HOUSE OF ASSEMBLY

Thursday 1 December 1983

The SPEAKER (Hon. T.M. McRae) took the Chair at 11.30 a.m. and read prayers.

QUESTION

The SPEAKER: I direct that the written answer to a question as detailed in the schedule I now table be distributed and printed in *Hansard*:

BUILDING DEMOLITION

In reply to **Mr MAYES** (18 October).

The Hon. D.J. HOPGOOD: The Planning Act, 1982, establishes a system for development control in South Australia. The main role of the Act is to control the erection of buildings, changes in the use of land, and division of land. The definition of development also includes the alteration or demolition of items of State heritage included on the Register of Heritage Items under the Heritage Act. At present, therefore, the Planning Act can be used to control demolition of State Heritage Items, but not other buildings.

The Act also provides that the definition of development, and, therefore range of control, can be extended. A demolition control could be introduced for specific sites or for defined areas of local heritage significance, for example. The normal provisions of the Planning Act, including appeal rights, would apply to demolition applications should such a control be introduced.

A number of councils in the State are considering the desirability of seeking demolition control for local heritage areas, although, to date, no formal request has been made to me. This of course already applies to the City of Adelaide.

PAPER TABLED

The following paper was laid on the table:

By the Chief Secretary (Hon. G.F. Keneally)—

Pursuant to Statute—

Correctional Services, Department of—Report, 1982-83.

PUBLIC ACCOUNTS COMMITTEE REPORT

Mr KLUNDER brought up the 29th report of the Public Accounts Committee which related to the accountability of the Commissioner of Highways.

Ordered that report be printed.

QUESTION TIME

The SPEAKER: Before calling on questions I wish to say that I am advised as follows, and inform the House accordingly: the Deputy Premier will not be present until 12 o'clock, and the Minister of Education will not be present at all.

LIQUOR LICENCE FEES

Mr OLSEN: Can the Premier say whether the price of liquor will rise on 1 January by the levels specified when he announced increased licence fees in August? At the time the tax rise was announced by the Premier he said that the price of beer would rise by 3 cents a bottle on 1 January, and others predicted that the price of wine would rise by 15 cents a bottle. I am advised that there is mounting concern and confusion in the liquor industry in view of the present review of the licence fee increase, and the fact that the price increases will allow hotels to pay the higher licence fees that are due to be implemented in only four weeks time.

The Hon. J.C. BANNON: I am not able to say at this stage whether or not such a rise will take place and to what extent it will take place, because the review is under way. The pricing policies are up to the liquor industry itself, and they will require justification under the provisions of the Prices Act. I have already explained the situation fully to the House. At present legislation is in place. From 1 April certain—

Mr Lewis: He thinks he can get away with it by smiling.

The SPEAKER: Order! I call the member for Mallee to order. Tempers tend to be frayed after a late night sitting, and I ask honourable members to try to abide by their own Standing Orders: they are not my Standing Orders. The honourable Premier.

The Hon. J.C. BANNON: I do not think that I really have any more to add.

ADELAIDE GAOL INCIDENT

Mr GREGORY: My question is addressed to the Chief Secretary.

Members interjecting:

The SPEAKER: Order! It is intolerable for the Chair to be flouted in this fashion while another honourable member wishes to ask a question. For a debate to break out again immediately after I had asked honourable members to abide by their own Standing Orders is frankly ridiculous, and it cannot go on like this. I will have to take appropriate action under the orders the House has asked me to enforce.

Mr GREGORY: Will the Chief Secretary advise the House of an incident that occurred yesterday afternoon at Adelaide Gaol? That incident, as honourable members know, has caused some considerable disquiet in our community.

The Hon. G.F. KENEALLY: I expect that all honourable members would know that yesterday in the Adelaide Gaol a remand prisoner was assaulted. The remand prisoner had been offered the opportunity of protective custody within the institution, but he did not wish to avail himself of that. The prisoner is now in the Adelaide Hospital, and will be expected to be back in the prison within about seven days.

An honourable member: It is the way you run your prisons.

The Hon. G.F. KENEALLY: The honourable member opposite believes that this is a reflection on the way in which the prisons are run. I should point out to honourable members that in South Australia, particularly, there is still some difficulty in being able to segregate some types of prisoners from others, especially when those who may require protective custody for obvious reasons and who have been offered such custody do not avail themselves of it. There is no reflection at all in this incident on the correctional officers. I assume that that is what honourable members opposite are saying. There is no reflection at all on the officers at Adelaide Gaol.

Members interjecting:

The SPEAKER: Order! I ask the member for Bragg, among others—because there are other offenders—to restrain himself while the Minister is giving the reply.

The Hon. G.F. KENEALLY: It is not practicable to expect that every prisoner will be supervised individually by a prison officer. There is also, as honourable members would

be well aware, a particular group of prisoners in any institution throughout the world who are likely to be subjected to harsh treatment within the system, whether they be remandees or prisoners, from fellow remandees and prisoners. Adelaide Gaol is an old prison, and it will become a museum as soon as we can make it so. We will then have the remand prisoners in a more appropriate facility. That remand facility would have been available now had the Regency Park project gone ahead, but when the previous Government came to office it cancelled it. That is just one of the problems that we have.

Nevertheless, there is a facility within the system to be able to segregate difficult prisoners in some of our smaller institutions because of the nature of those small institutions, but they are sentenced prisoners. It is much more difficult for remand prisoners because they are held in Adelaide and, to some extent, in Port Augusta. So, the capacity to be able to segregate those prisoners more effectively is difficult. The Department offers protective custody to those whom it believes would benefit from it. When this particular remandee returns to Adelaide Gaol, he will be placed in a secure situation within the prison, whether he wishes it or not. Certainly, we regret—

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. Wotton: The prisoner was in a cell by himself.

The Hon. G.F. KENEALLY: In a cell by himself during the normal open period when cells are open and prisoners can walk in and out of cells. Honourable members do not know the system; that is quite obvious.

Members interjecting:

The SPEAKER: Order! This is Question Time and not seminar time, or time for release of pent up emotions. The honourable Chief Secretary.

The Hon. G.F. KENEALLY: I was just going to finalise my remarks by saying that as Minister I regret that the incident happened, but I thought that the Parliament ought to be made aware of the circumstances that surrounded it.

The SPEAKER: Before calling on the next question, I think that it is fair to indicate that—

Members interjecting.

The SPEAKER: Order! Before calling on the next question I think it is fair to indicate that when I specifically mentioned the member for Bragg a while ago I should have mentioned the member for Morphett, who was the culprit on that occasion. The honourable member for Albert Park.

HOUSING FOR ELDERLY

Mr HAMILTON: My question is directed to the Minister of Housing and relates particularly to housing the elderly, granny flats and transportable flats. The idea of granny flats is to allow people to add to their homes so that they can look after their elderly family members. This has a lot going for it. Will the Minister say whether the Government has looked at the concept of granny flats, what research has been done on them, and whether they could be introduced into South Australia? I recently obtained information from Victoria titled *Movable Units Scheme (The Granny Flat) Information Brochure*, which states:

> The Ministry of Housing evolved the concept of granny flats to give single aged people or aged couples an opportunity to share life with their families or friends in close but independent accommodation. The scheme has now been extended to include disabled and other single people or couples who need this type of accommodation. The units are now known as movable units.

The article continues, later:

> Movable units help foster a broader family environment, while providing the freedom and independence of close but separate accommodation. Normally they are located in the rear garden of a relative or friend's dwelling. The units are self-contained, comprising a bedroom, ensuite bathroom-toilet and a living-room with an annexe kitchen. In cases where occupants of units are disabled, variations such as ramps, rails, and specially equipped bathrooms are available. Units are also suitable for accommodating people confined to wheelchairs.

The Hon. D.C. Wotton: This is a second reading speech.

Mr HAMILTON: It is amazing to me that genetic malfunctions opposite are always interrupting on matters of concern to me.

Mr MATHWIN: I rise on a point of order.

Mr HAMILTON: Where we have—

The SPEAKER: Order! The honourable member for Glenelg.

Mr MATHWIN: I rise on a point of order. I would ask you, Mr Speaker, to take some action about the diatribe coming from the member for Albert Park, who is now scolding members on this side of the House.

The SPEAKER: I hope that we will not have vilification of one member by another. We do not need words like 'diatribe'. If order is to be maintained, and it will be maintained, I will maintain it. I do not uphold the point of order but do rule that the honourable member for Albert Park is now debating the matter and I ask him to wind up his question without further debate. The honourable member for Albert Park.

Mr HAMILTON: It certainly was not my intention to debate the issue, which is a matter of grave concern to me.

The SPEAKER: Order! I have just asked the honourable member to wind the matter up, so would he please do so.

Mr HAMILTON: I will endeavour to do my best, Sir. This article points out that the cost of construction of these units is approximately $13 000. It also points to the problems arising from the fact that a building permit from the local municipal council is required for each unit. I believe that these units would assist in meeting the demand for housing for the aged within South Australia, which is a matter of concern to all members on this side, although I cannot speak for members opposite.

Members interjecting:

The SPEAKER: Order!

The Hon. T.H. HEMMINGS: It concerns me that, after that very concerned question from the member for Albert Park, members opposite treat the question of housing for the aged in a very flippant manner, and that reflects their point of view.

Mr Ashenden: Are you going to answer the question?

The Hon. T.H. HEMMINGS: I will. I appreciate the question. Because of the ageing of our population, this Government is concerned to ensure that our elderly citizens have access to proper housing that will suit their individual needs. It is worth while to note that applications from aged people for Housing Trust accommodation are increasing; over 15 per cent of allocations made by the Trust last year were to aged people. It might be pertinent to inform the House that in many cases people who apply for aged accommodation die before their application is approved. If members opposite think that that is not really worth worrying about or that the question asked by the member for Albert Park was too lengthy or too flippant, so be it—the community will judge them.

The concept of granny flats is not new. It has been advocated for many years and it is an established means of accommodation in Victoria. However, there are some advantages and some disadvantages. As the member for Albert Park stated, that sort of accommodation is advocated because the family can then look after their own. However, there are difficulties with local government planning regulations, and the big problem is cost. I understand that, although the initial construction cost is cheaper, the cost of

relocation and the life expectancy of the dwelling are such as to make the overall economic comparison dubious. They were the conclusions of the latest research. However, I will consider the situation in South Australia and bring back a considered reply in the future.

DEPARTMENT OF MINES AND ENERGY

The Hon. E.R. GOLDSWORTHY: Will the Minister of Mines and Energy give an assurance that the annual report of the Department of Mines and Energy will be tabled in the House before it rises for Christmas? It is usual for the Department's report to be tabled about this time of the year. I recall that the last two reports were tabled on 1 December 1980 and 2 December 1981, when I was Minister.

I have been informed that the report this year will contain figures that point to a significant downturn in exploration activity in South Australia. In fact, I have heard from another source that a downturn of about 30 per cent has occurred in relation to mineral exploration in South Australia, which is particularly significant when other legislation before the House will provide positive disincentives to exploration. Past reports of the Department have also contained important comment about the effect of land rights legislation. I refer, for example, to the report of 1981-82, which stated that compensation claims for exploration companies under South Australian land rights legislation had so far failed to reflect the spirit and intent of the legislation. Because the Department's report could be relevant to matters now before Parliament, the Minister should seek to ensure that it is tabled at the traditional time.

The Hon. R.G. PAYNE: I do not believe that I can give the House and the Deputy Leader the exact assurance sought. However, I am prepared to assure the honourable member that I will make my best endeavours, now that he has raised the matter, to take that action. To this date I have not received the report through the departmental system. I do not recall it. Certainly, I will undertake later today to chase up and see whether his wish can be met in that respect. The point that the honourable member tried to make is that there is likely to be information in a report that points to a significant downturn in mineral sector exploration. I presume that he suggests that the significant downturn has occurred in South Australia only. I suspect (I think the former Minister would agree) that there has been a significant downturn throughout Australia and not just in one State. I do not have the kind of detail that the honourable member is seeking—

The Hon. E.R. Goldsworthy: You didn't have any detail in the Estimates Committee, either. You are the most vague Minister I have ever struck.

The Hon. R.G. PAYNE: —which ought to be in the report. I do not at this stage attempt—

The Hon. E.R. Goldsworthy: You are the most uninformed Minister in the place, and that's saying something.

The SPEAKER: Order! This is Question Time and not conversation time between the two members.

The Hon. R.G. PAYNE: I will not attempt to hazard the outcome of the likely figures of which the honourable member spoke. I did want to say that the land rights legislation to which the honourable member referred was introduced to Parliament during his time in Government. One can only assume that, if there are defects in that legislation to which he points, apparently he has to accept some of the responsibility.

CORRECTIONAL SERVICES DISCUSSION PAPER

The Hon. D.C. WOTTON: Will the Chief Secretary make available to the Opposition a discussion paper that he has given to the Supreme Court judges on the Government's prison parole policy? In today's *News* the Minister is quoted as saying that he had given members of the Supreme Court a discussion paper detailing the Government's policy long before it was announced this week. The Minister stated:

> They know what the Government has in mind.

In the same report, the Law Society makes quite clear that it is confused about the Government's policy. The President of the Law Society, Mr Wicks, is reported as stating:

> I can't work out whether the courts are setting the sentences, maximum and minimum, and someone has to sort out what happens in between.

The Hon. G.F. KENEALLY: In August this year a discussion paper was issued to all people in South Australia and groups that had an interest in correctional services and the parole system. Included in that circulation were the Justices of the Supreme Court of South Australia and members of the Opposition who sought that discussion paper.

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. Wotton: What absolute rubbish!

The SPEAKER: Order! I hope that honourable members will show some respect for their own Standing Orders.

B.M.X. CYCLES

Mr FERGUSON: Can the Minister of Recreation and Sport say, in view of the recent boom in bicycle motorcross or B.M.X. cycle riding in South Australia, whether he and his Department of Recreation and Sport have taken any steps to ensure that this activity is conducted as safely as possible?

The Hon. J.W. SLATER: The answer is, 'Yes'. We have had discussions with—

Members interjecting:

The Hon. J.W. SLATER: I do not want the member for Todd to get off his bike.

Members interjecting:

The SPEAKER: Order! The Minister is entitled to reply.

The Hon. J.W. SLATER: The B.M.X. competition is for children aged five years and upwards. The way that Opposition members are carrying on, they could qualify in the 10-year old age group.

An honourable member: Mental age.

The Hon. J.W. SLATER: Yes, the mental age group. The answer to the honourable member's question is 'Yes'. Discussions have taken place between the staff of the Department of Recreation and Sport and the B.M.X. Association. I understand that in South Australia there are something like 2 000 registered riders and approximately 25 association tracks. The B.M.X. Association has developed a strict set of rules and regulations governing activities on those tracks. They include the wearing of safety equipment and protective clothing; indeed, good supervision and first aid is available.

The association is also preparing a booklet for circulation to its members. It agreed to co-operate with the Department of Recreation and Sport and Education Department officers by including material encouraging safe legal use of B.M.X. bicycles when they are away from the tracks. The safety requirements for B.M.X. racing are, however, that bikes have no reflectors, one brake, no bells or lights. For those bikes to be used legally on the roads in daylight they require, of course, a sounding device and reflectors. The riders also need to be discouraged from practising their racing techniques on the roads and footpaths.

LIQUOR TAX

The Hon. JENNIFER ADAMSON: I ask the Premier how many deputations he has received from the Australian Hotels Association on the liquor tax. Has he discussed with the association the possibility of lifting the tax level, as specified in the legislation, and the granting of a rebate on the tax in order to reduce its adverse impact on the hotel industry? A decision by a Government to grant a rebate on a tax prior to it even being levied is unprecedented. If such an extraordinary course is being contemplated, it begs the question why legislation is not before the House by way of an amendment to reduce the level of tax instead of resorting to artificial bureaucratic means of correcting the Government's mistakes.

The Hon. J.C. BANNON: I have received one deputation. Of course, there has been follow-up discussion between my officers and the Hotels Association on the details of its submission. It is not a case of mistakes being made; it is simply a case of exploring the implications and allowing the A.H.A. to make its submissions and have them properly considered. That process is under way at the moment.

B.M.X. CYCLES

Mr MAYES: I ask the Minister of Community Welfare, representing the Minister of Consumer Affairs in another place, a question supplementary to that of my colleague, the member for Henley Beach. Will the Minister urgently investigate the need for a publicity campaign to advise the public that certain manufacturers or retailers are retailing or offering for sale bicycles purporting to be B.M.X. cycles when, in fact, the items that are available for sale do not reach the requirements of B.M.X. cycles? Will the Minister consider prosecuting these retailers or manufacturers?

This morning on a public radio programme an item was raised regarding the sale of B.M.X. cycles indicating that there have been a number of complaints to the Department of Consumer Affairs from consumers who had intended to purchase B.M.X. cycles for their children but who had found upon that purchase that the cycles do not reach the standards for racing set down by the various B.M.X. associations. They have found that the quality of the cycles that have been sold is inferior and, consequently, may endanger their children. Also, they may suffer some loss and inconvenience. From the information put before the radio programme, I know that there was concern about this issue, which was raised because of the impact on the public and loss to the children involved.

The Hon. G.J. CRAFTER: I thank the honourable member for his follow-up question on this matter in which I must declare that I have some interest. My son has been suggesting that a B.M.X. bicycle would be a suitable Christmas present for him. Also, I am particularly interested in the matters raised by the Commissioner of Consumer Affairs this morning on a radio programme.

It seems that there is some difference between the authentic (if I could use that word) motor-cross bikes and the B.M.X. type bikes. I notice in the reply that the Minister of Recreation and Sport gave to the initial question that the safety requirements for B.M.X. racing bikes are that there be one brake, no reflectors, bells or lights. Of course, that requirement would bring those bicycles into the sphere of illegality if they were used on the normal road network.

So, the questions that have been raised in the House obviously need to be answered, and I suppose that this is the most appropriate time of the year to attend to it. I will have the honourable member's question referred to my colleague and hopefully further information can be provided to the community in this pre-Christmas period.

TEA TREE GULLY COLLEGE OF TAFE

Mr ASHENDEN: Can the Minister for Environment and Planning, in the absence of the Minister of Education, say whether the Government or his colleague the Minister of Education is prepared to increase the amount of funding to be made available to the Tea Tree Gully College of Technical and Further Education? I have been approached by the council of the Tea Tree Gully college and also by many students presently undertaking courses there. I can assure the House that all college members and the student body are both angry and concerned that the present Government has reduced funding to that college for the coming academic year, despite the overall increase in funding made to TAFE as a whole.

The college council first approached me on this matter on 3 October and, following that approach, I immediately wrote to the Minister of Education. The college council is extremely disappointed that, despite the urgency of this matter, it has still to receive a satisfactory answer. The college council, in its letter to me, pointed out that the college is located in a very densely populated area which is continuing to experience significant population growth. This growth will become even more rapid as the new development progresses at Golden Grove. The council therefore believes that the college should be receiving increased funding, and not reduced funding.

The council has pointed out to me that during the last financial year the college spent in excess of $32 500 on salaries for lecturers employed to provide vocational education. The original amount made available to the college for the coming financial year for that same area was reduced by almost $6 000. When inflation is taken into account, the reduction is even more severe. The council has also pointed out to me that the indicative budget provided to the college represented an investment to the population of the City of Tea Tree Gully of only 70 cents per person. The council has also pointed out to me that recently two full-time lecturers have been removed from the college staff.

The councillors are therefore extremely concerned at the Government's apparent determination to continually reduce the effectiveness of that college. Students attending the college have pointed out to me that, because of the reduction in staff and funding, many of them will not be able to continue courses which they have already commenced. Some of those who wish to continue their present courses will have to attend colleges either in Elizabeth or Kensington. For those without their own transport this will create very severe problems, and at least one of the students who has contacted me has indicated that she will not be able to complete a course of study that would have given her qualifications that she desperately needs to obtain employment.

I have received further advice from the college council. I wrote a letter to the Minister in early October on this matter, and an additional $5 500 was allocated to the college's budget, but $2 000 of that amount was to cover the cost incurred by the college in employing part-time instructors to replace the Acting Principal. The council has pointed out to me that therefore the real increase to its budget from that $5 500 is only $3 500, which takes the total to just under $50 000, and that figure is still below that which the college actually spent last year.

Again, council members have pointed out to me that, when inflation is taken into account, the situation can be seen quite clearly to be considerably worse. I am advised that both council members and students of the college regard

the present budget (and I quote their own words) as 'totally unsatisfactory'. The council has also indicated the following to me:

> Tea Tree Gully would appear to be the area with the lowest per capita investment in TAFE in the State, and the area is growing in population.

The Council has pointed out to me that, with the very heavy increases in the cost of gas, electricity and other services, the reduced funding will force the college to further reduce the courses it can offer. I quote from a letter from the college council, as follows:

> The total effect on the college's educational offering is disastrous.

The council has provided me with considerable financial details, and it is quite clear from the approaches that I have had from that council and students attending the college, that the situation must not be allowed to continue.

I have had a reply from the Minister to my first letter of early October but, when I advised the college council of the contents of that reply, it was totally dissatisfied. I have subsequently forwarded two additional letters to the Minister to which I have received no reply, and the reply I received to my original letter to the Minister of early October was dated 15 November—a delay of six weeks. In that brief letter the Minister merely confirmed that an extra $5 500 will be allocated to the college council. I have already pointed out that the council and students of the college regard this as totally unacceptable, and it still does not lift the amount to that which the college spent last year.

The college and students have asked me to remind the Minister yet again that Tea Tree Gully is a growing area and that, therefore, if anything, funding to that college should be increased rather than decreased. For the sake of tens of thousands of residents in Tea Tree Gully, can the Minister assure this House that additional funding will be made available to that college?

The SPEAKER: Order! This is becoming a second reading speech.

The Hon. D.J. HOPGOOD: The honourable member will know that I was Minister of Education for about five years and, therefore, I have gained a fairly intimate knowledge of the people involved in the technical and further education sector: that they are far-seeing people and also very fair minded in their approach. Therefore, I can only assume that there was a p.s. to that letter, which read something along these lines, 'Dear Scott' (or, 'Mr Ashenden', depending on how familiar they wanted to be), 'In the light of the foregoing, you will understand that we have no objection to your fully supporting all legitimate attempts by the Government to obtain revenue in order that these demands can be properly met.' I have no doubt that some sort of p.s. along those lines—

Members interjecting:

The SPEAKER: Order! The honourable member for Todd was heard in silence. I ask that he extend the same courtesy to the Minister. We do not want a debate.

The Hon. D.J. HOPGOOD: I have no doubt that a p.s. along those lines was added to the letter, because people in TAFE well understand the problems of Government funding. They well understand that Governments through the 1970s grappled reasonably successfully with the problems of providing additional resources to a sector which obviously has to service the employment needs and problems of our society. It has to look at the technological invasion and has particular responsibility to the developing areas of this city, where the age profile is in the younger years and where it is important that school leavers be given proper skills to enable them to enter into industry.

None of this is possible without the resources to do the job and when, from time to time, we get excursions in either House of Parliament which interferes with the Government's capacity to legitimately restrict revenue, people in the TAFE sector then fully understand that the Government has problems in fully addressing all these needs in the short term. I am not in a position to say whether the honourable member should or should not have attended the last meeting of the college council, but—

Mr Ashenden: My representative was there.

The Hon. D.J. HOPGOOD: I am glad that the honourable member's representative was there because he would therefore be—

The SPEAKER: Order! I am not very glad about the persistent interjections by the honourable member for Todd, and I call him to order.

The Hon. D.J. HOPGOOD: The honourable member's representative would therefore be privy to the discussions which my colleague the member for Newland had with the people of the college council at that time. I am aware that the honourable member has raised these matters with the Minister in the past. I am aware also that my colleague the member for Newland has similarly raised these matters with the Minister, and I can certainly undertake that both members will be given a full report from my colleague when he is in a position to do so. However, I simply remind the House that all these legitimate problems cannot be legitimately addressed when there are continual attacks on the revenue.

TRAFFIC LIGHTS

Ms LENEHAN: Will the Minister of Transport instigate a further investigation into the provision of road traffic lights at the corner of Brodie Road and Sheriffs Road, Reynella?

The Hon. Michael Wilson interjecting:

Ms LENEHAN: Unlike the member for Torrens, I do not find this matter amusing at all. I raise this concern because people in my electorate are at risk in respect to life and limb every time they cross this intersection. As recently as last week there was yet another major accident at this intersection. This matter has concerned the Minister and me for some time, because there have been numerous accidents at the intersection. Earlier this year the Minister ordered the removal of bushes and trees to allow greater visibility at the intersection. However, I believe that the time has now come when a further investigation into whether traffic lights can be placed at the intersection should be made.

The Hon. R.K. ABBOTT: In June this year the Highways Department undertook an investigation into the need for traffic signals at the intersection referred to. Its investigation took into account a number of factors, including vehicle volumes, turning conflicts, sight distances, roadside development, driver behaviour, and accident statistics. The results of the investigation reaffirmed the previous conclusions that traffic activity did not warrant the installation of traffic signals at that stage. However, I can assure the honourable member that the Department will continue to monitor traffic movement at this intersection as part of its ongoing review of these matters. In that regard, a further investigation will be carried out in June 1984. The Department certainly will take into account the very serious accident to which the honourable member referred. We are all concerned about such accidents. The next study may well show (particularly if there is an increase of traffic flow through that intersection) that traffic lights are required. That will be determined in the next review.

