HOUSE OF ASSEMBLY

Wednesday 17 February 1982

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

MINISTERIAL STATEMENT

The Hon. W. A. RODDA (Chief Secretary): I seek leave to make a statement.

The SPEAKER: Is leave granted?

Mr Millhouse: No.

The SPEAKER: Leave is not granted.

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

That Standing Orders be so far suspended as to enable Ministers to make statements.

Mr MILLHOUSE (Mitcham): I do not know what the little ploy of the Deputy Premier was, presumably to try to cut me out from speaking to the motion.

The SPEAKER: Order!

Mr MILLHOUSE: I greatly appreciate your seeing me first, Sir, and giving me the call.

The SPEAKER: Order! The honourable member for Mitcham will please resume his seat. Lest there be any misunderstanding, the honourable member for Mitcham was not seen first. The honourable Deputy Premier was seen first. He had the opportunity to debate the issue. There is only then opportunity for one further person to be seen, so the honourable member for Mitcham was seen in due course.

Mr MILLHOUSE: I appreciate your explanation, Mr Speaker. The Deputy Premier has just lost his opportunity—

The SPEAKER: Order! The honourable member for Mitcham will come to the motion before the Chair.

Mr MILLHOUSE: Yes, Sir. I oppose the suspension of Standing Orders to allow for Ministerial statements to be made. I do so on the same grounds as I have now given on many occasions before. I remind the House that on 9 November I wrote a letter to the Premier in which I said in part (and perhaps it is time I did refer to this again because it is as true today as it was then):

I want you to know that unless you give an undertaking in the House tomorrow afternoon—

I said then—

before any attempt is made by you or your Ministers to give statements to the effect that the original arrangement as to providing copies will be honoured and in addition Ministerial statements will be made simply to give information which could not otherwise be conveniently given to the House, not being of a Party-political nature, and that such statements will take no longer than, say, three minutes to give, I propose to resist the giving of leave.

I have never had that undertaking. I point out that I made a suggestion of, say, three minutes. I did not make it as a firm one, and I think that Ministers have seized on that as an absolute condition. However, I am prepared to discuss that, but there must be some limit on the time; there must be some guard or check against abuse of the privilege such as prompted my letter, namely, a statement given by the Minister of Industrial Affairs at the end of October, when he went on for over 10 minutes. Above all, in my view there must be—

The Hon. H. Allison: Standing Orders allow 15 minutes.

Mr MILLHOUSE: Then Standing Orders had better be changed, and that is what I am asking to be done.

Members interjecting:

Mr MILLHOUSE: It was only last week that the Premier was chiding me for exercising my right under Standing Orders to object to the giving of leave. The Liberals cannot have it both ways. They cannot say that I should not object under Standing Orders and at the same time that I should not suggest an alteration to Standing Orders. That is the position, and I will continue in this way until I get an undertaking or until some arrangement is made to check abuses. I may say that the Democrats will not—

Mr Ashenden: The Democrat.

The SPEAKER: Order!

Mr MILLHOUSE: —put up with arrogance in Government, whether it is State Government or Federal Government. That is just what we have got now.

The SPEAKER: The question before the Chair is that the motion for suspension of Standing Orders be agreed to Those of that opinion say 'Aye', against 'No'. There being a dissentient voice, there must be a division. Ring the bells.

While the division was being held:

The SPEAKER: There being only one member on the side of the Noes, I declare that the Ayes have it.

Motion carried.

MINISTERIAL STATEMENT: RESCUE HELICOPTER

The Hon. W. A. RODDA (Chief Secretary): Yesterday, in response to a question from the honourable Deputy Leader, I said that I would get a report on the state of the State rescue helicopter, and the following represents the true facts about that helicopter.

Rescue One is out of service and is having its engine checked during a routine 1 000-hourly overhaul. It has a 550-horsepower turbine motor which is de-rated to 500 horsepower, although it can be operated on 420 horsepower. All aircraft are affected by hot weather, and it was decided to check the engine following flights in the recent hot spell. However, I must stress that there has never been any danger to the helicopter's occupants, and it has never failed or faltered in its operations.

In short, it has always been entirely serviceable, although the engine has been down on power by 5 per cent. The engine was going to be taken to Sydney to be run on a static test bed, but following discussions with engineers yesterday this was not deemed necessary. An internal engine component is being replaced now, and the aircraft should be ready for a test flight by Friday afternoon. It will be exhaustively tested before becoming operational.

There is not now, nor has there ever been, any doubt about the absolute safety of the aircraft. A standby aircraft with similar capabilities has always been available. While this aircraft has no winch, and no night sun light, it would be more than adequate if called out in an emergency.

MINISTERIAL STATEMENT: BANKCARD

The Hon. D. O. TONKIN (Premier and Treasurer): Within the past few days holders of Bankcard have been circulated with a notice stating that, following a recent amendment to the South Australian Stamp Duties Act, Bankcard accounts would be charged with applicable Government charges.

Mr Millhouse: I got one myself.

The Hon. D. O. TONKIN: I did, too, and I was most disturbed to receive it. Credit duty payable at the rate of 0.15 per cent per month would be payable on the maximum dutiable balance of the account during the period covered by each statement. When the appropriate amendments to the legislation were first considered it was in response to requests from the Australian Finance Conference and other credit providers, who pointed out that restrictions did not apply to the passing on of credit duty in other States and

that in South Australia other methods of absorbing those costs had been adopted by lending institutions.

The lending institutions gave assurances that the removal of the restriction would have very little if any impact on consumers. This assurance was passed on in the House during the introduction of the Bill. At that stage, I said:

> The provisions achieve little in practice as it is understood that most lenders in this State cover the duty component of their overheads by adjusting rates of interest. The Government has obtained assurances from credit providers that consumers will not be disadvantaged by the repeal of these provisions.

I understand that the notices to Bankcard holders originated in Sydney, and it may be that there has been some misunderstanding as to the position. The current notice to Bankcard holders has caused grave concern to the Government, and the position will be examined most carefully and discussions held with the associated banks and the Bankcard organisation as a matter of urgency to clarify the situation.

QUESTION TIME

WALLAROO HOSPITAL

The Hon. J. D. WRIGHT: Will the Minister of Health say what is her response to the 32-page submission from the Wallaroo and District Hospital Action Committee on the Government's proposals to close the Wallaroo Hospital? Will she now agree to the establishment of a Parliamentary Select Committee to review the decision to close the Wallaroo Hospital? I am told that this submission drew attention to a series of misleading statements and inaccuracies in the Health Commission report, and put forward for consideration constructive alternative suggestions. I am told also that, more than six months ago, the Minister and the Chairman of the Health Commission both agreed to respond to the points raised in that submission. However, in spite of numerous requests, both verbally and formally, the Wallaroo and District Action Committee has been ignored. The Government's decision is to close the Wallaroo and District Hospital and to secure the closure of the privately run Kadina Community Hospital as an acute facility prior to proceeding to build a new hospital at Kadina. I am informed that, if the Government had chosen the alternative—that is, to rebuild Wallaroo Hospital—no-one would be further disadvantaged. However, I have been told that the Government's decision will boost Kadina in a very minor way, and will have enormous impact on Wallaroo, both in terms of services provided and employment.

The Hon. JENNIFER ADAMSON: The long submission that was made by the Wallaroo Action Committee to the South Australian Health Commission covered a variety of points, which had already been very thoroughly canvassed by the Health Commission with the people of the three towns on northern Yorke Peninsula. Several public meetings have been held in those towns, the commissioners sitting as a commission have visited those towns, and a very detailed explanation has been given of the reasons for the commission's decision to base a new acute hospital on northern Yorke Peninsula at a location in or around Kadina.

It would be quite improper for a Select Committee of Parliament to be established to do the job of a commission that, under Statute, is required to integrate and co-ordinate the health services of South Australia. The Health Commission was set up under its Act to do what it has done in respect of studying the health and hospital needs of the people of northern Yorke Peninsula. The Deputy Leader would know as well as I know (and as well as every other member of the House knows) that the historic reasons for the establishment of hospitals in small country towns must be reassessed in the light of new health and economic situations throughout Australia. One simply cannot justify a hospital in each of three towns as close to one another as are Kadina, Wallaroo and Moonta, any more than one could justify an acute hospital in each suburb of Adelaide, while at the same time major specialist hospitals, such as the Royal Adelaide Hospital, the Queen Elizabeth Hospital, and the Flinders Medical Centre, were maintained. That kind of expense could simply not be justified.

The people of northern Yorke Peninsula need a larger acute hospital that can provide specialist services, including specialist nursing services, and that will be achieved by the location of a new acute hospital at Kadina. The situation is that, of the three present hospitals, not one can provide the level of service that is justified for a total community of that size. At present, the Kadina Community Hospital has 23 beds. Moonta Hospital is not a recognised hospital and, contrary to the assertions of the action committee, will not be closed by the State Government. Indeed, the State Government would have no power whatsoever to close the Moonta Hospital unless somehow it breached the Health Act, because that hospital is entirely in the hands of its board of management. The action committee has done itself a disservice and has lost credibility in presenting that as a fact when it is not a fact.

The Wallaroo Hospital has 56 beds, of which no more than 30 were in use at the time that the Health Commission undertook its study. Quite obviously, one could not justify a hospital with more than 30 beds at Wallaroo. However, the establishment of an acute hospital to serve the whole area could be justified, and the obvious location for that hospital is Kadina. I am sympathetic to the wishes of country people, and I well understand that everyone in a country town likes to think that there is a hospital close handy, but in reality, if one looks at the access of the people of those three towns to an acute 50-bed hospital, one will see that in each of the towns there is quick and ready access to such a hospital. For example, a person involved in an accident on the wharf at Wallaroo could be evacuated to an acute hospital at Kadina more quickly than a person who is injured on the wharf at Port Adelaide could be evacuated to the Queen Elizabeth Hospital.

The Hon. J. D. Wright: Why shouldn't a Parliamentary committee look at it?

The Hon. JENNIFER ADAMSON: A Parliamentary committee would be quite unnecessary in this context, because the role of the Health Commission under Statute is to do precisely what it has done. There is no way in which a decision that is made on rational health grounds can please everyone in each of the three towns. The commission had, and still has, as its brief the need to look after the total health interests of people in that area. That is what has been done. The Government has endorsed its decision.

The Hon. Peter Duncan: In your judgment.

The Hon. JENNIFER ADAMSON: That is the commission's judgment, and the Government has endorsed the commission's judgment.

Members interjecting:

The SPEAKER: Order!

The Hon. JENNIFER ADAMSON: The matter will in due course be referred to the Public Works Standing Committee of the Parliament, and that committee will make its judgments, but on health grounds the commission has made a sound decision, and the Government endorses that decision.

Mr OLSEN: Will the Minister intervene to ensure that the South Australian Health Commission gives every consideration to my request to establish and maintain on a permanent basis an acute hospital facility at Wallaroo in conjunction with the building of a new Government hospital

on northern Yorke Peninsula? Residents faced with the prospect of no acute hospital facility after a century have expressed concern that the welfare of those working in industrial plants and on the waterfront at Wallaroo will be jeopardised. In addition, they claim that the tourist trade will suffer as a result of no facilities to cater for outpatients and minor accidents. It has been reported that such a proposal as I have put to the Minister does not detract from the justification of establishing a specialist hospital for northern Yorke Peninsula residents but, rather, ensures that each community is recognised and catered for.

The Hon. JENNIFER ADAMSON: I thank the member for Rocky River for his suggestion. I know that he has put an untiring and a continuous interest into this question of the location of the hospital, and I know that in all his actions and representations he has had the interests of all people in his electorate at heart, particularly those of the northern Yorke Peninsula. I will ask the Health Commission to look at the possibility of maintaining a small acute facility at Wallaroo. I believe that the most appropriate way for that to be done would be for the commission to examine as part of their total needs survey (which is currently being conducted in the area) local community needs. It is true that as a coastal tourist town Wallaroo has a high number of people who pass through and who may need short-term emergency care. A small acute facility might provide the answer to that and I shall be happy to ask the commission to examine that.

The honourable member and the House may be interested to know that the Chairman of the commission has undertaken for the commission to fund a community bus service to ensure that people in Wallaroo who may need access to the Outpatients Department of the new Northern Yorke Peninsula Hospital will have that ready access through a transport service. I cannot stress too strongly the importance of a hospital of a size to justify a level of specialist service which is required by the people of that area. I cannot think of a better example than the obstetric services currently being provided by the three hospitals.

The two hospitals at Wallaroo and Kadina, leaving Moonta aside, have a level of births each year which is less than that recommended by the Obstetrics Advisory Committee to the Director-General of Medical Services. Wallaroo has 40 births a year, and Kadina has 45, the minimal level recommended by the advisory committee being 50 births a year. If the obstetric unit were located in a new larger acute hospital, there would be a throughput of approximately 100 births a year, which would without doubt ensure a much higher standard of nursing care. The same factors which apply to obstetric units also apply to operating theatres, casualty and outpatient services, where the experience of staff and the numbers of patient throughput are very much a factor in determining the quality of care. It is in the interest of quality of care and access to specialised nursing services that this decision has been taken.

I will ask the Chairman of the commission whether he can examine the feasibility of providing an acute casualty facility at Wallaroo. I am sure that the feelings of the Wallaroo people in this instance and their needs will be taken into very sympathetic consideration by the Chairman and by the commission.

STAMP DUTY

Mr BANNON: Did the Premier mislead the House when he gave firm assurances that amendments to the Stamp Duties Act would not disadvantage consumers in South Australia? Why did he not obtain proper binding undertakings from credit providers that they would not pass on South Australian stamp duty to consumers twice before removing the protection afforded by the Act? This question is supplementary to the Ministerial statement made by the Premier a moment ago. On 22 October the Premier introduced the Stamp Duties Act Amendment Bill which, among other things, repealed sections 31 *(l)* and 31 *(p)* of the Act. These sections had been designed to prevent the duty payable on credit or rental business or instalment purchase agreements being passed on to the consumer. The Premier said:

> The provisions achieve little in practice as it is understood that most lenders in this State cover the duty component of their overheads by adjusting rates of interest. The Government has obtained assurances from credit providers that consumers will not be disadvantaged by the repeal of these provisions.

On 27 October, during the second reading debate, I replied as follows:

> I am not satisfied that it is necessary to repeal both sections. They represent, on the face of it, a protection to the consumer. The Premier says that the Government has obtained assurances from credit providers that consumers will not be disadvantaged by the repeal of those provisions. I would like more evidence of those assurances; more particularly, I would like to ask whether the Premier can demonstrate that consumers will not be disadvantaged by the repeal of the provisions . . . For whose convenience are we doing it?

Bankcard customers in South Australia have been advised that stamp duty is to be passed directly on to them in terms of a notice referred to by the Premier in his statement, as follows:

> Dear Cardholder,
> Following a recent amendment to the South Australian Stamp Duties Act, notice is hereby given that your bankcard account will be charged with any applicable Government charges paid or payable in relation to use of cards issued and/or to credit provided on your account . . .

As the monthly interest rate has not altered, customers will be paying twice—once through the duty being built into higher interest, and now through the duty being passed on owing to the repeal by the Government of the relevant section. As at January 1982 outstanding bankcard limits totalled $4 023 000 000 throughout Australia, which suggests that South Australian limits could amount to a total of the order of $400 000 000. At the current rate of duty this could mean an extra amount of up to $7 000 000 annually being added to customers' bankcard bills. These figures apply only to bankcards. However, the amendments allow all providers of credit to pass on the duty without any adjustment to their rate of interest.

Far from the matter being decided in Sydney, I have been told that the State Government told the companies concerned that it was concerned about losing duty because of the way in which cheques could be paid to meet bankcard debts, which was one reason why they wished these charges passed on.

The Hon. D. O. TONKIN: As to the latter part of the Leader's statement, I have no comment to make. The Ministerial statement outlines the Government's point of view excellently, and I have nothing further to add to it. I suggest that the Leader read it again.

APPRENTICE HAIRDRESSERS

Mr RANDALL: Will the Minister of Industrial Affairs tell the House whether or not he is prepared to make any changes to the method by which apprentice hairdressers are trained? In my contacts with small business people in my electorate, it has become clear to me that one of their concerns is the method by which apprentices are trained in South Australia. I have conducted a survey throughout my electorate and found that the matter was of significant concern to hairdressers. To clarify the point, I shall read part of a letter I received at my electorate office, as follows:

In my career I have trained only two apprentices. In a one-person shop, it is very hard indeed to be in a position to train apprentices at all as it is an expensive exercise. With four weeks of holidays, two weeks of sick leave, three lots of block training of two weeks each, one has no help for a quarter of a year. Businesses which employ a large staff may be able to roster their staff to suit this arrangement. Small businesses cannot afford this arrangement. In my past experience I have preferred to employ a fully qualified hairdresser.

This letter clearly states the concern of the small business person in our community, and I believe that as a Government we need to make some corrections in this area.

The Hon. D. C. BROWN: I appreciate the points raised by the honourable member. He has brought up this matter with me previously, the most recent occasion being last week—

Mr Millhouse: By gum, they are trying hard to save that seat, aren't they?

The SPEAKER: Order!

The Hon. D. C. BROWN: I assure the member for Mitcham that one hairdresser in his own district, apparently realising that there is little point in going to his local member of Parliament has made a similar request to me. I know that the member for Mount Gambier has made similar requests and that the Minister of Health has a problem in her district in relation to this matter. Block release training for apprentice hairdressers was a decision of the previous Government, and for many years the Hairdressers Association tried to get the previous Government to reverse that decision. It is fair to say that there is divided opinion within the hairdressing industry as to whether it should be block release or day release for apprentices.

I appreciate that block release does cause considerable problems for the small hairdressers who perhaps have only two people working in a shop and cannot afford to have someone away for a two-week period during block release training. It is because of that that I took up the matter with the Chairman of the Industrial and Commercial Training Commission. The commission has examined the matter, and I am delighted to say it has decided that for all new indentures signed in 1983 and onwards there will be the option of day release or block release for apprenticeship training in the hairdressing industry. A letter dated 12 February 1982 and sent to Mrs Meldrum, Secretary of the Master Hairdressers Association of South Australia, by Mr Graham Mill, Chairman of the Industrial and Commercial Training Commission, states:

I confirm my telephone advice of earlier this week that the commission has resolved that as a matter of principle an option of day release attendance at metropolitan technical colleges will be provided for apprentice hairdressers who commence their course of instruction in 1983.

I am delighted that this Government has been able to overcome significant problems imposed by the previous Government on small hairdressers in this State.

FORESTS DEPARTMENT MACHINERY

Mr PLUNKETT: Can the Minister of Forests say whether tenders have been called for the sale of Cambio De-barker No. 70, and all other equipment associated with this machine, at the Mount Gambier State Forest Mill? If so, who was the successful tenderer or tenderers, and how much was paid for the equipment? I have heard through contacts at Mount Gambier that this machine and all other machinery associated with it has been disposed of but that no tenders are known to have been called. I have also been told that there is a second Cambio De-barker on another forest site on the Casterton Road. Parts of this machinery are interchangeable and, as new parts are extremely expensive and hard to come by, it would have been expected that the Government would see it to be more economical to keep this machine, even if only for its spare parts.

The Hon. W. E. CHAPMAN: I am aware of the honourable member's concern about this matter. Indeed, he indicated to me last week that on behalf of his mates in the South-East he would be seeking some information about the disposal of certain equipment that was previously installed on the Mount Gambier sawmill site. As a result of that forward request, I have had the opportunity to research the subject, and I might concede that at the time the matter was raised I was unaware of the details being sought by the honourable member.

In addition, it has been brought to my attention that last week in the *Border Watch* some expression of sadness, as described in that paper, is being experienced by the long-serving employees in the region about the subject. However, the response now to the question about whether the material was disposed of, to whom and whether in fact tenders were called is at hand.

On 3 March 1977, the matter of replacing the then installed equipment at the mill site was referred to the Public Works Standing Committee of the Parliament. In August 1977, among a series of recommendations, that standing committee put to the Government of the day that the on-site material referred to by the honourable member should be sold, and in fact in the *Australian* newspaper on Tuesday 1 December 1981, in the *Advertiser* on 30 November 1981, repeated in the *Advertiser* in the subsequent weeks.7 December 1981 and 14 December 1981, the material was advertised and tenders were invited.

The only two tenders received came from parties which had previously expressed interest in the material to be disposed of. Wagga Wagga Holdings tendered the price of $40 500 for lots 1 to 3, that being three lots of the total of 12 offered. Bunning Bros of Western Australia tendered $55 000 for the whole of the lots, that is lots 1 to 12. Since the gang saws, the main pieces of equipment, were included in lots 4 to 12, the Wagga Wagga Holdings tender was favoured for lots 1 and 3.

Following notification of this decision, the tenderers Bunning were then offered the balance, that is lots 4 to 12, for the further figure of $35 000. I am sure the honourable member would appreciate that the total return of some $75 000 as a result of accepting in part tenders from the two parties offering such a tender was good economic sense and, indeed, in the interests of the Government in that direction.

In conclusion, for the benefit of the honourable member and those mates of his in the South-East for whom he is acting, I point out that, in the report of the Parliamentary Standing Committee on Public Works, Mount Gambier State sawmill was at that stage (that is, in 1977) 18 years old, and the green log mill had not changed in any significant way since its establishment. Sawmilling technology has changed markedly in that time, the market demands have modified, and the total log resource available to the South-Eastern sawmills is growing.

It is possible now to achieve a much improved return from the mills by applying new technology. The present plant is also becoming subject to more frequent breakdowns. High maintenance costs are being incurred, and lost time on the old machines is now too high. Against that economically and industrially based recommendation, the Government of the day took the steps to proceed and to install the new plant, and, indeed, since our coming to office that $8 000 000 plant has been installed.

The matter raised by the honourable member for Peake on this occasion demonstrates the need for employers, in this case the Woods and Forests Department, to lift its

game with respect to communication with employees on matters of this and like sensitive nature.

Having had the matter raised as it has been raised, and having done the research that I have done in this instance, I am so far satisfied that that should be done, and I will undertake to have my officers lift their level of communication with the shop floor employees, on whom we all depend.

VOLTAGE DROP

Mr SCHMIDT: Will the Minister of Mines and Energy confirm complaints from constituents of mine living in the Reynella area that voltage drop is occurring in the Robbie Drive area, and can he further say whether the matter will be rectified and whether the new substation in the Morphett Vale area will have any bearing on the problem? In explanation, I quote from a letter received from a constituent, as follows:

I wish to draw your attention to the problem of voltage drop in the above area due to distance from a transformer. The problem has been known for some time but became much more noticeable during the hot summer when air-conditioners became unreliable and ceased to operate under very hot conditions. These electrical appliances were checked and found not to be at fault.

Earlier this month an inspector from ETSA went down to the area to check it out and found that voltage drop had occurred down to as low as 180 volts. The letter concludes:

I and others would appreciate your attention and support in this matter.

The Hon. E. R. GOLDSWORTHY: Yes, I have some information for the honourable member. The Electricity Trust is aware of the problem in relation to the voltage drop, and I have been informed that it will be overcome with the installation of a new transformer due to be completed by Easter. The trust has advised that the new substation at Morphett Vale is being constructed primarily to meet the anticipated needs of industrial expansion in the area.

I take the opportunity to reassure consumers in the area that they need have no great concern regarding the matter of tariffs. I raise the matter in the context of this question because a number of statements made in the past two or three weeks by the Leader of the Opposition and the Deputy Leader have been notable for their misrepresentation and lack of veracity. I think that is the most tactful way of putting it, bearing in mind the constraints of Parliamentary verbiage: their notable lack of veracity. Both the Leader and the Deputy Leader have suggested that electricity tariffs are being increased to raise revenue for the State Government. That is not a true statement. Electricity tariffs are being increased by the trust (not by the Government) to meet its costs.

It is also suggested that the level of tariff increases is above the cost of living increase that has occurred during the life of this Government. Of course, the Opposition conveniently did its sums to include the rise that occurred just after the last State election. I suspect that the rise was delayed so that it did not occur before the State election. If one cares to choose the beginning of a 12-month period at any particular date, one can come up with almost any percentage that one may wish to arrive at. So much for their juggling of the figures. That statement is also notable for its lack of veracity.

It was also stated that there was a rake-off to Treasury. Let us get that in perspective. The Labor Government, under Premier Dunstan, on 15 August 1973 introduced a Bill, initially to place on ETSA a levy of 3 per cent, which was later increased to 5 per cent. This Government has not touched it. These are the words of Premier Dunstan at that time:

The Government must increase its revenues if it is to avoid an even more substantial deficit on the revenue account than it is at present obliged to budget for.

So, it was introduced and increased by the Labor Government to raise revenue, and this Government has left it well alone. It would be one of my ambitions in the fullness of time to get rid of it. However, we know perfectly well that the time is not opportune now. Let me also say that the Deputy Leader is not very well informed as to the nature of the organisation of ETSA as a statutory authority. The trust is not under Ministerial control and, despite what the Deputy Leader said, the Hon. Hugh Hudson did not announce all electricity price increases. He announced a price increase on one occasion, and only because he put on a special levy to pay for the infrastructure for the new Northern power station.

The only other comment which I want to make to the member for Mawson and which he can convey to his constituents is that electricity tariffs in South Australia are about the middle of the range in Australia. The Labor Minister in charge of fuel in New South Wales, Mr Landa, stated in February this year that the trends in every other State of the country have been rising electricity costs, and he could not see how New South Wales would be any different. It is completely specious and, indeed, completely untrue for leading members of the Opposition such as the Leader and his deputy to try to alarm the public with statements that are patently false.

WALLAROO HOSPITAL

Mr HEMMINGS: Will the Minister of Health, during the next month, go to Wallaroo to listen to the concerns of the residents there about the impact on their community of the proposed closure of the Wallaroo District Hospital? The Minister refused to attend the rally on the front steps of Parliament House a short time ago, and she was reported as saying that the rally was politically motivated and stirred by the trade union movement. The people of Wallaroo and the surrounding district are angry that they cannot get a fair hearing with the Minister. Will she do the decent thing and go to Wallaroo to hear what ordinary people have to say about her decision?

The Hon. JENNIFER ADAMSON: I visited Wallaroo a year ago or perhaps the year before that; I inspected a hospital that had been grossly neglected by the honourable member's Party when in Government. That hospital had been allowed to deteriorate; its casualty department, its X-ray department, the theatre, and its wards had deteriorated. Everything about that hospital is of a substandard quality because of years of neglect by the honourable member's Party. If the honourable member's Party when in Government had grappled with this problem, the people of the northern Yorke Peninsula area would have access to far better hospital services today than they have.

