford, I support that particular amendment because it will give anyone who has been maligned or attacked in this area an opportunity to appeal. That appeal provision did not appear in the Bill previously. I support the amendments.

Motion carried.

ADJOURNMENT

At 11.26 p.m. the House adjourned until Tuesday 2 June 1981 at 2 p.m.