LIQUOR LICENCE FEES

The Hon. B.C. EASTICK: Does the Government intend to pay a rebate to licensees in respect of licence fees applicable from 1 April? Is there a precedent for such action?

The Hon. J.C. BANNON: The question is meaningless in that the Government has made no decision on that matter. I am awaiting a report, as I have told the House on a number of occasions.

METROPOLITAN TAXI SERVICE

Mr PETERSON: In the review of metropolitan taxi services currently being undertaken by the Minister of Transport, will the Minister give due consideration to the wishes of persons and/or organisations which use the Port Adelaide radio taxis, that is, that the system at Port Adelaide be left as it is? In May this year after a period of dispute in regard to taxis operating in the Adelaide restricted area, the Minister approved the formation of a committee of inquiry into the licensing system of taxis operating in the Adelaide metropolitan area. At page 21 of that report a recommendation was made as follows:

> That the restricted areas in Glenelg, Port Adelaide, Salisbury, Elizabeth and Gawler be removed from the regulations under the Metropolitan Taxi-Cab Act and from the endorsed conditions of any taxi-cab licences.

I am aware that protests have been made by taxi operators from several of those defined areas. Port Adelaide Radio Taxis have developed by giving exceptional service to a great variety of needs in the Port Adelaide area. The users of those services are dismayed about the move to alter them. I have with me today for presentation to the Minister letters from various organisations. A letter from an aged persons organisation expresses the view that its members are grateful that there is no waiting for service. Also, I have letters from the City of Port Adelaide, Adelaide Brighton Cement, I.C.I., the Electricity Trust of South Australia, Seabridge, which is a tug operating firm which has unique needs, and Wills Shipping, which also has unique needs. I have a letter from the Department of Marine and Harbors, which also has very specific needs in regard to the delivery of pilots to and from ships. Further, I have a petition containing 3 712 signatures expressing the wish that the system be left as it is. A wide variety of people in the community have expressed to me the view that they have no wish for the system to be altered. I ask that the Minister give serious consideration to their request.

The Hon. R.K. ABBOTT: What the honourable member is asking and the petition to which he referred is seeking is the re-introduction of the very problem within the taxi industry. That problem related to the restricted taxi stands, particularly in the city—the very problem that was creating disharmony within the industry. If the Government were to accede to the honourable member's request and leave Port Adelaide only with the restricted stands, it could not withstand the pressure that would come from all other restricted areas, including the city, to leave them as they were. We would be back to square one.

The Hon. Michael Wilson: Are you prepared to see those taxi drivers?

The Hon. R.K. ABBOTT: I have already seen them, contrary to what the member for Davenport said. The member for Semaphore will verify that.

Members interjecting:

The SPEAKER: Order! This is Question Time. It is not a pleasant conversation time between the front benches, with the unhappy questioner still awaiting an answer to his question.

The Hon. R.K. ABBOTT: I have not seen the petition to which the honourable member has referred, although I believe I know what it is about. It is requesting the *status quo* in Port Adelaide. I will have another look at the matter for him. If we were to retain the Port Adelaide restricted stand, we could not withstand pressure from other areas to do likewise, which would, in turn, make a complete mockery of the whole inquiry.

The honourable member also referred to a number of approaches from various organisations and to letters he has received from companies. The taxi operators in the Port Adelaide area advised me during discussions that they run a number of accounts with companies in the Port area. We do not intend to interfere with that at all as it is good business operation and they can continue to do that. I cannot see that they will lose any business in that arrangement because of these recommendations.

The Hon. Michael Wilson: When are you going to bring in the regulations?

The Hon. R.K. ABBOTT: We are working on the regulations at this very moment.

The Hon. D.C. Brown: Will you see the white plates—

The SPEAKER: Order! I hope the honourable members for Torrens and Davenport are going to take some notice of the Chair. If they do not do it voluntarily, they will do it compulsorily. The honourable Minister.

The Hon. R.K. ABBOTT: In broad terms, the restricted plate taxis were seen as having the freedom to use all taxi stands whereas unrestricted plate taxis were obliged to keep off stands in restricted areas. I will look at the petition and confer with the honourable member on it.

ROAD TOLL

Mr BECKER: What action are the Minister of Transport and his Government taking to support a campaign to reduce the State road toll this Christmas? As the Minister is aware, I am President of the Epilepsy Association. A few months ago, at the annual general meeting, Mr Brian Norton, a neurosurgeon at the Royal Adelaide Hospital, informed the meeting that approximately 300 persons will manifest epilepsy each year following road traffic injuries. I notice that the *Advertiser* commenced on Monday of this week a series of articles to bring home to the public the horror and tragedy of our current road toll. The *Advertiser* is running a campaign called 'Let's get below 270' (which I believe was the final road toll statistic last year). The article in the *Advertiser* states:

> Already this year, the toll has climbed to 249 and the dangerous Christmas holiday season is coming up. Police, the Royal Australian College of Surgeons, the Road Safety Council and the Life Insurance Federation of Australia (Lifa) are backing the campaign with the *Advertiser*.

The editorial in the *Advertiser* of Monday 28 November states:

> In all probability, at least one person reading the *Advertiser* today will be killed on the roads before Christmas.

In subsequent editions of the paper, police officers are also quoted in the *Advertiser's* campaign as saying, 'There's no worse sound in the world than the squeals of a dying child.' The *Advertiser* makes no apology for the language that it is using during the campaign.

I understand that the Minister is looking at a plan being considered in Victoria where an automatic licence suspension will be imposed on drivers who are convicted of exceeding the speed limit by more than 30 kilometres an hour. I am concerned about the large number of motor vehicle accidents, and I believe that the community is also concerned. I am concerned about the unfortunate injuries, such as epilepsy,

and the impact on the community of road traffic injuries. I point out that the treatment of a person who manifests epilepsy costs about $10 000 a year, amounting to a total cost of $3 million a year solely for that disability. I believe that now is the time for the Government to announce whether it supports a road accident campaign. What action will the Government take to reduce road trauma?

The Hon. R.K. ABBOTT: I am sure that all members hope that the campaigns that the Government intends to launch shortly will have some effect on the community in terms of drinking and driving and dangerous driving on our roads and highways. I believe that, if the campaigns save only one life, they are still worth while. This morning I was pleased to have the opportunity to launch the first of the Government campaigns. It was sponsored by the Retail Liquor Industry of South Australia and was put together by Mr Gordon Harris. The campaign attempts to ensure that at least one member of a group takes responsibility for driving and not drinking. The campaign, known as the Skipper campaign, has been most successful in Western Australia, where it originated.

The Skipper campaign has a simple concept: a member of a group that is out celebrating or entertaining during the festive season volunteers or is nominated to be the skipper, who is in charge of the vehicle and has the responsibility not to drink. We hope that the campaign works successfully in this State. In Adelaide the Government will be launching a major campaign, costing $500 000, directed at drink driving and driving problems experienced in the younger age group between 16 and 24 years (which is the age bracket of most concern to the community at the moment).

The campaign will be directed specifically at the 16 to 24 years age bracket and will cover the whole State. In the new year the State Government will join with all State Governments in a national campaign directed at road safety and, in particular, the drink driving campaign will be continued nationally. The Department of Transport is putting $100 000 into the campaign, in conjunction with the State Government Insurance Commission, which is also contributing $100 000. The Health Commission is also heavily involved, providing so many thousands of man hours. The Minister of Health in another place and I will be launching this campaign next week in Hindmarsh Square. I extend a welcome to all members to come along to that launching.

Mr Becker: At what time?

The Hon. R.K. ABBOTT: I think that the date is 6 December, but as I am not sure of the time I will check and let the honourable member know. Every member will receive an invitation to attend this launching. I think that this clearly indicates the effort the Government is making in this area.

HOUSE OF ASSEMBLY CHAMBER

Mr TRAINER: Can you, Mr Speaker, advise the House when the restoration of the plaster facings of the columns in this Chamber is likely to be completed? My raising this matter is partly based on the fact that in recent days, with late night sittings, we have had additional times to contemplate the interior of this Chamber.

Members interjecting:

The SPEAKER: Order! I cannot hear the honourable member's question.

Mr TRAINER: The member who interjected may consider himself a pillar of wisdom. I am more interested in the pillars that are part of the architecture.

The SPEAKER: Order! The honourable member will continue with his question.

Mr TRAINER: About 12 to 18 months ago, Mr Speaker, your predecessor advised that arrangements for preventing the plaster from cracking further were only temporary. The former Speaker pointed out that plaster facings on the columns in this Chamber, which is nearing its centenary, were cracking owing to humidity and temperature variations induced by twentieth century air-conditioning (and perhaps by hot air rising). An attempt was made to restore one column in the north-east corner of the House of Assembly, which is conspicuous by its having been repainted in a colour not matching the other colours. Other columns located behind Government and Opposition back-benchers on the eastern and western sides of the Chamber were wrapped in what appears to be chicken wire in order that falling pieces of plaster will not land on the craniums of honourable members. It would not be appropriate for honourable members to get plastered in that fashion.

The resulting temporary arrangements are not aesthetically pleasing and visitors, although agreeing with me as to how exquisite the architecture of this Parliament is, nevertheless tell me that at least in one respect the Chamber is not all that it is cracked up to be and that the condition of the columns detracts from the overall magnificence of this House of Assembly.

The SPEAKER: I think that the honourable member can be reassured that this building was constructed in a strong fashion. Sampson, before or after Delilah, would have found some difficulty in shaking down the columns here. Although I will not enter into further detail on that matter, honourable members can rest assured that all appropriate safety measures have been taken. Any structural deficiencies are surface cracking only and do not involve any deep-seated structural problems. The Public Buildings Department is taking appropriate steps to remedy these deficiencies. I do agree that things are seldom what they seem.

If I can catch the eye of the Premier and the Deputy Premier while they are both in the House, I point out that there are a number of items on which expenditure could be usefully made in Parliament House, bearing in mind that we now occupy one of the most primitive Parliament Houses in the Commonwealth of Australia. I hope that in years to come, when expenditure hopefully becomes a little easier, we will be able to get some of the facilities that our luckier brethren in Melbourne, Sydney, Brisbane, Perth and, of course the great Taj Mahal to come in Canberra have or will enjoy. In qualitative and comparative terms we tend to live in the bark hut while everybody else is living in splendour.

RAILWAY STATION DEVELOPMENT

The Hon. D.C. BROWN: Will the Premier table in this Parliament the principles for agreement that he signed for the railway station development before Parliament rises for the Christmas recess next week? On 18 October the Premier told the House that he would consider tabling the heads of agreement document but, on 27 October, he said that he did not intend to do so at that stage because several minor matters were still the subject of discussion. I understand that the Premier has now stated that work on the railway station site could start as early as next month. Because taxpayers' money will be involved in the project, it is essential that this Parliament has the opportunity to study the principles for agreement as soon as possible, and the document should be tabled immediately, as it has already been made available to the casino—

The SPEAKER: Order! The honourable member is now commenting, and I ask him to refrain from doing so.

Members interjecting:

The SPEAKER: Order! Those interjections are also out of order.

The Hon. D.C. BROWN: I point out to the House that the Premier has already tabled the heads of agreement before the Casino Supervisory Authority in relation to the case that the Government put to the Authority. If the Authority has the right to see those agreements, I believe that Parliament, at the very least, should have that right.

The Hon. J.C. BANNON: The statement that I made contained all the substantial details, particularly in relation to the financial propositions of this project.

Members interjecting:

The SPEAKER: Order! I call the member for Torrens and the member for Davenport to order.

The Hon. J.C. BANNON: I invite the honourable member to look at it. It may be that, as the project develops, either special legislation or special advice will have to be given to the House, and that will be done at the appropriate time. However, at present the House is in possession of all the details that are necessary for an understanding of a project of this nature.

ASBESTOS

Mr PLUNKETT: Can the Minister of Labour say what action, if any, is being taken to ensure the safety of consumers involved in the removal of vinyl from a house? Some time ago I asked the Minister whether he would analyse the remains of some vinyl I removed from my house, as I was concerned that the vinyl contained white asbestos in the backing. As the brand of vinyl is still on the market and as the dangers of asbestos are well known, I was concerned that other householders and vinyl layers handling the same type of vinyl could be exposed to asbestos related complaints. After having the material analysed, the Minister confirmed that the vinyl contained traces of asbestos. I now ask whether anything can be done to alert consumers to any possible dangers.

The Hon. J.D. WRIGHT: I thank the honourable member for his interest in this matter. He was good enough to inform me about this matter a couple of weeks ago, as there was a suspicion that the vinyl that he was removing contained asbestos. The dangers of asbestos are real and well documented. After he approached me, I had my Department submit the remains of the linoleum vinyl to the Amdel laboratories for testing. The report that came back confirmed the presence of chrysotile, a form of white asbestos, in the sample. I am informed that the chrysotile was used as a binding agent and made up about one-third of the tile. I think it is important to warn consumers that the asbestos present breaks up when tiles of this sort are removed from the floor. As fibres can be airborne during this type of operation, they can pose a health risk. Householders who plan to remove such linoleum would be well advised to take the precaution of wearing a mask or having a properly equipped asbestos contractor remove the tiles.

The Amdel laboratories also informed my officers that they had previously carried out tests on 13 new lino tiles that are now on the market. It was subsequently discovered that all contained asbestos, the purpose of which was to act as a binding agent for other ingredients in the tile. However, tests showed that the asbestos was securely bound and that there was no danger that the asbestos fibres would be liberated while the tiles were new. Even if they were cut with an abrasive disc, the fibres remained intact.

Once again, however, there was a danger that the fibres could become airborne if the tiles were removed and the various constituents of the tile were broken down. This means that there is a slight chance that people removing such tiles from their homes run the risk, however small, of being contaminated by asbestos fibres. Consequently, my Department is now in the process of writing to all the wholesalers and retailers of lino tiles that contain asbestos requesting them to inform customers who buy their product to take precautions when and if they remove the tiles. As I mentioned before, precautions could involve the wearing of a protective mask to screen the fibres or engaging a contractor who is properly equipped to remove the material.

My comments today are not meant to be a slight on the wholesalers and retailers selling such commodities, and I stress that the danger of injury from removing such tiles is very slight. However, I am sure members and the public will appreciate that, when dealing with peoples' health, all risks, no matter how minuscule, should be made public. I trust that the wholesalers and retailers responsible for distributing these tiles will pass on my warning to consumers.

The SPEAKER: Call on the business of the day.

SITTINGS AND BUSINESS

The Hon. J.D. WRIGHT (Deputy Premier): I move:

That, for the remainder of the session, Government business take precedence of all other business except questions.

Motion carried.

WRONGS ACT AMENDMENT BILL

Second reading.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

That this Bill be now read a second time.

The law relating to liability for animals is in a confused and undesirable state. As long ago as 1969 the Law Reform Commission of South Australia, in its seventh report to the then Attorney-General (Mr Millhouse), recommended various amendments. Honourable members will be aware that in the famous case of *Donoghue v. Stevenson* (1932) A.C. 562, the modern law of negligence was clarified. The classical pronouncement is to be found in Lord Atkins' speech in that case, as follows:

> There must be, and is, some general conception of relations giving rise to a duty of care, of which the particular cases found in the books are but instances . . . The rule that you are to love your neighbour becomes in law you must not injure your neighbour; and the lawyers question, 'Who is my neighbour?' receives a restricted reply. You must take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbour. Who, then, in law, is my neighbour? The answer seems to be—persons who are so closely and directly affected by my act that I ought reasonably to have them in contemplation as being so affected when I am directing my mind to the acts or omissions which are called in question.

There is no reason why this basic principle should not apply to persons in custody of animals in the same way as it applies in the general law of negligence, yet for various reasons strange and peculiar distinctions have been drawn. In particular, in the notorious case of *Searle v. Wallbank* (1947) A.C. 341, it was held by the House of Lords that the landowner was not liable for damage caused by animals straying onto the roads from his land, even though he may have known that his fences were in a bad state of repair. This foolish and unjust rule has now been abolished in England, Scotland, Canada, New South Wales, and Western Australia. It still remains law in South Australia today.

Furthermore, there are ancient distinctions which allegedly delineate between animals said to be naturally in a wild state and domesticated animals. As the Law Commission report mentioned, this peculiar distinction caused one famous writer to ask whether or not a snail was a wild animal. This Bill is in the form recommended by a Select Committee of the Legislative Council. I commend the report of that committee to all members as a clear explanation of the law as it now is, and the law as it is proposed. The Bill has the effect of transferring the determination of liability for damage caused by animals from unsatisfactory common law rules to all established principles of negligence liability. The Government believes that this issue cannot further be avoided and that the balance of reason and common sense requires that this measure be enacted into law. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 repeals section 3 of the principal Act and substitutes new section 3 which provides that the Act binds the Crown. Clause 3 inserts new section 4 immediately after section 3a. The new section sets out the arrangement of the remainder of the Act. Clause 4 amends section 6 of the principal Act. That section provides that a fair and accurate report in a newspaper of any proceedings publicly heard before a court shall, if published contemporaneously with the proceedings, be privileged. The clause extends the application of the section to reports published by radio or television. Clause 5 amends section 7 of the principal Act which provides that a fair and accurate report in a newspaper of certain other proceedings or the publication of certain official notices or reports shall be privileged unless published maliciously. The proceedings referred to in the section are those of public meetings, meetings of local government bodies, meetings of Royal Commissions or Select Committees of either House of Parliament or meetings of shareholders of banks or incorporated companies. The notices or reports referred to are those published at the request of a Government office or department, a Minister of the Crown or the Police Commissioner. The clause extends the application of this section to publication by radio or television and to publication of the proceedings of either House of Parliament.

Clause 6 amends section 8 of the principal Act which creates a summary offence of publishing a report of a kind referred to in section 6 or 7 that is unfair and inaccurate. The clause extends the application of this section to publication by radio or television and increases the monetary penalty for the offence from $20 to $2 000. Clause 7 amends section 10 of the principal Act. Section 10 provides a defence to an action for libel contained in a newspaper or magazine if it is proved that the libel was published without malice and without gross negligence. The clause extends the application of the section to publication by radio or television. Clause 8 amends section 11 of the principal Act which provides for mitigation of damages for a libel in a newspaper if the plaintiff has been compensated or agreed to be compensated in respect of libels to the same effect. The clause extends the application of this provision to any publication whether by newspaper or otherwise.

Clause 9 amends section 14 of the principal Act which provides for defences to an offence against section 8. The clause makes consequential amendments to section 14 so that it applies to publication by radio or television. Clause 10 provides for the insertion after section 17 of the principal Act of new Part IA, consisting of one clause to become section 17a of the principal Act, dealing with liability for animals. Subclause (1) provides that liability for injury, loss or damage shall be determined in accordance with the principles of the law of negligence. Subclause (2) provides that the standard of care to be exercised in relation to the keeping, management and control of an animal depends on the nature and disposition of the animal (which is to be determined according to the facts of the case and not in accordance with any legal categorisation) and any other relevant matters. The effect of this provision is the abolition of the legal distinction between wild animals and domestic animals. Subclause (3) provides that a person seeking damages for injury, loss or damage caused by an animal need not establish prior knowledge on the part of any other person of a vicious, dangerous or mischievous propensity of the animal. The purpose of this provision is to abolish the common law doctrine of scienter. Subclause (4) provides that in any proceedings, the fact that the loss or injury resulted from the animal straying onto a public street or road is not an excusing or mitigating circumstance. The purpose of this provision is to overrule a body of common law which excused the keeper of an animal from liability for injury or loss occasioned by such a circumstance.

Subclause (5) provides that where an employee is injured in circumstances that would give rise to an action under the clause, it shall not be presumed from fact of employment that the employee has voluntarily assumed risks attendant upon his employment that may arise from working in proximity to animals. Subclause (6) requires a court, when determining whether a reasonable standard of care has been exercised to take into account any measures taken for the custody and control of the animal, and to warn against any vicious, mischievous or dangerous propensity that it might exhibit. Subclause (7) provides that notwithstanding subclause (6), the fact that no such measures were taken does not necessarily show that a reasonable standard of care was not exercised. Subclause (8) provides that a person who incites or knowingly permits an animal to cause loss or injury is liable in trespass to a person who suffers damage as a result. Subclause (9) excludes the operation of any other principles upon which liability would be based were it not for this clause. Subclause (10) provides that the clause does not affect an action in nuisance relating to an animal, does not derogate from any other statutory right or remedy and does not affect any cause of action that arose before the commencement of the Wrongs Act Amendment Act, 1983. Clause 11 provides for the repeal of section 31 of the principal Act.

The Hon. H. ALLISON secured the adjournment of the debate.

TRUSTEE ACT AMENDMENT BILL

Second reading.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This brief Bill is designed to extend the list of approved trustee investments in the principal Act to include a wider range of debt instruments issued or guaranteed by Govern-

ment, semi-government and local government bodies and the South Australian Gas Company. Under section 5 (1) of the Act, a trustee may at present invest in securities issued or guaranteed by:

(i) The Treasurer or the Government of the State,
(ii) the Treasurer or the Government of the Commonwealth,
(iii) any instrumentality of the Crown in the right of the State or the Commonwealth,
(iv) the South Australian Gas Company,
(v) any municipal or district council, or
(vi) any prescribed authority or body.

Under the provisions of the Act relating to (vi) above, a regulation was made in June 1983, authorising trustees to invest in securities of interstate statutory authorities which are Government guaranteed.

The definition of 'securities' in the Act is relevant only to investments made by trustees in the areas outlined above. It is not an exhaustive one in that it 'includes debentures, bonds, stock, funds and shares'. In recent years, largely because of a relaxation of previously existing Loan Council rules, many of the bodies listed in section 5 (1) (particularly semi-government authorities) have been employing a more diverse range of fund raising techniques to raise the funds necessary to satisfy their borrowing requirements. This has led to new forms of securities being issued by them, some of which may not or do not fall within the Act's meaning of 'securities' in a legal sense. They are, therefore, not authorised trustee investments. Perhaps the best example in this regard are the promissory notes commonly issued nowadays by Commonwealth and State semi-government bodies to raise short-term finance.

The Government believes the present arrangements to be anomalous for three main reasons. First, by virtue of the current definition of 'securities' in the Act, particular securities issued by Commonwealth, State and local authorities and the South Australian Gas Company are given higher security status than other debt instruments issued by those bodies. There seems to be no logical argument for this, given the soundness of the organisations concerned and the Government backing they enjoy, be it explicit or otherwise. Secondly, the range of secure investment options available to trustees in this area is limited by the definition and, as a consequence, they may be deprived of the ability to maximise investment returns. Thirdly, the size of the net which the relevant borrowing authorities can cast for funds is restricted in some circumstances, and this could lead to increases, all be they marginal, in their borrowing costs. With this Bill, the Government proposes to ameliorate these problems by broadening the definition of 'securities' to include, with those instruments already listed, promissory notes and documents of any kind evidencing indebtedness.

Clause 1 is formal. Clause 2 amends section 4 of the principal Act which provides a definition of 'securities' principally for the purposes of section 5 (1) *(a)*. Section 5 (1) *(a)* provides that a trustee may, unless expressly forbidden by the instrument (if any) creating the trust, invest any trust funds in his hands in securities issued or guaranteed by the Treasurer or Government of the State, the Treasurer or Government of the Commonwealth, any instrumentality of the Crown in right of the State or the Commonwealth, the South Australian Gas Company, a municipal or district council, or any authority or body prescribed by regulation. The remaining paragraphs of section 5 (1) list other authorised trustee investments. 'Securities' is presently defined to include debentures, bonds, stock, funds and shares. The clause amends this definition so that it includes, in addition, promissory notes and documents of any kind evidencing indebtedness, thereby effectively expanding the class of authorised trustee investments referred to in section 5 (1) *(a)* to include promissory notes and other debt documents issued or guaranteed by the bodies listed in that provision.

Clause 3 amends section 5 of the principal Act. Section 5 (1) *(e)* authorises trustees to invest in ordinary or preference stock or shares or debentures issued by a company. This is subject to the qualifications that investment in ordinary stock or shares is not authorised unless the price of the stock or shares is quoted on a stock exchange. Investment in debentures or preference stock or shares is not authorised unless the price of the company's ordinary stock or shares is quoted on a stock exchange, and investment in any stock, shares or debentures is not authorised unless they are registered on a register kept by the company in Australia and are fully paid up or required to be fully paid up within nine months of issue. Section 5 (1) *(f)* authorises trustees to invest on deposit with a company at call or for a fixed term not exceeding seven years. That investment power and the power conferred by section 5 (1) *(e)* are subject to the further qualification under section 5 (3) that the company must have a paid up share capital of more than $4 million and have paid a dividend in each of the preceding 10 years on all its ordinary stock and shares that rank for dividend. However, section 5 (3) *(d)* (ii) provides an exception to this in relation to investment in debentures or on deposit with a company where the company is a subsidiary of a bank carrying on business in the State and the repayment of the deposits or amounts secured by the debentures is unconditionally guaranteed by the bank. The clause amends section 5 (3) *(d)* (ii) by deleting the last requirement, that is, that the repayment of the deposits or amounts secured by the debentures must be unconditionally guaranteed by the bank.