I see little value in my visiting a specific town, as Minister, to discuss questions of health policy with residents when those residents have already had the opportunity to speak to a full commission made up of all the Commissioners of the Health Commission, and to commission staff, who have attended the meetings and have explained the proposal in detail. I recognise that it is difficult for anyone in a small community to accept change that initially may seem to have an adverse effect, but I can assure the people of Wallaroo that the proposal for the new 50-bed acute hospital for the northern Yorke Peninsula will not disadvantage them. In fact, they will have access to far better services

and they will suffer no disadvantage in terms of jobs. Those assurances have already been given to them.

COOPER BASIN PROJECT

Mr BLACKER: Will the Deputy Premier, in his capacity as Minister of Mines and Energy, say whether the committee, comprising officers of the Department of Fisheries and personnel from the Cooper Basin producers and the Australian Fishing Industry Council, as recommended by the Select Committee into the Stony Point (Liquids Project) Ratification Bill, has been established, and, if it has, whether that committee will be able to establish a data base of the existing marine environment before there is any major disturbance of the area? Can the Minister also give the names of the personnel who have been appointed to that committee and its specific terms of reference?

The Minister would be aware of the recommendations of the Select Committee and of the need to establish a data base from which any future assessment of the marine ecology can be compared. The fishing industry in particular is anxious to see that that data base is established before there is any disturbance of the area with the construction of port facilities.

The Hon. E. R. GOLDSWORTHY: I will get the latest information for the honourable member and give him a report as soon as possible.

EDUCATION DEPARTMENT

Mr LYNN ARNOLD: When will the Minister stop being frightened of teachers and start to seek their opinions and ideas regarding future directions in the Education Department? An examination of recent committees appointed by the present Minister of Education indicates a marked downgrading of the importance, in the eyes of the Government, of teacher opinion. While the Keeves Committee contained two teachers and one educator out of a committee of six, recently appointed committees show a worrying trend. For example, the steering committee to review the structure of the Education Department announced yesterday contains only one educator (the Director-General, John Steinle), the other members being Mr Barry Greer, Mr David Corbett, Mr P. Agars, and Mr Peter Edwards—one educator out of five, with no representation for either regional interests, teachers at the chalk-face or even, I might point out, women. Similarly, the selection panel appointed to select the new Deputy Director-General's position (for which I am told John Mayfield has the nod) consists of only one educator again (and again it is John Steinle), the others being Hedley Bachmann, David Corbett and Derek Scrafton. I am similarly informed that the working party conducting the feasibility study into the future of child parent centres is also under-representative of educators.

By contrast, I remind the House of the statement of a former Director-General of Education, Mr Albie Jones, who in his annual report for the year 1975 indicated the attitude that then prevailed to the importance of teacher opinion in decision-making and direction setting. He said:

> One of the features of departmental planning and policy-making has been the high degree of teacher participation in decision-making, largely through the South Australian Institute of Teachers.

By way of example endorsing that sentiment, I point out to the House that the Jones committee of inquiry into examinations (appointed by the previous Government) consisted of seven educators and only two non-educators.

The Hon. H. ALLISON: This is one of a series of complaints which we have received and which would appear to be of relative unimportance.

Mr Lynn Arnold: Unimportant?

The Hon. H. ALLISON: The honourable member should listen. I think that one of the matters which was addressed in the newspaper recently to the Keeves Committee of Inquiry itself was that there were no educators on that committee.

Mr Lynn Arnold: I didn't say that.

The Hon. H. ALLISON: No, but this is one of the allegations, and it seems part of the general stream to try to denigrate not only the Keeves Committee of Inquiry itself but also the subsequent implementations. In fact, we have the President of the South Australian Institute of Teachers, who is undoubtedly an educator. We have Mr Ian—

Mr Trainer interjecting:

The Hon. H. ALLISON: The honourable member has a very strident voice, but if he would read pages 12 or 14 of the Keeves Committee recommendations, he would find that the President of the Institute of Teachers was abroad at the time that he would have been required to sign that document. Secondly, there was an allegation in the press and in the media that Mr Gregory had telexed the Minister saying that he had not intended to sign it, and a subsequent retraction, both orally and in writing, by Mr Gregory quite clearly indicated that the telex had, properly, been transmitted to the Chairman of the Keeves Committee of Inquiry, Mr Keeves himself. Subsequently, we find, not published anywhere, that a number of chapters had been sent out following Mr Gregory to various destinations where he said he would be, and no report was received back by the committee of inquiry giving his comments on those chapters.

Mr Gregory and I are in direct communication, but I think some false facts have been put around, and I am quite pleased that the honourable member mentioned them in passing, although it was irrelevant to the question. Mrs Di Medlin, an educator in her own right, is also on that committee. It also comprises Ian Wilson, President of the South Australian State Schools Association, who undoubtedly has a tremendous interest in education. So we go on.

So, the representation of parents, teachers and educators on the Keeves Committee of Inquiry was very strong, with only one person on the committee, a parent in his own right (Mr Peter Agars), having no direct teaching or educational experience. So much for that. The Government has been asked why there is relatively little teacher representation on several of the committees that have been established. A major criticism of committees that have been established in the past has been that they have been too subjective and that, in fact, it has been a case of Caesar judging Caesar almost constantly. One of the major recommendations that have come from people examining education in South Australia and elsewhere has been a request that we put on people with a more objective view of education, and that is precisely what we have done.

Mr Lynn Arnold interjecting:

The Hon. H. ALLISON: This will be taken a stage further; the committee of which the member for Salisbury is critical is, after all, a steering committee only, designed to implement the restructuring of the Education Department, a restructuring that has come from the State's leading educator, the Director-General himself. He has been working on that for two years, and therefore the steering committee is there to give him assistance, an outside objective assistance which I suggest the department needs. Another issue that I have not yet announced is that the Director-General will, I believe, be appointing a further committee to assist him personally with the general implementation of the much wider recommendations of the Keeves Committee of

Inquiry—not simply the restructuring of the department that he has been working on for well over two years.

So, I think the honourable member will find that there will be a degree of consultation throughout the teaching profession with which he will be quite pleased, and if he just cares to wait a little longer he will find that more announcements and more statements will be made regarding the implementation of a variety of the Keeves Committee of Inquiry recommendations. The honourable member has simply seized on one matter. The paucity of women on panels, including two panels recently appointed, has been brought to my attention. I will give that matter consideration, but at the same time there must be some recognition that perhaps we should not err on the side of positive discrimination constantly at a time when this Government is, after all, recognising the position of women by positive discrimination in the selection, for example, of deputy principals in secondary schools, an issue that we took to court. There are quite a few things for which the Government is being criticised but very few things for which we are being given credit and which were quite static for the 10 years under the previous Labor Government's administration.

HIT THE TRAIL CAMPAIGN

Mr GLAZBROOK: My question is supplementary to that which I asked the Minister of Tourism yesterday. Bearing in mind the Minister's enthusiastic report yesterday on the success of the *Hit the Trail* campaign, will the Minister say whether those successes have led to any capital development or request for further action?

The Hon. JENNIFER ADAMSON: At this stage there has been no direct capital development of which I am aware linked with the *Hit the Trail* campaign. However, I was very much encouraged late yesterday to have inquiries from people who were interested in building tourist accommodation in some of the towns involved in the *Hit the Trail* promotion.

The SPEAKER: Order! I believe that the Minister is having difficulty making herself heard above the conversation.

The Hon. JENNIFER ADAMSON: This is good news that every member in the Parliament would want to know. I believe that my colleagues are already aware of the fact that the developers are anxious to know whether the trails that were designed for this promotion as strictly promotional trails will be adopted by the Government as permanent promotional trails and whether investors can plan with confidence the building of tourist accommodation in some of the key towns. Burra is a good example: it is on the heritage trail, but there is no motel in Burra, although there are hotels, some of which are quite historic with beautiful facades which would certainly be attractive to tourists if modern motel accommodation could be built behind them.

The fact that these questions are being asked is yet another indication of the success of the *Hit the Trail* campaign, when people are anxious to invest money on the basis of the fact that they can see tourists responding positively. As we predicted at the time the *Hit the Trail* campaign was launched, its success would force an investment in tourist accommodation, and we predicted that there would be 'no vacancy' signs hanging up in many of the country towns in South Australia. That is in fact what has happened.

I therefore propose to ask the State Tourist Development Board for its advice on whether these trails should be adopted by the department as a permanent promotional trail, promoted as such and possibly with directional signs (if the Minister of Transport and his department would entertain the idea) indicating the heritage trail, the wine trail or the milk and honey trail. That would serve to establish in the minds of all prospective developers the fact that those towns are now recognised as attractive tourist destinations and that the facilities within the towns need to be upgraded to cope with the demand. I think when investors are prepared to put their dollars into tourism in the country towns of South Australia it can be demonstrated that the Government's policy is working and working well.

JULIA FARR CENTRE

Mr MILLHOUSE: I, too, have a question for the honourable lady in her capacity as Minister of Health.

Members interjecting:

Mr MILLHOUSE: I really cannot understand all this ribaldry, Mr Speaker.

Members interjecting:

The SPEAKER: Order! Perhaps the honourable member for Mitcham would capture the attention of the House by asking his question.

Mr MILLHOUSE: I am trying to capture the Minister's attention. Will the Minister use whatever influence in Cabinet she may have with her colleagues to ensure that money is made available to open the west wing of the Julia Farr Centre (which used to be called the Home for Incurables) and Windana before consideration is given to spending any money on buying the Cheltenham racecourse to bail the S.A.J.C. out of its financial troubles? I am prompted to ask the question by four considerations: first, the suggestion that the Government may be considering buying a racecourse at a cost of several million dollars, I have heard. Secondly, a lady came to see me last Saturday morning telling me of the terrible trouble she and her sister have had in finding nursing home accommodation for their aged mother and father, aged 88 and 91, respectively, when last October they could no longer look after themselves in their own home, and the Minister must know that that is not an isolated case.

Mr Trainer: I'll vouch for that, Robin.

Mr MILLHOUSE: Thirdly, as long ago as August 1979, I wrote to the colleague of the member for Ascot Park, the then Minister of Health, the member for Elizabeth, asking that the west wing of the Home for Incurables, as it was then called, which was then, as it still is, lying idle and which could take about 200 patients, be opened.

Mr Langley: The Premier promised it would be opened.

Mr MILLHOUSE: Yes, it is in the Premier's own district, but he does precious little about it. I have since made representations on the same request to this Minister but not a thing has been done about it. Finally, it has now come to my ears that money is being spent at the Southern Cross Homes on video equipment, and an educator on a salary of $18 000 a year or more has been appointed there to run a post-basic course in geriatric nursing for enrolled nurses, while at the same time in the basement of the west wing of the Julia Farr Centre there is a fully equipped school of nursing for about 100 students that is not being used. The Minister has not much to her credit during her term of office, which is drawing to its close—

The SPEAKER: Order! The honourable member for Mitcham will cease commenting.

Mr MILLHOUSE: I make one final suggestion in the explanation of my question, Sir. I suggest that the opening of the west wing and Windana, if nothing else, would be something to her credit during her term in office.

The Hon. JENNIFER ADAMSON: The member for Mitcham has dealt with a *pot-pourri* of factors in his question, one of which relates to the assertion that the Government

is going to buy a racecourse. There has been no such suggestion that the Government is going to buy a racecourse. As I recall the statement of the Minister of Recreation and Sport, he simply has said that the Government would consider options that the South Australian Jockey Club may wish to ask the Government to consider. That in no way implies that the Government will purchase a racecourse.

The question of the beds at the Home for Incurables is one of long standing, and the fact that the member for Mitcham continues to raise it demonstrates that he simply has failed to grapple with a basic principle of health care for the aged and extended care, namely, that if we continue to put people into nursing homes who could be cared for through other forms of care or community support services we will be saddling the taxpayer with a most intolerable burden, and we will be doing no service to elderly people who could be looked after by other forms of care which would be more appropriate.

Mr Millhouse: That's nonsense.

The Hon. JENNIFER ADAMSON: This is not nonsense, and let me demonstrate by the use of statistics which apply in the United Kingdom. It may interest members to know that whilst the ratio of nursing home beds in Australia is set at 50 beds per 1 000 persons aged 65 and over, in the United Kingdom that ratio for nursing home beds is 10 beds—not 50 but 10 beds—per 1 000 persons aged 65 and over. Members may well ask why there is a dramatic difference between the health policy in the United Kingdom and that which operates in Australia and what happens to those people who do not qualify in the United Kingdom. The reason is that in the United Kingdom they have an enlightened policy in which they believe that institutionalisation of the aged who can no longer care for themselves directly is not necessarily a good thing in human terms or in health terms. It is about time that the general community in Australia recognised that very same factor.

It would cost an additional $1 000 000 a year to the taxpayer if additional beds in the Home for Incurables were opened. As members know, the beds are deficit funded. The Julia Farr Centre, in response to encouragement by the Health Commission, has been closely examining its cost structure, its staffing structure and its general rehabilitation policy, which in the past I think the honourable member would agree has left something to be desired.

Mr Millhouse: Do you think those beds should be left unused?

The SPEAKER: Order! The honourable member has asked his question. I ask him to remain silent.

The Hon. JENNIFER ADAMSON: If an additional $1 000 000 a year was available for extended care for the aged it would be possible to help a far larger number of people than those who would occupy the empty beds at the Home for Incurables which, incidentally, are there simply because the previous Government failed to take the advice of its then Director-General of Medical Services in the early 1970s that additional beds should not be provided. I do not intend to ask the commission to direct $1 000 000 in terms of deficit funds to the Julia Farr Centre in order to open those beds, because I believe that there would be a more constructive way in which those funds should be used to assist people such as the aged couple described by the honourable member.

I do not know whether that couple are totally disabled. If they were, I would have no doubt whatsoever that they could have access to existing beds at the Home for Incurables. I am advised that the so-called long waiting list at the Home for Incurables is not in fact a waiting list of any great length, and if someone is assessed as being appropriate for admission to the Julia Farr Centre, as it now is, that person could be admitted. It may well be that the admission criteria and the assessment carried out at the Julia Farr Centre mean that the people whom the honourable member has described can be cared for in a more appropriate community setting.

As far as the School of Nursing goes, I will certainly have the honourable member's allegations investigated and provide him with an answer. However, I have already said that the opening of those beds cannot be justified on health or financial grounds, and if the additional funds were available the Government would certainly be looking to considerable expansion of domiciliary and support services and rehabilitation services which would be welcomed by people who have elderly parents or friends or relations who need more support in terms of extended care.

TECHNOLOGY PARK

Mr MATHWIN: Will the Minister of Public Works say when it is expected that work will commence on the Technology Park project? Will the Minister indicate whether he as Minister has had any inquiries from any industries, whether they be State or national, showing any interest in this project?

The Hon. D. C. BROWN: I am delighted to say that work has now started on the site at Technology Park; that is, the drainage work, earthworks and roads, and, although the bridge has not actually started yet, I went there this morning for the launching of that work. There are about 50 people on site, and I was impressed with how much work has been done in the last day or so, as the contract was let to them only last week.

The Hon. J. D. Wright: Who's doing it?

The Hon. D. C. BROWN: The earthworks have gone to Roche Bros. I am delighted to say that there has been tremendous interest, both throughout Australia and overseas, in Technology Park, Adelaide. We have promoted it, particularly amongst the high technology companies or potential companies in this area, and we have found from the companies we have approached that 70 of them have come back from detailed talks with the Government and, in fact, four companies are already carrying out final feasibility studies to establish in Technology Park, Adelaide. I expect decisions from those four companies by June next year, but it shows that there is tremendous interest and, I think, tremendous potential.

I admit that there are financial risks involved but they are the sort of risks that this State will need to take if it is to broaden its manufacturing base. The works to be done will involve construction, including 1.8 km of roadworks, kerbings and guttering, stormwater drainage, and the widening of 1.4 km of Dry Creek. A single-span bridge will be built over the creek. There will also be extensive landscaping, including the planting of 31 000 trees on the site. I am sure that the member for Salisbury will be delighted with the rural setting that will be established in that area and the high quality of the park, although I realise that it is not his electorate.

I am also delighted to say there is some interest in the area from companies involved in the area of biotechnology. It is some encouragement to my own department of Trade and Industry that the University of Adelaide has sought to be established as a centre of excellence for biotechnology or gene research. As a result, the Commonwealth Government has made a grant of $1 600 000 to the university to become such a centre of excellence. It is a real tribute to this State, along with Waite Agriculture Research Institute, Roseworthy College, C.S.I.R.O., and other such bodies, as well as the universities, that this State has the research and

development capacity to establish a very significant biotechnology industry.

So, I am delighted with the enthusiasm developing, even in this Parliament, for Technology Park, Adelaide. I am delighted, even more so, that the Opposition in this State has seen the wisdom of Technology Park, Adelaide, and has decided no longer to oppose it, as the Deputy Leader did on 3 October, when I went out to launch Technology Park, Adelaide. He claimed that, in fact, their advice was that it would be a failure.

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

The SPEAKER: Call on the business of the day.

CORRECTIONAL SERVICES BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

Adjourned debate on second reading.
(Continued from 16 February. Page 2980.)

The Hon. PETER DUNCAN (Elizabeth): Last night, before the adjournment at 10.30, I was making the point that there were a couple of matters in relation to this Bill with which I was not entirely happy, and I want to continue to deal with some of those today. One such matter is the provisions in this Bill relating to the censorship of a prisoner's mail. Much has been said about this matter in the past; in fact, while I was still a Minister there was quite a degree of debate about it.

The fundamental principle, of course, is that those of us who are committed to civil liberties in our society believe that censorship is inherently wrong and should be entertained only in the most extraordinary circumstances. Accordingly, I believe that censorship of a prisoner's mail should be undertaken only in circumstances where that censorship is intended to ensure the continuing security of the prisoner concerned, other prisoners or the institution. That type of censorship could quite appropriately be exercised by a person still in the Correctional Services Department but removed from the particular institution.

Over the past two or three years I have had quite a deal to do with prisoners in South Australia. I have spoken to numbers of them and overwhelmingly the concern they have about the question of censorship is the fact not that the letters are opened and the contents read but that those contents become known generally amongst officers within the institution. They object to the fact that the officers with whom they come into contact on a day-to-day basis should know about their personal and intimate relationships. That is the fundamental objection to censorship. However, the department seems to think that it is some sort of objection to the act of opening the letters and reading them. The fundamental objection is that the officers in the institution get to know about the details of prisoners' personal lives. There have been cases where such details have been thrown up at prisoners by prison officers, and I believe that nobody in this House would support that.

I make that point to the Chief Secretary: it is not an objection to censorship as such; it is an objection to personal information becoming known to officers within the institution. If the censorship were exercised by an officer of the department removed from that particular institution who only advised the institution on matters which bore directly on the security of the prisoner in question, other prisoners or the institution, I do not think that anybody would object to that at all.

Having made that point, asking the Chief Secretary to give it some consideration, I turn now to the specific provisions dealing with censorship, referring especially to clause 33 (7). I believe there has been a serious omission from the Bill, and I do not think for a moment that the Government intends this, so I hope it will be corrected at the appropriate time in Committee. The subclause deals with a letter sent by a prisoner to the Ombudsman, to a member of Parliament, to a visiting tribunal, or to a legal practitioner at his business address, and provides that such a letter shall not be opened pursuant to the provisions of that clause. There is nothing in the legislation about return correspondence from the Ombudsman, a member of Parliament, the visiting tribunal, or a legal practitioner, and that, in my view, is a serious omission.

I notice that the head of the department has just walked in, so I will repeat briefly that, although under clause 33 (7), letters from prisoners to the Ombudsman, to members of Parliament, to visiting tribunals and to legal practitioners are specifically withheld from censorship provisions, there is no such provision in relation to letters to prisoners from people mentioned. That is an important omission. As I understand the present practice, which I have used a couple of times, it is possible to write to the head of an institution and, inside the envelope enclosing that correspondence, to include a letter to an inmate. As I understand it, the Superintendent gives the letter to the inmate. I think that that practice should be continued, and, as we are codifying the situation in relation to letters sent by a prisoner, we should do likewise in relation to letters sent to him from certain people. That important point needs further consideration.

One aspect of the debate that I have found somewhat disturbing is that nowhere in the second reading explanation or in the Bill is there a statement of the Government's general philosophy or policy in relation to the Department of Correctional Services. There is simply an assumption that we need prisons, we have prisoners, and therefore we must have legislation to take account of that.

I do not believe that that is the Government's position, because I think generally that the Government at least gives lip service to a more humane approach or at least to a position that says that prisoners should be placed where an attempt is made to rehabilitate them, but nowhere in the legislation is that spelt out. As far as I can see, there is no such reference in the second reading explanation, and I think that is unfortunate. It is not good enough. The people of South Australia are entitled to a statement from the Minister and this Government now that all the Royal Commissions and committees of inquiry are behind it—or we hope they are. I think the people of South Australia are entitled to a detailed statement of the Government's policy in relation to the correctional services area, and how it interfaces with the rest of the criminal justice system.

In the past, a very valid criticism has been made of the visiting justice system because of the very fact that it became part of the system. The visiting justices attended Adelaide Gaol or Yatala Labour Prison or one of the other prisons on one day a week. They arrived at about 9.30 a.m. for a chummy cup of tea or coffee with the Superintendent, and then proceeded to hear complaints against the prisoners. It was a kangaroo court structure, if ever there was one, and a disgrace to all associated with the prison system over the many years that this system has continued.

I have some fears that the new structure as set out in the Bill for the visiting tribunal will have the same faults, in that the tribunal is to be appointed to the correctional

institution. I would much prefer a situation where there was a panel of magistrates who were rostered to attend the various institutions on a regular basis so that there was a turnover of judicial officers, so that not one officer or officers attended on a regular basis at any prison. I will be taking that matter up again in Committee.

Another aspect concerning me relates to education. I would have thought that in modern penology one of the fundamental things that we would be looking at would be an attempt to educate prisoners in order to give them a better chance in life when they return to the community, as well as to educate them possibly a little about their moral responsibilities as citizens.

Mr Mathwin: At Cadell they have a special unit for it.

The Hon. PETER DUNCAN: And does the honourable member think a prisoner can do a Matriculation course at Cadell? He cannot. There are a couple of references to the matter in clause 30, which states:

> The permanent head shall arrange for such courses of instruction or training as he thinks fit to be made available to prisoners.

This is no reflection on the head of the department, but it is unfortunate that the Parliament itself is not setting out in much greater detail what we require there, not leaving it to the permanent head to made such arrangements as he thinks fit. If a minimum security prisoner at, say, Port Augusta or Mount Gambier wants to go to a further education college in one of those places, and if he is a reasonable security risk, I think arrangements should be made for that, and the Parliament should spell out that that is what is wanted.

The Chief Secretary might say that such arrangements can be made at the moment. That is so, but there is no direction in the legislation that the matter should be seriously considered, and I think that is unfortunate.

In my two remaining minutes, I want to raise a serious aspect of the legislation. There are in our prison system prisoners who should not be there at all because of their mental capacity. I know of one, and I intend to refer to him in the Parliament. A Mr Wilson has serious problems. He is a violent prisoner, but only a small man, and he has been in dozens of incidents during the time he has been in gaol. I know that the Director of the prison would know of the problem only too well, and probably appreciates the point that I am about to make. There should be a special unit either in some other section or within the correctional institution for such people. It is not good enough to pop them back into Yatala or Adelaide Gaol and hope like hell that they will not get hold of razor blades and start swallowing them.

Mr Mathwin: What about in the psychiatric section?

The Hon. PETER DUNCAN: That is not for long-term residence by prisoners, as I understand it. This is a serious problem, one that should be confronted, and I hope that, when he replies, the Chief Secretary will consider it.

Mr GUNN (Eyre): I am pleased to have the opportunity to say a few words in this debate, as I think it is opportune to remind the member for Elizabeth that it has been interesting to listen to him in the last 14 minutes, as well as last night, and hearing him make little or no reference to the Commissioner's report.

The Hon. Peter Duncan: Because this Bill is not about that.

Mr GUNN: I am amazed that the former Attorney-General, a person who was Her Majesty's Chief Law Officer, a person who was responsible for the prosecution and the administration of the law in this State, would fail to make any comment whatever about the Royal Commissioner's report, when one considers that only a few months ago the honourable member set out on a campaign to denigrate officers of the Department of Correctional Services, to castigate the Government, and to draw into question the integrity of the Chief Secretary and anyone else he could lay his tongue to. Then, the Labor Party, after stirring the public—

Mr Keneally: Have you read the report?

Mr GUNN: I certainly have, and I will refer to it for the benefit of the member for Stuart. The Commissioner referred to the member for Elizabeth on a number of occasions. If the honourable member has any credibility at all, he should have the courage to stand in this House and defend the action that he took. He has not done so on this occasion: he has failed his obligations. As someone who set out to bring this matter to the attention of the public and to make the wildest allegations, many without justification, without any evidence whatsoever, the honourable member has now failed his obligations. He has shown that he has no character and no courage. The honourable member set himself up as a defender of the rights and integrities of the people in the community in general. I believe that on this occasion he has failed miserably as a member and he should be thoroughly ashamed of himself.

The member for Elizabeth led the most disgraceful attack in this House. He used this place to denigrate, castigate and make allegations that could not be substantiated. Yet he made a speech for 30 minutes and failed even to refer to the Royal Commission report. The honourable member took that action merely to try to get publicity for himself and to denigrate the character of people who have loyally served this State for a long time. We know the credibility of the member for Elizabeth. He is not frightened of whom he attacks. We know the sort of charges that he made about his own Leader, and I will refer to that matter late. The honourable member said that his Leader was not fit to lead the Labor Party and that his Leader had no credibility.

The member for Elizabeth can do what he likes in regard to the Labor Party. That is for the Party to deal with, and I understand that it has dealt with him accordingly. But, when the member for Elizabeth makes that sort of charge against people who have loyally served this State, and when he refers not very favourably to a Royal Commission report (and I will refer to that in a few moments), I am surprised that he has not had the courage to mention the report himself.

Let us consider the report and see what the Commissioner has to say about the honourable gentlemen. May I say that the report made interesting reading; some very interesting comments were made. The member for Norwood referred to the Royal Commission report on a number of occasions. The member for Stuart made a lengthy contribution, and one expected him to endeavour to obtain as much credibility for his Party as he could obtain. However, bearing in mind the track record of members opposite, I believe that the member for Stuart was a little hypocritical. Under the heading 'Alleged graft and corruption', the Royal Commission report (page 13) stated:

> The Hon. Peter Duncan was reported in the *Advertiser* newspaper of 11 September 1980 as saying that his investigations had indicated widespread corruption in the Department of Correctional Services.

That was a very serious allegation. The report further stated:

> At the commission's hearing on 19 November 1980, counsel assisting the commission said:
>
> > I approached Mr Duncan in relation to the various allegations he has made in *Hansard* and also that he has made in newspapers as will show out when I discuss the matters into (the) media. Mr Duncan assured me of his full co-operation and advised me that he has given the whole of his material to Mr Barrett and Mr Barrett will be conducting those allegations before you, Sir. Mr Barrett confirms that that is the case.

By 26 May 1981 counsel for the prisoners had called no evidence of alleged corruption and counsel assisting the commission wrote to Mr Duncan referring to a number of allegations, including this

one, and inquiring whether there was any information which Mr Duncan might make available relating to the allegations referred to. In response to a further inquiry by counsel assisting the commission, Mr Duncan wrote on 27 August 1981, saying:

> I thought I made it quite clear to you at our earlier discussions that I had no first-hand information to put before the commission. However I now appreciate, following your second letter, that you desire to have formal notification of that fact. Accordingly, I now wish to advise that there are no matters known to me personally which I could usefully have put before the commission.

I have understood the situation to be that any information Mr Duncan wished to make available to the commission has been made available through Mr Barrett and the witnesses who have been called.

This leaves as the only direct allegations of corruption of which evidence has been given two allegations in which in my view the term 'corruption' was not used in its ordinarily accepted sense.

Clearly, those comments are critical of the honourable member, and that section of the report clearly indicates that the honourable member was engaging on an ego trip with the view of getting a mention in the newspaper and trying to denigrate the Chief Secretary, the Government and officers of the department who have the responsibility for administering our prison system—the same people who loyally served the Government of which he was a member for 10 years. One could go further into the Royal Commission report. In reference to the House of Assembly, and dealing with irregular practices, the report (page 14) stated:

No evidence was offered nor do I seek any relating to the deaths of a number of prisoners. Inquiries under the Coroners Act could, of course, be instituted if the appropriate authority saw fit.

On page 21 it was stated that—

Mr Keneally: That is a two and a one.

Mr GUNN: The member for Stuart should go to the top of the class. Under the heading 'Stand-over tactics', the report states:

The Honourable P. Duncan was reported in the *Sunday Mail* newspaper of 31 August 1980 as saying that there was a mafia of hardened criminals operating a stand-over racket who prey on the weaker for sex and drugs and that the department did nothing to curb this group but on the contrary placed members of it in coveted jobs. There was also a reference to a confidential memo that the department had received.

Naturally enough the department declined to produce the memo which was received in confidence, and no witness came forward to support it. Also, not surprisingly, no prisoner personally admitted the use of stand-over tactics, although in a statement received by the commission on 23 February 1981 and signed by over 180 prisoners, it was said, 'Rape, sexual assault and sexual harassment occur in prison as they do in the wider community, and they are deprecated in prison just as they are in the wider community.

I think it appeared clearly enough that some prisoners are the subject of sexual assaults and what might be called stand-over tactics but the evidence did not establish that any identifiable group of prisoners was responsible. This sort of activity occurs more in Yatala than in other institutions.

The Hon. Peter Duncan: So it does occur.

Mr GUNN: The honourable member should not get too excited. Let us go on.

Mr Keneally: That is a severe criticism of the Yatala Labour Prison.

Mr GUNN: Members opposite should not get too excited. The report (page 22) stated:

Except that Townsend may have been too zealous in fostering this relationship, I find no impropriety established, nor do I accept any of the other allegations set out at the beginning of this section.

The Hon. Peter Duncan: Do you know that Heines is now on charges?

Mr GUNN: I suggest that the member for Elizabeth should answer the criticisms on page 53 of the report and give the House an explanation for his conduct. It is interesting to note in the supplement of the Royal Commissioner's report, commencing on page 89, that the honourable member was referred to on a number of pages, in regard to the comments that he has either made in this House or to the public. It is absolutely amazing, having on various occasions brought this matter to the notice of the House and having been given reasonable coverage in the Royal Commissioner's—

The Hon. PETER DUNCAN: I rise on a point of order. Although this matter involves the Correctional Services Bill, the honourable member continues to criticise me for failing to refer to a Royal Commission Report in speaking on this Bill. So far, to my knowledge, he has not referred to the Bill on one occasion. It does seem to me that that is rather straying a long way from the Bill itself, which is the Correctional Services Bill.

The SPEAKER: Order! I do not uphold the point of order in the sense that the honourable member may not refer to the Royal Commission's Report. I would have to uphold the point of order that it is necessary for a member making a contribution to a Bill to link his remarks to the clauses of the Bill. Although I have not specifically taken note of every word that the honourable member for Eyre has uttered, I would seek from him an assurance that he will be referring to the pertinent clauses of the Bill.

Mr GUNN: Certainly, Sir. I find this Bill, which contains some 88 clauses, a document of which the Government can be proud. I am fully aware of the reasons why the honourable member for Elizabeth does not want me to refer to the Royal Commissioner's report any longer. I am fully aware of the embarrassment that he suffered following the report of the Royal Commissioner. No wonder the honourable member wants us to get off the subject. He certainly skirted over it. It was noticeable by the lack of attention that he gave it, that the honourable member is ashamed of his actions—

Mr Keneally: Is it a good report?

Mr GUNN: I am pleased to refer to this particular document because I have been through it in great detail. This Bill, which sets out to regulate and manage our prisons in this State, will, I believe, lay the foundation for a great deal of improvement in the administration. It is a document of which the Minister and his officers can be proud.

It is all very well for members opposite now to be critical because the document has been delayed. They had the opportunity over a very long period of time to put before the Parliament a measure of this nature, or a measure that was in line with their policy or philosophy. However, they failed to do so. It is now no good their criticising this Government, in its first term of office, for delaying the measure. In my belief, it would have been quite wrong and improper to have brought in a hastily or ill conceived piece of legislation.

It is terribly important, when we are dealing with a subject as important as this, that we make sure that not only are the rights of the community protected but also that the community is to be assured that when dangerous criminals are placed in prison they are in secure and proper confinement. On the other hand, I am one of those people who believes that when we place persons in prison we should not just forget about them. It is quite inhuman to incarcerate people in institutions that are below what can be expected as humane conditions. I entirely endorse that sentiment and always have done so. I do not believe that it serves any useful purpose to lock people up and to forget about them and treat them like we would treat animals. It would do society no good if we adopted that suggestion.

I believe that this Bill will go a long way to improving the situation in this State. I believe that those people who are responsible for this matter have applied themselves in a manner of which they can feel proud. I consider that the previous Government—the present Opposition—the members of which have been so strong in their criticisms of many people who have been associated with this measure, really ought to stop and examine their own record. They

talk about a draft Bill. I have not seen the draft Bill, but I am quite amazed at the conduct of the honourable member for Playford last night when he was debating this particular measure and, when he was endeavouring to contravene the Standing Orders, instead of applying himself to examining the clauses in this Bill. In particular, I refer to the provisions dealing with the Parole Board, the release of prisoners on parole and measures which he has raised in this House before on a number of occasions. I am quite surprised that he did not apply himself to it.

The Government has taken into account the report of the Mitchell Committee, the Royal Commissioner and the experience of its officers. From time to time obviously problems will arise in relation to the administration of this legislation. There will always be problems in our prison system. I believe that the amount of expenditure and the programme that the Government has set out over recent months will greatly improve the situation. I sincerely hope that it does.

What does disappoint me about the whole matter is that it was used as a political football, organised by the honourable member for Elizabeth, aided and abetted by a number of his colleagues in this House, in a quite scurrilous fashion—

Mr Mathwin: And the member for Stuart.

Mr GUNN: Yes, the member for Stuart was involved, but not quite as much as the member for Elizabeth. They have set out to reflect on the judgment and the ability of the Chief Secretary, yet their own record does not stand examination. I am pleased to support the measure. I believe that it will be one of a number of measures that the people of this State will come to appreciate. They will realise that this Government has acted in a responsible manner.

I had a number of other things to say on this matter, and I was going to remind the House, when the honourable member for Elizabeth was talking about credibility, of his own credibility when he referred to his Leader. However, I believe, because of the manner in which the honourable member has carried on in the House and as he is no longer here, that his actions have justified the criticism that I have made of him. I am very pleased to support the measure.

Mr PETERSON (Semaphore): I will make some brief comments on the Bill. I am pleased to support the Bill at this stage of the debate. It is a piece of legislation that has certainly been a long time in being presented. There is absolutely no doubt in anyone's mind that the reform of our prison system is long overdue. It is sad for me and, I am sure, for many others in this House to see a debate on such an important matter slide into the mud slinging match that it has. In my opinion, I would say the Government members have let the debate slide down to a personal attack on all of those who have stood on this side; I might be next in line.

I should like to comment on the presentation by the member for Stuart. I think that it was a particularly good presentation, and I was pleased to listen to it. I thought that it was well done and covered the points very well. The point scoring taken up by the other side did nothing at all for the debate or for the standing of Parliament or the members in this House.

Mr Mathwin: That is not true.

Mr PETERSON: What is not true?

Mr Mathwin: You weren't here when the debate involving members on this side of the House occurred.

Mr PETERSON: I did spend all last evening in this House until the last few minutes, and I do not have to score any points, anyhow; I was here. I did hear the honourable member speak, and that was a particularly vitriolic attack on a member on this side.

Mr Mathwin: Tell us about the achievements of the previous Government.

The SPEAKER: Order!

Mr PETERSON: We are not here to speak of the achievements. The Liberals are the Government and must achieve. I have been listening for several hours now about what the Opposition when in Government did not do. You are the ones who must—

Mr Mathwin: You'd agree with that.

Mr PETERSON: I have been listening to members opposite. I have been sitting here for hours when members of both sides of the House have spoken about what has and has not been done. To me, right now, that really is not the point in question. The point in question is the legislation to hand, how effective it will be, and what it will do for prison reform in this State.

There have been some very good presentations from this side. I thought that the points made by the member for Norwood about prison reform being only part of the overall problem (and it is) was a good one. It is a very necessary part of the matter. The member for Playford talked about the appointment of a bilateral committee to look at matters of law reform. I suppose it is almost impossible to get an apolitical or unbiased committee in a Parliament. Perhaps, as the honourable member suggested, it could be an unpaid committee that could look at the overall issues and problems. Paid committees for Parliamentarians has always been a problem to me, and I think it is wrong for members to accept it. However, that is the system.

I think that the idea should be looked at and that perhaps a much deeper consideration of the problems in our society related to prison reform, crime and reparation of victims of crime should also be looked at. I do not intend to speak for much longer because I think the points have been very well covered. The member for Stuart said that amendments to the Prisons Act should not be the subject of political point scoring; but, of course, they have been. I think the point was well made, despite the criticism that came forward that there was a Bill in existence at the time of the change of Government. However, it was a thing that was hidden; I was not aware of it and I am sure many others were not aware of it, either. However, there was something under way.

Mr Mathwin: That is irrelevant.

Mr PETERSON: I do not think it is irrelevant at all. The fact that certain steps were taken by a Government to remedy a situation must be taken into consideration.

Mr Mathwin: The Labor Party had a Bill ready after 10 years!

Mr PETERSON: Interjections are very handy because they help me to keep going if I choose to. It was 10 years, but, of course the Mitchell report was published in, I think, 1973.

Mr Mathwin: That's right, 1973.

Mr PETERSON: Well, that was not 10 years after taking office.

Mr Mathwin: Well, I'll say seven years.

Mr PETERSON: Well, the honourable member is getting better. How long would it have taken, may I ask, if the Liberal Party had started from scratch, if it had come to office with nothing at all to work from? How long would it have taken the Liberal Party to prepare a Bill and present it to Parliament?

Mr Mathwin: Not seven years.

Mr PETERSON: The honourable member does not know that.

Mr Mathwin: Yes I do. We are a different Party.

Mr PETERSON: The honourable member is obviously a very skilled Parliamentarian.

The Hon. M. M. Wilson: This Government has an unparalleled record.

Mr PETERSON: How does one equate an unparalleled record with that of a Government that has been in power for 2½ years? Although I did not want to go into this, I point out that the Government came into power on a platform of law reform, making the streets safe and this type of policy. That was a fact; anyone who read the newspapers at that time would have realised that. But, it has not happened, no matter what the members of the Government say in this debate or at any other time. Crime rates have increased. Members opposite have no reply to that. The streets have not become safer for people; things have not become better for victims of crime; crime rates are higher.

Mr Mathwin: Tell us of any country where they are not?

Mr PETERSON: I do not know of any other countries in which Governments are promising to remedy the situation, but that was a plank of the Government's policy platform when it came to power, namely, that crimes would diminish and that the streets would be safe. However, that has not happened. So, the honourable member opposite will have to carry the can for that when they front the people again. The aspect of the debate that has concerned me concerns the fact that the Bill has not been debated. That debate has been on far too much of a personal basis: what someone did or did not do. That should not be the case.

The final point I want to make is that the safety of people in this State should not be in the hands of a single Party in power. When a Government takes power it is given the right to govern the people of the State for a term which is subject to the decision of the Party responsible for choosing the date of the next election. The problem is that there is no ongoing or in-depth study of problems in society. There are problems in society that create an ongoing situation, and I refer to problems with crime, the treatment of crime and penalties. Members have spoken about different ways of penal reform by way of community-type work, but this has not happened yet.

Mr Keneally: Community service.

Mr PETERSON: Yes. These things must be ongoing; it is no good starting them and then dropping them. We need an ongoing policy, and that is what worries me about these things that are in the hands of one Party in power. As the Party in power changes, as I think it will this year, there could be another change in policy and the ongoing effect of any reform will be lost. That is what makes me think that a committee to look at an ongoing programme in these matters is the way to do it. I support the Bill to the next stage. I think that reform in this area is long overdue. There are many points that need to be clarified, but it appears that we are going in the right direction.

Mr SCHMIDT (Mawson): I certainly give my support to this Bill, because it addresses itself to a long-standing problem, which no previous Government has had the courage to address itself to at all, including the previous Government. The member for Semaphore said that he was disappointed that there has been political point scoring in this debate. Yet, if he was to address himself objectively to the debate, he would realise that in any matters such as these concerning ongoing social problems, as he correctly indicated, also have an historical perspective. That historical perspective began under the previous Government with a report brought down by Justice Mitchell in 1973, and we saw consecutive reports brought down thereafter, as well as a Royal Commission report in 1975. We also know that in 1975 the terms of reference for that Royal Commission were so narrow that at the very same time we had people addressing themselves—

Mr Peterson interjecting:

Mr SCHMIDT: Just a moment; the honourable member should listen for a moment. At the same time, people were addressing themselves to the problems in the papers, saying that there was corruption in the prisons, that weapons were being smuggled in, that there was drug abuse, and all the other things. They were the very same things that we heard the member for Elizabeth crying out about at the beginning of this year, screaming and bellowing, putting on a big stage production in this House, with television cameras waiting outside for him when he was being expelled from the House. All that was done for his own publicity, yet the very same things were occurring when he was a Minister. Did the Labor Party address itself to the problems? We have found from the words of the member for Stuart and the member for Elizabeth that the former Government was a Government of apologies.

The address by the member for Stuart was nothing but apologetic. One could almost imagine in one's mind that his speech was written for him by the former Chief Secretary, Don Simmons, saying, 'Look, you are the new Government. I am very sorry we didn't get around to doing it, but I took over from the previous Minister, Peter Duncan.' As we heard the member for Elizabeth say last night the matter was taken out of his hands; therefore, the implication was that he could do nothing more about it. That is a lot of rubbish.

The member for Mitcham this afternoon asked the Minister of Health whether, if she had any persuasion concerning her Cabinet colleagues, she would go about doing this or that. If the member for Elizabeth had any persuasion or any power within his Party he could still have pursued the goals that he was trying to accomplish. He was trying to say yesterday in the debate that he went all out to get these reforms brought in but, because the matters were taken out of his hands, he was powerless to continue with those reforms. That is rubbish and we know it, because, if he had the power that we all know he has been trying to keep under his wing, he would have pursued those reforms, but he did not do so. Similarly, we could ask members of the previous Government, 'Was inaction perchance due to the fact that they were so tied up in pursuing other so-called social reforms?' When I think of social reforms I think of that very notable gentleman, Martin Luther King, addressing a large rally. On that occasion he began his address by saying 'I have a dream.' Every point he raised was introduced as being his dream, but then he went on to follow that dream and make that dream become a reality for the sake of the under-privileged people he was trying to represent.

We had the previous Government saying yesterday, in the apologetic words of the member for Stuart, 'We had a draft Bill; we had a dream. But did we make that dream become a reality? No; we were more interested in pursuing white elephant dreams such as Monarto and the Frozen Food Factory, etc.'—spending money where it was not justified. The previous Government could well have spent money on more equitable things such as prison reform and upgrading the prisons, but it did absolutely nothing.

The member for Norwood said yesterday that we should be looking at other forms of penal justice, and he quoted such things as the community work service orders. Again, we know that the former Chief Secretary undertook extensive travel overseas and interstate during which he looked at all these things but, again, where was the dream that his Government spoke about? As the member for Glenelg said yesterday the former Government sat on the draft like clucking chooks, because it did not want the problem to hatch out, and that is where it left the problem.

Members opposite now have the audacity to say that they had a draft Bill. That is inconsequential; it becomes consequential only when it is introduced in Parliament. Another prime example of this involved the Pitjantjatjara land rights Bill. For how long did the previous Government wave that in front of the Aboriginal people and the community of

South Australia, telling them that it had a dream and that it was going to introduce this reform for the Aboriginal people?

Mr Olsen: They didn't even send it to the draftsman.

Mr SCHMIDT: As my colleague says, they did not even send it to the draftsman. That is how good they were. Did they introduce the Bill in Parliament? Not on your sweet nellie! For two years they sat on it.

Mr Keneally: But this one went to the draftsman.

Mr SCHMIDT: But it was not introduced, and that shows how sincere members opposite were regarding reform. They were more concerned with political vote catching. The member for Elizabeth said this afternoon that education is not being given enough importance and that we as a Parliament should spell out specifically what areas should be covered in the education aspect of the Bill. Yet he knows that in the drafting of any legislation that legislation is kept as broad as possible, because it is known that education is not static; it is forever broadening its horizons, and we should be flexible enough to encompass new ideas as they emerge.

Unlike the previous Government which dealt with only a correspondence school, this Government has done something about education in the prison system. May I remind members opposite that at Cadell we have provided an education centre and three D.F.E. full-time teachers at Yatala, as well as appointing the equivalent of a full-time principal for that education programme. Even so, the Opposition says that we are doing nothing about education. The Opposition was supposed to be in the vanguard of education, but it did nothing for the prisoners. All it had was a draft Bill, hoping that they would not have to introduce it, because they had more important things on which to waste their money.

It is interesting to observe that the Opposition has taken so little interest in this matter that for most of the afternoon only one member of the Opposition has been sitting in the Chamber. When the member for Elizabeth was being attacked by a previous speaker on this side, he left the Chamber because the heat was getting too much for him. If it had not been for the two Independent members here, the Opposition would have shown no interest in this matter at all. Members opposite are now obviously getting the idea that they had better come in and give the matter some support—unless they are changing shifts. The member for Semaphore said that we should have an ongoing programme of social reform. Yet, the member for Elizabeth said last night that any reform, such as prison reform, is subject to what he called fadism, and fadism will be much dictated by the attitude of society as a whole. Surely our society now is recognising the fact that maybe in the past we have been too Victorian in our approach. Certainly previous Governments did little to upgrade the standards of prisons and, unlike the previous Government (particularly its present spokesman in Opposition who is making apologies for the previous Government by saying that as it was spending money elsewhere it could not afford to spend money on prisons during its term in office), we have spent more in all these areas, including education, in the two years that we have been in office.

One of the most important areas in prison reform that needed attention was manpower. We have increased that manpower by 50 persons, and there is a plan to increase that figure over the next five years by another 31 persons. Surely that is addressing the problem and not just putting it in draft legislation and keeping it as a nest egg so that reality does not have to be faced. The member for Norwood said that we should look at some of the other problems in the present system such as homosexual activities and harrassment by the strongarm men over the weaker prisoners, to which reference was made in the report of the Royal Commission. Last evening the member for Norwood quoted from the first report of the Mitchell Committee and said that maybe we should now be addressing ourselves to the question of allowing prisoners to partake in conjugal rights. At page 31 of the Mitchell Committee's report we see the following:

> The suggestion has been made that accommodation should be set aside for what are termed conjugal visits. These are occasions on which sexual intercourse may take place. We do not recommend such a step because we regard it as compromising the dignity of the woman concerned. She would no doubt feel under some pressure to comply with a request for such a visit. The purpose of her presence inevitably being known to all, and the accommodation provided necessarily being available to all, a picture of personal embarrassment is conjured up which we can regard only with distaste.

That shows how well the member for Norwood read that report; in fact, he misquoted the report, because it opposed that idea. Maybe he would want to take it a step further and say that we should allow all prisoners to avail themselves of the services of prostitutes. Is he saying that we should allow for those sorts of reform? He does not spell those out; he merely says that we should have further reforms but does not address himself to them.

It is interesting to note that the member for Elizabeth was vocal earlier in the session in seeking action on prison reform, so much so that he upstaged Parliament to get himself some publicity. Only he knows his motive for doing that. Earlier speakers have suggested that it was because of a power push within his own Party so that he could get some credence. Yet how honest is a man such as that to suggest by innuendo in the press that nine deaths have occurred in our prison system since this Government has been in office? Page 14 of the Royal Commission report states:

> On 21 August 1980 it was alleged in the House of Assembly that 'there have been in Yatala gaol in the past 12 months at least six deaths of prisoners' and 'that for that number of people to have died in the prison during that period is an absolute scandal'.

If the honourable member were to read that report (and I sincerely hope that he read it—the member for Stuart certainly implied that he himself had done so), he would see that in the 12 months preceding August 1980 four deaths were recorded in all the prisons in South Australia, and the other five occurred during the term of the previous Administration. Yet we know that the previous Government had a draft Bill, so the member for Stuart has said. Did, he, in his speech last night, address himself to that fact and say that he knew five people had died in prisons in the last 12 months of his Government's term of office? Similarly, the member for Elizabeth by innuendo gave names of persons who supposedly died in our prisons. He mentioned a Mr Ash, as referred to in a newspaper article and also mentioned in *Hansard* on 28 August 1980. However, according to the Royal Commission report, Mr Ash died in 1971.

That is how honest our notable member for Elizabeth is: he implies that all these deaths occurred in the time of this Government and that this Government is scandalous in not addressing itself to the problem of prison reform. Yet he gives fictitious names and names of persons who died during his Government's reign in office, and he tries to put all that on the shoulders of this Government. This Government has had to shoulder many irresponsible actions of the previous Government, whether it relate to prison reform, education, transport or any facet or portfolio within the Government's realm. There have been multitudinous problems which this Government has had to try to overcome but which were overlooked by the previous Administration.

Members will recall the reference of the member for Glenelg last night to the lengthy list of the reforms that

this Government has undertaken since it has been in office, particularly in the area of prisons. Some of the things we did were to upgrade the Port Augusta remand centre, install radio communication, introduce flushing toilets in prisons, put fencing around prisons, introduce a full-time dog squad to detect drugs, and the list goes on. We addressed ourselves to the problem, and for that very reason I support this Bill because, unlike his counterpart in the previous Government, our Chief Secretary is a person who is not a man merely of dreams. He has the dream and wants to bring about reform, but he also has the resolve to do something about it. He has addressed himself to that problem and taken succinct action to get something done about it, yet all his actions have been frustrated by members opposite, who called for a Royal Commission when they had a Royal Commission on the very same subject back in 1975. At that time they refused to extend the Royal Commission's terms of reference to look into other allegations within prisons and confined it purely to four persons who had been offenders from October to December in that year. Yet now this Royal Commission has taken a very broad spectrum.

That proves that this Minister has the resolve, and he is not going to be deterred by the antics of members opposite, who want the kudos for this. At least we have a Minister who, unlike previous Ministers who have jumped around and beaten around the bush, is prepared to stick to his resolve and introduce reforms long overdue in this State. Full credit to him and the Government.

Mr MILLHOUSE (Mitcham): I understand that the member for Stuart made a very good speech on this Bill last night. I did not have the good fortune to hear him speak, because I was out speaking at a dinner, but what I have heard of the debate has not greatly impressed me. I cannot see any point in the recriminations which I have heard, one side of the other, as to who has done what and who is responsible for the dreadful state of the prisons, and so on. That will not get us anywhere. To that extent the debate seems to have been a very disappointing one.

The sad fact of the matter is that our gaols in this State have been neglected for as long as I can remember and I believe for a good deal longer. I do not know how many members have seen that book of photographs of Australia of 6 March 1981. It is a magnificent book, and there are quite a number of photographs taken inside the Adelaide Gaol. When one reads, as I did a few weeks ago, the printed explanation of the pictures saying that the gaol was built in 1839 and going on to explain that it still has buckets in the cells, I cringed with embarrassment and shame. I hope that the whole of our prison system is not as bad as the Adelaide Gaol. But the fact that that gaol is still being used and is in the condition in which it is is a reproach to all Governments, not only to the present one, not only to the immediate past one made up of Labor members, but to all Governments. We all have to take a responsibility for the sad neglect of our prison system.

That neglect has been compounded in the last 10 years or so by a line of very weak Ministers, Ministers on both sides of politics who have done nothing worth while at all. I suspect that, to match the weakness of the Ministers, there has also been weak administration. Now we have had industrial unrest, with allegations in the last few years of scandal, and so on. The result has been debate in the community which led to the Royal Commission, which must have cost millions of dollars. We will find out how much one of these days. Whether it has done any good or not, remains to be seen. We certainly have a Bill for a new Act before us. I do not know whether it puts into effect many of the recommendations of the Royal Commissioner. I doubt whether it puts them all into effect, and I do not even know whether it should or not, but we have the new Bill.