The Hon. H. ALLISON secured the adjournment of the debate.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from 29 November. Page 2055.)

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): I support this Bill. It is a fairly minor machinery measure. The Deputy Premier was good enough to ring me about a month ago and suggest that there was a problem which he wanted to rectify. He asked whether the Opposition had any complaints about bringing the Bill in and dealing with it. I suggested that we did not, but that we would want to see what was in it. I only wish that the Deputy Premier could prevail on some of his colleagues to behave in like fashion. But, I will not elaborate on those few remarks because the Opposition is in a completely impossible position in relation to some of the legislation, but not in relation to this Bill, because the Deputy Premier was good enough to tell me that it was coming in and, secondly, it is a minor Bill which is readily understood.

Although the Bill was introduced on Tuesday after dinner, one was in a position to make necessary inquiries and come to grips with what was in it in a short space of time. As I believe there is some urgency with this matter, I have no wish to prolong it. The Bill gives some flexibility in the replacement of the President of the Industrial Commission when he is on leave or, for some reason, has to absent himself. At the moment the Act states that he shall be replaced—and it is mandatory—by the most senior Deputy President. It so happens that if the most senior Deputy President does not want to serve, he has to.

All this Bill seeks to do is to allow the President to appoint one of the Deputy Presidents in his place for a period of

up to two weeks. If his absence is going to be prolonged or longer than two weeks then the appointment is made by the Governor which, as we all know, really means the Government. It allows flexibility and appointment of any one of the Deputy Presidents. I suspect that it would probably be the most senior willing to serve, but it takes away the compulsion that the most senior shall serve. It is a sensible amendment. I have contacted an interested employer group who told me that it went to the IRAC Council which has no objection. Nor does the Opposition have any objection to this measure.

Bill read a second time and taken through its remaining stages.

STATE LOTTERIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 November. Page 2152.)

Mr OLSEN (Leader of the Opposition): The Opposition supports the Bill but in doing so I give notice that I will be moving amendments to clarify one aspect of the legislation currently before the House. Lotteries in their various forms provide genuine social benefits as well as entertainment to the community. Profits from the operation of lotteries in South Australia are channelled into the upgrading of hospital care throughout the State. It is therefore important that a consistent level of public participation is maintained in lotteries operated by the Lotteries Commission in South Australia.

The Bill before the House will allow Lotto Bloc to adopt a more flexible and possibly more appealing approach to its current operations. In changing the existing laws relating to the operations of lotteries in South Australia, including those run in conjunction with other States, the primary consideration must be to safeguard the participants and ensure that the existing level of funding is maintained. With one exception, these considerations are covered in the amendments before the House.

Under the proposals the South Australian Lotteries Commission will no longer be required to offer as prizes precisely 60 per cent of the value of tickets offered in each individual lottery. Instead, the Commission will be able to offer a slightly smaller amount than the required 60 per cent in certain competitions on the strict understanding that the money withheld will be added to the pool prize of subsequent lotteries. This move will mean that the prizes in some lotteries will be smaller than others, even though the entry fee and the number of participants may be the same. This disparity could be regarded as unfair, although it is hard to believe anyone who is fortunate enough to win a major prize would have serious grounds for complaint.

In addition, the prizes in Lotto Bloc vary from week to week depending on the number of entries, the results of previous competitions, and other factors. The Premier has made clear in his second reading explanation that the proposal relates only to the Lotto competition, and not to other lotteries run by the Commission. Although this provision is not specifically spelt out in the amended legislation the intent of the Government is clear.

The New South Wales Lotto competition has already introduced a system similar to that envisaged in the amendments before this House. For the Lotto Bloc States of Victoria, Queensland, Western Australia and South Australia to introduce similar flexibility, it will be necessary for the laws in these States to be compatible, and that is what this legislation seeks. It is possible that people will stop entering Lotto Bloc when the New South Wales scheme offers 'jackpot' prizes, and instead seek the higher winnings in that State. For this reason alone the amendments before the House are necessary and obviously for that reason are supported by the Opposition.

In addition, the New South Wales experience is that an increased number of people have entered the competition since the more flexible arrangements were introduced. The amendments may also provide the Lotteries Commission in South Australia with the opportunity of providing a greater choice of competitions. However, there is one area of concern about the amendments, in that there is no stipulated period in which the accumulated amount collected from the reduced percentage return to participants must be added to the pool prize of subsequent lotteries.

Without a stipulated period it seems to me that that could be open to abuse particularly, for example, if the amount of disbursements from a given lottery was reduced to 50 per cent, and I acknowledge that the Premier said that clearly. I quote from his second reading explanation as follows:

> The specific proposal is for the prize money in the regular competitions to be set at 58 per cent of subscriptions with a further 2 per cent being set aside for the major prize in a subsequent lottery.

I accept the Premier's assurance that that is the basis of the operation and that in fact we will not see significant variation, although if we have significant variation, I am sure that the buying public of the Lotto Bloc would speak out loudly against it. Therefore, the Opposition accepts the Premier's assurance in that regard and the variation from 58 per cent obviously is not a major variation and would not disadvantage those participants in the competition run by the Lotteries Commission.

However, the Opposition proposes an amendment to restrict the period in which funds accumulated by reducing the value of the prizes can be held by the Commission before being added to a pool prize for subsequent competitions. Despite the reservations about the time limitations on accumulated funds, I believe that the measure before the House is a commendable one because it offers greater flexibility to the Lotteries Commission. However, the flexibility in one regard is just too great and, therefore, we will seek to move to amend the Bill in due course.

The Hon. J.C. BANNON (Premier and Treasurer): I thank the Opposition for its support of this measure. Obviously it is important that it be carried and that it be in place before 1 January. That notification was received from the Victorian Government only in the middle of November and its final decision, of course, is in part governed by the new agreement in Victoria relating to the renewal effectively of a Tattersalls licence to operate the Victorian lotteries. That new arrangement and the new conditions will apply as from 1 January 1984. As a participant in Lotto Bloc, of course, we gain considerable benefits and the overall Lotto Bloc exercise is useful for all ticketholders, whatever State they are in. However, clearly Victoria has the dominant role in this, in terms of its market and also in terms of the conditions under which the Lotto Bloc operation is conducted, and we must comply because the alternative would be for us to go it alone, with consequent disadvantages.

Of course, that is one of the factors involved in this Bill. Equally, the ability of a lottery to sell tickets to compete against other forms of gambling is dependent on the value that is provided and the type of lottery ticket opportunities that are provided by the Commission, and the Government believes that there must be flexibility in that. However, that flexibility and any problems of an exercise which would substantially reduce the return of the lottery will be judged very firmly in the market place. The lottery simply will not

remain competitive with other forms of gambling, interstate lotteries, or indeed anything else, unless it is able to provide the sort of level of return that is competitive, so that is the safeguard. However, the flexibility is equally important. I think that placing an artificial limit on the stage at which the moneys are applied could have some disadvantage. I do not think that it is necessary. Obviously, what is being considered over time is that that 60 per cent repayment will, of course, be the general rule. In other words, we are talking about an ongoing operation.

There may be a difference between the various lottery offerings, but the overall effect at any given time will be 60 per cent. Therefore, I do not think there is any need for the provision to be tightened. On the contrary, I believe that the more flexibility we can give the Lotteries Commission, the more competitive it can be.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Percentage of value of tickets to be offered as prizes.'

Mr OLSEN: I move:

After 'shall be applied' insert 'within twelve months after the drawing of that lottery'.

In his response to the second reading debate the Premier said that this amendment is not necessary, that at any given point of time, in effect, the 60 per cent of disbursement is quite right. But at what point of time will the disbursement of that 60 per cent take place? It could be after two or three years if the Commission decided to withold 2 per cent of the total amount for a protracted period of time. The amendment seeks to give the Lotteries Commission flexibility, giving it 12 months after the ticketing of a lottery on which there is reduced disbursement to reallocate those funds to a subsequent lottery for increased disbursement above the 60 per cent level. The amendment does not take away the flexibility of the Commission. It seeks to give good scope for the Commission by giving it a 12-month period in which to apply that flexibility. However, it does not allow total flexibility which can be abused.

The Hon. Michael Wilson: It cannot go on and on.

Mr OLSEN: Exactly. It cannot be abused for an indeterminate period. I take it from his comments that it is not the Premier's wish to impose that limitation, but I would ask the Premier to reconsider the amendment, which is reasonable and which does not detract from the objectives of the legislation.

The Hon. J.C. BANNON: As I indicated at the second reading stage, the amendment is not acceptable. It is not necessary. In the Lotto Bloc operation effectively we are in the hands of the Lotto Bloc partners, and there is no such stipulation or restriction in the rules that govern the other partners. In fact, the payments are made some three or four times during the year, so there should be no problem. In practice, such application will occur within 12 months, although there may be some special circumstances where it could be a longer period. The Lotteries Commission must have flexibility to be involved in any schemes as part of the Lotto Bloc. I point out that the Lotto Bloc is an exercise on which the Lotteries Commission should be congratulated, having negotiated it. But it is of its nature a fragile thing: in other words, if we cannot ensure that we march together with it, with total agreement between the partners, then, as I said earlier, we would have to go it alone, which would be considerably to the disadvantage of the Lotteries Commission in South Australia.

Mr OLSEN: There is a limit to which one should accept goodwill in regard to legislative measures. Legislation should be put on the Statute Book with strict guidelines. The Opposition's amendment does not limit flexibility within the period of time that the Premier referred to. He referred to the fact that in practice this disbursement would occur on three or four occasions each year. Therefore, the Opposition's amendment would not inhibit that practice.

The Hon. P.B. Arnold interjecting:

Mr OLSEN: Grey areas should be kept to an absolute minimum—that is exactly right. There should be a clear intent in legislation. Because of the time constraint, the Opposition will not persist with its amendment and will not divide on it. However, I will seek to have the Bill amended in another place.

Amendment negatived; clause passed.

Title passed.

Bill read a third time and passed.

[*Sitting suspended from 1 to 2 p.m.*]

SOUTH AUSTRALIAN WASTE MANAGEMENT COMMISSION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 November. Page 1937.)

The Hon. B.C. EASTICK (Light): This is the first occasion on which amendments have been proffered to this legislation, which was introduced in 1979. A report on waste disposal was submitted in December 1977, and this was distributed for public review in the early part of 1978. A draft Bill was subsequently prepared, and the South Australian Waste Management Commission Act was passed by both Houses of Parliament on 1 March 1979. It was assented to on 22 March and proclaimed to come into operation on 19 April, except for Part III which related to waste management. When the Bill was promoted it was clearly indicated that the functions of the Commission would be as set out in section 4 of the principal Act, as follows:

(a) to promote effective, efficient, safe and appropriate waste management policies and practices;
(b) to reduce the generation of waste;
(c) to conserve resources by means of the recycling and reuse of waste and resource recovery;
(d) to prevent or minimise impairment to the environment occurring through the management of waste;
(e) to encourage the participation of local authorities and private enterprise in overcoming problems of waste management;

and

(f) to provide an equitable basis for defraying the costs of waste management.

Those general principles have been the basis of all actions taken by the Commission since the Bill was proclaimed.

The future of waste management and how it should relate to the community generally, to local government and to the private sector, and its inter-relations with the community at large were the subject of a report commissioned by the previous Government by Crooks, Michell, Peacock, Stewart Pty Ltd, as consulting engineers, and Touche Ross Services, as management consultants. The final report on the South Australian Waste Management Commission was called the Comprehensive Waste Management Plan for Metropolitan Adelaide. That document was published in October 1982 and was subsequently promoted at a series of seminars.

The matter has been discussed quite widely at regional meetings of the Local Government Association. At a full-day seminar conducted in the Hawker Conference Centre at Waite Agricultural Research Institute in June of this year many aspects of waste management were discussed. A shorter seminar on the same subject was conducted that evening by the Adelaide University. On that particular occasion not only did those participating have the benefit of the experience of the waste management personnel from the State organi-

sation but in particular Dr Kirov, who had played a significant role in the preparation of the report was present, as were many of the Commission board members. Much worthwhile information was exchanged between the people present from public and private enterprise and members of the management organisation itself.

Regrettably, very little seems to have taken place since then. Many areas of difficulty were identified, and it was also clearly indicated that the Commission was having problems in relation to the applications for the licences that had been turned down. Some had been turned down improperly or illegally and court cases had arisen over the issue. Notwithstanding one court case that found for one of the plaintiffs, other problems arose because the decision in the court case had come after the expiration of an approval given by the Enfield council. It has been a saga of difficulties for that particular organisation. Many difficulties have also arisen as a result of people seeking to set up waste management depots in the Waterloo Corner/Virginia/Salisbury area. I do not want to go into individual cases because I do not think that would really advance the cause of this debate.

The Bill covers two aspects of waste disposal management, one of which is to correct the names of Ministers and departments that have changed since the original Bill was introduced in 1979, and there is no argument about that. The second part of the Bill seeks to increase the size of the Commission and, more specifically, it provides that the two extra members should have expertise in the environmental area. One of the major criticisms, by members of both political persuasions, of the Waste Management Commission since inception has been the starving of funds to the Commission and the inadequate staffing available for the full implementation of the identified areas of the Commission's responsibility in the community. I am the first to acknowledge the recent increase in funds allocated for the appointment of a chemical engineer to the staff of the Waste Management Commission.

Many of the difficulties arise out of a potential danger to community health and general community amenity as a result of interaction between disposed materials. The seminar to which I have referred mentioned hot spots in a fluid disposal service in the Waterloo Corner/Virginia area wherein not only was the material probably leeching through to the aquifer but on occasions one fluid material interacted with another fluid material resulting in the necessity for an urgent call for the C.F.S. to dampen down the hot spots. Certainly, that is an area requiring the expertise of a chemical engineer. I would like to believe that some progress in the service to the community by the Commission will result from that appointment.

The Comprehensive Waste Management Plan for Metropolitan Adelaide contained recommendations under a number of headings. Not only the Commission but the Minister of the day faced a challenge in deciding which of the recommendations were to be implemented. I wonder whether the acceptance of an increase in the size of the Commission will do anything to advance the areas of involvement required by the community as evidenced in the report.

The recommendations that were forthcoming fell into particular interest areas. I wish to refer at some length to those recommendations because, in replying, I would like the Minister not necessarily to give a direct answer to every aspect of the recommendations and where we are at present, but to identify, if not now but in the not too distant future, those recommendations that the Government intends to endorse and those recommendations which it believes no longer hold validity or which it believes can be adjusted or approached in a different manner.

The first heading referred to in the recommendations was a review of the type and quantity of waste generated. There is an excellent array of statistical material, albeit material that comes into the guesstimatic category and is not absolutely factual, purely and simply because there has not been a reporting service in the past that has necessarily identified all the materials in question and whence they were generated The recommendations in this section stated:

> The importance of reliable baseline data for planning purposes cannot be over-emphasised. While the above data base has been adopted for the initial planning, it must be realised that it is inadequate for long-term planning and suffers from a number of assumptions and inaccuracies.

That is where the guesstimatic assumption comes in, and that was highlighted by speakers at the seminar. The recommendations continue:

> It is recommended, therefore, that continued refinement of the methods of data collection on all types of wastes generated within the Adelaide metropolitan area should remain an essential requirement of the Commission's future activities and be given high priority.

I would like to believe that, within the limitations of the staff, that is indeed being done so that future actions and reactions can be based on that factual detail. Certainly the community participants in the seminar expressed a clear interest in their preparedness to co-operate in seeking to identify that material. The second recommendation stated:

> It is further recommended that weighbridges be installed at all major present and future disposal depots, and steps taken to assess accurately not only the sources and quantities of all types of waste received but also of its various physical constituents and of their composition by weight.

As desirable as that would be, one would have to question whether it is as important as some recommendations which purport to give greater protection to the community, as opposed to a simple statistical means of acquiring knowledge. The recommendations continue:

> Reliable estimates of all potentially recoverable and recyclable materials from all sources should also be made.

That is obviously an ongoing requirement and one which is expensive in time and possibly best supported by a computer service within the system. Perhaps in due course the Minister could advise us whether such a facility is available to the Waste Management Commission. If it is not, it is an expenditure which must be weighed against other factors. Certainly it fits in with the overall views of the seminar and of the report that best decisions can be made when they are based on factual detail.

The next section of the report deals with current collection, transfer and transportation practices and contains a series of recommendations which only serve to highlight the variable services that currently apply, the inadequacy of a number of those services and the fact that in some instances the waste product has been taken from an area where it is not required and has been lost *en route* to a site for disposal. It suggests that the area of disposal is not always that best suited for the material and that there is an urgent need for some overview of current disposal activities. Again, one is best able to get co-operation from the individuals concerned if factual information is available and if it is able to be demonstrated beyond doubt that what is being sought to be done is in their own best interests and in the interests of the community at large.

I am suggesting again that one has to have factual information well documented or available on recall to support any legislative or regulation action to be taken. Quite apart from that section dealing with transportation, the next recommendation refers to current waste disposal practices and highlights a number of difficulties that exist. For example:

> A recommended Code of Practice for the development, operation and ultimate utilisation of the reclaimed land, consistent with modern acceptable practice and environmental safeguards has

been detailed in Appendix 1. Development and operation of waste disposal depots should be in reasonable conformity with this recommended practice, making allowance for local needs and conditions.

We can see from the efforts undertaken by a number of local governing bodies (indeed, some in concert one with another, such as at Pedlars Creek and elsewhere) that groups are attempting to improve the environment of the people by seeking the best of other people's experiences and putting them into play. A further recommendation dealt with the rationalisation of waste disposal facilities and stated:

The rationalisation of waste disposal facilities is recommended by gradual phasing out of small operating depots and depots operated in an environmentally unacceptable manner, and by the upgrading and expansion of others to provide facilities for waste disposal on a regional grouping basis.

One can see from the increase in the size of the Commission proposed by the current Bill hopefully a recognition of that important environmental factor. The Opposition gives full support to increasing the size of the Commission based on that fact alone, although it is necessary to say—and let it not be misunderstood—that increasing the size of the Commission for the sake of increasing it is not generally supported by members on this side of the House. I believe that our concession on this occasion gives true reflection of the fact that the number of disciplines required within the overall waste management area requires the Commission to be rather larger than would otherwise be supported, so that the necessary expertise that each individual concerned can bring to the Commission board will be available.

That same seminar on current waste disposal practices also highlighted specific recommendations which were a reflection on two of the major depots then existing at Wingfield and highlighted the blight on the community that a continuance of some of these practices would permit.

I have no difficulty in accepting that recommendation. In fact, some positive action has been taken. No longer do the people from the north where the Minister, you, Mr Speaker, and I come from see an horizon blotted out by spasmodic fires from what was a most unfortunate set of circumstances. The report identified under the heading of 'Cost and Expenditure of Waste Collection and Disposal Services', the various types and levels of waste collection services provided by each of the 30 councils comprising metropolitan Adelaide and associated costs of those services. The costs and equipment expenditure of levels of services provided by councils was also analysed. It showed that there was a gross overkill by some councils that would have been less to individual councils if the general operation was entered into.

Here was a means of being able to identify for the benefit of councils, and anyone who was interested in waste management, that that combined operation was a better proposition than individual activity, not only for the improvement of the individual amenity and environment of the areas concerned, but also from the point of view of cost of disposal and, therefore, the onward cost to the population. Specific recommendations in that area referred to the need for a proper financial data base; rationalisation of council provided waste collection services; detailed studies of economic viability of transfer stations; the upgrading of domestic hard waste services; establishing the most cost effective method of providing these services; a special study of the economies of street sweeping; increased availability of disposal depots to contractors; a study of issues relating to prices of services; and early notification of integrated rationalisation plans by the commission before major decisions affecting replacement of capital equipment are made.

One other area identified at the seminar, which was considerably important and which was not, I suggest, fully appreciated by some people attending the seminar, was that one person's waste is often a valuable resource for another operator. There is an increasing need to identify the waste of one operator, and put that person in contact with another who can make use of that waste, thus reducing the cost to the community of having to transport it from one place to another or dispose of if. If the waste has a market value, anything that can be done to put the resource into the market at the expense of those who want to use it rather than at community expense must benefit the community.

As soon as the community has benefited economically, more funds are available to undertake perhaps a more sophisticated waste management system or to use in some other community service. The report sought to put forward a first five-year plan, which it called, 'The rationalisation of current waste management practices' followed by a long-term waste disposal depots and sites programme.

Although this report is only about 15 months old, it is important that the community is soon made aware of what initiatives the Government has taken, what support it will get and what co-operation it would seek from the business community and local councils. It does not assist the future wellbeing of the State, particularly the metropolitan area, if there is a vacuum while people are deciding what they will do.

There should be on-going dialogue in relation to these matters. I am not aware that that is happening: I may be wrong. Certainly, with a small staff the dialogue one would expect to take place acts more as a band-aid or fire brigade service than an educative service. We need to consider seriously the educational aspects of this subject. The next section to which I refer is technological options in waste management. Several important initiatives were put forward, some of which are already in use by some authorities, sub-authorities, and councils. Others are not properly understood, and an education programme could dramatically assist.

I refer to my knowledge of a manufacturing operation in this State that has built several glass-crushing machines that one Victorian council at Caulfield has mounted on its trucks. Instead of the bulk of unwanted bottles taking up much room in crates, or in the bulk of rubbish on the back of trucks, the bottles go straight into the crushing machine and are delivered into a drum: at the end of the day the truck simply unloads a series of full drums of crushed glass, which is of immediate commercial value.

The number of calls back to the depot is greatly reduced because of the decreased bulk of material. Also, it is an economic approach that has application not only in Caulfield, but also utilises a piece of plant built in South Australia that will recoup its cost in a short time because of increased work time on the site or on the job, as opposed to simply lost time driving to and from tips and depots.

Those initiatives and technological approaches should be promoted to various authorities associated with waste collection. As part of the educating process, it may be that environmentalists who are going to be on the Commission will bring that sort of information that will impact on the community, if there is sufficient funds. I recognise the problems associated with coming forward with ideas without suggesting how funds can be generated.

Another aspect deals with management of liquid and prescribed wastes. This is a delicate area and one which I have indicated can cause many problems to the environment. I spoke of the outbreak of fires associated with intermixing of two products. Also, one can have smells in an area, and the possibility of escape of some material into the aquifers. It is interesting to note that the E. & W.S. Department in the Virginia area is involved in research to determine what effect, if any, a number of materials being disposed of in the Waterloo Corner and Virginia areas may be having on the aquifers. Initially it is in the upper strata, but deep

aquifers are important to the vegetable growing industry. Consequences are likely not only to the product but also there is the possibility of it absorbing some of the toxic material. Upon eating those vegetables, members of the public could be affected.

That can happen, and it has been identified overseas in places where products in the dust emanating from a factory, drifting some five to 10 km on to vegetables and grass, will subsequently have an impact upon people in markets 1 000 km to 2 000 km away. These are areas of importance to waste management, and one would anticipate that the environmentalists to be associated with the Commission would be able to play an important part.

The next chapters associated with the programme identify a medium and long-term waste management plan. This comes on top of the short-term and the 10-year plan that I spoke of earlier. I do not want to delay further by seeking to read all those recommendations: more to identify to members of the House or anyone else who might follow this debate in the official record that the comprehensive waste management plan for metropolitan Adelaide is a document that can be made available through the commission, and one that identifies difficulties. Some may be limited in their application, and some may have already been adequately answered by the Commission, but may not yet be publicly revealed. With the increase in the size of the Commission we are allotting additional funds to enable these people to be on the Commission and, whilst we freely give that authority by supporting this measure, we also have to make sure that the Commission is not a body meeting in isolation from the community. I am not suggesting that it would want to on its own behalf, but if the means are not provided to enable it to get its message across to the community, either by further seminars or by making the services of some of their officers available through local government seminars, in which there is a self-generating involvement by councils or by a group of councils, then we are preventing the community benefiting from the deliberations of the Commission.

This matter is of great importance and one which the community is demanding of local government or of Government more and more every day. The degree to which the demand can be met is limited by finance, but finances that are available should be used to the best degree so that information is distributed as widely as possible. I commend the Bill, and the decision to include environmentalists on the panel. I hope, as has been said previously, that their additional expertise will not wither on the vine because it is hidden away and not made public.

Mr BLACKER (Flinders): I support this Bill, although I do not normally support an increase in the size of committees. However, with today's technology and waste management programmes, and the problems experienced in society, it is necessary that we have as many people involved to ensure that there are not unnecessary waste depots that will cause environmental hazards. My interest in this Bill arises from a major project being developed in the Port Lincoln area but, for that project to reach its ultimate conclusion, it may require the re-establishment of another rubbish tip in the Port Lincoln area or in an area to service the city of Port Lincoln. When one starts from square one, it is desirable to use all the expertise available. The Bill is short, and provides for two additional members to the board. The clause states:

> *(e)* three shall be persons nominated by the Minister, and of them one shall be a person with experience of environmental management;
>
> and
>
> *(f)* one shall be a person nominated by the Minister for Environment and Planning.

The other matters are basically academic and involve the changing of names. Generally speaking, it would have the full support of this House. I support the measure, and I trust that waste management will benefit as a result of it.