In my view, far more important than any tinkering with the law and recommendations about changes of organisation will be the man who is put in charge of the system. I said that before a Royal Commission was appointed at all and that I doubted whether it was necessary. What you want is some strong man at the top to get the thing organised and to get the whole system into shape. The only person I can think of in South Australia who might even remotely be able to do it, and I do not know whether he would even consider doing such a job or not, would be someone like Brigadier Phillip Breville, who was the Commander of 4 Military District, a senior soldier in this State until he resigned. You want somebody like him to get the place in order and to get a bit of discipline and sense into it. Unless you get somebody like that in charge, some strong, competent, experienced person to run the show, it does not matter whether you have a dozen Royal Commissions and two or three new Acts. It will not make the slightest difference. It is the people who run the system who count eventually.

That does not cost a lot of money but politicians love to have Royal Commissions and new Acts and to be able to debate it in Parliament and say that it is the other bloke's fault, and so on, but the crux of it is to get good administration. That is what we have not had and what I hope devoutly we will get now. If we get it, it does not matter that we have wasted a few million dollars on a Royal Commission. If we do not get it, it will indeed have been wasted, and there will not be any benefit at all to be gained from this Bill.

That is all I want to say about the Bill and the situation generally. There are a couple of specific matters that I want to raise, and I look forward to hearing from the Chief Secretary about them. The first is clause 21 of the Bill. Mr Acting Speaker, you may know that there has been some controversy in the last week or so about the practice which we have been told has been going on for 28 years of prisoners about to be released sometimes being confronted with a warrant of commitment and being told that they either have to pay up in cash or stay in gaol for an extra number of days—however long it may be.

The Government—and I can talk about this because it is not in this House—has introduced a Bill in the other place to try to plug the gap, to use the expression used, to make it retrospective, and to validate what the Full Court said last week was a wrong practice and one not warranted by the law. One of the things the Bill in the Legislative Council does is to amend the Prisons Act. I notice that, under this Bill, the Prisons Act is to be repealed, so we are getting ourselves into a little bit of a mess. I wondered what might be the provision in this Bill corresponding with the provision in the Prisons Act which was construed last week by the Full Court. That section, unless I am mistaken, is section 24 (3), which states:

> Whenever any court, judge, special magistrate, justice, or other tribunal or person, in the exercise of any power whether statutory or otherwise, awards or orders, in passing any sentence of imprisonment on any person, that the sentence shall commence at the expiration of any imprisonment to which the person has been previously, or is at the same time, adjudged or sentenced, the sentence shall commence as so awarded or ordered.

I refer also to the first two subsections. Section 24 is in force at present, and subsection (2), which is also relevant, states:

> All other sentences of imprisonment shall date from the date of signing the warrant of commitment under which any offender is detained in custody, unless the offender was at large at the time of signing the warrant, in which case the sentence shall date from the time of the arrest of the offender.

If the person is in gaol now the sentence is to be from the date of signing the warrant of commitment, unless subsection (3) is used and it is directed that it shall be from some other date. If we go to clause 21 (2) of the Bill—and I will try to quote only the relevant parts—we find this:

A sentence of imprisonment imposed upon a person, not being a sentence referred to in subsection (1)—

and a sentence in subsection (1) simply provides that it shall be deemed to run from the first day of the criminal session in which the person is tried and sentenced—

(a) shall, where the person is at large at the time that the warrant of commitment in respect of the sentence is signed, commence on the day upon which he is arrested for the purposes of committing him to a correctional institution;

that is fair enough—

or *(b)*—

and this is the relevant bit—

shall, in any other case—

that is, when he is already in gaol—

commence on the day upon which the warrant of commitment in respect of the sentence is signed,

unless the court imposing the sentence directs that the sentence shall be deemed to have commenced, or shall commence, on a day that is earlier or later than the day referred to in paragraph *(a)* or *(b)*.

It seems to me that although the words are different the effect of that is precisely the same as the effect of section 24, and therefore I suggest very strongly to my friends in the Labor Party that they look at clause 21 in the light of the Bill in the other House to see whether this needs any amendment.

It seems to me that this new clause simply perpetuates the present position and that the Bill in the other place will be nugatory, because, although it also amends the Justices Act, it purports to amend the Prisons Act as well, but that Act is being repealed by this Bill. It would be a pity to have a lot of hoo-hah about the other Bill and if either side or both sides were to find that it had no purpose. I have not given much thought to this. I have thought about it only in the last half hour or so, but I think the two Bills should be looked at together to make sure that we have the result that is required at least by a majority of members of Parliament.

The other matter I would like to raise concerns the chaplaincy, and I have been given today, having had certain representations made to me by the Anglican Chaplain, Canon Reglar, a copy of a letter which the Assistant Bishop and Dean of Adelaide, Right Reverend Lionel Renfrey, wrote to the Chief Secretary in November of last year. I propose to quote that letter and also to refer the Chief Secretary to his reply which, in my respectful opinion, is an unsatisfactory reply. Bishop Renfrey's letter was dated 25 November 1981, and states:

My attention has been drawn to a printed form issued by the Rev. Charles King, who describes himself as Chaplain to the Department of Correctional Services of S.A., and which quotes on its first page the following:

Treatment Services—Prisons Act: Regulation 3 Part XVL

2.1 The Chaplaincy Role and Objectives

To provide, co-ordinate and advise on matters of spiritual counselling and pastoral care to the department as the Chaplain to the Department of Correctional Services, South Australia.

The Bishop goes on, having quoted that:

I am surprised to read what appears to be a quotation from regulations concerning chaplains to prisons in South Australia, because I am not aware that the Anglican Diocese of Adelaide has been officially consulted in any alteration made to regulations governing chaplaincy arrangements in prisons in this State. This diocese has maintained an officially appointed chaplain at the Yatala Prison and at the Adelaide Gaol for very many years, and considers that it should have been consulted before the promulgation of any regulations concerning chaplains and their status.

As this dioces understands the position, the Rev. Canon G. J. Reglar was appointed part-time Anglican Chaplain at Yatala Prison by the Governor-in-Council in May 1946 after nomination by the then Bishop of Adelaide, the Right Rev. B. P. Robin, and was gazetted as such shortly afterwards. Canon Reglar is thus the officially appointed chaplain to Anglicans at Yatala, and is not regarded as coming under the direction of, or as being responsible to report to, anyone styled as the Chaplain to the Department of Correctional Services, but is directly responsible as Chaplain to the Archbishop of Adelaide or his nominee.

It took the Minister nearly two months to reply, but eventually he replied on 19 January of this year. He said in his reply that it appeared that some misunderstanding had occurred. He stated:

Regulations under the Prisons Act, 1936-1974, refer, under section 3 Part XVII, to Visiting Chaplains. These regulations refer to the appointment of Visiting Chaplains, the spiritual care of prisoners, holding of divine services, visiting of prisoners, substitutions in case of the chaplain's temporary absence and conforming to prison rules and regulations. These regulations have not changed but are being examined at the moment as a result of proposed changes to the Act. Any change to this section of the regulations will only be to update the language of the section.

I want an assurance from the Minister that what Bishop Renfrey wrote in his letter as his understanding of the position is in fact the position and will remain so, and that the Anglican Chaplain will not be beholden to any other chaplain at all, as apparently, for administrative purposes, there has been an attempt to make him.

That is one specific matter which I raise and on which I want an assurance. I think that that is all I have to say about the Bill. I hope indeed that some strong man will be appointed to run the system and I hope that, as an ancillary to that, this new Bill will help him, that the recommendations of the Royal Commission and the Royal Commissioner will be acted upon, and that we will get as a result a better, modern and up-to-date system, and not only a system itself, but that there will be a real effort to get a new Adelaide Gaol, amongst other things.

The Hon. W. A. RODDA (Chief Secretary): I thank all members who have contributed to the debate. This issue has been canvassed far and wide, and at times the debate was in relation to the Bill. I acknowledge that it is a member's right to put the case in a second reading debate as he sees fit. I wish to refer to some of the comments made by the lead speaker for the Opposition. The shadow Chief Secretary, the member for Stuart, last night quoted from a letter that the former Chief Secretary apparently wrote to the *Advertiser*, which stated the following:

For various reasons, not being the reluctance of the department to see radical changes, a draft Bill was only reaching a satisfactory stage when Mr Corcoran called the election.

That statement seemed to cast some aspersions on the department. I would like to put the record straight by saying that that statement is false and that the officers of the Department of Correctional Services did everything they could in working with the former Chief Secretary to introduce a Bill.

Mr Keneally: Did they tell you that?

The Hon. W. A. RODDA: I have not gone on a witch hunt into the department. I noticed that one honourable member last night had the impudence to ask me to table one of the documents. That document contained a date that I had not seen. Perhaps that was one that was taken away. I was not particularly interested in reading it. I believe that perhaps we have talked too much about 'your Bills' and 'our Bill'. However, as I said at the outset, Parliament is a place of free speech and I am not too fussed about what was said. But I want to put the record straight by saying that the fault must lie with the former Chief Secretary, as the responsibility of how the Bill is viewed

by the various components of this Chamber and its progress must lie with me.

Obviously, without looking too closely, one could see that there was a conflict of interest between the former Attorney-General and the former Chief Secretary. It appeared that both honourable members were haggling over a portfolio. I believe that the former Attorney-General said that he drafted a Bill some time ago: he cited a date, which I do not recall. There seemed to be some problem in that area. I take objection to the Labor Party's blaming the department, when the department was going red in the face trying to get the previous Government to make up its mind to introduce legislation.

I also remind honourable members that the Labor Party, on two occasions I can remember, through the Governor's speech when the Governor was opening Parliament, referred to a Bill. In 1965, 17 years ago, it figured quite prominently in the Governor's speech that the previous Government would introduce a Bill to amend the Prisons Act. At that time the member for Mitcham and I shared a place on the other side of the House, and I remember, in one of his earlier statements to the House, the then Premier, the late Frank Walsh, stated that one of the first things he wanted to do was close and remove Adelaide Gaol, return that part of the park lands to its former splendour, and get on with upgrading the prisons. There were good intentions even in those far off days, but they did not become fact. There are minutes in my office from the Comptroller of Prisons to the Minister as far back as 1974 (and that was not the former Chief Secretary). The Government was urged at that time to introduce new correctional services legislation and regulations. Members opposite stated last night that the Labor Party had commissioned the Mitchell Report in 1973 and indeed it did, but it never did anything about it. The reasons for that are history, and it is for history to judge what will happen.

To this end, we introduced a Bill, as has been referred to by my colleagues, not without some hassling and criticism of me as Minister. Indeed, this matter has kept me in the press more often than should have been the case. The Opposition spokesman has had a very big hand in that. The previous Government has a very sorry record in regard to staff. It has been said, and I repeat, that we have created some 50 positions since we have been in office. I announced last week that another 31 positions will be created over the next five years to implement the recommendations of the Touche Ross report and the Public Service Board. This is in sharp contrast to the previous Government's record in regard to repeated requests for more staff.

For example, after an officer was assaulted and locked in a refrigerator by three prisoners in 1973, the answer to a request for more staff was that staff officers should be taken from the towers after the last lock up was made at 9 o'clock. The towers were therefore vacated, and obviously security was reduced. We have had to bring back 24-hour manning. Of course, the historic Tognolini affair highlighted the problem; this was referred to by the former Attorney last night when he said that, when they are coming over the walls, there is real trouble. That is a very practical example of the kind of trouble that that decision brought on me as the Minister in control.

We also installed a surveillance system and have taken action to clear away some of the older buildings and the debris that was constructed within the Yatala complex. That has improved vigilance, and now the officers can keep a sharp eye out for anyone who tries to make unauthorised visits to the prison. Likewise, the department is engaged on repaving the yards, which is long overdue. Yatala is a sombre place, but it has been made a little more liveable and easier to move around in. Mr Keneally—

Mr Keneally: The member for Stuart.

The Hon. W. A. RODDA: I am referring to the shadow Chief Secretary. I believed it was Mr Whitlam who said, when I was a shadow Minister, that he loves shadow Ministers and he loves to see them kept in the shadows. That is what the former Labor Prime Minister thought about shadow Ministers. Mr Keneally, in saying that the Women's Rehabilitation Centre was built by the Labor Government, was wrong—it was not. It was opened in 1969 by the then Chief Secretary, the Hon. Renfrey DeGaris. At that stage, the Liberal Government had been in office for some 20 years before that. The member for Stuart also said that the industries complex was started under the Labor Government, and for once that was a correct statement, and I acknowledge that. I am pleased to say that the financing of the project was quite considerable, and I have had Cabinet support to finance the five stages. The building will be completed in a few months.

Mr Keneally: And adequately manned, no doubt.

The Hon. W. A. RODDA: It will be adequately manned. We have recently announced the employment of a manager for an industries complex. I would also like to put the record straight about the Aboriginal prison population. The member for Stuart used admission figures in this regard, which are not an accurate indicator. The accurate measure of Aborigines in the prison is a daily average. The prison census of 5 February 1981 showed that 12.5 per cent of the sentence and remand prisoners were Aborigines. On 24 March 1981, 4.7 per cent of those on parole and probation were Aborigines, 92 per cent were non-Aboriginals, and 3.3 per cent were unknown.

The member for Stuart also referred to the community service order scheme, but that is not the subject of this Bill. However, as it has been referred to, I can state that it is provided for in the Offenders Probation Act and was part of the legislation in 1981. I did say yesterday, that we will be introducing this scheme in the first quarter of 1982-1983.

The member for Norwood also talked about various sentencing options and touched on the subject of conjugal rights. He said that the omission of all these things is disappointing and contrary to the recommendations of the Mitchell Committee. I thought the honourable member for Norwood was one of the most diligent members of the Opposition. However, he is quite wrong on this subject of conjugal visits, because Justice Mitchell recommended quite strongly that conjugal visits should not be introduced. Her Honour said:

> We do not recommend such a step because we regard it as compromising the dignity of the woman concerned. She would no doubt feel under some pressure to comply with a request for such a visit. The purpose of her presence inevitably being know to all, and the accommodation provided necessarily being available to all, a picture of personal embarrassment is conjured up which we can regard only with distaste.

The member for Stuart also referred to the Correctional Services Advisory Council and suggested that a judge should be the chairperson of the council. It may be of interest to the honourable member to know (and I have had discussions with him) that the present Chief Justice, Mr Justice King, has indicated to me that he does not favour judges serving as chairpersons on administrative committees. When one looks at the listings and the work load of the Supreme Court, I have some sympathy for His Honour.

The honourable member for Stuart and the immediate past Chief Secretary have obviously had some breakfast tete-a-tetes, and this seems to me to be a component practised by members opposite in recent times. The one that I saw seemed to be quite a happy gathering. They have obviously discussed the matter. I am pleased that the honourable

member, as he has indicated, supports the Bill, and I hope that he will not be too dilly-dallying in Committee.

The member for Elizabeth was rather critical that our Bill did not touch on policy. Obviously, he has not read the Bill, because it does include the policy that was put forward by the Premier in August-September 1979, and I am sure that on reflection, if the member for Elizabeth is fair about it, he will see that it does embody what was espoused on those occasions. The honourable member for Elizabeth also expressed some concern about segregation, and that is this Government's policy. I must say to the House, from my experience (and I am sure that of the honourable member for Hartley, who will not be unmindful of this), that it is a question of money, and that the construction of places for correctional services is very expensive. One must be fairly good to get a big priority for the jobs that are needed. As an example, despite what our friend opposite had to say last night, the proposed maximum security building which will be constructed on the Yatala estate will be away from the major complex.

Mr Keneally: Wouldn't it have been better to turn the Yatala Prison into a maximum security instead of a minimum security prison?

The ACTING DEPUTY SPEAKER (Mr Mathwin): Order! I ask the honourable member for Stuart to give some attention to the Minister, who is doing his best to reply to a number of questions, a number of them being questions that he asked. I ask that the Minister's reply be heard in silence.

The Hon. W. A. RODDA: I did take note of the suggestion made by the member for Elizabeth as being underlined by the member for Stuart that this should be so. The present Yatala complex can house about 420 prisoners, and I do not think the population has the need to turn that into maximum security, because, on our best figures and statistics, we have a plan to build to the maximum security of 50, which will be quite expensive and would meet the bill.

We have also talked about a capital planning working party that will assess the needs at the remand centre being constructed, provided we get the super maximum security, and, with the reserving of Yatala, it will make it a much more amenable place to live in. It can be upgraded, but for a start that will assist greatly in relation to segregation. Of course, with the community service order working, we will be able to keep some of those people away from the prison. I think that was highlighted by the member for Elizabeth indeed. Indeed, it was referred to by my own colleagues on this side. This will make it far easier for the head of the department and his officers to set in train this question of segregation.

We have referred to education in the Bill and, although it is not spelled out in detail, I can assure the House that we are extremely sincere in ensuring that education is available to the inmates. Indeed, we did have a committee look very closely at this, and I think the honourable member for Glenelg referred to what is going on at Cadell. That will be given effect to, and Matriculation is not beyond the path of those inmates who want to enter into Matriculation studies.

The member for Mitcham made a couple of points, and spoke about a new permanent head. We will advertise widely for the type of person that is warranted. We will be looking for a tertiary-trained—

Mr Keneally interjecting:

The Hon. W. A. RODDA: I am saying 'widely'; that does not mean international or national. It may take some time to get that officer—

Mr Keneally: I don't think it is anything to hide it if you are going international. I think it would be to your credit.

The Hon. W. A. RODDA: When I say, 'widely', that is as wide as the heavens. I hope the honourable member knows what I mean. The honourable member referred to clause 21 and an amendment that is going in another place. That matter will be dealt with after it has passed another place; that is all that I want to say on that. He also spoke about the chaplaincy. It is quite true that I had some correspondence with Bishop Renfrey about this, and there will not be any change in the regulations. The Anglicans will be looked after. There was some misunderstanding on this. I think Chaplain King goes to the prisons every day, whereas the other gentleman does not do so every day. But, obviously there was some misunderstanding. I can assure the House and the member for Mitcham that in no way do we want to deny any denomination access to their own men of the cloth or to impede their own ability to worship in the way that is customary to them. So perhaps if I was a little long-winded in replying to this debate, we did have some discussion about that matter, as I wanted to be sure that people were not going to be denied their right to access to their own chaplain. We have cast far and wide on the Bill, which I commit to the House.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

Mr KENEALLY: The Opposition supports this clause, of course. With regard to the date, instead of having 1979, as was the case with the draft Bill, the date given is 1982. Although we accept the amendment of the date to '1982', we do not accept the delay that has occurred, namely, 2½ years from the time that the Bill was drafted to its being presented. That seems a little too long, particularly when one takes into account all the comments that have been made in this House during the past day or so.

Clause passed.

Clauses 2 and 3 passed.

Clause 4—'Interpretation.'

Mr KENEALLY: The Opposition supported clauses 2 and 3 because they are formal. I seek your guidance, Mr Chairman, concerning clause 4. I have an amendment on file which seeks to define 'Aboriginal' in the interpretation. I want to debate the importance of having an Aboriginal person on the advisory council and the Parole Board. I seek your advice, Sir, as to whether that debate should take place now or when the constitution of the advisory council and Parole Board is being discussed. If I agree with this clause, it will then mean that, if my later amendments are supported, a consequential amendment will need to be made to clause 4. I seek your guidance as to whether debate should take place.

The CHAIRMAN: I suggest to the honourable member that he move his amendment and give his reasons for moving it; the Chair will endeavour to be reasonably lenient. If necessary, the honourable member may have to move a consequential amendment, as I understand it, if the amendment is successful.

Mr KENEALLY: I move:

Page 2, after line 21—Insert new definition as follows:
'Aboriginal' means a person who is descended from those who inhabited Australia prior to colonization:

I desire this amendment be accepted by the Committee to enable Aborigines to be represented on the advisory council and the Parole Board, matters which will be discussed later in Committee. During the second reading debate I made a very strong representation on behalf of Aboriginal people in South Australia. I quoted figures from the Mitchell Report concerning the percentage of Aborigines who inhabit our correctional institutions. The figures I quoted were 1972 figures, but they were horrific; there is absolutely no other description for it. The percentage of Aborigines in correc-

tional institutions compared with the number of Aborigines who live in our community is an absolute disgrace, and there are many causes for it, not the subject of this Bill.

I suggest that there is not one other member in this House who, over the past 10 or 12 years, has had greater experience with Aboriginal people than that which I have had as member for Stuart, living in Port Augusta and coping with the very adverse publicity that the Aboriginal section of our community receives from time to time in the press and in the media generally. When I first became the member for Stuart the overwhelming number of constituent problems I had were Aboriginal-based. Whether they were problems with the law, housing, education, community welfare, problems with each other, or problems with the community generally, they found their way to the local member. Within that 12 years in Port Augusta many structures have been established amongst the Aboriginal community, where the responsibility for advising and assisting their own ethnic group has been done by Aborigines, and the improvement at Port Augusta, despite the advice to the contrary that one receives now and again, has been absolutely astounding.

In terms of constituent problems that I receive now, I would be very lucky to receive what one could call an 'Aboriginal type problem' once a week or three times a month. This is happening because Aborigines are looking after their own needs; they are represented on the decision-making committees that have relevance to their lifestyle and their problems. The people who are placed on a committee know what it is to be Aboriginal; they understand better than we do what Aboriginal problems are; and they can advise a decision-making committee on those problems if they have an input into those decisions. Because this is happening the Aborigine's lot is improving dramatically.

It is very difficult, I would say, impossible, to tell members of any minority group that, if they pull themselves together, if they apply discipline to their way of life, and do all the things that we advise them to do, sooner or later they can aspire to higher positions in society, and that they can be seen to be there on the decision-making committees, when at the moment there is no indication from them that that is the case. So, how can one tell Aboriginal people that if they are law-abiding and if they conform to social mores, they will be able to fit in to the established social structures within society?

We need to be able to demonstrate to these people that, as a society, we accept their value as individuals; we accept the contribution they make; and we accept that where they are represented, as they are in our prison system, they have an input. I am asking the Committee to agree that on the independent advisory council, where a group of individuals from South Australia will get together to make recommendations about the prison system about what should happen within our correctional institutions, there be an Aboriginal person, for who better than a person with an Aboriginal background can give that sort of input?

If such a person is not on the advisory committee decisions affecting these people will continue to be made without their being given the opportunity to influence those decisions. As I said at the beginning of my comments, 0.75 per cent of the population of South Australia is Aboriginal. The Minister has said that the figures from which I quoted in Justice Mitchell's report were wrong. He obviously got the information from his department. I think we are playing with statistics, because everyone knows that in places like Port Lincoln, Port Augusta, Ceduna, and many other country centres, the overwhelming majority of people who appear before the court and the people in the police station cells and in local prisons are Aboriginal. I think the figures I quoted showed that in 1972, 45 per cent of the people in the Port Augusta prison and 65 per cent of people in the Port Lincoln prison were Aboriginal. That should, if nothing else will, prove that Aborigines have an important role to play on the advisory committee. Aboriginal people are sick and tired of decisions that affect their welfare being made without the opportunity being given to them to make some input.

It is important that consideration be given to writing this amendment into the legislation. I know that the Minister can say that he has the authority to make appointments and that he will give due consideration to appointing an Aborigine. He may well do that. He may be a person who has a concern for their welfare and agrees with what I am saying. The Minister may well appoint an Aboriginal representative on the advisory committee.

The Hon. R. G. Payne: What about when he goes?

Mr KENEALLY: Then again, he may not. Also, there may be a change of Government and another Minister. All these changes can easily cause the welfare of the Aboriginal prisoners to be neglected. I do not believe that as a Parliament and as a humane society, which is what I hope Parliamentarians represent, we can leave those decisions to the whims of individual Ministers. I think that this Parliament has a responsibility to ensure that Aborigines are represented on the important committees that determine their future.

I can recall a debate in this House during which the member for Fisher said that to do what I am proposing would be to be racist. He said that this would be providing for one ethnic group as against another. I do not care what description he places on it. If our Italian community contributed 12.5 per cent of the prisoners in our correctional institutions, I would be asking for an Italian representative to be on the committee. If a particular ethnic group in our community was represented in our institutions far in excess of their numbers in the community generally, something would have to be done about it.

Mr Mathwin: That is bad.

Mr KENEALLY: The member for Glenelg has said that that is bad. I am sure that he will enter the debate and explain why he thinks that is bad. I will leave my remarks in the hope that the Minister and the member for Glenelg will respond and tell me why it is bad to have an Aboriginal on the advisory committee and on the Parole Board because, unless the honourable gentlemen can do that, the Government must accept the points that I am making.

Progress reported; Committee to sit again.

MINISTERIAL STATEMENT: JOJOBA PLANTATION

The Hon. W. E. CHAPMAN (Minister of Agriculture): I seek leave to make a brief statement.

Leave granted.

The Hon. W. E. CHAPMAN: This afternoon, an officer of my department had delivered to him a bulletin purporting to represent a prospectus for the purposes of attracting share capital in a jojoba plantation, either proposed to be established or already established in Raglan, Queensland. That officer properly drew to my attention the report and other accompanying documents, and it is clear that the people of South Australia should be warned against what would seem to be high-pressure salesmen seeking investment in that company.

Accordingly, I draw to the attention of the House some details to identify the nature of the brochure that is being circulated allegedly by 12 high-pressure salesmen. The names of Jojoba International Pty Ltd, in conjunction with Redchamp Research Station Pty Ltd, appear on the front of the document and therefore are indicated as being the

parties responsible for its production. Among other things, the foreword states:

> After considerable study it is our belief that an investment in a professionally managed jojoba plantation in Queensland contains the elements necessary to conserve the investors' capital, plus offering exceptional profits to combat inflation and unstable currencies.

I do not propose to refer to all the claims that are made about production levels, growth rates, returns on investment, et cetera, that are contained within the document, but it would have the appearance of being a most misleading, if not deceiving, paper. Accordingly, the public of South Australia, many, as I understand it, of whom have already been approached, and indeed as claimed by the person who brought this to my department, have bought large investments in this so-called operation.

I think it is appropriate to identify on the record today the principals of this company. The Managing Director is Fritz H. Mader; the General Manager and Secretary is Raymond Wilson; the Directors are Stewart Elms, B.A., Arne Nilsson, Densley M. Mills, and Paula Stafford. Probably more importantly, it is appropriate to mention a professor of agronomy who is cited in the paper as having supported the claims and proposals contained in the bulletin, and as a result of that an enterprising, indeed inquiring, professional from Australia wrote to this professor, who is associated, if not directly attached, to the University of California. The response to that correspondence from Professor Yermanos is as follows, and I quote from his letter:

> Thank you very much for sending me the poster on jojoba by Jojoba International. As you can guess, I do not even know the people involved, and I have never endorsed the statements made about my service as a consultant. On one hand, I am very pleased to see all this enthusiasm; on the other hand, I get quite concerned with the misleading advertisement that some companies use both here and abroad.

I would hope that members of both sides of the House would alert their constituents to the potential pressures that may be put upon them. My officers accordingly are doing further homework on the contents and the claims within that bulletin, but already they have indicated that the yields, production levels, etc., claimed within the report are either not achievable at all, or at least there is no evidence within Australia to indicate that they are achievable so far. I would hope further that, with the co-operation of the media, the proponents of this report purporting to be a prospectus would co-operate with the House in alerting the public to the situation.

CORRECTIONAL SERVICES BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 2932.)

The Hon. W. A. RODDA: The honourable member's amendment provides that 'Aboriginal' means a person who has descended from those who inhabited Australia prior to colonisation, and he is asking the Committee to agree to some specific member of a race being in a specific job. His case is that they are disproportionately represented. If we look through the prison population in this or any other State we find there are many and varied types of people in prisons. I do not like the word 'racist', but the provision is discriminatory, and the Government does not accept the amendment.

I listened attentively to the honourable member and it is a repeat run of an argument that we had for many hours here last year when we had the Prisons Act Amendment Bill before the House. This Government has shown its faith to the Aboriginal people by legislation brought down in another area which has quite far-reaching effects, and surely that shows what the Government thinks of them as Australians and South Australians. As the Bill stands, there is nothing to prevent people of that origin being appointed. There is no discrimination, and for that reason the Government does not accept the amendment.

Mr KENEALLY: According to the Government, it is going to be mandatory, written into the legislation, that there must be a woman member on the advisory council; that is sexist. It has then specified certain professions that must be represented on the advisory council; that is discriminatory against those people in the community who do not belong to those professions. It seems to me the Government already is discriminating against a whole range of people in South Australia. I am asking it to adequately represent on an advisory committee a group of people who are disproportionately represented in the prisons.

In 1973 Justice Mitchell gave the figures of the daily average prison population from 7 July to 4 August 1972. I said last night, and I would be prepared to stand by that today, that these figures would have changed, if anything, for the worse so far as Aborigines in prison are concerned. In 1972, in Yatala, 9.41 per cent of the daily average were Aborigines, remembering that only 0.75 per cent of the population of South Australia is Aboriginal. In the Adelaide Gaol the figure was 7.39 per cent; in Cadell, 12.88 per cent; in Mount Gambier, 5.95 per cent; in Gladstone, which is no longer there, of course, it was 32.95 per cent; in Port Augusta, 46.62 per cent; in Port Lincoln, 65.65 per cent; and in the Women's Rehabilitation Centre 34.12 per cent; a total average of 15.3 per cent. Of course, Aborigines are represented more highly in some correctional institutions than in others, but throughout our system they are represented disproportionately highly in relation to their membership of our community.

Surely, if we want to do something to redress that problem we will be anxious to have the input into those committees that might be able to assist. If we are to establish an advisory council, it must be designed to improve the rehabilitation of people within our prison system. Otherwise, for what reason do we establish it? If such a high per cent of the people within our prison systems are Aborigines, how could we argue against having one of their own people represented on this advisory council? For goodness sake, all it does is give advice to the Government. The Minister does not have to accept it. Yet, for reason that I am unaware of, these people who now sit on the Treasury benches are opposed to having an Aboriginal on an advisory council to give advice to the Government, to give advice to the Minister, about what needs to be done for their own people who are in prison. Let us remember that they are in there in numbers far greater in proportion to their numbers throughout the community.

Justice Mitchell, in her report, was anxious to have the Aborigines represented in our correctional services as prison officers, and so on, not necessarily because they are Aborigines looking after Aborigines, but to have them represented there as they ought to be represented within our Police Force in South Australia. There are many institutions in South Australia where Aborigines should be represented and for one reason or another they are not. That is not always the fault of the non-Aboriginal community.

Nevertheless, Aborigines are not represented where they should be. Here is a classic example where the Legislature in South Australia can ensure that these people are represented on an advisory committee. I am also seeking that they be represented on the Parole Board. I understand the difficulties there are somewhat greater, but there is absolutely no difficulty at all, and no argument that I have heard, that convinces me that these people ought not to

have representation on the advisory council. We are to write into the legislation that a woman must be on the advisory council. What percentage of the prisoners in South Australia are female? The number is infinitesimal compared to the percentage of prisoners who are Aborigines, so why is a woman represented on the advisory council when Aborigines are not? I strongly support the appointment of a woman to the council, but the same argument surely should be valid for Aborigines.

Why should we pick out professions to be represented on the advisory committee? Here again, I support the Government's action in relation to some of the people in favour of whom it wants to discriminate by putting representatives on the advisory committee; it is admirable, and I have no argument with it. In this clause I am not arguing whether or not certain people the Government wishes to be on the committee ought to be on it; we will decide that when we read the clause. I am saying that in South Australia Aborigines, who make up such a high percentage of the prison population, particularly in the area that I represent, should, by Statute, be able to make representations to the Government. They are not making decisions biding upon the Director or the Minister; they are merely making recommendations.

I suspect that the Government has not got such a person on the advisory committee because it does not believe that the Aboriginal community has the capacity to give such advice. I believe that that is why the Government will not accept my amendment: it does not believe that there are in South Australia Aborigines who have the capacity to give sound advice to the Government on what should be done within the prisons. If that is true, as I suspect it is, that is absolutely scandalous. I invite any Government member to come to my electorate, and I will show him or her plenty of Aboriginal people, some who have never been in prison and some who have been in prison, who would be able to give the Minister good, worthwhile advice that the Government should consider.

I would like to know the reason for the Minister and the Government objecting to having representation on an advisory committee of an ethnic group which, as I repeat, are at present a scandal in South Australia, because with .75 per cent of the population (using the Minister's figures which I think are questionable), they comprise 12.5 per cent of the total residents of prisons in South Australia. I think members would find that the overwhelming majority of short-term prisoners are Aborigines in areas outside the city. I understand that Justice Mitchell said that she expected that 100 per cent of women prisoners at Port Augusta would be Aborigines. That is not right, as I know, and as the Director knows, but it is close. I expect the Government to accept this amendment. If it refuses, I would like to know the reasons why, because to date we have not heard any such reasons.

Mr MATHWIN: I oppose this amendment. The honourable member is trying to correct a situation in a way which, I believe, will create more discrimination against the Aboriginal people of this State.

An honourable member: How did you come to that decision?

Mr MATHWIN: Whether Aboriginal or not, people who are naturalised and who live here are Australian. Therefore, if we discriminate by naming these people as Aborigines we are going to segregate them. The honourable member knows that, if there are people who are able to do this job and who are eligible for it, that whether they are from England, Italy, India or wherever, the Minister can appoint them to this committee. That has always been possible. The Liberal Government has never resiled from that situation and has never been shy about it. In fact, the Liberal Party is the only Party in Australia with an Aboriginal member of Parliament, which is more than the Labor Party can claim.

Mr Keneally: We have one in Western Australia, and have had for nearly two years.

Mr MATHWIN: We have had Senator Bonner for many years. If we do this, we are segregating the Aborigines. The member for Stuart, speaking about Port Augusta, said that the Aborigines are now becoming assimilated and are doing a good job in Port Augusta.

Mr Keneally: I did not say 'assimilated'.

Mr MATHWIN: The honourable member meant the same thing.

Members interjecting:

The CHAIRMAN: Order!

Mr MATHWIN: The honourable member said that this had been quite successful. I say, with due respect, that if he proceeds with his amendment he will be discriminating against the Aborigines by making them a separate group. We have nominated certain persons as being eligible for those boards because of their qualifications. If they have the qualifications laid down in the legislation to become a member of a board, they would be eligible for selection.

The member for Stuart talks about an advisory committee. Where will this all end? Are we to say that, because of the vast number of Italian people here, they should be put down as a special group, or that people from the United Kingdom or from other groups should be named in the Bill? Is the honourable member going through the many thousands of people who have come here from every part of the world? Is he going to name every nationality and say that those people should be eligible? We are all Australians, no matter where we come from. If we are naturalised, if we live here and this is our country, then we are Australians. To me, the honourable member's argument falls on that point.

I ask the member for Stuart, the originator of this amendment, what is his definition of colonisation. From my reading of the history of Australia I understand that the Aboriginal people came from other parts of Asia. I believe that the amendment will cause trouble, upset and discrimination against the Aboriginal people.

The prison day figures show that 12.5 per cent of prisoners were Aborigines. The honourable member has used the figures of people who are received into custody. If one looks at those figures, one sees that they are greater, because a number of Aborigines are taken into custody, they stay a short time in custody, they are released, and they return very quickly. That is how one gets a double figure. Those figures are not correct: the correct figures are the day figures, which show that 12.5 per cent are Aborigines.

Mr KENEALLY: The member for Glenelg seems to believe that, because the figure is 12.5 per cent (an eighth of the people in gaol in South Australia are Aborigines), it is not disproportionate, and therefore his argument has been proved. I am interested in just how logical a member of Parliament can be. Obviously, the honourable member will support the proposal that a member of the advisory council should be a woman. He sees nothing contradictory about that. No-one will recommend that representation on the advisory council should be available to all ethnic groups, except if those ethnic groups are represented in the prison population to the same disproportionate extent as are the Aborigines.

I would be interested to see an advisory committee set up, without the representation of a handicapped person, to look at the problems of handicapped people. The member for Glenelg would believe that handicapped people should not be on that committee because that is discriminatory. Why should they not? We are all Australians. Why should not handicapped people be represented on a committee to

make decisions for handicapped people? That is a logical question for the member for Glenelg. The reason why Aborigines should make recommendations for their own welfare is indicated clearly by the example I gave the member for Glenelg at the start of my speech.

I do not know how many Aboriginal organisations the honourable member represents—I suspect very few, if any at all. I can tell him that I represent just about every one of the separate Aboriginal organisations in existence, and most of them, if not all of them, are doing extremely well. The member for Glenelg talked about discrimination. His colleague, the Minister of Education, is also the Minister of Aboriginal Affairs. Is that discrimination? Why is the honourable member's colleague the Minister of Aboriginal Affairs? Why are Government departments and instrumentalities set up specifically to deal with the problems of Aborigines? Is that discrimination?

Mr Mathwin: Your argument is ridiculous.

Mr KENEALLY: Now the honourable member says that my argument is ridiculous. He has seen the inconsistency of his position, and he has retired from the fight. I hope that he has. His appalling defence of the Minister has left that gentleman without a feather to fly with. Because we were not advised earlier, we now want to know the basic reason why the Minister and his Government are opposed to having an Aboriginal on the advisory committee. Does the Minister, in all seriousness, believe that there are no problems in the prisons that are specifically connected with Aborigines? Does he believe that Aborigines are unable to make a sensible contribution to the recommendations that will be made by the advisory committee? Why is the Government opposed to this amendment? Frankly, I cannot see the logic of what the Government is doing.

Mr Lewis: An Aboriginal can be appointed.

Mr KENEALLY: The member for Mallee says, in all seriousness, that an Aboriginal can be appointed. I canvassed that point earlier, and I said then that we are subject to the whims of the individual Minister. We, as a Parliament, should not allow a significant ethnic group in our society that needs to have an input into decisions effecting its welfare to be subject to the individual whims of a Minister. We, as a Parliament, have a responsibility to write that provision into the Bill so that, if a backwoodsman, such as the member for Mallee, was ever so unfortunate as to be in the position of the Chief Secretary, the Aborigines would be defended against him. That is why I want the Government to accept this amendment. I am still waiting to hear one valid reason why it should not do so.

The Hon. W. A. RODDA: I will repeat the reasons very briefly. Aboriginal people are Australians, as the honourable member's former Leader emphasised 100 times, often with great indignation and hurt when Aboriginal people were frowned upon and called certain names that were unbecoming. There is provision in the Bill. The honourable member has drawn the comparison that one member must be a woman: I suppose that equally we could say that one member must be a male, otherwise the committee could be comprised entirely of women. The amendment would bind the Government to appoint a specific type of person.

Mr Keneally: Why?

The Hon. W. A. RODDA: We could appoint a Hindu or a Jesuit.

Mr Keneally: Or a farmer.

The Hon. W. A. RODDA: No, do not ask me to appoint a farmer, because the weather affects farmers. I believe I have made quite plain to the honourable member that the Government has considered these matters and there is provision in the Bill to appoint a requisite number of people. Those people will all be Australians, and to me all people are equal in the sight of the great one. I hope that that conveys the message. The Government opposes the amendment.

Mr KENEALLY: I am encouraged to note that the Minister thinks that we are all equal in the sight of the great one. If the Government intends to vote against my amendment (and of course it has the numbers), it will be defeated. The Minister and his colleagues made the point that the Minister has the power to appoint to the advisory committee a person of Aboriginal background. Will the Minister give the Parliament a commitment that, although he does not believe that this provision should be written into the Bill, he, as Minister, will ensure that one member of the advisory council is an Aboriginal?

The Hon. W. A. RODDA: No, the honourable member knows very well that one does not give that sort of commitment. The member for Stuart mentioned a judge, and I notice that judges have a figurative place in things down the track that we will meet henceforth. That sort of person is specific and has a very professional function. Those are the reasons why I will not give that commitment. The short answer is, 'No.'

The Committee divided on the amendment:

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

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

Pair—Aye—Mr O'Neill. No.—Mr Wotton.

Majority of 3 for the Noes.

Amendment thus negatived; clause passed.

Clause 5 passed.

Clause 6—'Transitional provision.'

Mr KENEALLY: Clause 5 is formal, but it is in line with the Simmons draft Bill. I note that clause 6 subclauses (1) and (2) are strictly in accordance with the draft Bill that the Chief Secretary inherited, but some amendments have been made in subclauses (3), (4), (5) and (6). I am particularly seeking an explanation from the Minister on subclauses (4) and (6). Do these subclauses take away the rights already earned concerning remission, as opposed to conditional release? Can the Minister say whether remissions already earned as a result of the existing system will be maintained, or will the new Act and conditional release interfere with these remissions? If that is the case, I think that the Minister would be aware that that would cause an enormous amount of trouble within the prison system.

The Hon. W. A. RODDA: I assure the honourable member that any benefits or any remissions due under the existing legislation will be retained under this Bill.

Mr KENEALLY: We have the Minister's assurance, but I am seeking more than that. We see in relation to clause 6 (4) of the original draft:

> The provisions of the repealed Act relating to remission of sentence and release on parole shall continue to apply in relation to any sentence of imprisonment being served whether in prison or on parole immediately prior to the commencement of this Act until the expiration of that sentence.

It is my advice that that subclause was inserted at the request of the department itself, because it was concerned that unless it was very clearly spelt out, prisoners who had probably served 18 months of a three-year sentence and were staying in prison for the additional six months and would have the 12-month remission would find themselves threatened by the new Bill. My reading of clause 6 would suggest that that is not clearly stated at all. I accept the

Minister's assurances, but they are merely the Minister's assurances; they are not written into the Act, our task here is to ensure that the Act accurately records the Government's intention. This is an example, I might add, that where extracts from the draft Bill have made the current legislation so much worse, and I would have thought that the Minister would do better to accept all the draft Bill and not fiddle with it. Does the Minister not agree with me that if we include subclauses (4) and (6) in the Bill we should also include subclause (4) of the draft Bill?

The Hon. W. A. RODDA: The honourable member is dying hard, if I may quote him on the Simmons Bill, because this Bill has been drafted, and I am assured that it covers all the things that he is worried about. Clause 6 (5) provides:

An executive or judicial act in force under the repealed Act immediately prior to the commencement of this Act shall remain in force under, and subject to, this Act as if it had been made under this Act.

On page 35, the regulatory powers include, in paragraph *(d)*:

provided for the remission of any part of the sentence of a prisoner, being a sentence to which Part VII does not apply;

So we see the wisdom of Simmons perpetuated.

Clause passed.

Clause 7—'Power of Minister and permanent head to delegate.'

Mr KENEALLY: We support clause 7, which gives the Minister and the permanent head power to delegate. It is essentially the same as the draft Bill. It is the same format; instead of 'director' we have 'permanent head' and so on, with one or two superfluous words that have been added.

Clause passed.

Clause 8—'Use of volunteers in the administration of this Act.'

Mr KENEALLY: This is quite distinctly the Minister's clause, and the Opposition claims no authorship at all, although we do not disagree with it. The clause provides that the Minister shall 'promote the use of volunteers in the administration of this Act', and I suppose it reinforces a system that to some extent already exists. There seems to be no reason why the provision should not be inserted, but, of course, whenever the Government provides in legislation for the use of volunteers it causes a great deal of concern among the people in the department where these volunteers will be used. As the Minister would expect, I have been contacted by the organisation to which the prison officers and others who work in the correctional services area belong. As a result of those representations, the Opposition will be moving suitable amendments. I move:

Page 4, after line 19—Insert new subsections as follows:

(2) A volunteer shall not be used to perform any work—

(a) where by so doing he would displace, or replace, a person who is, or was, being paid to perform that work;

or

(b) where funds are available for the performance of that work.

(3) Volunteers may be used for any of the following purposes:

(a) assisting in the provision of information services for persons attending courts;

(b) visiting prisoners;

(c) befriending and supporting probationers or persons on parole;

(d) providing or assisting in the provision of facilities or services run for the benefit of probationers or persons released from prison;

or

(e) any other appropriate purpose.

(4) A volunteer shall be subject to the control and direction of an officer of the department in performing any work as a volunteer under this Act.

I believe that a volunteer should not replace a person in a paid position, which I believe will probably not be the case, but that ought to be stated in the legislation. I believe that the amendment provides a very clear and important guideline, which I am sure the Minister will accept. As I believe that he will agree with the points that I am making, I am confident that the Government will support the amendment and that we will not have to divide.

The Hon. W. A. RODDA: I am surprised that the honourable member does not think that my word is my bond. The Government concurs that the volunteer can be used in those areas that he mentioned, and it is not the intention of the Government that volunteers should displace or in any way supersede the professional trained officer. The Government has thought long and hard about this but does not propose to accept the honourable member's amendment. However, I assure the honourable member that it is not the Government's intention to use volunteers in place of professional officers. There is plenty of work that volunteers can do, which they will do gladly, as they are doing now. However, it is not the Government's intention to spell out the provision as contained in the amendment.

Mr KENEALLY: Is there anything in the amendment to which the Minister particularly disagrees in principle? Is there some aspect of it that he finds distasteful? If so, we can debate that matter. It seems to me a perfectly reasonable proposition that, if the Government and the Opposition agree that volunteers should not do replacement work or work where funds are available but that they can do a number of other useful things within the department, there is nothing to be afraid of in having such a provision in the legislation. If the philosophy of the amendment is good, it ought to be in the legislation. If the Minister feels that it is bad, he should tell us where it is bad.

If the Minister is afraid of it, surely he ought to tell us why he is afraid of it. We ought to be given the opportunity to debate this matter on a sensible level. It is very difficult to be fighting straw men all the time. Sometimes I feel that I am throwing punches into a fog, with nothing coming out. To do the Committee justice, something ought to come out, and I am asking the Minister to do just that now, so that we can understand why this amendment ought not to be accepted. His own departmental staff have requested that the provision be included in the legislation; they are very afraid of the clause as it stands. I have it here in writing that the custodial staff and others in the Minister's department are concerned about simply writing into legislation a bald statement that the Minister shall 'promote the use of volunteers in the administration of this Act to such extent as he thinks appropriate', allowing the Minister to use a volunteer in place of a paid position. It allows the Minister to dispense with officers in his department and replace them with volunteers if he so wishes.

I do not believe that a Minister should have that power; the legislation should specifically protect the employment of people who work in the Public Service. I know that you, Mr Chairman, if you were in the benches would support me, because you have spoken already today about the loyal service given to the Government by the people in the Correctional Services Department; you would want these people's positions protected; you would not want them threatened by volunteers. It is unfortunate that we cannot have your vote on this occasion, because undoubtedly you would—

The CHAIRMAN: I remind the honourable member not to put words into the mouth of the Chairman.

Mr KENEALLY: Sometimes it appears to me that, if we could put words into the mouths of people in the Government, their speeches would be a great deal better. However, I will agree with your ruling. I ask for the protections that the Minister's own departmental officers want.

Mr Mathwin interjecting:

Mr KENEALLY: The member for Glenelg could not care two hoots about the protection of job security.

Mr Mathwin interjecting:

The CHAIRMAN: Order! The member for Glenelg will cease interjecting.

Mr KENEALLY: The member for Glenelg is not concerned about the job security of people working in the Correctional Services Department. However, the Opposition is, and I am sure that the Minister is.

The Hon. W. A. Rodda: Who are you saying is not concerned?

Mr KENEALLY: The member for Glenelg obviously is not concerned, and unless the Minister is prepared to accept this amendment I will have no option but to accuse him of the same failing.

The Hon. W. A. RODDA: The member for Stuart is in a particularly accusing mood. I assure the Committee again that the Government has no intention of using volunteers to replace the professional.

Mr Keneally interjecting:

The Hon. W. A. RODDA: We do not have to agree to the amendment. The Government has brought down this legislation. The existing provision, namely, that the Minister 'shall promote the use of volunteers in the administration of this Act to such extent as he thinks appropriate', is succinct and quite sincere.

Mr Keneally: And threatening to your employees.

The Hon. W. A. RODDA: There is no such thing as a threat. If you have some documentation there, you had better get up and tell us about it.

[Sitting suspended from 6 to 7.30 p.m.]

Mr KENEALLY: Before the dinner break we were debating the Opposition's amendments which seek to write into the legislation protection for officers of the Department of Correctional Services so far as volunteers are concerned. The Minister seems to have indicated that he is opposed to writing this amendment into the legislation, so I ask him to advise the Committee what kind of volunteers he has in mind, whether he believes that those volunteers ought to be under the control of a correctional services officer when they are doing their volunteer work, and whether or not he will give a commitment to the Committee that his Government will never allow a volunteer to take the position of a current employee or, where funds are available, to take a position to provide paid labour for that position.

The Hon. W. A. RODDA: It goes without saying, I think, that volunteers will be used in that capacity to assist. That covers all the worries that the honourable member has. The honourable member knows, as I know, that the Department of Correctional Services is one of the most sensitive areas of Government administration but that there are many chores that enthusiastic and dedicated persons can perform on a volunteer basis. The honourable member did not raise this point, but volunteers do this work in their spare time because professional staff, such as probation officers, have extremely heavy workloads. We see the hassles that face these officers when they are working in the courts and information centres and these volunteers are people with time on their hands who can assist these busy people.

Mr Keneally: Will they always be responsible to an officer of your department?

The Hon. W. A. RODDA: Yes, that is the Government's intention, and that professionals are responsible for programmes and the running of his department, and are also answerable to the head of his department. It is not the intention of the Government to use volunteers in the capacities about which the honourable member is worried. I have had long discussions with Mr Gregory about this matter.

Mr Keneally: Will you give a commitment about this matter?

The Hon. W. A. RODDA: I have given a commitment that in no way will we put in a volunteer to take the place of a professional. Rain, hail or shine, the professional does the job; he is paid to do it, and the volunteer is there to assist. Volunteers can be of great assistance if they are the right people. This is the Government's intention and that is why this clause is extremely streamlined. We see no reason to spell out all this in the Bill. It is a matter of trust, and the honourable member need have no fear that the Government has any intention of filling the place with volunteers to run the show, because that is just not on.

Mr KENEALLY: The Minister said that this is a matter of trust. I would put on record that I trust the Minister, as he is an honourable person who has given an undertaking to fulfil this commitment, and he will no doubt abide by that undertaking. However, I am not convinced that the Minister will be Chief Secretary for ever and a day. I expect that this piece of legislation will probably see the Chief Secretary, and many other Chief Secretaries, out. The Opposition believes that it is essential, in case we have a person who is not as well disposed as the current Chief Secretary, to have these protections in writing from the start. I accept the Chief Secretary's assurances, but it is a matter of principle that protections of this nature ought to be in writing. So, the Opposition insists upon this amendment.

The Committee divided on the amendment:

Ayes (17)—Messrs Abbott, L.M.F. Arnold, M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally (teller), McRae, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (20)—Mrs Adamson, Messrs Allison, P. B. Arnold, Becker, Billard, Blacker, D. C. Brown, Eastick, Evans, Glazbrook, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda (teller), Russack, Schmidt, Tonkin, and Wilson.

Pairs—Ayes—Messrs Bannon, Corcoran, Langley, and O'Neill. Noes—Messrs Ashenden, Chapman, Goldsworthy, and Wotton.

Majority of 3 for the Noes.

Amendment thus negatived; clause passed.

Clause 9—'Annual report of permanent head.'

Mr KENEALLY: I move:

Page 4, after line 23—Insert new subclause as follows:

(2) The Minister shall, as soon as practicable after his receipt of a report submitted to him under this section, cause a copy of the report to be laid before each House of Parliament.

We support the first part of the clause, which is strictly in accordance with the draft that the Minister inherited.

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

Mr KENEALLY: Thank you, Mr Chairman. It is a bit frustrating to keep winning the arguments and losing the votes. The Minister should have included in this Bill part 2 of the original draft, which is something that is dear to the hearts of some of the Minister's colleagues, particularly the member for Glenelg, who is very strong on reports from judicial bodies. For example, I recall that the honourable member believed it was essential that both reports about the Children's Court be tabled in both Houses of Parliament. The honourable member will remember his strong fight in that regard. I remember the Beerworth Report, which the member for Glenelg strongly supported.

I believe that everyone would agree that the Parliament is entitled to information of this kind. For the Government to vote against this amendment would be to vote against the rights of Parliament, and I am absolutely certain that it would not do that. I commend the amendment to the Committee.

The Hon. W. A. RODDA: I am not unsympathetic to the honourable member's amendment, but there would be ram-

ifications. I will not accept the amendment in this place, but I will refer it to my colleague in another place and ask that it be considered there. Obviously, there may be some ramifications that the Government would want to consider. Therefore, I will give an undertaking that the matter will be considered in another place.

Mr Keneally interjecting:

The Hon. W. A. RODDA: We will not support the amendment in this place, but we will consider it in another place.

Amendment negatived; clause passed.

Clause 10—'Continuance of the advisory council.'