The Hon. T.H. HEMMINGS (Minister of Local Government): I appreciate the support of the Liberal Party and the National Party of this Bill. Whilst the member for Light spoke in support of the measure, I am sure that he was party to the fact that the previous Government halved the fees—

The Hon. B.C. Eastick: Can't you ever stand on your feet without talking from the gutter?

The Hon. T.H. HEMMINGS: No, I am not. I am saying that the previous Government halved the fees and made it more difficult for the Waste Management Commission to carry out its task. We tried to correct that, and I am sure that when I introduce my next Bill to increase fees, after what the member for Light has said, he will fully support the fact that we need more money for the Waste Management Commission. I fully support the remarks that members opposite have made, and I hope that this measure will pass quickly.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Membership of the Commission.'

The Hon. B.C. EASTICK: I understand that there will be additional costs associated with the membership of the Commission: that does not worry me at all, so long as we get the result. I make the point to the honourable Minister, as I did by way of interjection a short time ago, that one does not necessarily receive a better return simply by pouring money into a thing. So long as the Minister recognises that it is the attitude that he applies and not the tactics that he applies, the end result will be most beneficial.

Mr BLACKER: Has this Bill been prompted because of any plans of the Waste Management Commission into the development of waste disposal techniques or new disposal systems that the Commission or the Government may introduce for the State? Is it envisaged that the Commission or the Government will be embarking on a new system of waste management disposal or recycling system?

The Hon. T.H. HEMMINGS: No. The intention of the Bill is to increase the involvement of the Commission and to include people associated with environment and planning. It has been found that the Waste Management Commission was not working to the best of its ability, and that is the reason for the proposed increase in its membership.

Clause passed.

Clause 3—'The Technical Committee.'

The Hon. B.C. EASTICK: I totally support what we are doing in relation to clause 3. Has the Minister considered being able to write in specifications that do not need consequential amendments every time there is a change in the name of a department or a Minister? It is a problem we have had since time immemorial, and one that I know was addressed some five or seven years ago to ascertain whether it was possible to write legislation which would not require the fine tuning in which we are now indulging. It is a necessary indulgence: I am not suggesting otherwise. Had there been an answer, undoubtedly, it would be before us now. However, this is more by way of seeking information from the Minister about whether he had sought or had been advised whether there is a better way of doing this or whether there is likely to be a brighter opportunity around the next corner.

The Hon. T.H. HEMMINGS: The member for Light has been here longer than I have. What we are doing in this clause is to change the names of the titles. I think that the

member for Light perhaps needs to approach the Joint House Standing Orders Committee to work out some other way to do that. I take it that he is talking about having to change names of different organisations. We have tried to do it now, and I think that in any Bill this will always be a problem. However, I am sure that the honourable member can use his expertise, as the former Speaker, to influence the appropriate body.

Clause passed.

Clause 4 and title passed.

Bill read a third time and passed.

LOCAL GOVERNMENT FINANCE AUTHORITY BILL

Adjourned debate on second reading.

(Continued from 17 November. Page 1940.)

The Hon. B.C. EASTICK (Light): The Opposition supports this measure. It is one that has arisen as a result of a direct request initially of the Local Government Association and communication between that organisation and the Government of the day, and by approval with a bipartisan approach to the general principles of the Bill. As I indicated to the Premier in this House only the day before yesterday in relation to the merger of the two banks, I think that a bipartisan approach to some of these measures is one that ought to be more frequently used, because the end result is more beneficial to the group that is to be involved. Also there is the opportunity to identify areas of difference and find areas of compromise that are not based on straight-out philosophical difference, and have them corrected and better understood in the Bill when it is presented to the House.

I suggest that that is basically what has taken place in relation to this Bill. There has been discussion with people who would in normal circumstances expect to be involved directly as trustees or as staff to trustees of the Authority in due course. Having said that, and appreciating that the Bill we are considering is the better for that sort of approach, I acknowledge that it is breaking new ground for local government in this State, but it is not unique. It is unique in its form, but it is not unique in principle to action that has been taken interstate for several years.

In many respects it is not unlike the legislation that has been affected on behalf of the State whereby the borrowings of the Government are undertaken by one organisation, and one would trust that the cost of the borrowed money to the community will be less as a result of the combined effort. The Authority has to prove itself, and with the zeal and approach that it is taking, I have no doubt that it will. Its operation will not be as great as some of the other authorities, more specifically the Government authority, but it is talking about large sums.

It has the strong support of most, if not all (and I say 'not all' because there are some smaller councils on the fringe that do not get into a borrowing programme and do not fully appreciate the ramifications of it) councils which have indicated their preparedness to make available to the Authority their surplus funds, and they will be looking forward to dealing with the Authority as the source of their funds and any of their future borrowing programmes.

The interstate organisations in New South Wales and Victoria were referred to by the Minister in bringing this matter before the House. I have studied the Local Government Investment Service Proprietary Limited Annual Report of 1983 as it applies to the New South Wales organisation. It is apparent from that report that there is a sizeable undertaking by the Local Government Investment Service on behalf of local government in New South Wales. It undertakes it on a slightly different basis and it may well be that, having the benefit of the experiences of New South Wales and Victorian organisations, the structure of the Bill we are considering is the better for their experiences. As is frequently the case when new legislation is brought before the House, the anticipated benefits or expectations are not met, and it may be necessary to readjust one's thinking and make necessary amendments at a later stage.

I give a commitment on behalf of the Opposition that, should that fine tuning be necessary, assistance or support will be forthcoming. I mentioned only yesterday the philosophy put forward by the former Police Commissioner in this State (Mr Salisbury) who made the statement that it is when one starts putting theory into practice that difficulties begin, and I think that that is a truism that anyone recognises in his own business, in this Parliamentary system or wherever he is involved. The theoretical aspect is sometimes not so easily put into practice.

Mr Mathwin: Sometimes it's impossible.

The Hon. B.C. EASTICK: It proves impossible because of the impact on other organisations or activities which may not have been appreciated. I am aware that banking institutions publicly support the action being taken. I think one would be less than naive if one did not believe that banking institutions are being supportive in the hope individually that they will be the successful banker to the Authority and that subsequently the ones that are not the successful banker to the Authority may not be as supportive as they are at present. That is one of the realities of life. Certainly, all of them, that is, the Local Government Finance Authority, the banks, and the other lending institutions will be in the one market, and it may well be that the banks that are is not successful in the first instance will be successful on the second, third or fourth time round. So, that is facing up to the reality of what occurs in everyday life.

I intend to question one or two aspects of the Bill during the Committee stages. I have circulated an amendment that I propose to move which seeks to give greater clarity in regard to calling special general meetings. It is a matter that has been discussed with the people associated with the Authority, and we will consider it later. Overall, I believe that the action taken is worthy of support. An authority is to be created which is to be administered by seven trustees, four of them ex-local government people (although two of them will be directly appointed by local government). Two will be appointed in due course by members of the Authority at its annual meeting. Also involved will be the Under Treasurer or his nominee, the Director of the Department of Local Government or his nominee, and the Secretary General of the Local Government Association (that does not extend to a nominee). Authority will be given to borrow under guarantee from the Treasury. The fact that the Treasurer is satisfied that it is a programme to which the strength of the State can be given indicates support for the Authority, albeit that the Treasurer will have the opportunity to extract a fee for services rendered, which is normal commercial practice and which is to be expected in any circumstances. The organisation will be able to borrow in Australia or overseas and will be able to lend to local government councils or prescribed local government bodies. Later, we will seek to identify those prescribed local government bodies.

Members in this place and people in the community will be heartened to know that the auditing of accounts will be undertaken by the Auditor-General and that there will be public revelation of any difficulties that might be found, which is in line with current practice in various departments and instrumentalities. The Government, in providing the guarantee, will charge a fee, but, initially under the legislation the Government will be authorised to make available funds totalling up to $10 million from Consolidated Revenue for

the purposes of the Authority. There is some question as to whether that $10 million will be the limit or whether in fact it can be exceeded in due course by appropriations from subsequent Supply Bills. I suspect that the latter will be the case rather than the former. Therefore, the Authority will have a future if additional Government funds are necessary.

I express the hope that the fund will be self-generating within local government and its prescribed bodies and from sources other than Government sources. I think it would be entirely wrong if the Authority were to embark on a programme (I am not suggesting that it would, but simply sounding a cautionary note) which, in association with the approval of the Treasurer, would result in a great generation of funds from the Treasury. It is an organisation that ought to be able to stand on its own feet in the commercial field that it is about to enter, and it should generate funds from sources other than from the immediate Government sector. The operating profits, after payment of the guarantee fee, are to be channelled back into the participating councils and/or bodies. In other words, this will be a means of providing additional funds for local government, and anything that provides such funds for local government that are not Government hand-outs is beneficial for local government and the community.

I am a little concerned about the reference in the second reading explanation to a companion Bill (a matter that we will address later) which will amend the Local Government Act. I believe that the proposed alteration to that Act is against the very fundamental principles of local government as it exists at present. We will be dealing with that matter later. In all truth, I do not believe this statement, made in the second reading explanation:

> In a separate Bill there is a proposal that the Local Government Act be amended to remove loan poll provisions. The Local Government Finance Authority will be borrowing in bulk for lending to councils. The present provisions, which in practice only impact upon small councils, provide a time table and a risk of exposure to the Local Government Finance Authority which, it is considered, would cause difficulty.

This difficulty exists at present for loan organisations. It is not something that will be specific only to the Local Government Finance Authority. The provision seeks the removal of the ratepayer-cum-elector safety valve. I will say more about that when we move on to that matter. The passage of that local government Bill as a companion to the Bill now before the House is not essential for the successful functioning of the Local Government Finance Authority, albeit that the passage of that other Bill may assist the unfettered activity of the Local Government Finance Authority. However, it should not be believed that one is dependent on the other. I do not believe that that is the case, and the evidence that I have obtained acknowledges that. It will be of benefit to the Authority not to have the impediment that currently exists, but that is an impediment that other lending authorities have had to bear for years past.

I am aware that an extensive advertising campaign has taken place in an attempt to obtain top-class financial management staff for the creation of the Authority. I am aware also that the local government body has already indicated its preference for the four local government oriented personnel to be its original trustees. That provision has been included in regard to the first appointments to be made by the Minister, although subsequent re-appointments will also be made, two by local government and two by the Authority. Those personnel will have an expertise which they will bring to the Authority, and I wish them well. I know that my colleagues also wish them well in the project that they are embarking on. They will be under scrutiny from not only members of Parliament but, as I indicated earlier, from the Auditor-General. This is a forward-looking move by local government.

It gives a fair indication of the maturity that they are showing in relation to their responsibilities to the community they serve and the acceptance by both the Government and the Opposition of a measure such as this gives some value and force to the decision taken by this Parliament earlier to write local government into the Constitution of this State. We totally support the measure at this stage.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. B.C. EASTICK: When does the Minister expect this measure to become operative? I have heard several dates mentioned. Naturally, it requires the eventual passage of the Bill and the necessary administrative set-up to get it under way. I recognise that local government bodies work on the July-June financial year basis and that many of their borrowings for the financial year 1983-84 are already in place. I also appreciate that many councils have placed their excess funds in short-term loans expecting that they will be able to inject those funds into the new Authority. The best intent rather than the final figure would be beneficial to the Committee.

The Hon. T.H. HEMMINGS: I am hopeful that after the positive support by the Opposition in this place the Bill will receive the same support in the other place. If that support is forthcoming, the answer is, by the end of January.

Clause passed.

Clauses 3 and 4 passed.

Clause 5—'Councils to be members of the Authority.'

The Hon. B.C. EASTICK: I think this short clause overcomes the possibility of some other difficulties associated with hybrid Bills and Select Committees, and so on. More importantly, it allows for any council in the future to opt in or out without debate during the passage of amending legislation. It is a responsible clause, and has our support.

Clause passed.

Clause 6 passed.

Clause 7—'Constitution of the Board.'

The Hon. B.C. EASTICK: The second reading explanation in relation to clause 7 caused me a little concern. Because of the juxtaposition of two of the sentences at one stage I thought that the local government nominees for the first membership had to be serving members of council. That is obviously not the case, and the transitional requirements allowing for the Minister to respond to local government in the nomination of the first four trustees do not require the Local Government Association to appoint or suggest to the Minister serving members of council or serving staff members. One could question the juxtaposition of a few of the clauses associated with the second reading explanation, but, having satisfied myself that non-serving personnel may be within the four nominees of the Local Government Association in the first instance, I would welcome the Minister's confirming that he intends to consider in the first listing non-serving local government personnel, be they ex-councillors, ex-mayors, ex-aldermen or ex-clerks.

The Hon. T.H. HEMMINGS: It amuses me that the honourable member thinks that in this clause I am trying to suggest that able people, whether they be ex members of council, ex-mayors, ex-clerks, or anything else, should be omitted. When the member for Light eventually leaves this place (and I am sure he will do it by way of his own retirement; he will never be defeated), if he wants to be a member of the Authority I am sure I will consider that as well.

The CHAIRMAN: Order! The Chair hopes that personalities will not enter into the debate.

The Hon. B.C. EASTICK: I am quite sure that is the case and that I have your support, Mr Chairman, in not allowing such intrusions into the debate. The important issue in relation to clause 7 was covered in the second reading explanation, when the Minister said:

> The clause provides that, until 31 December next succeeding the first annual general meeting of the Authority, the Board should comprise the *ex officio* members referred to above and four persons appointed by the Minister upon the nomination of the Local Government Association—

the next words could create a problem—

> under the clause, a person is not to be eligible for election to the Board unless he is a member or officer of a council.

If one reads that in the manner in which it was juxtaposed one could say that the chairman nominee of the Authority, because he is not a serving member of local government, would be denied the opportunity of representation. That would have been a tragedy because that same person has had a long career in local government and the Local Government Association and he has the expertise which the trustees need. As to whether he would prove himself in that role is another matter, but I believe he would. It is important that his name be put forward. If one reads the subclauses to the clause one recognises that there is protection, but it was the expressed intent that caused me concern.

The Hon. T.H. HEMMINGS: Apart from perhaps when I nominate Bruce Eastick, ex-member for Light, to the board, I would like to state that at a special general meeting of the Local Government Association, Mr Anders, who is not now a member of local government but is an ex-President of the Local Government Association, a very fine man, and one who has done so much for local government in this State, has been nominated to the board.

Clause passed.

Clauses 8 to 11 passed.

Clause 12—'Disclosure of interest.'

The Hon. B.C. EASTICK: Subclause (2) addresses an important aspect of representation. As always when one seeks to bind in and bind out individuals as to where they may rest in any situation, sometimes the number of words used become excessive and the end result is difficult to read. I am quite satisfied that those people serving on the board will, from time to time, have a potential conflict of interest in relation to loans being considered. The provision in subclause (2) is adequate for the purpose. If we respect the integrity of the people to be appointed, there is no need for subclause (2). But, with an abundance of protection or caution, it is there and it is satisfactory.

Clause passed.

Clause 13 passed.

Clause 14—'Annual general meetings and special general meetings.'

The Hon. B.C. EASTICK: I move:

> Page 5, after line 41—Insert subclause as follows:
>
> (4) Where a request is made for a special general meeting under subsection (2) *(a)*, a special general meeting must be held in response to the request within ten weeks of the making of the request.

The provision for annual and special general meetings is quite straightforward. One would query the fact that six weeks notice is to be given of the meetings but, after consultation with people directly associated with local government, and having had some experience myself with local government, I recognise that, where there is only one meeting per month, if one just misses the meeting it will be upwards of five weeks before the next meeting is held. Therefore, if the council is to have its democratic right to make an input on the manner in which its representative on the Authority's annual general meeting is to respond or react on behalf of the council as the member of the pool, then six weeks is necessary. I recognise that subclause (3) is binding on the special general meeting as it is on the annual general meeting. However, there is no protection at all for the member councils should a situation arise of a board causing unnecessary delays in responding to the individual council's right to require a special general meeting. So, I commend the amendment to the Committee and trust that the Minister will support it.

The period of 10 weeks may horrify some people but, if we recognise that the six weeks mandatory, provided by subclause (3), leaves only four weeks, it requires that the Authority will reply within the four weeks and get the wheels turning. It is a necessary precaution and one which I trust will never be necessary. Again, with the same abundance of caution, I seek the Minister's acceptance of the amendment.

The Hon. T.H. HEMMINGS: The Government accepts the amendment.

The Hon. B.C. EASTICK: If we were to take the Local Government Association, it would cost about $3 000 to set up a meeting of all members. One could well imagine that a special meeting of the Authority would cost a similar amount on the basis of one representative per council—previously 125 councils and now 124. It is an expense, and four weeks gives a leeway. If a meeting can be constructed to do more than just the requirement of a special general meeting, the four weeks additional time will allow the best return on funds. I believe it is wise.

Amendment carried; clause as amended passed.

Clauses 15 to 19 passed.

Clause 20—'Resolutions of general meetings.'

The Hon. B.C. EASTICK: On first reading clause 20 I had some concern but, having been advised of reasons for its conclusion, I am happy to support it. As I understand the intent, it is one of caution. One does not suddenly have a meeting telling the Authority to borrow at 15 per cent and lend out at 10 per cent. That most unfortunate economic circumstance should not come about but, without this protection, such a situation could arise and would be intolerable. Therefore, this is a most necessary protective clause.

Clause passed.

Clause 21—'Functions and powers of the Authority.'

The Hon. B.C. EASTICK: I refer to clause 21 (2) *(b)* where we have the inclusion of 'prescribed local government bodies'. I recognise how a body will become prescribed, but I would welcome information from the Minister on a listing of organisations that he foresees coming into that grouping. A number of bodies today are directly associated with local government: the Pest Plants Board, the Dog Control Fund, and other combined groupings such as health and building services to a group of councils in the Barossa Valley. Are each and all of those bodies likely to be contained within the prescribed group? Are there any other bodies on the fringe, for example, the Outback Development Trust Board, that would qualify and are intended to be included by the Minister? Certainly, in regard to the Outback Development Trust, there is a likelihood of a fair measure of funds being available at the time the Grants Commission made its annual contribution. If it can assist the Local Government Authority, in turn it will be assisting itself because, any longer-term benefit or profit will be directed back to its actions or activities the same as with local government.

The Hon. T.H. HEMMINGS: The Outback Development Trust will be included in the prescribed body, as will hospital boards, recreation groups and those that come under the umbrella of local government. It is fairly spelt out in clause 3.

The Hon. B.C. EASTICK: I am not sure where clause 3 comes in. Perhaps the Minister could explain further. I refer to clause 21 (3). I recognise that a provision elsewhere in the Bill, again by the joint action of the prescribed body along with the acquiesence of the Minister, will allow a

restructuring of the finances of the body through the Authority—more or less a support action where the activities of the organisation have been a little less than totally successful, and this would be a way of getting it back on the rails.

I know that can assist in that way. I am sure that there will be provisions and protections for the Authority. I would like some information from the Minister about his discussions on the preparation of this measure and about this advice on management of financial affairs; is it to be at a fee or *gratis*? Individual circumstances may involve free advice in some cases and a fee in others.

The Hon. T.H. HEMMINGS: Subclause (3) provides:

> The Authority may, at the request of a council or prescribed local government body, provide advice or assistance to the council or body in relation to the management of its financial affairs.

The main thing about that provision is that there can be no intervention if councils want to go in a separate direction. There is no fee for that service.

Clause passed.

Clause 22—'Financial management.'

The Hon. B.C. EASTICK: I register my concern, similar to that registered earlier this week by the Leader relating to a merger Bill, that it should be deemed necessary to write into legislation words such as 'act in accordance with proper principles of financial management and with a view to avoiding a loss'. It is almost a grandmother clause, surely. If there is a reason why it has been written in, I would like to know about it. No-one will dispute that, with any organisation being set up which deals with funds, these funds might ultimately have to be guaranteed by the State. But, it does irk me a little to see written into legislation that sort of direction. To me, it is an outright expectation without direction. Can the Minister give any reason for such a provision?

Clause passed.

Clause 23 passed.

Clause 24—'Guarantee by Treasurer, etc.'

The CHAIRMAN: The Chair draws to the Committee's attention a clerical error in clause 24. We have two subclauses (2). My copy of the Bill now shows subclauses (1), (2), (3), (4) and (5).

The Hon. B.C. EASTICK: Subclause (4), which has become subclause (5), provides:

> The Authority shall be liable to pay to the Treasurer such fees in respect of guarantees arising by virtue of subsection (1) or provided in pursuance of subsection (2) as are prescribed upon the recommendation of the Treasurer made after consultation with the Authority.

This is a necessary benefit to Treasury, obviously. I am interested to know whether fees will be determined on normal business lines (which would be consistent with other action that the Treasury has recently taken in respect of loans for ETSA and other organisations) or whether there is no intention of providing a special benefit to the Authority. In other words, will the Authority be expected to stand on its feet and trade under all normal financial economic circumstances?

The Hon. T.H. HEMMINGS: Yes, it is on the normal business lines of commercial transactions, if that is the information the honourable member is seeking.

Clause passed.

Clauses 25 and 26 passed.

Clause 27—'Power of Minister to effect rearrangement of borrowing by council, etc.'

The Hon. B.C. EASTICK: I earlier alluded to the provision existing for organisations, be they councils or prescribed bodies, which were having difficulty but concerning which, after consultation with the Minister, approval could be given for them to be taken over or supported by the Authority. One would have to accept the possibility that this could involve bad debts, unless the Minister or the Authority was subsequently to bankrupt the organisation to obtain its apparently lost funds. I think that a service of this nature to a council or prescribed body is beneficial. I trust that there will be no unfortunate experiences but I recognise, as I hope the Minister does, that such a situation could arise.

Clause passed.

Clauses 28 to 35 passed.

Clause 36—'Regulations.'

The Hon. B.C. EASTICK: I might really be testing my luck by suggesting to the Minister that the bipartisan approach associated with this Bill's introduction in such a satisfactory manner might even extend to a bipartisan approach regarding knowledge of any likely regulations, so that we do not have unfortunate disallowance motions on the Notice Paper later. It is a new area, and I believe that information on this matter would be beneficial. I suggest that it is a course of action which the Minister might accept.

The Hon. T.H. HEMMINGS: This bipartisan approach which the member for Light promotes as far as local government is concerned makes me very happy, and I hope that the same approach will apply to the next Bill. I will gladly accommodate the honourable member.

Clause passed.

Title passed.

Bill read a third time and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from 17 November. Page 1938.)

The Hon. B.C. EASTICK (Light): At the outset I should indicate to the Minister that I hope that, once we reach clause 1 in the Committee stages, we might be able to report progress, because some documents are being prepared which reflect the Opposition's attitude to this Bill. It would be wrong if no opportunity were given to the Opposition to deal with that matter.

My first reaction to the Bill was to reject it outright, because it destroys a fundamental aspect of the existing Local Government Act in that it denies the right of ratepayer electors to react against a council which they believe is not functioning in the best interests of the community, and precludes them from seeking a ratepayers poll or electors poll. The Bill repeals a number of provisions in the Local Government Act. The measure has already been recognised as a companion, in part, to the Local Government Finance Authority Bill that we have just passed, and an inter-relationship between the two Bills was suggested in the second reading explanation. It was suggested that the Local Government Finance Authority would be able to function better because of the elimination of certain provisions in the existing Local Government Act.

The view which I and my colleagues hold is that, if a council is failing to communicate with its electors, those electors should have the right to call the council to heel and require it publicly to explain what it is doing. The suggestion has been made, and I accept it as being factual, that the likelihood of a larger metropolitan council having its programme disturbed by the carriage of an elector poll is virtually nil, more specifically since the figure of 30 per cent approval of the action has been written into the Bill. However, that still allows the electors, under the relevant provision in the Act, to react to the activities of the council where the communication has been bad.

I wish to give one or two examples. Earlier this year the local governing body at Clare, in session, decided that it would buy a computer. There was a great deal of heat generated, not only within the council but outside, about creating a debt of $65 000 for the procurement of a computer. I am not denying that the computer may have greatly assisted the activities of the Clare council, as computers have helped the activities of a number of other councils, but the manner in which the discussion took place (the decision was based on the quotation from one company) created a great deal of distress to the people in the community. When a vote was taken under the provisions currently in the Act, the results of a poll held on 21 May 1983, and reported in the *Northern Argus* on 25 May 1983, showed that 47 per cent of eligible voters turned out. It covered a wide area, not just the Clare town but down to Penwortham, Mintaro, almost out to Farrell Flat, up to Hilltown and almost out to Blyth. From that area, 47 per cent of eligible voters turned out to give an overwhelming 'No' vote to council borrowing $65 000. The final vote showed that there were 1 213 votes against the proposal, with only 53 votes giving council the go-ahead.

There was a community undertaking its democratic right to say to the council, 'Enough is enough.' Whilst I can accept the promotion in the Bill that the Act, as it stands at present, might be totally deficient so far as obtaining a satisfactory result within the metropolitan area is concerned, there is still a public opportunity if a vote was called. If it is being done maliciously or without real reason, it may be necessary to look at changing the Act so that an impediment or a stopper can be written into the Act to prevent people from using the system in an unfortunate way. However, to deny ratepayer electors the right to react is totally wrong, and I believe that that response that I spoke of earlier is a fair indication of the importance of this measure.