Mr KENEALLY: I move:

Page 4—

Line 27—Leave out 'six' and insert 'eight'.

After line 28—Insert new paragraph as follows:

(aa) one, the Chairman, shall be a judge of the Supreme Court, or a retired judge of that Court;

Line 29—After 'one, the' insert 'Deputy'.

Lines 32 to 35—Leave out paragraph *(b)* and insert new paragraphs as follows:

(b) one shall be a person selected by the Governor from a panel of two persons nominated by the Chamber of Commerce and Industry S.A. Incorporated;

(ba) one shall be a person selected by the Governor from a panel of two persons nominated by the United Trades and Labor Council;.

Line 39—After 'woman' insert ', and at least one other member must be an Aboriginal').

This is one of the important clauses of the Bill, although its provisions are similar to those in legislation that has already been passed by this House. The Opposition at that time had on file a number of amendments, as we have now. The amendments seek to have a judge of the Supreme Court as a Chairman of the advisory council. We also seek to have a Deputy Chairman who has, in the opinion of the Governor, extensive knowledge of, and experience in, the science of criminology, penology or any other related science, which would be similar to the Chairman that the Minister has already recommended. Instead of having that person as Chairman, the Opposition would have him as Deputy Chairman.

If we understand the role of the advisory committee correctly, it is important that there be representatives of industry on the committee, because rehabilitation is a very important facet of our correctional system, and it is essential that people from within industry ought to be able to give advice in regard to the industries complex and the work that is done within prisons. Through contact with representatives of the United Trades and Labor Council and the Chamber of Commerce and Industry, information is fed back from the prisons to those very important facets of industry. Sooner or later prisoners must be released from prison, and they will need a job. More than likely they will be members of trade unions. I believe that the majority of prisoners are members of trade unions. In fact, I would go so far as to say that more prisoners are members of trade unions than members of the Chamber of Commerce and Industry. I do not know that that is necessarily the case, however. It just appears to me to be the case.

I believe that, on the advisory committee, which is charged with the responsibility of giving the Government advice as to what should be done within the prison system, there should be representatives from both the United Trades and Labor Council and the Chamber of Commerce and Industry. I notice that the Government has insisted that one of the people on the advisory council should be a woman. The Opposition does not object to that. The Bill also provides that one member is to be nominated by the Attorney-General, and we have no objection to that.

However, we believe that one member should be an Aboriginal, and obviously the Government opposes that. Will the Minister advise the Committee whether or not he believes that an Aboriginal could contribute to this advisory council and that it is important to have representatives from industry on the advisory council, so that they can give the appropriate advice to the committee about the industries complex and the work that is done within prisons? Everyone knows that that is a very sensitive area. One wonders whether, if work is done in prisons, there will be a loss of jobs outside the prisons. The trade unions, quite rightly, are very upset about that. On the other hand, prisoners must come back to the community and they expect to get work.

Mr Mathwin: You don't want them to do any work at all, in case they interfere with the outside world.

Mr KENEALLY: I am absolutely convinced that the honourable member's interjection was designed to do nothing else but make the Minister appear to be a genius, and I applaud the member for Glenelg, because he is the only member in this House who could achieve that. We are very anxious that prisoners within the prison system do worthwhile work; we are also very anxious that unpaid work that is done in prisons should not put people outside the prisons into unemployment.

Therefore, the very important aspect of that input should be available to the advisory council. That is why we have moved the amendments that require a judge to be Chairman of the council, and so that the committee comprises one member of the United Trades and Labor Council, selected from two officers, male and female, nominated by the council, so that the Minister can make his choice; two people, male and female, nominated by the Chamber of Commerce and Industry, so that the Minister can make a choice; a person to be nominated by the Attorney-General; and the balance to be nominated by the Minister. We would agree that one member should be a female, and we would be very anxious that one of the members of the advisory council be an Aboriginal. Will the Minister accept the amendment and, if not, will he give adequate reasons why?

The Hon. W. A. RODDA: I canvassed the matter of the judge in the second reading. Her Honour Justice Mitchell has chaired the Parole Board and has given a number of years of distinguished service. The present Chief Justice has been quite vocal about the work load on judges being such that this is an extra duty and it does not have his blessing. We have appointed as a present member on the Parole Board a distinguished lawyer and Q.C., Mr Angel. It is therefore not a fertile field in which to dig so the Government has opted for the following provision:

(a) one, the Chairman, shall be a person who has, in the opinion of the Governor, extensive knowledge of, and experience in, the science of criminology, penology or any other related science;

That would seem to fit the *modus operandi* of the day.

I think the honourable member talked about the Trades and Labor Council and the Chamber of Commerce. There will be one member from the Trades and Labor Council and two from the Chamber of Commerce. I do not know whether the honourable member has had any experience with the Chamber of Commerce, but it finds it difficult to get nominees. I have had long discussions with Mr Gregory about this matter. When we came to office, and when we were considering the reappointment of the Parole Board, it was not easy to get nominations from the Chamber of Commerce. Mr Gregory expressed the view that there should be a representative from the Trades and Labor Council, but the Government took the view that the three persons should be selected from the spectrum of the population. The Government did not waver and Mrs Walsh, who was the nominee, has been re-elected—

Mr Keneally: That is the Parole Board.

The Hon. W. A. RODDA: Yes, I am talking about the Parole Board. I do not see us deflecting from that area because they are the sort of people we would appoint.

Mr Mathwin: And lay people.

The Hon. W. A. RODDA: Yes, and lay people. The honourable member talked about the Aborigines—

Mr Keneally: Do you think an Aboriginal could make a useful contribution to the recommendations that you would expect to receive.

The Hon. W. A. RODDA: I think there are Aboriginal citizens who could do a very good job in this capacity, but I am opposed to this amendment. I said I will not give a commitment, and I stick to that. I am not opposed to looking at the broad spectrum of Aboriginal people alongside the general run of the mill people who could serve in this area. The Government is not accepting the amendment, and we are not going to accept that 'six' be struck out and 'eight' be included. We are not going to agree, with the provisions of the amendment relating to a judge, the Chamber of Commerce, and the Trades and Labor Council. We have dealt earlier with the appointment of an Aboriginal. That is the situation. We believe that there should be a woman and there is a precedent for that. I hope that makes the matter clear to the honourable member.

Mr KENEALLY: We on this side would insist on our amendment. I do not propose to divide on this and a number of other amendments that the Opposition have on file. That should not be taken by the Government or anybody who would read *Hansard* as any indication that we are any less determined in our view on those amendments on which we do not divide than we are on those on which we do divide. We feel that our amendments are appropriate. I am sorry that the Minister is so intransigent, but he has been given his brief and he is not going to divert from it. This is a fairly sensible attitude for him to adopt, although one would have expected him to be somewhat more flexible. I think the arguments put to him in Committee are reasonable and require consideration. At least, I am pleased that he did us the justice of considering one of our amendments. I would have hoped he would have viewed others likewise. He knows, as we know, that, although we quite often disagree with its presence there, there is another place where these matters can be debated and they may well come back into our Chamber eventually. This may not be the end of it. We would insist on our amendment, but I give notice to the Minister that we will not be dividing on the clause.

Amendment negatived; clause passed.

Clause 11—'Term of office of members.'

Mr KENEALLY: We are happy to support this clause. As the Minister knows, it is identical to clause 11 in the draft Bill that he inherited.

Clause passed.

Clause 12—'Allowances and expenses.'

Mr KENEALLY: The same remarks apply to this clause.

Clause passed.

Clause 13—'Removal from and vacancies of office.'

Mr KENEALLY: We support this clause. It is identical to the wording of the draft Bill, except that in subclause (1) the Minister has inserted 'to carry out satisfactorily the duties of his office'. I imagine that adds something to the clause, but not much. We support it.

Clause passed.

Clause 14—'Manner in which business of the Advisory Council must be conducted.'

Mr KENEALLY: We do not insist upon our amendment, because it is consequential on our amendment to clause 10. Other than that we support clause 14, for the very good reason that it is exactly the same as the clause in our draft Bill.

Clause passed.

Clause 15—'Functions of the Advisory Council.'

Mr KENEALLY: The Committee will be pleased to know that we are supporting this clause for the same reasons as I have given for supporting the other clauses, except that there are added at the end of subclause (2) of this clause the words 'ask questions of any person within the institution.' We believe that that adds to the value of the clause and we are happy to support it.

Clause passed.

Clause 16—'Annual report.'

Mr KENEALLY: The same remarks apply to this clause.

Clause passed.

Clause 17—'Establishment of Visiting Tribunals.'

Mr KENEALLY: Whilst the draft Bill did not refer to visiting tribunals, it referred to visiting justices in general terms similar to those of clause 38. It is a new concept and we have some difficulties with visiting tribunals. We would much prefer to have seen a system of justice ombudsmen, who had the powers to enter prisons, to consider complaints of the prisoners, and so on. The magistrates and the two justices who will constitute a tribunal have been given these powers in this legislation. We think that is an improvement on the old legislation and there is no arguing with that. The member for Elizabeth made some very telling points during his second reading contribution when he discussed what had happened or what happens now with justices within the prisons.

Will the Minister say how he intends to determine the constitution of the visiting tribunal, and whether he is going to appoint, say, at Port Augusta, a magistrate? At Port Augusta there is a prison, as well as a resident magistrate and also many justices. If the resident magistrate, who will be responsible for placing a large number of inhabitants in the prison, is also acting as the visiting tribunal, there could be some conflict. I know that it is almost impossible to avoid such an occurrence, and what applies in Port Augusta also applies in Adelaide.

The Opposition would be pleased if the Minister could explain in greater detail the Government's intention concerning the visiting tribunals, the constitution of them, whether they will be permanant appointments, whether the magistrate at Port Augusta will be the visiting tribunal for three or four years, whether there will be flexibility, whether two justices of the peace will act as a visiting tribunal, whether they will be the visiting tribunal for ever and a day, or whether there will be flexibility in that situation.

I think the system would be better if the visiting tribunal were to be changed regularly, whether it be comprised of a magistrate or justices. This will not always be easy to achieve, but I ask the Minister to consider the value of it. We on this side are not opposing this clause; in fact we will support it, but we require further clarification.

The Hon. W. A. RODDA: Division III deals with the setting up of visiting tribunals. Two justices of the peace will comprise a visiting tribunal, or one magistrate. The honourable member mentioned Port Augusta, but we must also consider Port Lincoln and Mount Gambier. I think there is a resident magistrate at Mount Gambier, as well as at Port Augusta. The Attorney-General has had some input into this and in our discussions it is envisaged that the ultimate visiting tribunal is that comprising a magistrate. Visiting justices can deal with and hear charges, but the ultimate is a magistrate who can carry out inspections; inmates and prisoners can appeal to him. Also, within the broad spectrum of the Bill, provision is made for a magistrate, if he so desires or finds that there should be an investigation, to institute one.

This matter has come out of the Royal Commission; there is a need for proper investigations by skilled people. A magistrate can make a request for an inspection by an investigator from the Attorney-General's Department. That would arise out of a visiting tribunal in the form of a magistrate. The honourable member said that he was dis-

appointed that the Government did not provide for an Ombudsman and inspectorial staff.

Mr Keneally: I said we would prefer that. We certainly believe that this is the major matter.

The Hon. W. A. RODDA: I have had long discussions with the Attorney-General about this. If there is an appeal it must be heard by a magistrate. In such a case the magistrate will have the use of a person who is skilled in investigation, an officer from the Attorney-General's Department, who will investigate and report to the Attorney-General and to the Chief Secretary. Therefore, the ultimate power lies with the Ministers in that area. I hope that satisfies the Committee, that the Government has taken notice of the recommendations of the Royal Commissioner in this area to see that people with expertise and with training and necessary qualifications carry out proper investigations at the request of prisoners or indeed of prison officers.

Mr KENEALLY: I thank the Minister for that; he got quite a deal of that right, but it did not refer to what I asked and refers to clauses that we are not yet dealing with, but it was an interesting contribution. I wanted to know from the Minister how he, as Minister, will be determining the constitution of the visiting tribunals, and whether he will be seeking to avoid the situation where a magistrate who has sentenced a prisoner will then be the visiting tribunal who will be determining whether that prisoner has offended again, has breached regulations, or has a complaint against a prison officer, etc. Can the Minister say whether there will be flexibility, whether a visiting tribunal will be appointed, whether two justices of the peace will be appointed for Yatala, or wherever, and whether people will then forget about them or whether the visiting justices of the peace—

Mr Oswald: Use Port Augusta as an example.

Mr KENEALLY: Port Augusta is a very good example. I would like the Minister to address himself specifically to that question.

The Hon. W. A. RODDA: If I understand the honourable member correctly, he wants to know who would comprise the visiting tribunal at Port Augusta.

Mr Keneally: Yes, at Port Augusta, for instance, taking into consideration that a very large percentage of people in the prison are sent there by the resident magistrate.

The Hon. W. A. RODDA: For the sake of regularity, there will be two visiting justices of the peace, skilled in their profession. They will be appointed at the relevant centres. Also, of course, there will be a magistrate in the area. Those magistrates will change from time to time. The honourable member was concerned that the same person would remain, but they are not fixed on the spot and flexibility can be used. I hope that that answers the query. The Attorney-General has assured me that we will meet the requirements of the Bill from the magistracy.

Mr KENEALLY: I am not particularly fussed about what the Attorney-General has to say; this is the Chief Secretary's Bill, the responsible Minister before us in this Chamber, and he is the gentleman who will give the assurances that I am seeking. I realise that there would be a problem in bringing a person from Adelaide to comprise a visiting tribunal if there is already a resident magistrate.

I also recognise that resident magistrates change fairly regularly, but nevertheless they spend a fair time in Port Augusta. Port Augusta is not normally a prison for long-term incumbents; it is a place where people go for short sentences. So, it is very likely that any magistrate in that part of the world at one time (and I must insist that this argument applies right across the correctional services system) will be sitting in judgment on people that he or she placed in prison. I am not reflecting at all on the ethical judgments of magistrates. I know and am confident, that magistrates, in whatever circumstances they find themselves, will make their judgments on the evidence presented to them.

It is almost, in a sense, a conflict of interest. Justice not only needs to be done but must be seen to be done. Prisoners often feel that they have been imprisoned unjustly by a magistrate, and they are somewhat disturbed to find that their complaint will be dealt with by the person who put them in prison. That is a problem that the Government will readily run into with this system.

First, all prisoners who appear before a justice will plead not guilty, I would imagine, so that they would go to a magistrate rather than a couple of local justices. Most prisoners would be seeking to appeal, particularly if they have a magistrate who they believe was responsible for their being there in the first place. This procedure will cause a great deal of administrative problems within the department. I foresee some dissension being caused within the system.

We agree that this proposal is much better than the system which currently exists, although we do not agree that it is as good in all aspects. We must have visiting tribunals; we accept that. We do not agree that the visiting tribunal is an appropriate body to do the work that we would see an ombudsman doing, but nevertheless we must have people who are prepared to visit prisons to hear breaches of regulations, offences, and so on. People who are skilled as magistrates are the appropriate people. I am not sure that, with the best will in the world, justices are the appropriate persons. However, there are limitations on the authority that justices have, and we are pleased to see those limitations. The concern of the Opposition is that there will be the conflict to which I have referred, particularly with magistrates. It is more apparent in smaller communities than it is in Adelaide; nevertheless, it will occur.

I am not too sure that the Minister's description of justices of the peace as being skilled in their profession is totally correct, unless he means that they are skilled in their profession outside of being a justice of the peace. I would like the Minister's assurance that, if a magistrate is stationed in a location so long as to ensure that he then adjudicates on persons he placed in prison, the Minister will act. Secondly, in relation to all prisons I would like his assurance that there will be a number of justices of the peace, not just two or three, appointed to act as a visiting tribunal. Every effort should be made to ensure that the membership of the visiting tribunal is changed as often as possible. There are great problems if the same two justices of the peace sit regularly on visiting tribunals, because very quickly they become part of the system and everyone recognises them as such. That will not provide the independence being sought by prisoners. Of course, other people within the prison system, apart from the prisoners, have a great interest in this matter as well. Will the Minister give the Committee that assurance?

The Hon. W. A. RODDA: The honourable member is painting a very black picture, but if those circumstances do arise the Minister, and at present I am the incumbent, will keep a close watch on those matters raised by the honourable member. Of course, one cannot choose one's judge. Magistrates will be available on a roster system, and I suppose the same situation applies with judges in courts. Magistrates and judges are fair-minded people. If, as I think the honourable member pointed out, something is not working out and a prisoner wishes to plead not guilty, the matter must be referred to a magistrate.

In relation to visiting justices, the Minister has the power of delegation and revocation. The Bill contains plenty of power. This Bill was drafted with recent events in mind. The Bill provides plenty of protection for inmates and

correctional services officers. I appreciate the honourable member's concern and I will certainly note his comments.

Clause passed.

Clause 18—'Government may proclaim premises to be a prison or police prison.'

Mr KENEALLY: This clause has a format similar to a clause prepared by the previous Chief Secretary. Will the Minister explain the term 'police prison'? Is it a cell at a police station? I acknowledge that the Governor, by proclamation, can declare any premises to be a prison. Where does a police station figure in that definition?

The Hon. W. A. RODDA: Police prisons will be at specific places such as Oodnadatta, Ceduna, Port Augusta and similar townships.

Mr Keneally: What about a police station?

The Hon. W. A. RODDA: As I have said, police prisons will be at specific places. When declaring premises under the control of the Commissioner to be a police prison it will be a specific place. Specific places will be mentioned, such as Ceduna, Port Augusta and Roxby Downs. They will be at a police station.

Mr Keneally: Roxby Downs gets into this Bill as well.

The Hon. W. A. RODDA: That is such a fashionable name, I thought that the honourable member would appreciate the illustration. The Bill provides that a Government can declare a premises to be a police prison at a police station, and it will be serviced and under the control of a permanent head.

Mr KENEALLY: My question really relates to smaller country areas where there is no police prison and the actual prison itself is some distance away. If the police have to hold a person in a police station, as quite often is the case, then it seems to me that that occurrence is not covered by this Bill.

The Hon. W. A. RODDA: It is not unusual that places, such as Arno Bay and Cleve, become police prisons. If people are held there they are looked after by police officers. Prisoners will not stay in a police prison for any indeterminate time. We are not talking about those sorts of places, if that is what the honourable member is driving at.

Mr KENEALLY: I think that we are talking about that. As this is my last opportunity to speak to this clause, I am disappointed that it does not define other places where prisoners are kept, so that this particular Bill, the Prisons Bill, would then be open for further correctional reform. I discussed periodic detention and work release in my second reading speech. It would seem to me that it ought to be appropriate that those reforms should be part of the Prisons Act, as should be the community service scheme, which unfortunately is part of the Offenders Probation Act. I believe that all of these special sentencing options and penal options should be covered by the one Act. I would hope that the Government would look at doing that. I strongly encourage the Government to widen the definition of premises that can be by proclamation declared to be subject to this Act. It will depend on the Minister's response whether or not I recommend to my colleagues in another place to move amendments.

Mr Mathwin: Did you have something in your draft?

Mr KENEALLY: Yes, it was in our draft. I thought that the member for Glenelg was getting bored by the constant reference to the draft, but it seems that he is a glutton for punishment. Can the Minister give the Committee the assurance that it seeks in relation to these wider definitions?

The Hon. W. A. RODDA: The honourable member is talking about other forms of detention. Provisions for periodic detention and other things have not yet been put into the legislation. The honourable member says that it is in his draft, but he was not moving terribly fast.

Mr Keneally: It is in clause 17 of our draft Bill, and is quite specific. Police prisons, detention centres, community service centre, hostels—

The Hon. W. A. RODDA: The community service order is an initiative of this Government and is in the Offenders Probation Act. The periodic detention centres and the other matters that he refers to are not initiatives of the Government. As worth while as the initiatives are when the Government comes to implement them, it will be simple to bring down an amendment Bill and put them in. They are not initiatives that we are looking at, nor have we the wherewithal to do that. That is how the Government views it. We are progressing, and it is not good to initiate actions that one cannot produce. The honourable member would not be unaccustomed to that. He has been a long time grappling with the Simmons Bill, which he has paraded all night. If the Bill had been as successful as the honourable member believed and if certain things had not happened, or if the then Treasurer could have been convinced, then I suppose the former Chief Secretary and his preceding Chief Secretary could have implemented it, but instead found trouble. Perhaps their Treasurer was not as generous as my Treasurer.

Mr Keneally: Your Treasurer has been most generous to you.

The Hon. W. A. RODDA: He has been most generous.

Mr Crafter: He has not been very generous about community service orders.

The Hon. W. A. RODDA: The member for Norwood can interject from the back bench.

Mr Crafter: We are still waiting for—

The Hon. W. A. RODDA: The honourable member should get used to waiting. Things come in small parcels very slowly, which is the history of his Government. The Liberal Government has inherited problems. Certainly, there is no mingy Treasurer—

Mr Keneally: A mangy Treasurer!

The Hon. W. A. RODDA: I said 'mingy'. Treasurer Tonkin has been munificent.

Mr Keneally: You'll be in the Ministry until the election.

The Hon. W. A. RODDA: The honourable member knows that we are short of Governors, and one never knows when one will be called to high places. Salaries comprise a large component in the Budget. Correctional services have a large input from the Budget. Capital expenditure has been great, and the honourable member still talks about new initiatives. When the Government is ready to talk about new initiatives it will introduce an amending Bill. I do not suggest that the honourable member is wasting his time in making certain recommendations in another place that cannot be given effect to.

Clause passed.

Clause 19 passed.

Clause 20—'Duty of Visiting Tribunals to enter and inspect correctional institutions.'

Mr KENEALLY: Clause 19 is strictly in accordance with the draft Bill, and clause 20 does reflect some variance. I would ask the Minister to consider one disturbing aspect in regard to this clause. It is the additions to the original draft of the clause that will be of concern to the Committee. The Opposition is happy with subclauses (1), (2), (3) and (4) but is concerned about subclauses (5) and (6). Where the Government has tried to get into the act, the problems seem to occur. Subclause (5) provides:

> A visiting tribunal may, investigating a complaint, be assisted by any other person authorised by the Attorney-General for the purpose.

It is rather unusual that an Act which is under the control of the Chief Secretary would contain such a provision. I would have thought that, if we are going to have a clause

of this nature in the Bill, the Attorney-General could only authorise a person to assist the tribunal if the Chief Secretary requested such a person to assist. There is no indication here that such a request needs to come from the responsible Minister. Clause 20 (5) quite clearly states that if the visiting tribunal wants assistance then the Attorney-General can provide that assistance. It does not provide at all for any role for the Chief Secretary. I wonder whether the Chief Secretary can explain to the Committee the reasons why he has included subclauses (5) and (6) of clause 20 and whether he can advise the Committee as to his role in those subclauses and whether subclause (5) gives the Attorney-General power to override the Chief Secretary. I did occur to me that this particular subclause was written in only because of the current position that the Attorney-General holds *vis-a-vis* the Chief Secretary. I cannot recall any other Chief Secretary who would have so readily accepted any other Attorney-General having such power in a Bill that the Chief Secretary was responsible for.

The Hon. W. A. RODDA: I said this afternoon as nicely as I could that there seems to be some conflict in the Opposition. I do not want to canvass that any further. This Government works as a team. If the honourable member looks at clause 20 (1), it states:

> A visiting tribunal for a prison may at any time, and shall, if requested to do so by the Minister, enter and inspect the prison for the purposes of ascertaining whether the provisions of this Act relating to the treatment of prisoners are being complied with.

That is the Chief Secretary. Clause 20 (2) states:

> The Minister shall cause each prison to be so inspected by a visiting tribunal at least once in each week.

The visiting tribunal is a magistrate, of course, who does all those things. If we look at clause 20 (5), it states:

> A visiting tribunal may, in investigating a complaint, be assisted by any other person authorised by the Attorney-General for that purpose.

Mr Keneally: What is your role in that particular subclause?

The Hon. W. A. RODDA: The visiting tribunal is requested by me. The special investigators are part and parcel of the Attorney-General's Department. It is expeditious and streamlined and they will carry out investigations. I am sure that the honourable member has read the Commissioner's report and has seen that there is a need for this type of investigation. That inspector or investigating officer will come from the Attorney-General's Department.

Mr KENEALLY: Would I be correct in saying that one of the reasons why the Minister has placed this subclause in the Bill is to accommodate the occurrence where a visiting tribunal will be investigating, say, a complaint against an officer of the Correctional Services Department and that the Minister feels that in such circumstances it would be wise to have an independent investigator to assist in the investigation of such a complaint? It would seem to me to be a fairly reasonable proposition, if that is what the Minister would like to inform the Committee.

My problem is not with such a person being available to assist the tribunal, but when I become Chief Secretary, I will have an Act for which I believe I should be entirely responsible, yet that Act gives the Attorney-General powers to make decisions. I ask the Chief Secretary to accept an amendment that provides that such a request must go through the appropriate Minister so that the visiting tribunal, operating under the Chief Secretary's Act, does not go off on its own behalf to the Attorney-General and ask for an additional officer to assist with the investigation, without the responsible Minister knowing what is going on. I am merely asking the Minister to provide that a visiting tribunal that seeks such assistance should seek that assistance through the Minister who has control of this Act.

If the Minister wants to discuss the matter with members of his department or with anyone else, I would be happy about that, but I would be unhappy if the Minister insisted on passing over to another Minister control of some aspects of his Act. I would not be happy with that, because I do not believe that the Minister would be doing himself justice.

The Hon. W. A. RODDA: If the honourable member is worried about this, he should look at the Bill; he would see that the authorised person assisting the visiting tribunal pursuant to subsection (5) shall have, and may exercise, for that purpose, the powers vested in the visiting tribunal, and that the visiting tribunal shall furnish the Minister and the Attorney-General with a written report of its findings on completing an investigation of a complaint. The Chief Secretary would be advised of the results. Also under the Bill, the visiting tribunal, at the end of each month, shall furnish the Minister with a report. I believe that the honourable member is being particularly nitpicking. This is a streamlined way of operating.

Mr Keneally: It means that the Attorney-General can put his nose into your area, and you have no say.

The Hon. W. A. RODDA: That is what is wrong with the honourable member—he knows that the Labor Party had all those years in which to do something, but it did nothing. This Government is active.