Quite recently there was a successful poll at Mount Remarkable in relation to the procurement of equipment. At Penola, reported in the *Penola Pennant* earlier this year, a poll was not successful, even though there was an excess of 'No' votes against 'Yes' votes, but the correct proportion did not turn out. However, the Penola council was given a very clear message by its ratepayer electors that the council's activities in procuring a new piece of equipment was not appreciated.

I will take up with the Minister on another occasion the answer that he forwarded to a group of people in the Penola area as to the manner in which the Penola council approached that loan. The council, having made a decision, made an announcement in a newspaper which was circulated in the area (even though it was not in the newspaper that was circulated out of the town in which the council office was situated). An advertisement appeared in a newspaper dated 2 June, and the piece of equipment was delivered into the council shed on 7 June, only a matter of five days after the first notice appeared in the local paper. The equipment that it was replacing was taken back to Adelaide on the same truck that delivered the new piece of equipment, albeit with the Minister's approval, and it was resold before the second advertisement appeared and before the poll. Had the group of ratepayer electors been successful in their poll, one wonders what would have occurred when another body already had possession of a piece of equipment which had been traded in and which still had a debt of $85 000 owing on it. These are areas of difficulty to which the ratepayer elector group must have the right to react. There is a very real reason why this Bill should be denied passage.

I indicated that I first thought that I would completely oppose it, and that that would be the attitude of the Opposition. However, recognising that there is an impediment to lending institutions, not only the Local Government Finance Authority to be but also to the other banking and financial institutions that provide funds to the local governing body by the present provisions, I have sought a series of amendments to be prepared that allow the right of the ratepayer-elector to make his feelings felt in advance on any negotiations for funding. It is a complicated series of amendments: it might look simple, but it is complicated to ensure that it achieves what one had hoped. That is why I suggested earlier that we might be able to have the Minister report progress while the matter is considered, and then brought on again after one of the smaller pieces of legislation had been considered.

I assure the Minister that one is not seeking to delay unnecessarily: one is seeking to ensure that the best interests of the local government community is maintained, to facilitate the benefit that the Local Government Finance Authority desires, and to perhaps leave in the Statute Books a protection at this juncture that may well have to be totally rewritten in the attitude to the first, second or third stage of the local government rewrite. I am not denying that the whole matter needs tidying up. However, I believe that we would be doing a great injustice to the South Australian community if we were to take away this essential safety valve which exists in the Act and which has been used frequently. It is on that basis that I give qualified support to the passage of the Bill, and certainly do not oppose its second reading. However, I say to the Minister that I hope that we can address this satisfactorily a little later rather than immediately.

The Hon. T.H. HEMMINGS (Minister of Local Government): I am inclined to support the ideas floated by the member for Light, but in some way I am disappointed because, when Standing Orders were suspended on Tuesday when Bills were introduced into this House, members opposite said that they had not had time to consider those Bills. This one was introduced well in time for the Opposition to consider it and introduce amendments. However, I take the point that what the member for Light is saying is that perhaps we could consider amendments, but I think that, with his record in local government, he realises that the loan poll provisions in the present Act cannot really work in conjunction with the Bill that we have just passed. Under the Local Government Finance Authority, if one is talking about borrowing, everyone has to come in at a particular time: one cannot do it at random.

No-one is saying that councils are given the right to borrow without going to the ratepayers, and I think that the member for Light realises that. If we are talking about local government being the third effective tier of Government in this State and in this country, under the Bill that we have just passed councils have the right to go out as a corporate body and borrow for the benefit of ratepayers. The member for Light gave us examples in relation to Clare, but when he gave us those examples he qualified what I had said in my second reading explanation. It is only in district councils where one gets this emotion stirred up where people can vote against loan polls. I am not saying that it is a small town—

The Hon. B.C. Eastick: I can't respond to you at the moment, but I will in Committee in due course.

The Hon. T.H. HEMMINGS: I am trying to keep the thing going so that the honourable member can move his amendments so that we do not have to report progress. What the member for Light has said, in effect, qualifies what I said in my second reading explanation. It is only in small district councils where one gets that feeling whipped up against loan polls. If every member in this House is concerned about corporate planning in local government, giving local government the right to get the best possible

terms on investments and borrowings, we have to support this amendment.

The member for Light may feel that, whilst he supported the Local Government Finance Authority Bill, he will oppose this Bill, and perhaps in Committee he can let the House know. However, if he supported the Local Government Finance Authority Bill and intends to oppose this one, he has to give some really good reasons for doing so.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Progress reported; Committee to sit again.

EDUCATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 November. Page 2050.)

The Hon. MICHAEL WILSON (Torrens): I begin by thanking the Minister for giving the Opposition advance warning of this measure. I want the Minister to know that it is appreciated, because it is more than I can say for the conduct of some of his colleagues over the past couple of days. I refer in particular to the Prisons Act Amendment Bill.

The DEPUTY SPEAKER: Reference to that is completely out of order.

The Hon. MICHAEL WILSON: That is providing an enormous amount of work for the Opposition. At least in this case the Minister had the courtesy to give the Opposition advance warning. This is an important Bill and many of its clauses, in particular those requested by the Non-Government Schools Registration Board, are also very important. I agree with the Minister of Education that those provisions need to be passed by both Houses of Parliament before the end of the year so that the Board will be in a better position to do its job during the next school year. I believe that that is important, indeed, but some of the other contents of the Bill are not important at all. I will deal further with that matter later.

I deal with the important matters in the Bill in three stages. First, I refer to those clauses that give more flexibility and more power to the Non-Government Schools Registration Board. First, the measures give the Board power to limit the period of registration of a non-government school. Secondly, they give the board power to make orders concerning the registration of a school where a school does not comply with criteria for registration and also to allow schools to institute an inquiry where they wish to have their conditions of registration amended. Thirdly, they give the Board power to vary or impose conditions for registration following an inquiry.

There is no question that there are some severe problems at present in the registration of non-government schools. Members of the Non-Government Schools Registration Board in many respects act on behalf of the Minister. In fact, one could say that they are officers of the Minister. If they are going to do their job properly in the registration of non-government schools, then they need this additional flexibility. It is important to recognise that fact.

I ought to make plain at this stage what is meant by registration and what the function of the board is in overseeing the registration of a non-government school. In registering a new non-government school the board must ensure that an adequate standard of instruction will be provided as well as an adequate curriculum, and that the health, welfare, and safety of students at the school is provided for. That is the charter of the board, and those stipulations are contained in the parent Act.

Last week I had an opportunity to speak with the former Federal Minister for Education (Senator Baume) when he was in Adelaide. He told me that on one occasion he had been asked to fund a non-government school containing six students. He found that extremely difficult, but he did so, because the school had been registered by a State body (in this State it would be the South Australian Non-Government Schools Registration Board). If the board does not have these additional powers and this financial flexibility, it will make the job for both State and Federal Ministers in agreeing to funding extremely difficult. We must not lose sight of that fact.

In regard to the school that had only six students, two families had got together to form a non-government school, and the total of the students at the school was made up of the children in those families. Who is to say that they should not have the right to form a non-government school, provided that those vital elements of instruction, health, welfare, and safety are catered for at an adequate standard. Of course, facilities must be adequate as well: one cannot have a non-government school in a tin shed.

It is instructive to read the final report of the working party on registration of non-government schools that was presented under agenda item 4 to the regional meeting of the Australian Education Council (which I understand was chaired by the State Minister of Education), which met in Adelaide a couple of weeks ago. Referring to the numbers of people at non-government schools, recommendation 4 on page 3 of the report states:

> Authorities in the States and Territories responsible for registration give consideration to guidelines for minimum school enrolments. The following guidelines indicate numbers which could be seen as appropriate under normal urban circumstances.

It further states:

> Primary schools, a minimum initial enrolment of 20 with an average attendance of 15. Secondary schools, Years 7 to 12, minimum enrolment of 70; Years 8 to 12 minimum enrolment of 60. For a school offering less than the full range and not offering Year 11 or Year 12, an average enrolment of 40 in years 7 to 10 schools and of 30 in Years 8 to 10 schools. For schools offering Year 11 and/or Year 12, an average enrolment in each of those of 8.

The Australian Education Council, which consists of all State Ministers of Education together with the Federal Minister of Education, is addressing this problem. Minimum enrolments are regarded as being necessary because if the enrolment is too small the subject choice of students is restricted. Later in the report reference is made to the fact that secondary schools should have a minimum enrolment of 80 if a sufficiently wide curriculum and subject choice is to be offered.

I do not agree with everything that is in the report, but I am simply highlighting the problem that State and Federal Ministers have in funding non-government schools where groups of parents for whatever reason, whether it be for religious reasons or otherwise, form small non-government schools. There is debate in the community about people having a basic right to educate their children in the way that they see fit. If they wish their children to have a religious based instruction, who can say that they should not provide for that.

On the other hand, the Minister has a responsibility for seeing that children are educated adequately. Therefore, there is a problem, and one must make a decision as to how to overcome it. The solution in this case has been to form the Non-Government Schools Registration Board, which will make decisions for the Minister.

The board is responsible to the Minister, but the board will make those decisions for the Minister. One of the areas with which I disagree is that it was reported to have been a decision of a recent meeting of the Australian Education

Council that registration by the Non-Government Schools Registration Board does not necessarily mean that funding will follow. I believe that is wrong, because, providing the registering authority has the correct and adequate powers and certainly has qualified personnel (and that is up to the Minister), once that registration board is prepared to register a non-government school both State and Federal funding should be automatic. We do not want the situation that has occurred in the past where registration boards have been forced to register because of inadequate guidelines and inadequate powers.

This Bill gives the Non-government Schools Registration Board adequate powers so that it can do its job properly, and therefore the Minister should have confidence in the decisions taken by that board, a confidence that is not shown in some of the later amendments to this Act. I also refer to the report from which I quoted previously of the working party on the registration of non-government schools, and I refer again to the situation regarding funding because this is important and is the nub of what I have been saying. The report states:

> Recurrent funding of non-government schools should not take place without registration (either full or preliminary) having first been granted.—

I accept that and I said as much just a moment ago—

> Schools should be eligible for consideration for recurrent funding from the date they commence to operate with the agreement of the registration authority. This should be from the commencement of a school term.

Where I take issue with that is on the point I made that, if the Minister is accepting recommendations of this report, he is really only saying that, if the Non-Government Schools Registration Board is prepared to register a non-government school, then funding is not necessarily automatic and that funding ends up in the lap of the Federal and State Ministers. I guess if the Federal Minister did it, automatically the State Minister would agree. That is how I understand the situation, and the Minister can correct me if I am wrong.

That is all I wish to say on the powers of the board and the flexibility required by the board. The Liberal Party realises the serious problems faced in the registration of non-government schools, particularly in relation to the small fundamentalist schools, and at least the Minister is addressing this problem to some extent with these amendments.

I turn now to the amendment which calls for a review of each non-government school at least once every five years. This amendment is accepted generally by the non-government school sector, which has no fears about a five-yearly review. It is interesting to note that the report to which I have just referred recommends that non-government schools should be reviewed at least once every six years. The non-government school sector has no fears that it will not measure up to the review, and has no fears that its accountability to the community is anything less than it need be. That is generally accepted, but I wish to take up the point about the question of the review because although in his second reading speech the Minister mentioned the review, clause 9 *(b)* provides:

> (1a) The board shall inquire into the administration of every registered non-government school at least once in every five year period during the registration of the school.
>
> (2) If, after conducting an inquiry under subsection (1)—
>
> *(a)* the Board is satisfied—
>
> (i) that the nature and the content of the instruction offered at the school is unsatisfactory;
>
> or
>
> (ii) that the school provides inadequate protection for the safety, health and welfare of its students;

I believe that that is a mistake in drafting because, as I mentioned before, the important job the registration board has to do is to ensure that instruction, health, welfare, and safety is carried out under correct guidelines by the schools on the register. This subclause refers to an inquiry into the administration of every registered non-government school. I first noticed this when I was having discussions last week with the non-government schools sector. As I understand it (and the Minister has already circulated the amendment) the Minister has accepted the submissions made by the independent schools sector that that ought to be altered and changed to a review of the registration, bearing in mind the definition I have given of registration.

I am glad that the Minister has accepted that and circulated the amendment, because I assure him that, if he had not done so, I would have. I compliment the Minister for at least accepting the submission of the non-government school sector. Other than that drafting error, the non-government school sector accepts a five-yearly review, and is quite happy to be accountable. It has no fears that it will not measure up in terms of accountability.

I turn now to the contentious and controversial amendments. In his second reading speech the Minister says, in effect that, having provided in this Bill the amendments required by the Non-Government Schools Registration Board, he takes the opportunity to insert amendments in line with the Government's policy on accountability. The first amendment is that the board will be required to authorise panels to inspect non-government schools: the panel to comprise an officer of the Education Department and a person from the non-government schools sector but not a member of the board.

At present the Non-Government Schools Registration Board has inspection panels that visit non-government schools to ensure that they are complying with the requirements of the board. I realise that the board acts as an arm of the Minister, because its members are in effect officers of the Minister. These inspection panels consist of a nominee of the Catholic Schools Commission, a nominee of the Independent Schools Board, and a nominee of the Education Department and the Registrar. Why does the Minister want to interfere with this system when it is working well? Nowhere that I have been in the education sector, be it non-government or Government, over the past 12 months in my time as shadow Minister, have I found one complaint about the operation of the Non-Government Schools Registration Board. Not one complaint have I received, apart from a document that all members of Parliament received late yesterday. Therefore, why does the Minister wish to upset that system that is accepted and respected by the non-government schools sector and, indeed, by all people with whom I have canvassed the matter in the Government school sector, including officers of the Education Department? There has been no criticism of this method of inspection.

The other matter that puzzles me is that the provision that the Minister is trying to introduce—or one similar to it—was originally contained in the 1980 Act, which set up the Non-Government Schools Registration Board. The Minister's provision was found in practice not to work. The former Government amended it in 1981 to bring about the present situation in which the board appoints an inspection panel along the lines I have just enumerated, with the approval of the Minister. In other words, the members appointed to the inspection panel must be approved by the Minister. If the Minister is trying to get control of the Non-government Schools Registration Board, he has it already because an amendment gave the Minister the right of approval over the inspection panel. Why does he now want to interfere with it?

One of the members of all inspection panels has been, for the past two years, a member of the board. So, one inspection panel may have the nominee of the Catholic

Schools Commission as Chairman and he is also a member of the Board. Another panel may have the Education Department nominee to the board as its Chairman. Yet another inspection panel may have the nominee of the Independent Schools Board on the board as Chairman of it. Yet, the Minister wants to take away the right of the board to have one of its own members on the inspection panel. Although the Minister does not go into the reasons fully in his second reading explanation, I guess it is because he wants the board and inspection panels to be at arm's length.

It is important, when a panel has inspected a non-government school, for the board member who was on that inspection panel to be present at that board meeting when the report is being considered, as board members then have the ability to ask questions of that board member who was Chairman of the inspection panel. That system has worked extremely well. Yet, the Minister wants to do away with it. His reasons for so wishing are contained in his second reading explanation and I quote his exact words. I do not want to misquote the Minister, as he knows how upset some members get when they are misquoted. The Minister stated:

> The persons to review or inspect schools will also change. At present members of the board are included in inspection panels which consist of a majority of people from the non-government sector. In other instances the process of inspection and adjudication are kept separate, for example, the Builders Licensing Board and the Metropolitan Taxicab Board;

I ask you! How can one compare the Builders Licensing Board and the Metropolitan Taxi-Cab Board—a board with which I had close association somewhat over 12 months ago—to the Non-Government Schools Registration Board? I will draw a comparison later in my speech along such lines. How can one compare them? The Minister further stated:

> . . . it is therefore felt appropriate to create a similar separation in this instance. While the non-government sector has made it clear that it feels it should be self-regulating [and that is quite true], this sector is not self-sufficient in funding and therefore—

and these are very important words—

> should have some accountability to the community through the Government.

Let us consider the present accountability that the non-government sector has to the community through the Government, either State or Federal. Schools are required to be registered—that is the first accountability. Then we have inspection panels which inspect the schools. Schools are now to be inspected at least every five years. The reports from the Non-Government Schools Registration Board are available to the Minister and, I imagine, to the advisory committee on non-government schools—the Medlin Committee—and they are based on the consensus of the three panelists and presented to the board by the Chairman of the panel, who is a member of the board. Part (2) provides:

> Schools are required to provide the State Advisory Committee on non-government schools with an annual questionnaire based on audited accounts which are appended to the questionnaire.

The State Advisory Committee is also one of the Minister's committees and therefore an arm of the Minister, and its members could be said to be officers of the Minister. Further provisions are as follows:

> 3. Schools are required to provide, on a bi-annual basis, a questionnaire to the Commonwealth Schools Commission based upon certified and audited accounts.
>
> 4. Schools applying for capital grants are expected to provide full details of financial matters regarding all parts of a school's application. Within the capital programme is a library resource programme which is accounted for separately. Expenditure is broken up into areas including—

and this is important when talking of accountability—

> teaching staff salaries, other professional salaries, ancillary staff, teaching materials costs, maintenance salaries, provisions, etc. Capital funds derived from fees, building fund transfers and debt servicing associated with capital are provided.
>
> 5. Return of an annual financial statement indicating funds provided by the Commonwealth have been expended for the purposes provided. This must be accompanied by a qualified accountant's statement.
>
> 6. Schools become accountable to their school community through both the educational programme provided and the fees charged.

If parents are not satisfied, they can, to quote a present phrase, 'Vote with their feet'. That is probably the most serious form of accountability for schools.

Mr Ingerson: And the most effective.

The Hon. MICHAEL WILSON: Yes, and the most effective. How can the Minister say, in his second reading explanation, that the reason he is introducing this amendment is that schools should have some accountability to the community. I have just enumerated a list of how non-government schools are accountable to the community. For anyone to say that they are not I find absolutely incredible.

I believe that the Minister is using the doctrine of accountability as a cloak to cover up for Government control. That should be made quite plain to all members in this place. It is a great pity. Further on, it is stated that schools account for their State and Commonwealth Government funds, tuition fees, parents and friends fundraising, interest earned on capital income and with systemic schools parish subsidies. They account for all of this. The Minister knows that, and that he can get access to this information if he wants it. He does not need to force it on the Non-Government Schools Registration Board by changing the complement of inspection panels or by changing the complement of the board itself, as he intends to do.

I am disappointed in the Minister, because what he has done is to only confirm the fears that the non-government school community has that it is under siege in Australia. The community feels that way mainly because of the actions of the Minister's colleague in Canberra, Senator Ryan. They have every right to be concerned. I have spoken at length in this House on Senator Ryan's actions, and on why the non-government school sector feels it is under siege and is so concerned. When one adds to what Senator Ryan has done what has happened in Victoria, particularly with the non-government school sector (and I have also dealt with that in detail in this place) of course they are more concerned.

But, when they see the State Minister starting to put his sticky fingers into the non-government school sector by means of alterations to legislation, such as this, then they fear that the same constraints will be placed on them by him. They fear that it is for ideological reasons that it has been applied. Who can blame them, especially when I have pointed out to the House, and I believe shown the House quite conclusively, that accountability is not the reason for the introduction of these amendments?

The Hon. Jennifer Adamson: It is control.

The Hon. MICHAEL WILSON: It is Government control for ideological reasons. No wonder they are concerned. Even the Catholic Schools Commission, both State and Federal, which has most to gain from recent changes made in Canberra in particular, and small changes in this State in the funding area, feels under threat. The Minister has welded the non-government school sector in this State into one, with the great support of his Federal counterpart. These amendments are a pity, because in this State we have been free historically from the terrible divisions that apply, particularly in New South Wales and Victoria, between the non-government school system and the Government school system. Both systems in this State have co-existed well. Now that co-existence is under threat because of the Minister's actions.

I continue with two more of the Minister's amendments. The next amendment is for the Minister to alter the composition of the board from seven to eight members, giving an additional Ministerial nominee. Presently, the Chairman is nominated by the Minister. So, the revised board will have a composition of four Government nominees and four non-government nominees, with the Chairman having a deliberative and a casting vote, effectively giving the Minister control of the board. The present Chairman of the board, Mr Dudley Harris, is held in extremely high regard, I am sure, by the Minister, his officers and, certainly, from the non-government school sector. None of my remarks casts any reflection on Mr Dudley Harris. It is obvious that once again we see in this measure, as with the alteration of the complement of the inspection panels, the same ideological commitment by the Minister to giving the Government control. In fact, it does not need it, because the board is working well.

In a previous document that the Minister circulated to the independent school sector (and, indeed, to me) he implied that the non-government school sector was not impartial. He said that the reasons for making these changes not only to the inspection panels but to the board itself were because the addition of education officers would make the board impartial, or words to that effect. I do not want to misquote him. He did it in the negative. He did not say that the present membership of the board or inspection panels was impartial. He said that Education Department personnel would be more likely to be impartial, or words to that effect. By implication that means the reverse—that the board itself and the inspection panels were not impartial. That statement incensed the non-government sector, which felt aggrieved by it. It was completely unnecessary. I know that the Minister knows that, because he had it changed.

I make that point because they really did feel that they were regarded as not being impartial. The Minister knows the personnel he has on that board. He knows the personnel of the inspection panels, and knows the calibre of those people. He realises the job they are doing. So, I am surprised that he allowed that to slip through. The Opposition opposes any alteration to the composition of the board. The present board is doing its job extremely well. It does not need the Ministerial control advocated by the Minister. Certain sections in the independent schools sector believe that a compromise would be acceptable in that if the Chairman had his casting vote removed or power to use a casting vote removed, that could bring about a more acceptable situation. The Opposition takes the view that that is not acceptable, that that clause should be opposed outright, and I have circulated an amendment to that effect. Really, my remarks about the complement of the inspection panels apply equally to the composition of the board.

The last thing I want to deal with is that the Minister intends fees to be charged for registration of non-government schools. I believe that that is once again an example where either the Minister or one of his officers have not done their homework, because there was a provision in the 1980 Act for fees to be charged. It was found to be unsuccessful and unable to be applied, because it was too difficult. It was taken out by my colleague from Mount Gambier, I believe in 1981. Here we see it being reintroduced. I do not believe that the Minister really intends to charge all those non-government schools that have been registered in the past retrospective fees. No doubt he will tell us. But if the reason for imposition of fees is to cover the costs of running the board, which at least is an understandable argument (which I understand, having been a Minister), how does he expect to recoup that from the registration of new non-government schools? He will have to charge them thousands of dollars to try to recoup that. If he does not want to do that, if it is just to be a nominal fee, why worry about it? What is the point? Certainly, it costs a deal of money to run the Non-Government Schools Registration Board and the Advisory Committee on Non-Government Schools.

In the last Budget, I believe, they were collated under the one figure in the Minister's Miscellaneous line, of several hundred thousand dollars. The Minister has to accept the situation as it is, and accept the fact that the allocation of that money for the running of those two bodies is part of the Government's commitment to non-government schools. It cannot at this late stage expect to recoup the costs of running the board. If the Minister wants to charge a nominal fee, it is nonsense. I am amazed, if he wants to charge a nominal fee, that he would put it into legislation and cause concern in the non-government school community when it is completely unnecessary. Ministers of Education have enough problems in the community generally without causing more than they need. Is it ideological? Why do it? The only possible answer is to recoup the cost of running the board. If the Government is not going to make it retrospective, it will have to charge many thousands of dollars for the registration of new non-government schools, and if it intends to charge a nominal fee, then it is not worth discussing the matter any further. The Opposition will oppose that amendment. I want to conclude my remarks there.

The Hon. Lynn Arnold: We haven't heard the taxi story.

The Hon. MICHAEL WILSON: The Minister wants to hear the taxi story. I promised the Minister I would give him that story. The Minister said in the second reading explanation, when comparing the complement of the inspection panel—

The DEPUTY SPEAKER: Order! The interjection by the Minister was out of order.

The Hon. MICHAEL WILSON: Are you telling the Minister that?

The DEPUTY SPEAKER: Yes, interjections are out of order.

The Hon. MICHAEL WILSON: I am glad to hear that: we do not want the Minister to be truant. The Minister in his second reading explanation compared the complement of the inspection panels, and I think by implication the board itself, with the Metropolitan Taxi-Cab Board and the Builders Licensing Board. I have taken the trouble to look up the complement of those two boards, although I should have known about the Taxi-Cab Board from my past experience. The Minister will find that, although there are many Government nominees on those two boards, they are almost all nominated by various organisations, as indeed are some on the Non-Government Schools Registration Board. There is not contained within those two boards necessarily a majority of Government appointees. There is not a preponderance of Department of Transport personnel on the Metropolitan Taxi-Cab Board. I cannot think of a like example as far as the Builders Licensing Board is concerned, except perhaps Consumer Affairs; there is not a preponderance of Consumer Affairs officers on the Builders Licensing Board. I do not want to compare those two bodies with any education bodies. I think it is a ridiculous comparison. However, the Minister wanted me to compare them.

I repeat that I am disappointed that the Minister has seen fit to introduce into what generally was a very acceptable Bill, and a very necessary and important Bill, what I believe are ideological amendments to gain further control over the non-government school sector: a move started by Senator Ryan, in Canberra, and, as I said before in this place, no doubt at the behest of the Australian Teachers Federation, which supported the then A.L.P. Opposition to the tune of $500 000 at the last election. I am not saying that the Minister is doing this at the behest of the Australian Teachers Federation but people can be forgiven for taking that view.