Mr CRAFTER: I want to pursue this area, because I believe it is important to know to whom the visiting tribunal reports and to whom it is responsible within the executive arm of Government. Who will take the responsible action when the report is received? Under subclause (7), the visiting tribunal shall furnish a report to two Ministers. Obviously, that report, as the Minister has said, will contain recommendations for action in relation to matters arising from the report. Subclause (4) refers to the various areas in which the visiting tribunal has power to investigate. I would have thought that this Bill would be vested in the Minister (the Chief Secretary) and not in the Attorney-General. I would like to know how it is that an arrangement has been reached between these two Ministers as to how they will act, whether they will act equally or separately, whether they will gain advice from their respective departments and arrive at different conclusions, or whether they will be responsible for different aspects of the report. How will the Ministers reach conclusions in the interests of the proper administration of the prisons in this State?

Mr Mathwin: They will probably sit down at a table on two chairs, get out their pencils, have a cup of tea—

Mr CRAFTER: The member for Glenelg may have a simplistic approach, but a legal obligation should be vested in one Minister. I have never heard of an Act being vested in two Ministers. If the honourable member wants a spate of challenges about actions that are taken or decisions that are made under the authority of the wrong Minister, this clause invites that.

I would suggest that it is in the interests of the proper administration of this Act that we have this matter clarified now. We do know that this matter is vested in the responsible Minister, or is it vested in another Minister, albeit for the reasons that have been suggested by my colleague the member for Stuart?

The Hon. W. A. RODDA: I am amazed at the suspicious character of the two members opposite. They want to be little kings within Government. We establish communications between Ministers and, once agreed, along the lines of process it works. I do not have to go to the Attorney-General every time to get an investigator to act. Indeed, we have a duality in this Cabinet, and in other areas the same thing applies. It obviously was not the Opposition's way of running Government. That is why they never got the Bill through. That is the real reason, yet here we are,

bogged down on the Opposition's hesitancy. Let me assure members opposite that there are no problems as far as we are concerned. We are the Government and while we have the commission we will get on with the job.

Mr CRAFTER: There may be no problems in the eyes of the Minister, but I can assure him that I have a problem. The visiting tribunal, having conducted an investigation, reports jointly to the Minister and to the Attorney-General, but nowhere in this provision does it say which Minister is authorised to take action on the report that has been received from the visiting tribunal. Surely, the whole purpose is to have an investigation and to do something about it. Who is it that is authorised under this provision to do something about it?

The Hon. W. A. RODDA: I would have thought that the member for Norwood, being a lawyer, would know where the authority comes from. The authority is spelt out in other measures relating to this, and he knows that full well. He is merely wasting the Committee's time.

Mr KENEALLY: I agree with the Minister: there is no point in carrying on this particular debate. I am absolutely certain that in another place the Attorney-General will understand the point of law we are making and will accept the amendments we will most obviously move there. The Minister thinks that this is a personal criticism of him or the Bill. We are trying to point out to him what sensible administration is and what the law would require. It is obvious that we shall have much more success with the Attorney-General, so we will leave it until that discussion.

Clause passed.

Clause 21—'Day on which sentences of imprisonment shall commence.'

Mr KENEALLY: This is a very contentious clause, and I think that the Committee ought to have a clear statement on it. We know that there is currently before the Legislative Council a Bill that deals with the issue of warrants, and it is our fear that that Bill will impact on this clause. If the Bill going through the Legislative Council is passed by the Parliament, we may have to subject this clause to further consideration. The fine points of law are somewhat difficult for me to understand, but I am sure that the fine points of law are readily available to the Minister and that he would be able to explain to us how the Bill in another place impacts on this clause. I am sure that he would be able to assure the Committee that what we are discussing here is appropriate and valid *vis-a-vis* that measure that the Government has introduced elsewhere.

The Hon. W. A. RODDA: There is an amending Bill in another place which has not yet been passed but which relates to the Prisons Act, and when it is passed it will be dealt with. I recognise the honourable member's modesty when he says that he is not skilled in the fine points of law. I am not a lawyer, either, so that makes two of us, and let us not mislead each other. It is hard road coaching people like me to mislead him, but when we have the spectacle of another member opposite, who is a qualified lawyer, mouthing with great ignorance where authority lies, it makes me very suspicious of those two gentlemen. They know very well that there is legislation in another place and have heard what has happened to people who have tried to push it along. However, that is a bridge we will cross when we get to it.

Mr KENEALLY: In case the member for Glenelg feels compelled to ask where this provision appeared in the draft Bill, I point out that it did not appear in that Bill: it was clause 75 of the Criminal Procedures Bill, which was drafted in conjunction with the amendments to the Prisons Act.

Clause passed.

Clause 22—'Power of permanent head to assign prisoner to a specified correctional institution.'

Mr KENEALLY: This was almost a perfect clause, but the Minister insisted on leaving out a couple of words which were in the original draft and which would have made the provision much more appropriate. In the original draft clause 22 (1) provided:

> A person who is remanded in custody awaiting trial or sentence shall be detained in such place of imprisonment as the court may direct or in the absence of any direction, such place of imprisonment as the Director may determine.

Of course, 'Director' becomes 'Permanent Head'. I rather suspect that the Minister has been persuaded by his departmental head or his department generally to exclude the reference to the court. I feel that the original draft is better than the present provision. I move:

> Page 9, line 29—After 'correctional institution' insert 'as the court may direct or, in the absence of any such direction,'

This seems to me to be an appropriate amendment. It could be argued that the court should be able to make such directions. I am interested to know why the Government considers that the court should not make such directions, because that is quite obviously the Government's intention; otherwise it would not have felt compelled to delete the relevant words from the original provision. Can the Minister say why he believes the court should not have a role in directing where prisoners should be placed?

The Hon. W. A. RODDA: Where a person is remanded in custody the Government believes that the permanent head should so determine that question. The honourable member cast an aspersion on the Director.

Mr Keneally: No, we are happy for the permanent head to make the direction if the court does not do so.

The Hon. W. A. RODDA: We do not believe that the court should determine where the person should be detained, and that is the reason. The Government believes that the permanent head is responsible for holding these people and that he should be the person to determine where they are placed, and we have expressed this in the Bill.

Mr KENEALLY: I am not convinced by the Minister, and we would insist upon our amendment, although I give notice that the Opposition will not be dividing if the Minister does not accept our amendment. However, for the sake of the member for Glenelg, there is another amendment to this clause which he will be pleased to note. The original draft provided, in subclause (3):

> Subject to this Act a person sentenced to a term of imprisonment exceeding 14 days—

it was 14 days originally and the Government has made a major amendment to 15 days—

> shall not be imprisoned in a police prison.

In places like Coober Pedy and Ceduna, where there are police prisons, this Bill provides that a person sentenced to a term of imprisonment exceeding 15 days shall not be imprisoned in such a police station. If a person at Ceduna or Coober Pedy (presumably an Aboriginal) were sentenced to 28 days imprisonment he would have to be moved to either Port Lincoln or Port Augusta, as the case may be. It seems an imposition on these people to be moved so far away from their local community. I suppose the majority of imprisonments would be between 14 and 28 days.

Mr Lewis: The member for Elizabeth said it was a good idea to spread those kinds of prisons into country towns.

Mr KENEALLY: Of course, the member for Mallee completely misunderstands what I am saying. If he listened closely he would be better informed. I am saying that we have prisons at Port Augusta and Port Lincoln; we have police prisons in Coober Pedy and Ceduna. The clause provides that no person shall be kept in a police prison for longer than 15 days.

Mr Lewis: So?

Mr KENEALLY: So, what I am saying is that a person sentenced to prison in Ceduna or Coober Pedy for 21 days is required then to be transported hundreds of miles to Port Lincoln or Port Augusta. There are some cultural problems about Aborigines who live in Ceduna or Coober Pedy. They are not like Aborigines who live in Adelaide. These people are still tribal and semi-tribal, and they move around a lot. There could be severe social disadvantages for them to be taken so far away from their homes. In normal circumstances the problem is not as extreme, but I think it would be in such cases as I outlined. Consideration should be given to extending it to 28 days.

The Hon. W. A. RODDA: I cannot agree with that. Police prisons have certain limitations, and 15 days is sufficient time to have these people there. Beyond that it becomes difficult as regards facilities. The honourable member said that in his Bill it was 14 days, so he is arguing against himself. I am not paying much regard to what the honourable member has to say.

Mr KENEALLY: I take exception to the last comment. I do not argue with the Minister's right to disagree to amendments that we move, but I take exception to his statement that he will take no notice of anything I say.

I remind the Chief Secretary that we are in Parliament and that we represent a lot of people. I am the shadow Chief Secretary, and I ask the Chief Secretary to show some respect for that position, if not for the person. I certainly show respect for both the Chief Secretary's person and his position and I would like him to do likewise. The Opposition insists upon its amendment. I hope that the Committee has been so convinced by the logic of my argument that it will agree to the amendment.

Mr CRAFTER: Will the Minister explain why judicial officers have been precluded from giving directions as to which correctional institution or the type of correctional institution to which persons should be sent when awaiting trail or sentence or, indeed, having been sentenced to a term of imprisonment? I refer the Minister to the Mitchell Committee Report which recommended strongly that the sentencing judge should assume some responsibility in the consideration of parole.

Throughout that report reference was made to the involvement of the Judiciary in the whole sentencing process, particularly in relation to rehabilitation, so that there is some objective assessment of the period of time that a prisoner spends in a correctional institution, and the appropriate length of sentence and institution for a particular prisoner, bearing in mind the nature of the offence committed and various other pieces of important information that are before the court when such decisions are taken. It is rather strange that these responsibilities are to be conferred on the permanent head of a correctional institution. Why has the Minister or the Government taken that decision, and on what information is it based? Also, why has the Government decided to preclude orders from the court when considering this most important aspect of the sentencing process, that is, the correctional institution in which a prisoner is to be placed?

The Hon. W. A. RODDA: The permanent head has a continuing responsibility. He is also responsible for security. It is possible that a judge may not be completely *au fait* with an institution, its security area or its population. In fact, I think some dangerous prisoners were recently sentenced to an institution in a country centre which proved to be inadequate. The permanent head is aware of the current capabilities of the various institutions. Quite properly, security is the main aspect. Both the honourable members who have spoken to this clause should appreciate that. It is all very well for the court to direct where a prisoner should serve his sentence, but the person in charge of the institution will know just what is available and he is usually aware of a prisoner's background.

Mr Keneally interjecting:

The Hon. W. A. RODDA: Plenty of information is available in the pre-sentence reports. The Government is insisting on this clause for the reasons that I have outlined. The Government will give due consideration to the comments made by the member for Stuart and his colleague. The responsibility for security will lie with the permanent head.

Mr CRAFTER: The Minister referred to dangerous prisoners, and I acknowledge that they are a particular and grave problem. However, last night I referred, during debate on the second reading, to other categories of persons, particularly those who are most susceptible to influences that are less than desirable by a period of imprisonment. In that instance I referred to children. I have received representations, as I said last night, from parents and solicitors who have acted for that category of person, aged below 18 years or just above 18 years, and they were most concerned that that person would be sent to certain correctional institutions in the State.

The Hon. W. A. Rodda: You say that the inmates are concerned?

Mr CRAFTER: The parents of the inmates are concerned that the inmates will be sent into some correctional institutions. I share their fears, particularly based on the evidence that was elicited by the recent Royal Commission. It would seem that this section vests in the permanent head an absolute power to determine where prisoners shall be sent. That power may well be used wisely with the best of information that is available to the permanent head. However, an objective judicial review of that situation is a safeguard to all concerned. Also, there appears to be no right to challenge a decision taken by the permanent head as to which correctional institution a certain prisoner may be sent and, indeed, sent for a long period of time. Severe problems may arise from imprisonment in a particular prison or in a remote area, where particular problems arise for contact with the family and other influences which may be helpful to that prisoner in his rehabilitation. Yet, under this section, there seems to be no way in which that decision can be reviewed.

I have heard stories (I am not sure whether they are true or not) of prisoners being sent to various prisons to bolster up the local football team which is playing in a particular grand final or competition. That may well be in the interests of prison morale or even a prisoner's own life in a prison, but in the more serious areas, has the Minister considered these real and often very worrying problems, not only for the prisoner but also for those who care for him?

The Hon. W. A. RODDA: I think that the honourable member is jumping ahead. I am talking about a person remanded in custody and awaiting trial or sentence and is detained in an institution as the permanent head may determine. The next clause seems to be more relevant to what the honourable member is talking about. It is not likely that a person remanded in custody and awaiting trial or sentence will be held for any great length of time.

The permanent head has knowledge of the population of the institutions and it is not likely that someone awaiting trial or sentence is going to be sent to Cadell or Port Pirie, unless for specific reasons. In recent times we have had to transfer people to Mount Gambier, Port Lincoln and indeed, Port Augusta for their safety. That information is available to the judge. However, the permanent head is the person who knows that, and experience has shown that this is the right place to lodge it. I hope that the honourable member for Norwood understands that. I think that his latter remarks were more relevant to clause 23.

Mr KENEALLY: The Minister should look at clause 22 (2). Then, he would understand exactly what the member for Norwood was addressing himself to. I would insist, for all the reasons advanced by the member for Norwood, that the Government look at the amendments, and that the court has the necessary skills to make appropriate recommendations as to places of detention. Also, I wish to refer to what I told the member for Glenelg earlier. Clause 20 (4) of the draft Bill provides:

A person who is sentenced to a term of imprisonment exceeding one month shall not be imprisoned in a police prison.

In fact, that was part of the original draft. It was not flexibility on my part when I suggested it to the Committee: my flexibility was based on a sensible draft. The Opposition would like the Committee to agree with the amendment.

Mr MATHWIN: It is about time that the member for Stuart told the Committee all about these secret draft Bills. He refers to a draft Bill but does not tell the Committee where it is, its date, who presented it, or who prepared it. Was it the Duncan Bill of 1975, the Simmons Bill of 1979 or any of the other Bills which the Opposition claims it drafted and which have been copied by the Government? On every clause the honourable member has referred to a secret draft Bill of the Labor Party, which failed to introduce any Bill during the 10 long weary years in which it was in power. It is about time that the honourable member indicated the source of the secret draft Bill or provided a copy of this secret draft Bill. About which draft Bill is the honourable member talking? Is it from 1975, 1978, 1979? Is it the Simmons Bill, or any of the other draft secret Bills that have been lying about the place? At least the honourable member must indicate to which Bill he is referring.

Amendment negatived; clause passed.

Clause 23—'The Prisoners Assessment Committee.'

Mr KENEALLY: I move:

Page 10—

Line 6—Leave out 'six' and insert 'three'.

Line 14—Leave out 'six' and insert 'three'.

Line 20—After 'for not doing so' insert 'and the Minister concurs with that opinion'.

The Opposition agrees largely with this clause, because once again the Government almost got it right. My first amendment is an addition to the Simmons draft Bill of 1979, and the other two amendments involve changes made by the Government to the draft Bill. Under clause 23 (4) *(a)* and *(b)* the Government has increased the period of detention from three months, as in the draft Bill, to six months. The Opposition believes it would be much better if three months were to apply as was originally intended.

The Opposition has no objections to the inclusion of the words 'or to life imprisonment or any other sentence of indeterminate duration'. It does not understand the relevance of the words or the necessity for them in this clause. Will the Minister explain their necessity in this provision? There must be some legal, practical, administrative or whatever reason for it. The Opposition considers that the review of the circumstances of a prisoner serving a sentence of three months should be referred to the assessment committee, and that six months is too long for decisions to be made without reference to that committee.

Will the Minister consider our amendment to provide for three months instead of six months, as originally envisaged, and could he explain to the Committee the reasons for the addition of the provisions relating to life imprisonment and indeterminate sentences?

The Hon. W. A. RODDA: The honourable member is talking about reducing the period from six months to three months, but to do that we would have to almost double the staff because it takes a month to prepare, so it is a question of time. The matter was canvassed thoroughly and the Government opted for a period of six months.

Mr Keneally: Why has the Minister included the words: 'or to life imprisonment or any other sentence of indeterminate duration,' referring to periods that are obviously longer than three or six months?

The Hon. W. A. RODDA: There are people who are in prison for a long time. What is the objection to a period of six months?

Mr Keneally: Most people sentenced to life imprisonment are there for a long time. I was wondering why it was necessary to include those words.

The Hon. W. A. RODDA: I think that those cases should be looked at at regular intervals. Some are model prisoners, and it is only right that things should be flexible for such people in an institution. A number of people are at Cadell for an indeterminate period, and they are happy. This provision gives flexibility to the permanent head, so that he can look at these people and move them from A to B, if necessary, or keep them in certain places. There are people serving indefinite and indeterminate sentences and that is why those words are included in this subclause.

Mr KENEALLY: The Opposition has no objection to this, but we do not see that it adds anything to the clause. If it does, we are anxious to find out just how it does improve the clause. We are very much in favour of the assessment committee and would like to see it operate effectively. We are concerned that subclause (5) states:

The Permanent Head shall carry out any recommendation of the Assessment Committee unless he is of the opinion that special reasons exist for not doing so.

Subclause (2) provides as follows:

The Assessment Committee shall consist of three persons who shall be appointed by the Minister upon such terms and conditions as he sees fit.

The Minister appoints the assessment committee, which then reports to the permanent head.

The ACTING CHAIRMAN (Mr Oswald): Order! We are dealing with line 6. It would be better if we dispensed with the amendments to lines 6 and 14 and moved on.

Mr KENEALLY: Very well. The Minister suggested, in his defence of a period of six months as against a period of three months, that if that were implemented it would affect staff requirements within the department. In fact, the Minister said that if the period was reduced from six months (as the Government intends) to three months (as the Opposition intended), the staff requirements within the department would be doubled.

An honourable member: That is right.

Mr KENEALLY: Will the Minister elaborate on that? That seems a rather exaggerated statement. Will the Minister point out to the Committee the number of staff that will work solely on these assessments and how the staff will be doubled if the amendment is accepted?

The Hon. W. A. RODDA: If the period is reduced from six months to three months, the clerical staff of the committee will be involved in a double area. It is believed that six months will be the optimum time; that has been a recommendation made by the department. We believe that that is the appropriate period, because it involves a month for preparation. I have been told that 64 per cent of prisoners are in prison for less than six months.

Mr Keneally: That means that 64 per cent of prisoners would not go before the assessment committee.

The Hon. W. A. RODDA: That is right; they are short-term prisoners, according to the information I have received.

Mr KENEALLY: I do not believe that the information that the member for Hanson supplied to the Minister helped him one little bit. I take the point. The Minister is saying that, if the period is reduced to three months, a high

percentage of the 64 per cent of prisoners would have to be referred to the assessment committee, so that the work load could be doubled. I believe the important point that we should consider is the position of the prisoners rather than the problems faced by clerical officers within the department. We should determine whether it is in the best interests of the running of the correctional services and the prisoners within that service. That should be our priority.

It seems to me that the Government has decided that six months is the minimum time to be served by a prisoner before that prisoner is referred to an assessment committee, and that that decision has been based on the staff that would be required in the department. That is not really the basis on which important decisions within the department should be made. I understand the constraints on the Minister and his department in regard to finance and personnel, but I would have thought that six months in a prison is a considerable time. Of course, there is the opportunity for a prisoner to be out of prison in two months if he has a six-month sentence, so that may overcome the problem as I see it. I believe that three months is a more appropriate period, and I ask the Committee to support the amendments.

Amendments negatived.

Mr KENEALLY: I move:

Page 10, line 20—After 'for not doing so' insert 'and the Minister concurs with that opinion'.

I point out to the Committee that, under clause 23 (2), the Minister will be empowered to appoint an assessment committee, to which he will appoint three members. The previous Government intended to allow the permanent head to appoint two members to the committee so that the Minister would appoint one member. This Government, in its wisdom, has decided that the Minister should appoint three members to the assessment committee. That assessment committee appointed by the Minister will report to the permanent head, and the permanent head will then decide whether or not he accepts the advice of the committee that has been appointed by the Minister. If he decides not to accept that advice, well that is it.

We do not believe that is appropriate. The Opposition believes that an assessment committee established by the Minister reports to the permanent head. If the permanent head does not accept the advice provided him by the assessment committee, he ought to advise the Minister of that, receive the Minister's report and advise the assessment committee in writing that the permanent head does not support its recommendation. The amendment which I have prepared and which I will move later is to insert the following new subclause:

(5a) Where, pursuant to subsection (5), the permanent head does not carry out a recommendation of the assessment committee, he shall advise the committee in writing of the reasons for the decision.

The Hon. W. A. RODDA: I am not terribly fussed about new subclause (5a), I will ask the honourable member to deal with his first amendment before we go on to the other one.

Mr KENEALLY: I would recommend to the Committee that, in the case of a Ministerial appointed committee, the Minister ought to be involved in any decision that the permanent head makes in contradiction to the recommendation of that committee. It is up to the Minister to decide and advise his colleagues as to how they should vote on what he would do with the committee he appointed and whose recommendations the permanent head rejected. Should the Minister be advised, involved or whatever. I ask the Minister to give his views on that.

The Hon. W. A. RODDA: This is an administrative decision because the permanent head does not want the Minister to interfere in every complaint.

Mr Keneally: You appointed the committee.

The Hon. W. A. RODDA: The assessment committee is functioning now, but it has never been put into the legislation. By default, it has done a very good job, as I think the honourable member will agree. The Government will not accept the amendment. I am not worried about new subclause (5a) that he intends to move. I point out that I do not see why the Minister should be involved in concurring with every opinion that is made. It is an administrative matter with which the permanent head can deal.

Mr CRAFTER: I am rather surprised that the Minister has sought powers to appoint the assessment committee without restriction, no doubt on his personal recommendation. Those persons are to serve on such terms and conditions as he thinks fit. Then we find that, where the permanent head has a disagreement with that committee, the Minister then wants to deny any appeal to the Minister by that committee, against the decision of the permanent head.

I would have thought such a provision would have been a safeguard for a situation of impasse involving the assessment committee. Bearing in mind the comments I made earlier about the sorts of decision that must be made concerning the placement of prisoners and other important matters, I would have thought that it was logical that the Minister should have that supervisory or appellant function.

Mr KENEALLY: What has happened here, of course, is that the draft Bill provided that the director appoint two members of the assessment committee which meant that, by and large, the committee was responsible to the director, but the director did not have to accept the recommendation of the assessment committee but could reject it if he wished. That is not inappropriate, because it would have been a committee on which his nominees would have comprised the majority. However, the Government changed the provision to provide that the Minister appoint three members of the assessment committee. It seems logical that, having appointed those three members, the Minister should have some interest in the decisions they make, and that the decisions made by his appointed committee ought not be able to be rejected by the permanent head without reference to the Minister at all. That seems quite incongruous to me, and it is an administrative nightmare.

The Opposition maintains that, if the permanent head disagrees with a committee that the Minister has established, then the permanent head should report to the Minister and the Minister should then make the final decision. He would very likely support his permanent head, as would probably be the case on every occasion. It seems useless for the Minister to require the power to appoint a committee, and then give the responsibility to somebody else to decide whether or not the recommendations of that committee are to be followed. The Opposition is certainly not trying to put something over the Minister; we are simply asking him to see reason. I think that any of his Ministerial colleagues would tell him that what we are advising him to do is perfectly sensible.

The Hon. W. A. RODDA: The assessment committee will make an assessment of where a person should serve his or her sentence. It is purely an administrative function, that has gone on for many years. Ultimately, the function rests with the director and it is not proper for the Minister to be involved in every decision that is made. I do not know what all the fuss is about. It is no wonder that the Opposition did not get its Bill up to the barrier if it is bogged down on a situation such as this.

Mr KENEALLY: The present Minister might wish to wipe his hands of any responsibility for a committee that he has established, whereas other Ministers would not. Legislation is not written in this place to suit the whims of the incumbent in the Chief Secretary's position; we write legislation in this place for all Chief Secretaries who will

have responsibility for this Act in the future. Therefore, if the Minister is quite happy to allow his director to override the Minister's appointed committee that is for the Minister to determine. The Opposition strongly recommends that the amendment it has moved be carried by this Committee.

Mr CRAFTER: I can see no justification at all in the way that this provision is written for having an assessment committee with legislative powers, because in fact it can be overruled every time by the permanent head without anything being able to be done about it. So, it seems pointless having an assessment committee or giving it authority or powers as limited as they are. On every occasion, when the permanent head so desires, he can negate those decisions and advice given to him.

Mr EVANS: I would like to have the situation clarified. Is the Opposition saying that in its draft Bill it was moving towards a point where an assessment panel should be set up by the Director? There may have been a necessity for the Minister to concur with the decision. In this case the assessment panel has been set up by the Minister to report back to the Director as to where to place prisoners. That is a different concept. I think the Opposition got tied up in its Bill. The appointment procedure has been changed from the Director to the Minister. There is no need to come back. If the Minister is not happy with the way in which the assessment panel is working, whether it be this Minister or any future Minister, he could set about changing the assessment panel.

Amendment negatived.

Mr KENEALLY: I move:

After line 20, insert subclause as follows:

(5a) Where, pursuant to subsection (5), the permanent head does not carry out a recommendation of the assessment committee, he shall advise the committee in writing of the reasons for the decision.

This amendment is consequential upon the one just defeated. It seems strange that the Minister is so opposed to one and yet is relaxed about the other.

The Hon. W. A. RODDA: I do not see anything wrong with the amendment.

Mr KENEALLY: We now have a clause that provides for six months as a minimum sentence; this means that many people will be compelled to go to Yatala whereas they could have been sent to Cadell or Port Augusta. That was the point I was making when I said that three months was more appropriate than six months. I know that the matter has been debated and voted upon. I should have produced that information prior to the vote. That is the situation as we now have it.

Amendment carried; clause as amended passed.

Clause 24 passed.

Clause 25—'Permanent head may transfer prisoners.'

Mr KENEALLY: Clauses 24 and 25 are identical to those contained in the draft Bill and the Opposition supports them.

Clause passed.

Clauses 26 and 27 passed.

Clause 28—'Removal of prisoner for attendance at court, etc.'

Mr KENEALLY: The Opposition supports these three clauses. They are splendidly drafted in accordance with the draft Bill.

Mr MATHWIN: We have listened to the tiresome repertoire from the member for Stuart in relation to supporting these clauses because they are in a secret report or draft Bill. He was kind enough to tell me, when I asked whether the Bill belonged to Mr Simmons or Mr Duncan, that it was Mr Simmons's Bill. I asked him for the date of it—whether it was drafted in February 1979 or whether it was one of the others on which the Chief Secretary sat to try to hatch and which he was afraid to put to this House.

The CHAIRMAN: Order! I ask the member for Glenelg to relate his comments to clause 28, which is the clause before the Committee.

Mr MATHWIN: When speaking to every clause before the Committee, members opposite have referred to some secret draft Bill which the previous Government failed or was too frightened to bring before the House. I ask the member for Stuart to tell us the date—

Mr CRAFTER: Mr Chairman, I rise on a point of order. I believe that the member for Glenelg is flouting the ruling that you just gave.

The CHAIRMAN: I must uphold the point of order. I ask the member for Glenelg, when discussing this clause, to indicate whether he supports it. The member for Stuart has been allowed some latitude, but he has indicated on each occasion whether or not he supports the clause he is speaking to. I ask the member for Glenelg to link his comments.

Mr MATHWIN: I support the clauses, because they are Government clauses. I have not seen the secret Bill referred to by the member for Stuart so often before this Committee.

Clauses 26 to 30 passed.

Clause 31—'Allowances paid to prisoners.'

Mr KENEALLY: I move:

Page 12, after line 31—Insert new subsection as follows:

(5) The Minister shall review regularly the rates of the allowances to which a prisoner is entitled under this section.

Mr Chairman, I did stand to speak to clauses 29 and 30, but they were passed because, obviously, I did not have your attention. I suspect you probably understood what I was about to say and there is no need for me to repeat it.

The CHAIRMAN: Order! The honourable member will confine his comments to clause 31.

Mr KENEALLY: For the benefit of honourable members, clause 31 of this Bill is identical, to a large extent, to clause 29 of the draft Bill. The Opposition's amendment simply adds an additional subclause. I believe prisoners' allowances were indexed by the previous Government and they may well be indexed by the present Government. If that is the case and the Minister gives an assurance that it will continue to be the case—

The Hon. W. A. RODDA: I have no objection to the amendment.

Amendment carried; clause as amended passed.

Clause 32 passed.

Clause 33—'Prisoners' mail.'

Mr KENEALLY: I suppose it is inappropriate for me to say that this clause is in accordance with a clause in the draft Bill.

The CHAIRMAN: Order! There is nothing in this clause about any draft Bill.

Mr KENEALLY: I am trying to point out to the Committee why the Opposition is very happy to support the Government's Bill.

Mr MATHWIN: Mr Chairman, I rise on a point of order. The member for Stuart is defying the Chair. The member for Stuart persists in referring to a secret document which his Party was too frightened to bring into this House when it was in Government. No member on this side of the House has seen that document. The member for Stuart has failed to produce the document and he has even failed to tell us when it was written. The member for Stuart has mentioned that document when speaking to every clause before this Committee. It could be one of a number of documents which the previous Attorney-General and the previous Chief Secretary were sitting on whilst huddling together like a couple of clucky hens.

The CHAIRMAN: Order! I believe that the honourable member is going beyond the scope allowed when making a point of order. I suggest that the member for Stuart link his remarks when discussing each clause. I point out that I cannot allow a debate about what might have been contained in a document that the Chair or the Committee has not sighted.

Mr KENEALLY: I am surprised at the ruling, but I will not debate it. Clause 33 makes important changes to the system of censorship in the prisons. We all agree that such changes are badly needed, and we applaud the Chief Secretary for introducing this provision. Whilst the Chief Secretary points out that amendments such as this originated in the Mitchell Report, he has failed to advise the Committee that the wording of the individual clauses was not the wording of the Mitchell Report.

Clause 33 owes much of its drafting to a visit that the previous Chief Secretary and some of his officers made to Washington State, which I understand has a very advanced system, particularly regarding censorship. It is pleasing to see that the Government has accepted many of the recommendations that flowed from that visit, but it is unfortunate that it did not accept all the recommendations that flowed from it. The amendments I will be moving in due course will be in line with the original recommendation and the system that operates in Washington State.

It is true, as the member for Elizabeth said earlier, that prisoners by and large do not object to having their mail opened; they know that they are going to prison and know the system that operates there. However, they do object to prison officers having access to the intimate details of letters they write to their families and loved ones. It is possible—and I put it no stronger than that—that these officers will use that information in such a way as to mentally harass prisoners. They may not do it, but the opportunity is provided for them to do so.

The Opposition believes that there ought to be an authorised officer who has the responsibility of censoring the mail, but that that authorised officer should have as little contact as possible with the actual custodial operations of the correctional services. That means that the prisons, or the department, will have a censorship officer, but that that person is independent from the actual custodial staff. That is an important aspect of the recommendations that were brought back to South Australia by the previous Chief Secretary, who was able to travel extensively at the taxpayers' expense. Therefore, his views and recommendations are relevant to the debate, because he did this on the public pay-roll.

I believe that the previous Chief Secretary has made a significant contribution to this debate in South Australia, and it is childish for Government members to deny that. How could this Chief Secretary bring this particular recommendation to the Committee? He would not have known anything about it had it not been for the work of the previous Chief Secretary.

I feel very strongly about subclause (4), which provides that a superintendent may cause all parcels sent to or by a prisoner to be opened and examined. The superintendent, under this clause, does not even have to have reasonable suspicions that a particular letter or parcel might contravene the regulation. Under the existing clause, the superintendent has the power willy-nilly to open any letter coming into or leaving the prison. I do not believe that any reasonable person in this place could support that, as I do not believe that any reasonable person in this place could object to the sensible amendments that the Opposition will move.

The Hon. W. A. RODDA: While the honourable member spoke generally to the clause, I had discussions with officers. The honourable member was concerned that details of prisoners' private matters may be spread around the prison. The clause provides that there will be an authorised officer to do the censoring.

Mr Keneally: All it says in subclause (13) is that 'authorised officer' means an officer of the department appointed by the Minister for the purposes of this section.

The Hon. W. A. RODDA: Subclause (11) provides:

> The superintendent shall advise the prisoner in such manner as he thinks fit of any action taken under this section in respect of any letter . . .

Subclause (12) provides:

> An authorised officer shall not, otherwise than as required by law or in the performance of his duties, disclose to any other person the contents of any letter perused by him pursuant to this section.

Subclause (13) provides:

> In this section 'authorised officer' means an officer of the department appointed by the Minister for the purposes of this section.

Specific officers will do this. Any disclosure would be a breach of the Public Service Act. Special officers will be selected, not just anyone from the rank and file, for that task. I move:

> That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

The CHAIRMAN: Does the member for Stuart intend to move all his amendments together?

Mr KENEALLY: No, it would not be appropriate, because they differ substantially. My first amendment is to clause 33 (2) *(a)*. I move:

> Page 12, line 41—Leave out 'as soon as reasonably practicable after' and insert 'on the day on which'.

The original draft provision has been changed to provide:

> A prisoner to whom any letter or parcel is sent shall be handed that letter or parcel as soon as reasonably practicable after it is delivered to the correctional institution.

It was intended that it should provide:

> . . . the day on which it is delivered to the correctional institution.

It means that a prisoner to whom any letter or parcel is sent shall be handed that letter or parcel on the day that it is delivered to the correctional institution. Why did the Government feel compelled to make this change? It is not unreasonable that, when mail arrives at a prison and there is no cause for suspicion by the superintendent—the responsible officer—that mail should reach the prisoner on that day.

Will the Minister tell the Committee why the Government felt compelled to change that clause? There must be some reason to change the wording to 'as soon as reasonably practicable'.

The Hon. W. A. RODDA: Mail and parcels do not always come by post; some are hand delivered to the front gate. Such letters or parcels will be delivered to the prisoner as soon as reasonably practicable after it has been delivered to the correctional institution. I imagine that, in the practical sense, if mail comes in at a reasonable time and can be dealt with in the appropriate way, it will be delivered to the inmate. The Bill covers all possibilities, but the amendment puts it in a straitjacket.

Mr KENEALLY: I take the Minister's point that the amendment would require the parcel or letter to be conveyed to the prisoner on the day that it was received and would not give any flexibility to the superintendent. Of course, that does not mean that, if a letter or parcel for some reason is under suspicion and is opened, it needs to be conveyed to the prisoner on that day. The words 'as soon as reasonably practicable' give the superintendent, or whoever is in charge, the greatest flexibility—it might be a week later. There may be some very good reasons why the prison officer believes that the prisoner can go without the mail or parcel

for a day or two. I do not really believe that that sort of flexibility ought necessarily be vested in the superintendent.

I think when mail is delivered to a prison it is not unreasonable that the prisoner receive that mail. It is, after all, the possession of the prisoner and not that of the superintendent. I have no doubt that a great deal of resentment is caused by prisoners getting letters that have been unusually delayed. We are merely asking that the simple process of being a postman and conveying that letter or parcel to the prisoner quickly should be followed. Once again, with a great deal more hope, I suppose, than confidence, I commend the amendment to the Committee.

Amendment negatived.

Mr KENEALLY: Clause 33 (2) *(b)* provides:

any letter or parcel sent by a prisoner and bearing correct postage shall be forwarded as soon as reasonably practicable.

Will the Minister say whether that means that any letter or parcel sent by a prisoner not bearing the correct postage does not have to be forwarded at all?

The Hon. W. A. RODDA: It is incumbent on people forwarding postage to pay the surcharge, and inmates must meet the same obligation. That subclause just spells that out. The honourable member has been very forceful tonight and has wasted a lot of time wanting things spelt out. This provision spells out that mails shall bear the correct postage. The prison authorities will deal with that matter, and it is a proper thing to be in the Bill.

Mr KENEALLY: The Opposition certainly agrees that any letter leaving the prison ought to bear the correct postage; there is no argument about that. If this clause were to read, 'any letter or parcel sent by a prisoner shall be forwarded as soon as reasonably practicable', that would include the letter being taken back to the prisoner and the prisoner being asked to provide the correct postage.

However, if the clause was to provide that any letter or parcel sent by a prisoner and bearing the correct postage shall be forwarded as soon as reasonably practical, what would happen to a letter that does not bear the correct postage? I have no doubt that the Minister will tell me that the authorising officer (the Superintendent or whatever) will take the letter back to the prisoner and say, 'This letter does not bear the correct postage. If you put the correct postage on the letter, we will send it.' That is all right, because that gives the Superintendent the discretion. Quite clearly, that clause provides that a letter that does not bear the correct postage is not to be forwarded, and any prison officer who took this action would be acting completely within the meaning of this clause. I move:

Page 13, lines 1 and 2—Leave out 'and bearing the correct postage'.

The amended clause will serve the purpose that the Government intends and will not produce ambiguity, which would allow a vindictive person, if such a person ever existed, to say under the meaning of the Act that, because a letter does not bear the correct postage, it will not be sent. If the amendment is accepted, the clause will be very clear. It will allow for prisoners' rights, and the role of prison officers will be much clearer and much more satisfactory.

The Hon. W. A. RODDA: If a letter does not bear the correct postage, it will be sent, but the matter will be taken up with the inmate. I do not know what all the fuss is about. If a letter bears incorrect postage, or no postage, or if the inmate is short of funds, the matter would be taken up with him and the department would see that the letter was sent. The honourable member has my assurance that such a letter will ultimately be sent, but it will not be dispatched post haste.

Mr KENEALLY: I accept the Minister's assurance. There is absolutely no question that the Minister would ensure, if it was in his power to do so, that such a letter would be dispatched as early as possible, depending on the postage being correct. However, the Minister's assurance, as important as it is, is not what the Committee is debating. We must write clear legislation, not legislation that could be challenged by a lawyer. The words 'and bearing the correct postage' can have quite the opposite effect to what is intended. If those words were deleted, the clause would achieve what the Minister wishes, it would not inhibit departmental officers one wit in the exercise of their duties, it would not inconvience the prisoners, but it would make very clear that a prisoner, a very smart lawyer, or a perceptive prison officer could not take advantage of such an ambiguous clause.

If the Minister would give an assurance to the Committee that he will discuss this with his legal adviser, and if what I am saying is correct and there is an ambiguity, that it will be corrected in another House then I will be satisfied with that assurance. If the Minister and his legal advisers are not convinced that what I am saying is correct then it can be debated in another House. I am asking him to give some closer consideration to the points I am making. I am firmly convinced they are valid, so I ask the Minister whether he is at least prepared to give that assurance that he is prepared to discuss it with the Attorney-General, or whoever is concerned, and take the matter further.

The Hon. W. A. RODDA: It is not a matter of discussing it with the Attorney-General. The honourable member has been raising Cain tonight about the Attorney-General and letters or parcels sent by prisoners. Now he raises a red herring about a letter being sent without stamps. These people are not on the broad highway. They are under the control of a properly constituted authority and steps will be taken to see that correct stamps are apportioned. There are means by which this can be done, we talked about allowances and the payment to prisoners, so that there are credits that may be put into force. I think the honourable member is terribly finicky. I know why he does not want this Bill to go through. I think it is because it will join the other heap that will be here. If that is so we will be here for breakfast.

Mr Keneally: You are doing me a grave injustice.

The Hon. W. A. RODDA: I do not think it is a grave injustice, but you have the brakes on so hard that they are smoking.

Mr KENEALLY: I expect that I should thank the Minister, but I am not too sure for what. He seems to believe that any criticism of a clause or part of a clause is a direct reflection on him, as Minister. Of course, that is not the case. No-one believes that the Minister is responsible in writing for every word that is in these Bills. He is responsible for the carriage of them through Parliament. We are not suggesting that at all, but we are suggesting that he should discuss this with his colleague. I expect his colleagues will have the carriage of this Bill in the Legislative Council, and the Attorney-General will then be asked these questions, so I do not know why he is so sensitive to the fact. We are not suggesting he should run cap in hand to the Attorney-General and ask whether the Bill is correct. Surely he should discuss it with that gentleman because that is where the debate will be, right in the hands of the Attorney-General in another place.

I am asking the Minister to check whether what I am saying has any basis legally and, if it does, then to change it. If it does not, then let that matter be argued between the Hon. Mr Griffin and the Hon. Chris Sumner. If there is any legal ambiguity, after those two have chewed it over for an hour or two I am certain that it will be clear for everyone to understand. I am also certain that the Chief Secretary and I arguing about it adds very little to the

clarification of the points that I make. So I move that those words—

The Hon. W. A. RODDA: Before the honourable member starts moving anything, let me refer to something that is not there at all. I hate saying this to the honourable member, but he is the exorcist of the Opposition. He is always raising dead issues, and he is now raising issues that are not there. If there is something there and it will make the honourable member happier, let us delete 'and bear the correct postage' and get on with it. The honourable member is always raising issues that are not there. Let us delete 'and bearing the correct postage' and get on with it.

Mr KENEALLY: I am delighted that the Minister is so rational, and I support his support of my statement.

Amendment carried.

Mr KENEALLY: My next amendment refers to clause 33 (4). I object to that subclause in the strongest terms. I believe it gives the Superintendent powers of censorship that this Parliament does not wish to see happen. I think that there has been a mistake here. I move:

Page 13, lines 19 to 33—Leave out subclauses (4) and (5) and insert subclause as follows:

(4) Subject to subsections (7) and (7a), where the superintendent suspects on reasonable grounds that a letter or parcel sent to or by a prisoner contravenes this section the superintendent may cause the letter or parcel to be opened and perused or examined by an authorised officer.

The Opposition believes it is important that at least that constraint is put upon the Superintendent, namely, that he ought to have reasonable grounds for believing that any letter or parcel contravenes the regulations or is illegal before having the power to open willy-nilly all letters and all parcels that come into a prison.

Mr Mathwin: One does not know until one opens them.

Mr KENEALLY: The member for Glenelg is quite obviously in favour of the system that we are all trying to change. The Minister and the Government are trying to change it, and the Opposition supports the attempt to change it, but apparently the member for Glenelg would like the old antiquated system to remain, but on this point he is isolated. The Opposition supports the important changes to the censorship law within the prisons; we applaud what the Government is doing in this area. I hate to tell the member for Glenelg that the changes follow the recommendations in the 1979 report. The Opposition applauds what the Minister is attempting to do, but it is important that this constraint be placed on the Superintendent. I ask the Committee to support the amendment.

The Hon. W. A. RODDA: Clause 33 (4) and clause 33 (5) provide for exactly what was recommended by the Royal Commissioner. The honourable member objects to the provisions. Subclause (4) states:

A superintendent may cause all parcels sent to or by a prisoner to be opened and examined, and all letters sent to a prisoner to be opened, by an authorised officer for the purpose of determining whether any parcel or letter contains a prohibited item or a sum of money.

The honourable member expresses a concern about people yapping about the contents of parcels or letters, but the legislation provides that parcels and letters will be opened by 'an authorised officer'. Subclause (5) states:

Subject to subsection (7), a superintendent may cause—

(a) any letter sent to or by a prisoner who is, in the opinion of the superintendent, likely to attempt to escape from the prison;

(b) any letter sent by a prisoner who has previously written, or threatened to write, a letter that would contravene this section;

(c) any letter sent to or by a prisoner that the superintendent believes may be in a language other than English;

or

(d) any other letter, selected on a random basis, sent to or by a prisoner,

to be opened and perused by an authorised officer for the purpose of determining whether the letter contravenes this section.

All that is in the interests of security, it is exactly what the Royal Commissioner recommended, and the Government stands by that. I cannot help what is in the magical Bills of the honourable member.

Mr KENEALLY: Besides my objections to the *carte blanche* authority provided to the superintendent to cause all parcels and all letters to be opened, there is a particularly objectionable provision in subclause (5), which states:

. . . a superintendent may cause

(c) any letter sent to or by a prisoner that the superintendent believes may be in a language other than English to be opened . . .

So, where he has no reason to believe that a person is contravening any regulation, merely because the letter is in the language of a person whose native language is not English, the superintendent can open that letter. I find that totally objectionable because that means that people who write innocent letters in their mother tongue (and many prisoners are unable to write letters in English) are subject to some discrimination to which people who write in English are not subject. That does not seem to be reasonable.

I am quite frankly opposed to the whole of clause 33 (4) as written into the Bill. I believe that the amendment to this provision would give the superintendent all the power that he needs, so that, where he suspects on reasonable grounds, he may open the letters—whether they be written in English, Italian, Greek, Swahili, Pitjantjatjara or whatever. A reasonable ground of suspicion would cover them all. However, in this subclause (5) *(c)* we are writing into the legislation that a person who writes in a language other than English is to be subject to censorship by the prison authority. I disagree with that. I believe that our amendment gives the superintendent all the powers he needs to provide adequate censorship of the mail and parcels which go in and out of prisons.

The Hon. W. A. RODDA: The honourable member misses the point that we are talking about what happens in a prison. There have been numerous problems since I have been Minister, with drugs and razor blades coming into prisons. The member for Elizabeth today referred to—

Mr Keneally: Do they come only in letters written in other than English?

The Hon. W. A. RODDA: The honourable member wants to leave out all of subclause (4). Some quite potent drugs have come into prisons in various ways, including parcels. The amendment provides that, if the Superintendent suspects on reasonable grounds that a letter or parcel sent to a prisoner contravenes this section, he may cause the letter or parcel to be opened and perused by an authorised officer. I emphasise the word 'may'. We have had the example of the Tognolini case. We are not going back to those days. I have tried to be accommodating on some of these things but I will not give way on this. The operative word is that the superintendent 'may'. We have had to appoint a dog squad and take all sorts of steps in the interests of security in the prison itself. We have been criticised by members opposite, and the member for Stuart has been one of the major culprits. He has been receiving stacks of publicity. The other day someone referred to my publicity officer, Mr Keneally, from Port Augusta.

Mr Keneally: I'm keeping you in your job.

The Hon. W. A. RODDA: You will keep us here all night, too, if you keep on in this way. The Government opposes the amendment.

Mr MATHWIN: I am surprised, although I suppose I should not be, at the drivel that has come from the mouth of the member for Stuart. He has referred to what will

happen—obviously he has not read the Bill. Subclause (4) provides:

A superintendent may cause all parcels sent to or by a prisoner to be opened and examined, and all letters sent to a prisoner to be opened, by an authorised officer . . .

It does not state that any personnel can perform that function, as was allowed to occur by the previous Government, which was too frightened to introduce a Bill to amend the Act. The previous Government made a number of attempts to do that, but none of them came to fruition. The previous Government was too frightened to introduce an amending Bill. This provision will make an authorised officer responsible. It will not be left to just any personnel, so that everyone could know the business of prisoners. An authorised officer will do the job.

Mr Keneally: You're referring to subclause (4), not subclause (5).

Mr MATHWIN: If the member for Stuart will hold his breath for 20 minutes we will all be better off. I refer the member for Stuart to subclause (5) which states that the superintendent may cause certain things to occur, not that he will or that he shall. That should satisfy the member for Stuart.

The honourable member has shed crocodile tears over the secret document that we have heard so much about. He is also worried about letters that are sent to or by a prisoner which may be in a language other than English. A prisoner could be writing to a friend in some other country or vice versa. It is quite obvious that, if a letter is written in a foreign language, one will not know what it contains or what it is all about.

I think the member for Stuart does not understand what censorship is all about. I experienced censorship in my youth. In fact, my letters were censored for many months. Everyone serving in the army had their letters censored. Does one suppose that the officers doing that job read every line and chuckled to themselves about the different wording of each letter, and clasped their hands in glee saying that they would delete something because perhaps a soldier's wife or girlfriend said something naughty. The letter may have discussed secret happenings of their private life. Does the member for Stuart think that is what censorship is all about? Of course it is not. The member for Stuart should well know that that is not the reason for the exercise at all. Censorship, in this case, is to determine whether persons are attempting to provide inmates of gaols with contraband, drugs, money and so on.

The idea of censorship or of any of the other clauses that the honourable member has read in the Bill, is to stop it, to not encourage it, and to nip it in the bud. As I explained to him before, the idea of censorship is not to take on everybody and to laugh about it and tell stories in the mess of the officers in charge or other officers there and to discuss the happenings in the private lives of prisoners; that is not what it is all about. It is to protect the Government and the public.

Mr Evans: To protect the prisoners themselves.

Mr MATHWIN: As the member for Fisher said, it is to protect the prisoners themselves. Does the member for Stuart wish to condone the situation of prisoners receiving drugs through the post? Does he wish that, because a letter is not written in English, but is written in a language that the superintendent does not understand, the superintendent should say, 'Okay, let this person suffer, let him be taken on the drug scene and let these things happen to him. We must not read the letter because it is in a foreign language.' Let us be sensible about the situation. I am sure that the member for Stuart fully realises what censorship is all about. He has kept us here and has had his fun for 5½ hours. We are now on about clause 30 and it is about time we got down to reality. He knows damn well what censorship is all about and knows that the authorities are not there just to have their fun with the private writings of people sending mail to their loved ones in prison. There is nothing wrong with the clause as it stands; it provides for an authorised officer, and says that the superintendent may, not shall, cause these things to happen. I support the Bill as it is.

Mr KENEALLY: The member for Glenelg is one of a special breed of people who can make lengthy contributions to a debate; others stop and listen closely to what they have to say and then the debate continues as if they had never made a contribution at all. I will break a vow I made to myself earlier today not to respond to anything he has to say to tell him that he does not understand what the Bill is all about. It is not the intention of the Bill, which changes the censorship laws in the prisons, that every letter and parcel that goes into the prison be opened. If two letters come into the prison and one is written in English and one in a language other than English, for no other reason than that it is written in a language other than English, it will be opened when there is no reasonable suspicion that either of those two letters will contravene the regulations, but merely because one is in a foreign language and one is in English, then this clause gives—

Mr Mathwin: May.

Mr KENEALLY: Of course. It does not say that he has to, but gives the superintendent the power to open. I ask the member for Glenelg to listen to the amendment. The amendment covers all the concerns that the member for Glenelg and his Minister have expressed and is subject to subsection (7) and (7) *(a)*—which is the exception for people like the Ombudsman, members of Parliament, Visiting Tribunals and legal practitioners—and provides where the superintendent suspects on reasonable grounds that a letter or parcel sent to or by a prisoner contravenes this section, the superintendent may cause the letter or parcel to be opened, perused or examined by an authorised officer. That covers every eventuality.

All letters are treated equally; all prisoners are treated equally; all circumstances are treated equally; and, if there is a suspicion that there are drugs or razor blades, or the like, in letters or parcels, the amendment accommodates that concern. No correspondence or parcel would move from one person to another from outside the prison to inside or vice versa.

Where there is a reasonable suspicion that a parcel or letter contravenes the regulations, that parcel or letter will go through unopened. It gives the Superintendent, the department and the Government the power required where there is reasonable suspicion to open. I am saying that it is not reasonable for the Superintendent, where there is no reasonable suspicion or no suspicion at all that a letter contravenes a regulation, to have powers to open the letter, particularly if it is in a language that he does not understand. That is the simple reason why it is to be opened. I urge the Committee to accept my amendment.

Mr EVANS: I do not know whether I am reading the clause in the same way as is the member for Stuart, but I believe that I am not doing so. Subclause (4) provides:

The superintendent may cause all parcels sent to or by a prisoner to be opened and examined, and all letters sent to a prisoner to be opened . . .

All of them are opened. It is only if they happen to be in a foreign language that this arises. The clause states clearly that they all shall be opened.

Mr Keneally: That they all 'may' be opened.

Mr EVANS: The next point that the honourable member speaks of is the actual perusal.

Mr Keneally: Why do you refer to specific languages other than English?

Mr EVANS: If one glanced at a document written in another language one could not tell immediately. It does not provide that they will all be opened. It provides that it 'may' be done. All are opened regardless. The honourable member asked why only those that appeared to be written in a foreign language would be opened, but that is not the case: all parcels and letters would be opened.

The Hon. W. A. RODDA: Foreign language does pose problems. An inmate, say, a Greek, may be well known in prison and trusted. The honourable member may not be aware that from time to time all sorts of people who do not speak the English language or who write in a foreign language find their way into prison. There could be a code, a plan to escape, or all sorts of things. In the interests of security that must be examined.

As the member for Fisher pointed out, the superintendent may cause all parcels to be opened. Commissioner Clarkson made strong references to this, and, once it is confirmed that there is no contraband or drugs in a parcel or letter, it can then go to the inmate. This is done expeditiously. There is provision for an authorised officer, involving officers from grade one to chiefs. The honourable member is holding up the Committee. The Government has no intention of moving on this matter, which is a major part of the Bill. It has a cogent part to play in the security of prisons, and I will not agree to the amendment.

Progress reported; Committee to sit again.

ADJOURNMENT

At 10.30 p.m. the House adjourned until Thursday 18 February at 2 p.m.