The Hon. Lynn Arnold: You're happy to disabuse them of that?

The Hon. MICHAEL WILSON: I said I do not think, and that people can be forgiven. I believe that the Minister is twisting my words again: he is very good at that. Why he always picks on me I do not know; it must be because I worry him.

Members interjecting:

The DEPUTY SPEAKER: Order! The interjections are worrying the Chair.

The Hon. MICHAEL WILSON: The Opposition's position is quite plain. It does support the amendments which give more flexibility and powers to the board, but it will oppose those amendments I have mentioned which I believe are introduced under the cloak of accountability to provide further Government control over the independent school sector.

The Hon. LYNN ARNOLD (Minister of Education): I move:

That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

The Hon. JENNIFER ADAMSON (Coles): As the Minister and the House well know, it is not possible to have a debate on matters affecting non-government schools (as they are now called) without arousing very strong feelings in the community and indeed in this Parliament. Certainly, from my own personal point of view, the strength of my feelings in support of an independent education system was, coincidentally enough, the issue that prompted me to join the Liberal Party almost exactly 10 years ago. I had worked for a Liberal candidate and had chosen to retain that feeling of total independence from political commitment, but it was the action of the Whitlam Labor Government, as I recall in March 1973, and the manner in which it appeared to be working towards control of the independent education system in Australia in its establishment of the Australian Schools Commission, that prompted me to make what I think is for anyone a very strong commitment indeed: that is, to join and become a member of a political Party.

So, I state my personal interests at the outset. That interest incidentally no doubt grew out of the fact that I was educated entirely at an independent school. For 13 years I attended one and my children have done the same, although they started their schooling in Government primary schools, so my feeling is born of my own experience, and I know that it is shared by a significant number of parents and families in the Australian community. The education of one's children appears to be an issue which, possibly more than many others, can arouse very strong feelings. The Minister would well know that those feelings can be translated into very strong political action. In my case they were: they ultimately ended up in my becoming a member of Parliament.

The Bill in brief, and in the Minister's own words, aims to strengthen and clarify the powers of the Independent Schools Board and vary its membership. Another way of putting that might be to say that the Bill strengthens and clarifies the powers of the Minister and gives the Minister greater control of the board. It is a question of interpretation but, as the member for Torrens made clear in his excellent and comprehensive speech, there are very strong grounds for believing that the Government wants greater control over the non-government education system in South Australia. Certainly there are demonstrable grounds for realising that the Federal Government wants very much greater control over the non-government education system in Australia.

All the questions involved in this Bill, comparatively small though they might appear to be, are great when it comes to an assessment of the conflict between proper accountability, on the one hand, for the use by any section of the community of taxpayers' funds, and undue control by the Government, on the other hand, of an education system which is noted for its excellence, and the essential quality of which is a feeling of independence. I suppose to the considerable list that the member for Torrens outlined of ways in which schools are already accountable in fact and in law to Governments (both Federal and State), in Australia, and to the community, one could add an overriding accountability which of itself is probably the most powerful of all.

That is the accountability of these schools in the final analysis to the judgment of the electorate at large when voting at State and Federal elections, because the system of independent education that we have in Australia has been hard earned, hard won and is still being hard fought for. No system which has gained benefits the hard way and which wishes to retain them can possibly afford to prejudice the continuation of those benefits by abusing them or by alienating the community which provides them through any misuse whatsoever of Government funds. Therefore, in the final analysis the greatest accountability of all is not so much in Auditor-General's reports, in registration, in inspection panels, or advisory committees, but in the judgment of the Australian electorate as to whether the funds provided by Government to non-government schools are being used in the best interests of children and the community as a whole and are in fact a fair and proper use of taxpayers' money. That to me is the acid test of accountability.

Another aspect of accountability which the member for Torrens mentioned and upon which I would like to elaborate is the issue of parental judgment. Again, parental judgment as to whether a school is properly using its funds is an extraordinarily powerful factor in ensuring accountability—

The Hon. Michael Wilson: And also provides correct education—

The Hon. JENNIFER ADAMSON: —and, as my colleague says, in providing correct education requirements which meet the wish of parents in Australia for the quality and nature of the way in which teachers pass on the accumulated wisdom of society from one generation to the next, and not only the accumulated wisdom but the moral values upon which much of that wisdom is based. Of course, that is one of the essential features of independent schools. I know that that is not the statutory term, but I use it because to me it embodies the very nature of the system we are talking about.

It so happens that at the weekend, when I knew that this Bill would be on the Notice Paper, I was helping my son with his study for a year 11 Latin exam this week, and I was holding the English translation while he held the Latin translation of certain passages from the classics. One that he was translating and I was checking happens to be entirely appropriate to the question that we are considering right now, and with the indulgence of the House, and taking advantage of the breadth that is permitted in a second reading debate, I would like to quote the translation of *The Poet's Education*, by the poet Horace. This poem was addressed by Horace to Maecenas who was willing to accept a freedman's son among his friends. Horace was a freedman: he was not of the Roman aristocracy.

The Hon. Michael Wilson: He was one of the plebs.

The Hon. JENNIFER ADAMSON: Yes, he was one of the plebs really: he was not one of the patricians, that is for sure. In this poem Horace tells of his father's love and the education that he procured for his son, and it reads:

My father was the cause of these things—

I should add that this is my son's translation. There may be some who would question it—

for, although a poor man with a meagre little farm, he didn't want to send me to Flavius school—

Incidentally, Flavius ran a school at Venusia which catered for the sons of veterans who settled there. They had their social classes, even in Roman times. The translation continues:

where great sons sprung from great centurions went, their satchels and wax tablets dangling from their left shoulders, duly paying their eight asses on the Ides of the month. But he dared to take his son to Rome to be taught the arts which any knight or senator would want his son taught. If anyone had seen my attire and the slaves following, as he might have done in the large city, he would have believed these things had been provided for me by some ancestral property.

I suggest that anyone who sees the uniform of an independent school student as he or she walks around the city of Adelaide might think that that uniform and the attendance at that school have been provided if not by some ancestral property at least by some very substantial income. We know that that is not the case, that extraordinary sacrifices are made by today's parents that are not unlike and in fact are identical to the sacrifices made by the father of Horace the poet 2 000 years ago. Horace was born 65 years before the birth of Christ. The translation continues:

He himself, my most faithful guardian, was present at all my lessons. What more can I say? He kept me pure, and this is the first noble quality of virtue, not only from all the shameful deeds but also from scandal: nor did he fear that anyone would put it down to his discredit if one day I should follow a humble occupation as a tax collector at auctions, as he himself had been. Nor would I have complained, but as it is, greater praise and thanks is owed by me to him because of this. If I remained in my senses I should never forget having had such a father as this.

I could certainly say the same about my own parents who at one stage were making sacrifices to send six children simultaneously to what were then truly private schools.

The Hon. Lynn Arnold: Will you record our appreciation to your son?

The Hon. JENNIFER ADAMSON: Certainly I will pass that on, and later I will tell the Minister what marks he got for his exam. We will see how he scored with the translation. The strength of feeling that is embodied in that poem is in itself, or should be, to the Government and the community an indication of the extraordinary sacrifices that are made, and people do not make sacrifices unless they believe that the sacrifice is worth while. That requires an acute judgment on the part of parents as to whether the school is providing an appropriate and excellent education for their children. No greater accountability could be found than the judgment of parents in the way that schools educate their children.

To return to the specifics of the Bill, which have been very thoroughly canvassed by my colleague, as I said, the amendments in so far as they ensure reasonable accountability are acceptable to the Opposition. However, those which in our opinion go further and seek not only accountability but a degree of control which is not warranted, are opposed by the Opposition. We can accept that the board needs power to limit the period of registration of a non-government school. That is a good principle, although one perhaps would find it strange to think that some of South Australia's independent schools, which have been operating for 100 years or more, should be subjected to a review other than that provided by the market forces and parental choice.

No doubt the Government would become well aware of this very quickly if standards in those schools were slipping in any area, be it education, health or safety, below those that are acceptable. The second amendment refers to giving the board power to make orders concerning the registration of a school where it does not comply with the criteria for registration and also to allowing schools to institute an inquiry where they wish to have conditions of registration amended, and that is supported by the independent schools and also by the Opposition. The power to vary or impose conditions for registration following an inquiry is a logical power to give, if there are to be inquiries and reviews. I will be interested to hear in Committee the Minister's comments about the types of conditions that he and the board have in mind for that provision.

The amendment requiring the board to authorise panels (consisting of officers of the Education Department and persons from the non-government sector, but not members of the board) to inspect non-government schools is one to which the Opposition takes exception. The member for Torrens canvassed this matter very thoroughly. From my knowledge of the board and the panels (which, after all, the Minister approves), the necessity to appoint officers of the Education Department is, I believe, indicative of the intrusive nature and the desire for control which is implicit in the Bill. It should be recognised that, because South Australia is a relatively small State and because we are a very close-knit community, there is a degree of what might be called 'peer review' in the activities of all the professions (and, indeed, of many other occupations) which is of itself another aspect of accountability. There is nothing surer than the fact that if there were to be any lack of objectivity in the inspection panels, or if there were to be any lack of quality, the repercussions would be severe indeed. They would not be only at Ministerial level but would also be very severe at the peer group level. For that reason I believe that the Minister could have maintained his trust in the present composition of those panels and not interfere in the way I believe he is doing.

The next amendment relating to a change in the composition of the board from seven to eight officers, to be achieved by appointing an additional Ministerial nominee, is, I believe, offensive. It reminds me somewhat of the obsession in regard to control that the Minister's colleague, the Minister of Health, exhibited when he amended the Medical Practitioner's Act, absolutely insisting on his appointing the President of the board. He was not going to allow members of the board to exercise the judgment that they had exercised over decades by electing one of their peers to the position. He wanted to do it himself. As we have been talking about boards, such as the Taxi-cab Board, the Builders Licensing Board, and medical boards, let me introduce a different professional aspect into this. This matter is synonymous with the attitude that has been exhibited in the past of a Labor Government wanting a degree of control which a Liberal Government with its strong belief in the decentralisation of power would not seek to have.

The final amendment relating to the fees to be charged for the registration of non-government schools is something that the Opposition opposes. The member for Torrens dealt extremely well with this matter when pointing out the lack of logic on the part of the Government in making this provision. If retrospective fees are to be collected from independent schools, this will engender a very strong sense of injustice and rebellion. I hope that that is not to be the case. We will find that out during the Committee stage. Further, it would be almost impossible for those schools yet to be registered to carry any substantial costs associated with the operation of the board. Therefore, one asks, 'What is the point of this?'

Speaking of fees prompts me to recall the time that I spent as a member of the council of an independent school. In regard to this question of accountability, I do not think I have ever sat on a body that was so scrupulous in its accountability both to the parents of the school, who in effect were the clients, and to the Government which provided subvention to the school. The council of which I was

a member was one of the Anglican school councils. Most, if not all, of the Anglican independent schools in South Australia operate not with a bursar on site but with a secretary to the school council. On the council to which I refer, that person was a chartered accountant. Here again, this relates to peer review and the strong codes of ethical conduct which govern the professions in South Australia, forming yet another aspect of accountability. When the secretary of a school is a professional accountant, there is a very high degree of sensitivity to the manner in which funds of any kind are used, be they private or public funds.

For all those reasons (they are what might be called intangibles, but in life and in politics the intangibles are often more important than tangible things) I agree with the member for Torrens that this Bill is yet another straw in the wind which will arouse suspicion, if not hostility, in the minds of parents, and that it should be regarded with great caution. I observe that the Minister himself is making a note at this stage. I certainly hope that he is not going to suggest that the Opposition, the member for Torrens and I are deliberately creating fears, because I do not believe that that is the case. We are identifying the realities.

The Hon. Lynn Arnold: I hope you can substantiate them with letters which you are receiving, and so on.

The Hon. JENNIFER ADAMSON: I have not mentioned the receipt of any letters, but it so happens that I have received some letters. Many of the fears are being spontaneously expressed to members of Parliament in conversation. They are certainly being expressed at parents' meetings at the independent schools. Certainly they are being spontaneously expressed to members of Parliament at end-of-year school functions such as speech nights, and so on, which many of us attend at this time of the year. I am meticulous about keeping partisan politics out of my relationships with schools, be they Government or non-government.

I never raise subjects such as this with school staff or parent bodies when I am a guest at a school. But I have been interested in the number of times that these matters have been raised by both parents and staff of those church schools. The Minister can take or leave my assurances on this matter. I simply tell him that that is the case, and I believe that he need do no more than read the recent issues of the *Australian* to find out that there is plenty of verification of these fears expressed in reports of meetings held not in this State but in other States where there is a developing fear in regard to the intentions of Senator Susan Ryan.

The Bill is a mixture, and like the curate's egg, it is good in places and it is bad in other places. At the Committee stage the Opposition will oppose that which it believes is bad. I reiterate that the question of the control of independent schools in Australia is a matter which has in years past riven the community asunder. I hope that that never happens again, because I believe that in the past decade, particularly in this State more than in any other State of the Commonwealth, we have reached what could be said to be an ideal stage where the community generally feels that equity has prevailed, that a just system has evolved where the schools which receive per capita grants have felt secure in the knowledge that those grants were indexed to the cost of educating children in Government schools.

They believed they could plan for the future with confidence, and on that basis there has been a great surge of development in independent schools that has served to uplift and upgrade the standard of education generally in this State. It has been matched by a surge of development in Government schools which is having a similar effect. One would have to acknowledge that the fabric, both intellectual and physical, of schools in Australia is of a high order, and anything that could place at risk the quality of that fabric is to be deplored. I believe that aspects of this Bill are to be deplored, and the Liberal Party will oppose them.

Mr LEWIS (Mallee): Next year is 1984. That may seem to some members to have no relevance whatever to this matter, but I ask members to consider that what the Minister pretends he is doing in some part in this measure is providing, if you like, consumer protection for those people who in the education market seek to take up their option to have their children educated in private schools rather than those run by the State. The relevance of 1984 becomes more apparent in the context that it is not consumer protection that is being asked for by the parents or the children: it is consumer protection being provided by Big Brother, at Big Brother's insistence, against the conventional wisdom of the consumers in the market place.

I think that those parts, as the member for Coles has described, of the curate's egg that Opposition members see as being good certainly deserve to be commended, and to that extent the Minister has been commended for introducing this measure. However, those other parts which are undesirable and unnecessary for all the very good reasons that have been explained by the two preceding speakers must surely be reconsidered by the Minister. No-one has asked for them, certainly none of the people who are affected, and the means by which these objectives can be achieved are not desirable. I do not want to be a part of any *1984*-type exercise. Let us consider the proposition put to the House this afternoon by the member for Torrens as the Opposition's lead speaker on this Bill and on education matters generally. He has referred to it as control under the cloak of accountability, and I believe quite validly so.

Let us make some comparisons to see whether that is valid as a description of what is happening elsewhere in the education arena. In the first instance, if the Minister philosophically believes and sincerely advocates that the Government and its departmental advisers have a monopoly on wisdom in this area, then why is it that he has not sought to control the boards of the colleges of advanced education and of the universities by amending their respective Acts and providing the same kind of provision as this Bill contains in relation to the private schools?

The Minister did not use the word 'control': we did. The Minister used the word 'accountability'. Why does he not want those other institutions to be equally accountable? What is it about them that is so different that they are not equally likely to be corrupted and a corrupting influence at some point in the history of the administration of their responsibilities? It is no different, really: they are the providers of instruction, and in providing such instruction they are developing the intellect of the individual. Certainly, a different age group is involved, but it does not mean that the same institutional operations ought not to be considered equally necessary in terms of their accountability to a democratically elected Government. If the Government sees its role as being utterly responsible to ensure total accountability to the exclusion of the other forces that are at play in those circumstances for the private schools, why does it not insist on the same and thereby consistent measures being applied to all educational institutions?

If we apply the word 'accountability' in that context it enables us to see quite clearly, although the Minister and the Government do not believe this, that control of those institutions is needed. They are probably already satisfied with the control that those sympathetic to their views exercise in such forums now or, alternatively, they know that it is political dynamite to venture in as fools where angels fear to tread, to quote none other than the retiring Chancellor of the Adelaide University at his valedictory dinner last night.

The Hon. Lynn Arnold: Are you still on the Council of the University?

Mr LEWIS: Yes.

The Hon. Lynn Arnold interjecting:

Mr LEWIS: I do not often find myself voting with the majority, I am afraid. I am not cowardly or over-awed by the eloquence of the speakers whom I often find presenting points of view which do not attract my support. I find the experience, for the interest and benefit of the Minister, an entertaining one and one which I would be reluctant to forgo. If I am able to maintain that association, I shall. Unquestionably, there are other reasons why it is unnecessary to attempt to make these measures of accountability a part of the law in this way. I have mentioned them already and want to describe them. They are the market forces at work. People in their right mind (and we will look at those who are not in their right mind later) do not have their children educated in an institution at considerable personal expense if they believe that that institution is doing their children an injury or disservice in the development of their intellect and basic skills for survival—literacy and numeracy. I could think of no more contradictory statement than to say that people wilfully and willingly part up with the value of their efforts in the form of money to send their children to a school that is not within the State system and therefore costs them that extra money, if they are certain in the knowledge that it is not serving the best interests of their children. It is just not logical.

People do not buy motor cars in the belief that they are going to kill themselves; they buy them to provide themselves with transport. So it is with schools. People send their children to a school in the firm belief and certain knowledge—so far as it is possible for them to be certain—that those children will be better off in that environment than in an alternative environment. That is what freedom of choice is all about: having chosen to do that from among the wide number of private schools available to them, parents then monitor what is going on in that institution.

That is borne out by the measure of support always to be found from the parents of a child attending a private school in regard to any of the school's activities involving parents in ways that exceed the measure of support one will find coming from parents of children in public schools generally. The number of parents who go along and support whatever activity is being undertaken in the school in which it is appropriate for the parents to be involved is very much greater on a per capita basis.

The Hon. Lynn Arnold: That is nonsense—absolute nonsense!

Mr LEWIS: That is not so. It has been my experience, and I am sure it would be the Minister's experience.

The Hon. Lynn Arnold: As a member who traditionally has given evidence for what you contend, I think on this occasion you should provide evidence for that statement.

Mr LEWIS: Whilst it is not true of rural schools, it is true in the metropolitan area. One can go to a small Catholic school in the metropolitan area where one will find that, on occasions when parents are invited to participate, about twice as many of them per student capita are present as would be the case at the same kind of function at a public school in the same suburb. I have been to both.

The Hon. Lynn Arnold: The methodology is open to a lot of question.

Mr LEWIS: I am talking about the general rule. The Minister will be able to prove that rule by pointing out exceptions to it. By and large, the number of parents who participate in and support their children in private school activities, where it is appropriate for parents to be present and involved, is greater.

They take a greater interest in what is happening at the school. Moreover, they democratically elect, from among their number, representatives to the body charged with governing the school, whether it be a board, council or whatever else. The fact remains that, from among the peer group of parents, a small number are elected democratically to monitor what is happening within that school. With the people charged with its day to day administration and the execution of the policy—a policy which may be adopted from, for example, a Catholic Schools Commission—those parents are taking an active interest in what is going on. They do that because they are spending their money and because they are concerned about what is happening to their children. They do it because they fear that they would otherwise be ostracised as the elected representatives from among the peer group of parents for having sought and won election to the position of responsibility and then not undertaken that responsibility in a way in which their peers would find acceptable.

The same democratic elections are held in public schools—there is no question about that. However, the extent to which parents again examine what has been done and advocated by the elected parents is not as wide in the spectrum or as great in detail, because they do not have the same measure of autonomy in the first place. The involvement is not as wide or as deep as it will be in private schools. At least that has been my experiences. Such experience, where it relates to private schools, has not been at board or council meetings of the more expensive schools but rather at the smaller, lower fee paying schools from the private sector.

That comparison is anecdotal, as I do not have a table setting out the months and years over which I have been present at any school meetings of one kind or another or the way in which the agenda was first constructed and the way in which the meeting was then conducted. It is just an impression I have which comes from well over 20 years association with private schools. I did not personally attend a private school during my primary or secondary schooling. It was well beyond the means of my parents to be able to do that. God knows they did as much as they could for us but, with 10 children and labourer's wages, one cannot do very much. It was often left up to the individual child to take care of his or her own needs. However, subsequent to completion of my own formal education as a youth at Roseworthy, I became associated almost immediately with one of Adelaide's largest and oldest boys schools in the private sector and have had association with other private schools of a variety ever since. So, I trust that I have been able to reassure the Minister that people who are sane and clear-headed in their decisions do not need these measures of protection.

Although they are very few in number, people who may have addled minds and who have a fanatical and lunatic opinion of what education is all about (of what to do and what not to do) will not be coerced, by this punitive measure, into doing what the Minister sets out to do by establishing a Government controlled board to examine what is going on in these schools.

The Minister will not be able to satisfy the whims and inclinations of the madcap *kami kaze* left within his Party and rip the guts out of the assets of the wealthy private schools by some devious means that might be possible under this structure. I know that that is what some left wing Labor supporters want. I have sat drinking coffee while listening to their inane nocturnal meanderings in conversation often enough to know that that is how they think. I find it impossible to reason with them about their prejudice. They suffer a certain paranoia that I find a little tiresome. Nonetheless, I believe that it is necessary to listen to them to see whether there is something which I have been overlooking. However, I have never discovered that to be the case.

The board, as proposed by the Minister, will be effectively controlled by the Government of the day. I do not believe that it will in any way improve the position in the private education sector any more effectively than has been the case with the board created as a result of the 1980 amendment. I do not think that Parliament will win the respect of the very large number of intelligent, responsible people involved in private sector education by passing this measure with a provision of this type.

Mr BAKER (Mitcham): My thoughts on this matter are reasonably brief. In some ways they echo the concerns mentioned by my colleague, the member for Torrens. After perusing the Bill I can only hope, as would many schools in South Australia, that a change of Government is not far away. One of the problems with this type of legislation is the difficulty in defining the intention of the Minister. Whilst the information put forward by the Minister seems to be infinitely reasonable and appears to make the system more workable, we have found consistently with this Government that words mean nothing and that it is a Minister's intent that we must attempt to define.

In many cases we must put the worst construction on the changes that are put forward rather than, as we would like to do, the best construction. That is a direct result of the actions of the Government, which has continued to break promise upon promise. There is some concern within the private school sector about Government control of a very central form of education. It is not available within the State school system and it has been recognised, even by Government members, as providing a very necessary part of the private school system. Some members of the Government would not agree with that. Some Government members would say that private schools are a necessary evil, and others would say that they contribute to the wealth of the education system, not only because they offer a separate form of education in certain areas, but also because they strive for excellence. The way in which they approach their educational responsibilities provides at least some competitive element in the education system, and perhaps occasionally a lead to some of the schools in the public system.

There are many State schools and many private schools within my district, all of which I am justifiably proud. At least in my district I am content that the system is working today. Comments that I have received from people in other areas suggest that other systems may not be working as well: the competitive element is not there. Children are subjected to the vagaries of a headmaster and the quality of the teaching staff, with the result that the quality of education is affected.

What does this Bill attempt to do? The worst construction suggests that the Education Department wants to completely control the operations of the private school sector and, through one means or other, control it to the extent that it can dictate the curriculum and the way that the schools are run. We have had but a brief time to look at the Bill. Some concern has been expressed about clause 4. It provides for one Education Department representative and one other person on the Non-Government Schools Registration Board. The composition of the board and those responsible for the inquiry, review, or whatever one likes to call it, will mitigate against the new schools that may grow up because of the identifiable needs that are not being satisfied by the existing market.

One of my constituents who has a great interest in this area has provided me with a lot of information on the subject of private sector schooling. His concern is that this Bill may be the thin edge of the wedge, by limiting the number of new schools to meet the demands of the system. This Bill does not really address the question of the quality of education. I believe that this Bill is merely an instrument for certain individuals within the Labor Government to achieve their professed desire to destroy the private school system. To some degree, I have some sympathy with my constituent's argument.

We have already heard Senator Susan Ryan make a number of outlandish statements about the private school system and the way that it operates. She has made a number of allegations about the proliferation of certain types of schools—aligning them with neo-Nazi and Hare Krishna-type activities and placing the worst construction on what can happen in those schools. Any ideological conflicts should not interfere with delivery of good education.

Certain provisions of the Bill tend to suggest that the Minister of Education is about to stamp his size 10 boots all over the private education sector. I know that he is quite a large man and that he could probably do quite a deal of damage: that depends on how much weight he puts behind it. I have given a brief outline about the effect of the legislation if it were applied by a Minister who said, 'We must screw down and prevent proliferation, expansion or initiation of new schools in the system.' That is the worst construction that could be placed on this Bill. I am not necessarily saying that that is what will occur, but I am concerned.

The Hon. Lynn Arnold interjecting:

Mr BAKER: I have said that that is the worst construction that could be placed on the Bill, and that some people have placed the worst construction on it. I am representing my constituents and I am informing the House of what some people believe the Minister will do with this Bill.

The SPEAKER: Order! The honourable member is quite entitled to express his own views in his own way, provided that his remarks are relevant to the Bill. I do not think that the size of the Minister's footwear is terribly relevant to the Bill.

Mr BAKER: I have alluded to the general construction of the Bill. Specific items have been explored by the shadow Minister of Education, including the composition of the Board, the fees, the review system and the visiting panels. These areas will be pursued in the Committee stages, as they should be. It will then be up to the Minister to explain exactly his intentions and place them on the record. If he departs from his expressed intentions at some later date, he will then have to face Parliament.

Mr INGERSON (Bragg): The Minister would be aware that there are two private schools (a Catholic girls' school and a Lutheran school) within my district. They are concerned about the four major amendments contained in the Bill, as explained quite lucidly by the member for Torrens. Their major concern relates to what appears to be greater control by the Government and, in particular, by the Minister. The other area of concern was that there was insufficient discussion in relation to the membership of the Commission, the visiting panel, fees for the Board, and the area of review. In his reply, I invite the Minister to clearly express his attitude in relation to those areas. As the Minister would be aware, it is our role to pass on the comments of our constituents, and it is up to the sponsor of a Bill to clear up any inaccuracies and prove, beyond reasonable doubt, that a Bill is acceptable.

The Hon. Lynn Arnold: What did you say to the two schools when they made that statement to you? Did you say that you agreed?

Mr INGERSON: As the Minister would be aware—

The SPEAKER: Order! The Minister will not provoke the member for Bragg by interjecting, and I hope that the member for Bragg will not respond to interjections.

Mr INGERSON: I am putting the points of view expressed to me, as requested. I think that is important. The two schools are mainly concerned about the question of accountability, as are the schools mentioned by the member for Torrens. They have available any information required by the Minister, and I am sure that the Minister is aware of that.

The Hon. Michael Wilson: Indeed, they are required to supply it.

Mr INGERSON: Of course, and they do supply it. The level of inquiry is also a major area of concern. Will the Minister clearly explain what he means by the word 'inquiry'? Does he simply mean a review system? The Independent Schools Board seems to be satisfied with the current system. It asks 'Why is this unnecessary change being introduced?' There is concern about the composition of the Board. In fact, many people believe that it should remain as it is. They believe that the proposed changes will place more control in the hands of the Minister, if he wishes to use that power. There is no direct inference by me that the Minister will use that sort of power, but it is available if he so wishes, and it is a direct change from the current situation.

There is also some concern about the fee for regulation, and I ask the Minister to fully explain it. As I have said, the two private schools in my district have expressed some concern about the inadequate level of discussions with the Minister. I conclude by asking the Minister to clarify that point.

The Hon. LYNN ARNOLD (Minister of Education): We have had an interesting debate. The member for Mitcham said that he supported the lucid comments of the member for Torrens, the shadow Minister of Education. That could well be correct, but I wish that some of the other comments were at least a bit more lucid. Some of the arguments put forward lack a lot of substance. I have been maligned and accused on a number of occasions of misusing words. However, I have been somewhat amazed at the absolute unwillingness by a number of members of the Opposition to stand by what they are saying. Members have said 'That has been put to me,' 'It appears to be,' or 'I do not want to misconstrue this,' and then they start saying all sorts of things that verge on the ridiculous to the quite outrageous.

I will respond to the comments made by all members, and they will be treated with the same studied consideration of the Bill as shown by the shadow spokesman on this matter. I refer, first, to a comment made by the member for Bragg. He said that it was put to him that there was insufficient discussion on the four amendments put by the Government. Did the member for Bragg tell the schools that he did not know whether or not their allegation was true and that he would make inquiries to determine what transpired?

In 1980, when amendments were introduced by the then Minister, there was considerable concern within the non-government school sector to the effect that it had not been consulted and its criticism was directed at the then Minister. Strong representations were made to the then Premier subsequent to the passage of the legislation and, as a result, an amending Bill was introduced in 1981, and once again it was alleged that no consultation occurred. The point at issue is how much of the Government's general policy thrust has been known by the non-government school sector. It is important that I share these views.

In 1980, the then Opposition moved amendments that are now the genesis of the amendments that we are dealing with today. Therefore, this measure has been public knowledge for three years. Those concerned with this aspect of education have been well aware of the measure. As shadow Minister I did not shy away from my support for the amendments. Prior to becoming shadow Minister I strongly supported the amendments. When I met people in the non-government school sector I maintained my support for the propositions moved by the Labor Opposition in 1980. I think it is worth while to note that I had a number of meetings with the non-government school sector when I was shadow Minister (as would the present shadow Minister). It is only appropriate that there be frequent contact between the Opposition education spokesman and the various sectors of the education system.

On 10 June 1982 I met with representatives of the Federation of Parents and Friends Association of South Australian Catholic Schools and the Federation of Parents and Friends Association of Independent Schools of South Australia. On that occasion I spoke about the amendments moved by the then Labor Opposition in 1980, my support for those amendments and my regret that they were subsequently defeated in 1981. That group has always done me the courtesy of sending me a copy of what it believed was said at its meetings, and my comments are recorded. Therefore, there has never been any doubt about where the Government stands on this issue.

I now turn to 1983; I will deal with 1984 when I come to the member for Mallee's remarks. In my discussions with people in the non-government schools sector I indicated that the Government supported the propositions contained in the Bill. On 26 July 1983 I wrote to the Non-Government Schools Registration Board, the Independent Schools Board, and the South Australian Commission for Catholic Schools informing them of the Government's intention to introduce a Bill based on the amendments of 1980. I also informed them that we would introduce legislation picking up the amendments recommended to the Government by the board. Does the member for Bragg agree that 26 July to 1 December is sufficient time to consider the measure? Let us take it further than that. I told members of the Non-Government Schools Registration Board that I would talk with them about this matter. In correspondence I indicated that I wished to discuss the matter personally, rather than by letter. In fact, a time for a meeting was actually set aside in my letter. Indeed, on 9 August this year I had a meeting with representatives of the Non-Government Schools Registration Board, at which time we discussed the amendments.

However, that was not the sum total of the situation. If members believe that it was an in-house discussion, kept within a very small group of people, I would draw upon the support of one of our colleagues to dissuade them. In fact, on 13 September the shadow Minister of Education became aware that this matter was being discussed with the education community and, quite sensibly, asked a question in the House about the situation. He asked whether or not the Government intended to move amendments to the board's covering legislation. I acknowledged that that was the situation at the time and, indeed, I also indicated that we were canvassing the amendments that we moved in Opposition and that they were incorporated in the discussions. Therefore, the facts became known to all members of the House who may not have been aware of what had been taking place in relation to the Non-Government Schools Registration Board, the I.S.B. or the South Australian Commission for Catholic Education.

On 17 October I had discussions with the South Australian Commission for Catholic Schools on this matter, at which time it had a chance to raise some very pertinent viewpoints. I will also explore how these discussions actually affected the amendments now before the House. On 23 November I was aware that this measure was to come before Parliament this week and that we only had this week and next week in which to conduct Government business. There was considerable concern in the non-government sector that at least

the amendments proposed by the board should be put in place as soon as possible. I took the opportunity of sending out copies of the draft Bill and the proposed second reading explanation. I indicated in the covering letter (and I hope that the shadow Minister will not disagree with this) that it was only in draft form and the Bill's final form still had to be finally ratified by Cabinet and the Caucus.

Before that happened, it was sent to the shadow Minister, to spokesmen for other Parties represented in Parliament, to the Non-Government Schools Registration Board, the I.S.B., the Catholic Commission, and so on. I point out that that was not my first contact with them on this issue: it was to keep them right up to date in relation to this point. Indeed, they considered what was put to them and very good discussions took place in the education community about the matter, and I had some communication about it. Indeed, the very amendment to the Bill that is tabled in my name is a result of those discussions and the Government's acceptance of the very important point that there could well be a clear misinterpretation of what the Bill says, as opposed to the Government's intention by virtue of what the second reading explanation indicates. As to the argument about insufficient discussion, I personally believe that the period for discussion, formally commenced in July this year, up until now, was quite sufficient, given the fact that it occurred against a back drop of proclamations by me well before the last election that the Government supported this measure.

Of course, there are various kinds of discussion and consultation. One form of consultation is to simply sit and listen to people say what they will, and then proceed to say, 'That is all very well, but we will do what we want to do anyway and use the size 10 boot and just stamp our way through the rights of others.' I now refer to what has happened to the concept involved in the amendments put forward by the Government, because I think that it is important to note how the Government listened very carefully to the views put forward by the non-government schools sector.

I commence by referring to the membership of the board. In due course, I will canvass some of the arguments put by members opposite. I will discuss some of the changes to the amendments. In 1980, the proposition that was put into the Bill and accepted by the then Government on its first introduction into the House was that there should be a majority of Government nominees on the board to non-government nominees (in fact, the ratio was three to two), that the Chairman should be appointed by the Minister, along with two others. It was also accepted that one should be an education officer, one from the Catholic sector and one from the independent schools sector. That was the proposition put forward by the then Opposition in 1980.

In 1981 the situation was changed when the then Government did an about face and went back to square one. The composition of the board then became three Government nominees and four non-government nominees, adding two more non-government representatives. On 26 July this year I wrote to the Non-Government Schools Registration Board, the I.S.B. and the Catholic commission advising them of the Government's intention. I indicated in my letter that we were proposing to broaden the membership of the board to increase the number appointed by the Minister to four. The impact of that would create a board of five Government nominees and four non-government nominees: nine people in total. That is what I proposed.

However, as a result of listening to the viewpoints expressed by the non-government sector, what is before the House is not that proposition. In fact, the Bill provides that the Minister will appoint three members, not four. Therefore, there will be an equality of numbers, four from the Government sector and four from the non-government sector. I suggest that it is a partnership of two sectors of education working together. Members opposite may well smile about that, but that has been an important fundamental part of the diversity of education in this State for some time, and it has been my intention as Minister to try and maintain that situation. Therefore, the indication that the period of consultation was insufficient (as has been suggested) might have resulted in some change.

I now refer to the matter of inspections. In 1980 the then Opposition moved an amendment that required that the board authorise an officer of the Education Department. That was subsequently changed, but the proposition put at that time concerned authorising an officer of the Education Department, which was the Labor Party's proposition at that time. On 26 July this year, as a result of consideration of views put by the non-government school sector, I wrote to the non-government school sector saying that we would make independent their composition by having school visit panels comprised of officers of the Department acting for the Non-Government Schools Registration Board, therefore not being representative or on behalf of the Department. So, even as at 26 July it was not a simple replica of what had taken place in 1980. The 1980 position had been modified as a result of viewpoints received.

The situation presented to this House is a different one again. It was a further modification providing for an officer of the Department and another person, not being a member of the board, but nominated by the board and approved by the Minister. The Government had accepted the proposition being put by the non-government schools sector that in fact when these panels went out to schools there was a useful interface between the two sectors getting together to do those inspections of schools. We were saying that that was not the point at issue. We supported that and so we modified the original proposition. The point at issue (which I will talk more about later) concerns the separation of adjudication from the inspection. That is what we are trying to get at; we are not trying to interfere with those other processes. Again, this is clear evidence that the Government has listened to views that were expressed to it.

In July 1980 the Bill as it came out of this House provided that registration of a non-government school should remain in force for a period of five years. It then stipulated that the matter may be reviewed from time to time for further consecutive periods of five years on fresh applications for registration of a school. That provision contains two very important messages. The first is that registration is finite to five years and must be done in five-year chunks. The second is that the act of reregistration requires an act by an individual school to re-apply for registration. When writing to the non-government sector on 26 July I further stated in a letter that the time of registration be limited to five years for all schools and provisionally for one year in the case of new schools.

After listening to viewpoints expressed by the non-government schools sector the amended Bill that came into this House stipulated not 'reregistration' but referred to the concept of an inquiry into the administration of every registered school at least once every five years. The clear philosophy was that ongoing registration was to be reviewed every five years. That is what the second reading explanation of the Bill before the House clearly spells out and, because the wording of the original proposition we felt did give rise to some real fears and also did not actually address what we were trying to achieve because it focused on one aspect only (that which has been pointed out in the debate previously), we have further modified that in the listed amendment which stipulates that it should be a review. There are consequential amendments arising from that. Again, consultation

has resulted in quite considerable listening by the Government and modification of its viewpoint.

The other matter concerns fees. I would have to say that in the stipulation in the Bill that we are now putting forward no change has been made to the provision contained in the amendment that the Labor Party moved in 1980. We have listened to the viewpoints put to us, but we cannot accept that the criticisms made about the proposition are valid. I believe I am giving clear evidence that the Government does in fact participate in consultation, and listens very clearly, and makes appropriate adjustments when it believes viewpoints put to it are worth while, and realises that propositions made previously may not in fact be correct.

Before referring to comments made by members in the debate, I want to make a few other points. They arise from a meeting that I had yesterday with the working party of the Non-Government Schools Registration Board. Those present raised some further questions on which they would like further statements from me. I must say that we had a very useful discussion about the issues concerning them. The sorts of matters that were referred to in the debate in this House did not arise in that meeting yesterday: we did not hear the 'size 10 boot' routine, the 'threshold of 1984' routine, or the 'at the behest of the Australian Teachers Federation' routine—none of that came up. It was a constructive discussion about what the Government was aiming to do. Some points need to be made by me quite clearly as the Minister representing the Government, and I shall do so now.

On the matter of fees, there were two questions in relation to that. The first was whether the fee would be retrospective, and the second was whether the fee would apply to the review or just to the registration. As to the first point as to whether it would be retrospective the answer is quite categorically 'No'. That provision will apply to schools applying for registration from the time when the Bill is proclaimed as law. This brings me to the point made by Opposition members about what is the purpose of fees if the bulk of schools have already applied for registration. I shall make some important comments about that later. In regard to the review, I point out that the Bill before the House states:

> ... requires the payment of prescribed fee on an application for registration of a non-government school.

The word 'review' is not used. It refers to the initial application process. So, indeed, it is not a matter of the review requiring fees.

I must say, however, that I did canvass this matter with those people with whom I met yesterday. I pointed out that it was not contained in the Bill and that it was not proposed to be introduced by way of amendment. I asked for their views, and I wanted further discussions with them about the matter of where a school of its own volition applies to the board to have a review undertaken. A proposition could quite legitimately be made that if a school of its own motion puts that aspect to the board then it results in expenditure by the board in undertaking that review. In the normal context of events throughout Government it would not be unreasonable to say that a school should therefore pay the cost of that review. However, that provision is not in the legislation and will not be provided for by amendment. So, what is being said is in fact that, first, fees will not be retrospective, and secondly, they apply to applications for registration.

The other point that needs to be made concerns inspection panels. The deputation that I met yesterday did not refer to matters that were raised by certain members opposite. Rather, they expressed the view that they felt there was a good cause to be served in actually having representation on the board to be part of the decision-making process about whether a school should be registered present at the school seeing what the school is actually like, so that that person could actually have direct contact with it, rather than just relying on reading a report. Of course, the inspection panels presently have someone present who is on the board, and other people who report back on what they see. What we are proposing does not preclude the Registrar of the board from participating on inspection panels in their visits, so that he, therefore, is someone who has that continuity with the board, someone who can report to the board. Of course, he is not a voting member of the board. We believe that is the nub of the matter concerning the board. That person can be present at every board meeting and can follow the continuity of thought associated with the board's considerations, and it can provide direct contact which people were concerned might not be provided. The proposition before the House does not prevent the Registrar of the board accompanying the inspection panel to schools. We believe that that should be in the hands of the board to decide whether that is what it wants to have happen. It seems to me from the viewpoint expressed yesterday that that may well be what the board desires, but it is for the board to make that decision. Those are the two points that I want to make clear.

I shall refer to comments made by honourable members in this debate after the dinner break. The point I shall conclude on now concerns the view that has been expressed by a number of people concerning this legislation. It has been referred to as if it the first step of the 'brave new world', whereby State authoritarism is about to crush the non-government school sector. In fact, the reality is that we are proposing that there be an equality of numbers on the board. If one refers to equivalent legislation in other States, one finds that Government nominees are in the majority on the boards.

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

The Hon. LYNN ARNOLD (Minister of Education): Just before the dinner adjournment I was going through a number of important points: first, about the degree of consultation that has taken place; secondly, about some of the aspects of the way in which the consideration that the Government has given to viewpoints as expressed to it has shown up in the amendments to the Bill now before the House. However, I want to make one or two other points about some of the expressions of concern that have been shared with me by the non-government school sector. I think it is important because, unfortunately, I have to say they have not shown themselves up in the points made by the Opposition this afternoon, and I think members of the House deserve to know the points of concern that have been raised by the non-government school sector to certain aspects of the Bill.

I want then to comment on a number of those points, but I certainly must, I think, at least myself put it on the record, if no-one else has been prepared to do that. The Independent Schools Board wrote to me on Monday of this week, after the legislation draft had been received last week, and the first point it makes is with regard to the inquiry into the administration of every registered non-government school. I will not canvass that, because we have indicated that we have taken that on board in its entirety.

On the second point, with regard to persons to review or inspect schools, they do have some comments to make. I think their comments are very significant, because they do not really run parallel at all to the comments we have been hearing this afternoon, which included a lot of statements that have been well nigh semi-hysterical. The points they make are that they believe that in fact the present means of having inspection of schools is part of that spirit of self-regulation which, in the Independent Schools Board, they

contend is a most important element to be acknowledged. They also did have some problems with the words 'some impartial regulating' that appeared in an initial draft of the second reading explanation. It is my intention to canvass both those issues later in closing the debate on this matter.

The other point they make is that in fact the inspection panels have been panels made up of a number of people from the Department, from the non-government sector, and from the board itself, and, of course, they make the point that I was making just before the dinner adjournment that there is some merit in that interface of people from different sectors but, as I say, we have incorporated that anyway in the terms of the way the latest amendment appears in the legislation.

On the matter of the composition of the board, the point they make here is that they would prefer the board to remain as is, but they would not have any exception to the board being expanded to an equality, if there is some consideration taken of the casting vote situation. The last point, of course, as I have indicated before, is that they do object to the fee, believing it not to be of much purpose and they do express some doubts about the level of the fee. I tried to indicate before the dinner adjournment some of the points that we think are very important about this matter; that it will not be retrospective; it will not be an exorbitant fee that in the setting of itself is designed to prevent schools from even obtaining registration—in other words, some outrageous fee such as $100 000 simply would be a very clear deterrent for schools actually applying.

The Hon. Jennifer Adamson: It would be a very bad political mistake, too.

The Hon. LYNN ARNOLD: It would be, but that is not in the intention of the Bill at all. They have made that point. They are concerned about that. I have given them the undertaking that that is not the level of the fee we are looking at, and I will canvass that a little more in a few moments. I received correspondence from a sister in the Catholic education sector who has been a member of some inspection panels in the past, and she really attests to the fact that she thinks they work very well and she queries whether or not the matter should be changed. Similar viewpoints have been expressed from other areas in the non-government school sector and, again, the spirit of self-regulation does show itself up in a number of those points of view.

I make that point, because they are the viewpoints that have been expressed. I have that in writing from the various areas of the non-government school sector, and I think that members do need to know that to weigh that kind of evidence against some of the more extreme comments that have been made by certain persons who now choose not to maintain their presence in the Chamber.

I want to come to comments made by various members on the other side of the House and I think these comments tend to show a lack of home work by a number of members opposite, quite a serious lack of research into this whole matter. One of the points that just astounded me (really, I was quite astounded) occurred in the earlier part of the shadow Minister's speech, and again in the speeches made by the member for Mitcham and a couple of other members, where they made the comment that some of the things we are doing tonight in terms of amendment to the principal Act were in fact already in the legislation, were tried and were found wanting, and therefore were removed. That was the concept that was put across; they were in the original legislation as a result of the Government of the day accepting Opposition amendments, appeared therefore in the Act as passed through Houses of Parliament, were found wanting, and, therefore, a year later were removed by the then Government. I do not have any member opposite saying I am misreporting them or distorting their words.

The Hon. Michael Wilson: I said that.

The Hon. LYNN ARNOLD: The shadow Minister has now acknowledged that he has said that. I think we ought to go back to what actually happened in 1980 and 1981. The situation was that the then Minister of Education did in fact accept amendments moved by the Opposition. We felt at the time that it was an appropriate thing to do. We were not going to argue against it; like the member for Mallee, we were not going to vote against our own motion, but we felt it was quite appropriate. There was concern by the non-government school sector, which criticised the then Government for its failure to consult and then made representations to the Government.

Let us take ourselves back to the second reading speech of the then Minister when the Bill was recommitted to Parliament. He said on that occasion:

> The purpose of the Bill is to amend the provisions for the registration of non-government schools. A Bill was before this House last December and certain amendments proposed by the Opposition in the House of Assembly were accepted in good faith by the Government. Subsequently, representatives of the non-government schools expressed concern with those amendments. The Act has therefore not been proclaimed and the purpose of those amendments now before the House is to restore the spirit of the Act to that of the original Bill.

The critical phrase there is 'the Act was not proclaimed'; it was never put into effect, so how can one say that the Act did not work? How can one say that the amendments moved by the Labor Party were not successful? It was never even proclaimed and, in fact, it was not the alleged failure of those amendments to work, but rather the fact that representations were made to the Government and, as a result of that, they went back to the original Bill that the then Minister introduced into this Chamber. That is in the second reading explanation of the then Minister. I am staggered that the shadow Minister and the member for Mitcham should have seen fit to suggest that another set of events had been the case. Obviously, that matter will be canvassed a little further in Committee as they seek to explain their comments, and I look forward to that. The other point that needs to be made is that the member for Torrens made the suggestion that the act of voting with one's feet was in fact the most acceptable form of accountability. Is the honourable member accepting that is what he said?

The Hon. Michael Wilson: No, I am not. I do not mind your doing it, but I will see what you say in a minute.

The Hon. LYNN ARNOLD: I think he made the point that the most powerful form of accountability is that, if people do not like what is going on, they will simply walk out. What he fails to recognise is that Governments of the day have a social responsibility on behalf of society to be able to guarantee to everybody in the community that we are confident that the quality of education that is being conducted in our schools is indeed satisfactory and that we can say to everybody, 'Whether or not you send your child to that school, you can feel confident that any school in this State you care to choose, so long as it has been registered—in other words, it has been acknowledged by the Government—as a school where one could be sure that the quality of education your child will receive will be satisfactory.' I endorse the comment made by the member for Coles. We have a fine quality of education being offered by both Government and non-government schools in this State.

The Hon. Michael Wilson: You're not saying that's all I said about accountability?

The Hon. LYNN ARNOLD: I am not saying that is all the honourable member said about accountability. He made a number of other comments. He went on to suggest that there were many areas in which non-government schools

are already accountable. The absolute predominance of accountability to which he referred was financial accountability. I, in speaking with the non-government schools sector, have made that point. This Government does not expect or want to conduct a persecution campaign against non-government schools.

What we say as a Government is this: that the level of accountability, be it financial or education, etc., is as rigid or as rigorous in application to the non-government school sector as to the Government school sector. We expect no difference from a non-government school than from a Government school. We do not believe that we have justification to expect some distortion between the two. The point that has been made very strongly by the non-government school sector is mirrored in some points made by the shadow Minister, that they argue that they do already provide that degree of accountability.

We make the point that they certainly do provide much information, but we have some questions as to whether or not they are providing the sort of information that we, as a community, need to know in terms of ensuring that the educational services offered are being measured. My other point is that the member for Torrens (the shadow Minister) implied (and I venture to say he more than implied: he said it was the case) that in fact all non-government schools have their accounts audited. The fact is that the non-government sector is advised that it is preferable that accounts should be audited. That is quite different from saying that it shall be the case that their accounts are audited. But, really, that is not the issue in question at this point. What we should be looking at—

The Hon. Michael Wilson interjecting:

The Hon. LYNN ARNOLD: I am glad the shadow Minister agrees with me. It was turning itself up time and time again. We should be looking at the wider area of general educational accountability. Another point I found quite alarming was the suggestion by a number of members on the other side of the House that what the Government was doing by talking about accountability was nothing other than a cloak to cover up for Government control. That is absolutely outrageous. The suggestion being made that this Government was attempting to somehow nobble the non-government school sector, because of some perverse desire to undermine it, is outrageous and not supported by the evidence of how we have operated over the years.

We have acknowledged that South Australia has a healthy relationship between the two sectors. It has always been our firm desire to maintain that in the spirit of equality between the sectors. The shadow Minister said that the amendments that have been introduced confirmed fears that the non-government sector has that it is under seige. Members may wonder why I chose to refer to some of the issue raised by the Independent Schools Board on Monday of this week and by other schools of the non-government sector. I deliberately did it. Surely, if they believe they are under seige I am the person they will tell—they will write to me and say, 'We think you are beseiging us'. They have expressed their concerns, but, that has nothing to do with that kind of arrant nonsense.

The Catholic Commission, in talking about the inspection system, felt there would be a loss of valuable interaction between the different sectors. I covered that point. There will still be that interaction between the different sectors. They felt the self regulatory aspect could be lost, and there could be administrative difficulties. I think they are valid points to raise. We do not believe that they exist in reality, but that is what the Catholic Commission said about the inspection system. They did not say it was a cover-up for Government control or that they were under seige.

The Independent Schools Board likewise was concerned that some comments made in an earlier draft of the second reading explanation could have been interpreted to be critical of the performance of some people on the inspection panels in the past and repeated the point about self-regulation. They also felt that there was some administrative difficulty. They said that changes may not always allow the best equipped members to make up the panels. We see no difference in what is being proposed from what previously existed. That kind of problem would have existed in times gone by as it will if Parliament amends the legislation as is proposed. The other point is about the inspection panels. The implication was that the words 'impartial' or 'lack of impartiality' that appeared in an earlier copy of the second reading explanation were inappropriate. That was not the second reading speech that was read in this Chamber.

The Hon. Michael Wilson: I didn't say that.

The Hon. LYNN ARNOLD: I know the honourable member did not say that; he acknowledged the change. I think there are problems in that much emphasis has been placed on that because it was misread. We acknowledge that the purpose of the word in the original document was an entirely dispassionate term. It was not a subjective but an objective term. It was impartiality in its most neutral of senses, not in the sense that if one is not impartial one is biased. That is the way it was interpreted by some and that is why it was dropped out of the second reading explanation, because that was not the message we intended to convey.

I heard the shadow Minister saying that the same kind of comment about impartiality was being applied to the board increase. That is not the case. I may be wrong in saying that. The second reading explanation does not support that kind of construction. As to the matter of the fees, again, the shadow Minister said that these were unable to be applied. That was not the case when they were previously in the legislation, because again it was not proclaimed legislation.

I have made the point about retrospectivity and that these fees are not designed to recoup the entire operating costs of the board. So, if one has two schools applying for registration they take the operating costs of the board over the year, divide by two and that is their fee. That would be outrageous. It is not the case. The focal point is not the cost of operation of the whole board, but rather the marginal cost of conducting the inspection and hearing that is needed as a result of the application for registration. In other words, it is the actual cost that would be incurred by a school applying for registration that the fee would attempt in some measure to recoup. I say 'in some measure' because the fact of life is that very often registration costs do not recoup the entire cost of actual processes.

That is the order of magnitude. It is a very important point that needs to be made. We were then told that comparison with other boards was ridiculous. Certainly, the other boards serve entirely different purposes, but the principles are not different. The principles of an inspection process, then reporting to a body that adjudicates whether or not something should happen, is applicable to each of the examples I raised. We argued the case that that was an entirely legitimate proposition: that to have the inspection process separate from the adjudication process allows the body doing the adjudicating to feel absolutely certain that they have given every possible consideration in the entirely appropriate way. It is clear from what has happened in South Australia to date that everything has happened entirely appropriately and no question has been raised.

Given what has happened in other States on certain occasions, for example, what would happen if schools were not given registration and then they chose to legally challenge that, saying that they were convicted by a hung jury, because

the people who inspected and adjudicated had a duplication of members? We believe there are valid points for us to consider separating those processes. It is not a desire for me to get my sticky fingers, as referred to by somebody else, into the act. I am not on the inspection panel or the board. It is rather to ensure that everybody can be given that support for the work they are doing in that regard.

It was at that point that we had the image raised that this was an ideological move started by Senator Ryan at the behest of the A.T.F. That was immediately discounted by the member who made the point, but if it was discounted why bother making it in the first place? It was unusual to raise it and then demolish the case. The member for Coles said something which I have to say I personally found quite offensive at the start of her speech. It made implications about the way in which I have tried to act as Minister with regard to the non-government school sector. She mentioned that it is not possible to have a debate in this area without arousing strong feelings.

At the last election the two major Parties presented themselves to the people with effectively quite different viewpoints on the funding of non-government schools. The present Opposition said that funding should go up to 25 per cent per capita: we said 23 per cent. We also said the needs-based funding principle should be extended. That was a major point of difference, and I have to say the non-government schools sector made very strong representations to me on that. The people concerned asked me not to put that policy before the electorate, that they would much prefer that I adopted the Liberal Party policy in that regard, because they were much more inclined towards that policy than the one we were putting.

I have spent considerable time meeting and talking with the non-government schools sector, talking with them about our policy, the philosophical reasons for our policy, how we intend to implement it, and the phasing in of our expenditure-based funding, the first phasing in, of course, taking place in 1984. I believe that that discussion has been a very dispassionate one in the most positive sense of the word: it has not been heated or inflamed. It has been one for which I have to pay full credit to the non-government school sector for the way they have discussed that matter with the Government and accepted the propositions in this matter. I believe that the suggestion that one cannot have a debate on the non-government and Government nexus or connection without strong feelings is a reflection upon the way in which we are trying to handle this matter, and I hope that we have the support of this Parliament to carry on the kind of programme we are carrying on at present. It is not a vindictive programme: it is one that has been clearly spelt out.

The honourable member also said one could say that the Bill strengthens the powers of the Minister, gives the Minister control of the board and creates strong grounds for believing that the Minister wants it. That kind of phrase has the most invidious overtones.

The Hon. Jennifer Adamson interjecting:

The SPEAKER: Order! I call the honourable member for Coles to order.

The Hon. LYNN ARNOLD: Anything that I have desired in this legislation is in fact to express on behalf of the whole community a feeling of certainty and satisfaction about the way the education system in this State is being run. To the extent that I want that, yes, I do. To the extent that I am trying for some reason to gain control over it for reasons of power is, again, a totally wrong suggestion.

Other comments were made by the member for Coles on the matter of accountability. She said that ultimately the electorate determines whether or not accountability is deemed to have actually taken place, whether or not it has been wasted. I am not absolutely convinced that the only way one measures whether accountability exists is by way of electors. I think that one can be concerned in the intervening periods about matters like that, be it in the Government or non-government sector.

We did have a delightful interlude with The Poet's Education, by Horace. It was appreciated, and certainly there was a message in that poem. The honourable member attached that to issues of moral education, moral bases and their importance, in determining what is important in our education system. I do not want to argue against that. It was certainly a very interesting and enlightening part of the debate this afternoon. I found quaint the fact that the two gentlemen mentioned, the poet and the one mentioned in the poem, had proclivities that were unusual. So the connection with the rest of the honourable member's comments did seem to be somewhat out of context.

Another point made, and I hope if I am misreporting the honourable member she will choose the Committee stage to correct me on this matter, was that the appointment of the Education Department people in the inspection process would be intrusive. Education Department people are already on inspection panels and have been since 1981. We are not attempting to change that at all. Why are they suddenly intrusive from the time this Act is passed when they were not before?

Members interjecting:

The SPEAKER: Order! I hope the honourable member for Coles remembers that she was called to order formerly. I do not want to go any further.

The Hon. MICHAEL WILSON: On a point of order, Mr Speaker: you specifically called the member for Coles to order and you have not mentioned a word about the member for Mawson, who keeps interjecting as well, and, indeed Sir, myself also.

The SPEAKER: There is no point of order. I have not heard the honourable member for Mawson interject. If I had heard, I certainly would have called her to order, as the honourable gentleman well knows, and I have kept an eye on the honourable gentleman because he has already had a formal calling to order. He knows what the next step along the ladder is.

The Hon. LYNN ARNOLD: The critical question about the inspection panel in this instance is not whether or not Education Department people should be on such inspection panels, because they are, have already been and will continue to be, but whether or not the board should be on it. That is the question I am asking the House to consider. That is the issue, not whether it is intrusive having Education Department people on it. Reference was also made to the increase in the size of the board because in fact the Labor Government wanted a degree of control which the Liberal Government would not seek to have. Of course the Liberal Government of 1980 accepted our amendments.

The suggestion was made that the Bill was yet another straw in the wind, that we were after the non-government school sector. I have to make these points because I find them so offensive, if that is the kind of philosophy we are trying to operate under. Then the member for Mallee took us into entirely Orwellian circumstances in relation to 1984. At least he did not start his speech by saying, 'We want South Australia to win'. He at least gave us a new starting point. Maybe it is indicative of what will happen in months to come. He then said this is consumer protection at Big Brother's insistence. Three out of the seven amendments at the very least are those that never came from the Government. They came from the board itself, the board believing that there is a positive reason for, if one wants to use the phrase, 'consumer protection', to take place.

Again the honourable member uses the phrase 'control under the cloak of accountability'. Then the point is raised: do my advisers believe that we have a monopoly on all wisdom? Of course we do not. Who would try to put that proposition? We do not accept that. In fact, the amendments we put earlier have been modified because we accept many of the propositions put to us. That is what this system is all about: about listening to viewpoints. I think I have been through that before the dinner adjournment. The consultation existed from before the last election, started again on 26 July this year and has been on for months and months. The honourable member would have done well to listen to how the amendments we are now moving are different because of the consultation we have been through.

The Hon. Jennifer Adamson: I did, and the—

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

The Hon. LYNN ARNOLD: Another point was that I am about to go after the South Australian College of Advanced Education and the University of Adelaide to get a majority on those boards: I am not. One reason is that on the South Australian College of Advanced Education Board the Minister already has a majority because the previous Government made it so. They were the ones who introduced legislation in this Parliament which gave the Minister 14 nominees, a majority. I am certainly not about to change that. I think we have accepted that part of the tertiary education sector has historically been quite autonomous, and in any event it is federally funded, not State funded, whereas there are significant funds made available to the Government sector by the State Government.

Accountability has been raised on a number of occasions. I ask members to note that the word is used only twice in the second reading explanation. A suggestion was made that nobody in their right mind would send their children into schools where damage would be done. No member in his right mind would vote against his own motion, either, but still—

Ms Lenehan interjecting:

The SPEAKER: I call the honourable member for Mawson to order.

The Hon. LYNN ARNOLD: Regrettably, we have to accept that there are rare occasions when society at large feels that it has to take an interest in what is happening to children, because we are not absolutely confident that in every instance the parental involvement is resulting in absolutely the best choice that could be made for those children. It is for that reason that we quite rightly make decisions about what children can do with regard to watching certain material and with regard to alcoholic beverages and smoking. One could say that that could be left entirely to parental supervision, and in the vast majority of homes there is that conscious desire and willingness to do that. Society has realised that it also has a responsibility, and we do the same with regard to schools.

To cite an example, if we had a situation in South Australia (and we do not) where a Jonestown type community established itself—and this is not a figment of imagination, it has happened in times gone by—would we or would we not think that we would have some degree of right to be interested in what is happening within that community and what decisions parents are making for their children with regard to their schooling? We do have a right to be interested in that matter, and that is a point that we need to bear in mind.

The other point made by the member for Mallee, to which I take the strongest exception (and I think I can say this safely—the points that he made were not supported by many members on either side of the House), was the suggestion that the parents of children in private schools are more likely to give support to those schools than are parents of children attending Government schools. He also said that parents of children attending private schools are able to participate in school life with a greater spirit of democracy than those parents of children in Government schools; that is absolute nonsense. It is not supported by the facts.

Any member who is interested in the schools in his district, whether Government or non-government, will appreciate that there are a tremendous number of parents, a vast majority, who are concerned and interested about their children and the school that their children attend, be it Government or non-government. I cannot allow that slur on Government schools to pass unopposed. I acknowledge that that degree of commitment exists in the non-government sector, but it is no more or less than that which exists in the Government sector.

The member for Mitcham asked what was the Minister's intent. He said that my words sounded infinitely reasonable; I was quite reassured. I was beginning to feel bruised about the comments over my size 10 boots and the suggestion that I am trying to reach out and grab the private sector and throttle it. However, he then went on to suggest that perhaps I did not mean what I was saying, that the Act was the thin end of the wedge, and that it did not address equality of education. It does address those very important issues.

To repeat what has now become a very hackneyed situation, the member for Bragg said that it was to gain more control by the Government and the Minister, and he referred to insufficient discussion. I accept that it was a contention put to him by people in the non-government sector schools, and I hope that he will convey my opinion that that has not been the case.

I ask members to seriously consider the amendments in this legislation. Three of them seem to have the entire support of the House, and they were the ones recommended by the Non-Government Schools Registration Board, and they have been adopted. The one concerning the review process seems to be supported by all members, so the remaining ones concern the size of the board, the inspection process and the issue of fees. I ask members to erase from their minds the suggestion regarding this Government being designed by means of the size of the board, the inspection panel or the issue of fees. These issues are not filled with malintent; they are neutral in the sense that I have been contending they are. It is designed to try to improve the operation of the board, and I believe that it gives absolute assurance to the community that everything is operating in the best way that it can. In saying that, I repeat again that we acknowledge that the board has operated with total professionalism and in the best interests of education for this community. However, it has acknowledged that there is room for amendments, hence the amendments. If one is to suggest that the state of the art is absolutely perfect, why are there any amendments at all? They have realised this themselves. We accept that, but we also believe that there are a couple of other issues that should be addressed as well.

So, I call on all honourable members to reconsider what they propose to do about these amendments, because we believe genuinely, not maliciously, that they are for the best purposes of the education of children in South Australia.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Constitution of Non-Government Schools Registration Board'.

The Hon. MICHAEL WILSON: This is the first of two clauses that brings about a change in the composition of the board. The Opposition opposes clause 4, which gives

the Minister the power to appoint three nominees to the board instead of two, in addition to the Chairman. It is not my intention to recanvass the issue, because if I do the Minister might be tempted to do the same. His answers have been extremely lengthy and we do have other important legislation to deal with.

The Hon. Lynn Arnold: About the same length as yours.

The Hon. MICHAEL WILSON: Indeed, but you had a go before that. The Minister may say that it has no malintent, and I accept that. I do not think that I said that he had a malintent; I thought it was ideological, but let us not worry about semantics. I spelt out plainly in the second reading debate that I did not think that this clause was necessary. I do not accept that the change is necessary when the Board has worked so well, as the Minister virtually admitted himself a moment ago.

The board has the respect not only of the independent schools but also of the Minister's own Education Department officers—at least the ones to whom I have spoken. I will not canvass the matter again; that would be completely repetitious. The Opposition opposes this clause. However, if the clause is passed I will not call for a division on clause 5. There is no necessity for an increase in the size of the board, and the Minister has no reason to be dissatisfied with its conduct, unless he is aware of information that he is not supplying to this Committee. It is completely unnecessary, and it is an unwarranted interference.

The Committee divided on the clause:

Ayes (22)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold (teller), Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (20)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Eastick, Evans, Goldsworthy, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson (teller), and Wotton.

Pairs—Ayes—Messrs Bannon and Crafter. Noes—Messrs Chapman and Gunn.

Majority of 2 for the Ayes.

Clause thus passed.

Clause 5 passed.

Clause 6—'Registration of non-government schools.'

The Hon. MICHAEL WILSON: I seek information from the Minister. I refer to proposed new subsection (2) *(b)* of section 72g which includes the words 'be accompanied by the prescribed fee'. In his wind-up of the debate, the Minister said that he did not intend to apply the fee retrospectively, but he hoped that he could apply the fee to cover the cost of some inspections; I assume that that would be by newly registered schools. Can the Minister give me any idea of the level of fee that he is talking about?

The Hon. LYNN ARNOLD: The fee will not be determined by calculating the cost of the board and dividing it by the estimated number of new applications for registration for the year because that would give an enormous fee. Rather, it will be related to the cost of an actual inspection and adjudication of an application for registration. In other words, that would be the cost of people going to a school, inspecting and making a report to the board, and a meeting of the board. It would not be the full cost of that because, by the nature of these things, the full cost of those registration fees is not recouped, but there would be some attempt to recoup those sorts of costs. I am not able to say the order of magnitude of that fee, but it would be a nominal fee in the order of, I would think, a couple of hundred dollars. The more important thing is the mechanism of arriving at the fee (the principle of how the fee would be determined), and that is relating it to the actual cost of inspection and adjudication and a new school application.

The Hon. MICHAEL WILSON: I move:

Page 2, lines 2 to 9—Leave out paragraph *(a)*.

In explanation, it may seem at first glance that I am striking out the words 'an application for registration of a non-government school must be made in a manner and form determined by the board'. However, honourable members who have studied the previous legislation will realise that that is not the case because that is contained in the previous legislation. In moving this amendment (and once again I do not want to recanvass the issue at length), it seems to me from the answer that the Minister has given that we are not talking about a large sum of money in terms of assisting the Government to pay for the expenses of running the board or even running the inspections.

Within education budget terms it is certainly infinitesimal but a fee of $200 would be of some account, especially to a very small school applying for registration. It could be regarded as a drain on the resources, especially as, of course, until a school can be registered it does not know whether it will be eligible for funding, anyway.

This is a very complicated business and seems so unnecessary. Once again, the Minister will not do anything to help his revenue situation by this means. He has admitted that it will not be retrospective and that it will not even cover the cost of inspecting a school. The money will be infinitesimal in his own budgetary terms, yet it could be reasonably significant to a small church group or a group which intends to set up a small school and which would be applying for registration. I ask all members to support this amendment because, had the Minister's reason been to try to recover the cost of running the whole board, at least it would be a legitimate reason. It is not one that I would support, but at least it would be legitimate. I believe that this is playing around on the periphery and is of no consequence.

The Hon. LYNN ARNOLD: I thought that it had been an accepted principle of Governments of various persuasions that, where costs are incurred, it is not an unreasonable effort to try to recoup some of the fees. The suggestion has been made that it will cost more to collect than the total of the actual collections. That does not take into account that the Government has methods of receiving money. We receive money every day of the week for many purposes and fees. Some of them are for licences or payments which occur only a few times each year, but they are thereby a statutory provision and are collected by a general collection mechanism and the Government does that very efficiently.

Therefore, I do not think that the honourable member is arguing against the principle, and we believe that it should be embodied here, just as we have sought to embody it in many other pieces of legislation. We often pass legislation which calls for registration fees (and we do so in this Chamber on a number of instances) and we know full well that that fee will be required to be paid by very few. One could use the same argument, but I have not heard it used on this occasion.

I raise another instance which I think is somewhat pertinent in terms of how the fee is assessed. We have the *Hansard* distribution, which I think we have to admit (possibly because of the information that goes into it, rather than how it is done) is not the world's best selling material, and the revenue returned from sales of *Hansard* is a very small portion of the total cost of producing it. We set a sale price assessed against the actual marginal costs of production. That principle is not unheard of. In regard to *Hansard,* I have hopes that, as it is now becoming a literary journal, its sales will improve.

The Hon. Jennifer Adamson: Classical.

The Hon. LYNN ARNOLD: That is right: a journal of classical studies. Certainly, some very antique opinions have

been expressed tonight, so that description fits in well. The Government cannot accept the amendments. We ask the Opposition to be consistent with the kind of support that it has indicated for other forms of legislation that involve fees of one sort or another.

Mr MEIER: I express my concern about the prescribed fee. For a start, I think that it is another example of a contradiction in relation to a statement made by the Premier before the last election, to the effect that there would be no increases in taxes or charges. Surely, this fee could be considered to be a charge. The Minister is introducing this measure in a seemingly pleasant way saying that, as it applies to other Government agencies we should not be against the principle. The matter should have been thought through before now, because the Government said previously that it would not bring in any new charges, even though it has transgressed from that course on many occasions. I believe that this matter could have been left alone at this stage. As the member for Torrens stated if this charge amounts to as much as $200, that could be considered to be a severe impost on some of the small schools. In regard to the registration of non-government schools, we are well aware that, to date, some small schools have had problems with the board. Some of these small schools have as few as 10 students. A fee of $200 for a school of that size could be a real impost. If the idea is simply to have a fee for registration, I cannot see why it cannot be of the order of, say, $10, rather than a larger amount. I am dissatisfied with that proposition. Will the Minister indicate whether this is a once only fee?

The Hon. LYNN ARNOLD: I indicated to the Committee that I was guesstimating in terms of the amount. I made the important point of how the fee would be calculated. It may not be $200—it may be less. If the calculation is based on the number of people on the panel visiting the schools, the time that they spend on the inspection, and the time they spend back at the meeting with the Board in actually determining the judgment, the fee could be significantly less than $200. I was attempting to give what I thought would at least be a ceiling figure so that members would have some idea that I was not talking about a fee of, say, $10 000. Some people feared that it might be a very large fee, that it could be punitive and be a great deterrent. I was attempting to give an idea of the method of calculating the fee rather than making a simple guesstimate. It will be a once only fee, if a school remains in existence. The Bill stipulates that it will apply upon application for registration. It will not be a fee on a review processed after five years. If a school goes out of existence and then comes back into existence a new fee would be payable.

Mention was made of Government schools having problems with the board. The two schools that have had problems with the board refuse to register. The board, quite rightly, is taking issue with that. The schools maintain that there is no purpose in registering with the board and that, to them, it would be anathema to have to do that. I accept my responsibilities as Minister in this regard. It is not a pleasant function to have to pursue a school, but the Government has pointed out that they have misread what registration is all about. They see it as having very heavy authoritarian overtones. I think that members on both sides would accept that that is not the intention of the legislation. Indeed, the former Government introduced this measure. One school that applied for registration was refused. It was provisionally registered for a short time, but further registration was denied because its numbers failed to hold up in any viable sense. The board has an obligation to examine the question of a school's educational viability. I make that point with regard to schools that the board may have had cause to take action against.

The Committee divided on the amendment:

Ayes (20)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Eastick, Evans, Goldsworthy, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson (teller), and Wotton.

Noes (22)—Mr Abbott, Mrs Appleby, Messrs. L.M.F. Arnold (teller), Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Pairs—Ayes—Messrs Chapman and Gunn. Noes—Messrs Bannon and Crafter.

Majority of 2 for the Noes.

Amendment thus negatived; clause passed.

Clauses 7 and 8 passed.

Clause 9—'Grounds for cancellation.'

The Hon. LYNN ARNOLD: I move:

Page 2, lines 35 to 37—Leave out paragraph *(a)* and insert paragraph as follows:

(a) by striking out from subsection (1) the passage 'the registrar, or of its own motion, inquire into the administration of' and substituting the passage 'the registrar or of the school concerned or of its own motion, review the registration of'.

Page 3—

Line 3—Leave out 'inquire into the administration of' and insert 'review the registration of'.

Line 6—Leave out 'conducting an inquiry' and insert 'reviewing the registration of a non-government school'.

The Hon. MICHAEL WILSON: The Opposition supports the amendments. Had the Minister not moved the amendments, the Opposition would have done so.

The Hon. LYNN ARNOLD: I thank the shadow Minister for his indication of the Opposition's support.

Amendment carried; clause as amended passed.

New clause 9a—'Powers of board upon review.'

The Hon. LYNN ARNOLD: I move:

Page 3, after line 32—insert new clause as follows:

9a. Section 72k of the principal Act is amended

(a) by striking out from subsection (1) the passage 'an inquiry' and substituting the passage 'a review';

and

(b) by striking out from subsection (4) the passage 'any inquiry' and substituting the passage 'a review of the registration of a non-government school'

New clause inserted.

New clause 9b—'Notice of review.'

The Hon. LYNN ARNOLD: I move:

Page 3—insert new clause as follows:

9b. Section 721 of the principal Act is amended—

(a) by striking out from subsection (1) the passage 'an inquiry' and substituting the passage 'a review of its registration';

(b) by striking out from subsection (1) the passage 'the inquiry' firstly occurring and substituting the passage 'the proceedings';

(c) by striking out from subsection (1) the passage 'the inquiry' secondly occurring and substituting the passage 'the review';

and

(d) by striking out from subsection (2) the passage 'the inquiry' and substituting the passage 'the review'.

New clause inserted.

Clause 10—'Inspection of non-government schools.'

The Hon. MICHAEL WILSON: The Opposition opposes this clause, which introduces new personnel for the inspection panels. In fact, the clause provides for one Education Department officer and one other person (not being a member of the board). We have been over all the arguments. The Minister made the point that he believed that it was proper to keep separate the inspection arm of the board and the adjudication role of the board. I make the point that the board is there to register schools, which is not the same as the situation mentioned by the Minister in closing the second reading debate. The board should be responsible for registration. It is not necessary for the board, which has

the power to appoint its own inspectors, to have a separate inspection arm. I do not accept the Minister's argument in that regard.

I certainly accept the general argument of British law that one can not be judge and jury and I do not accept in this case, where we are dealing with powers of the board itself to register a school, that it is the same case. Secondly, I repeat that when referring to this clause in his second reading speech, the Minister said that he was introducing it because he felt that the independent schools should have some accountability. I do not think that even the Minister could really convince anyone that the independent schools did not already have a great deal of accountability: not just some accountability, but a great deal of accountability. I believe that the Minister may have other reasons for introducing this clause. It may not be that he wants to get his sticky fingers on the board, as I, amongst others, have accused him of. If the Minister has another explanation, he has not made it clear to the Committee. The Opposition opposes the clause.

The Hon. LYNN ARNOLD: I recall an earlier Bill where the shadow Minister of Education claimed that I took every word he said and mangled what he was trying to say. I felt at the time that that was a little unfair in relation to what I was doing. During debate on this measure, every time the honourable member has come to this part, he has loaded the word 'some' with great emphasis. In fact, he was taking the second reading speech out of context.

When closing the second reading I said that we acknowledge that there is accountability. We discussed the matter of accountability with the non-government school sector, and this amendment flows from the spirit of accepting that there should be accountability to the wider community. That is not to say that there has never been accountability and that this amendment will introduce it: rather, the amendment is consistent with the belief that there should be accountability. The statement that there should be accountability should not be interpreted as suggesting that that is not already the case.

The Committee divided on the clause:

Ayes (22)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold (teller), Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (20)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Eastick, Evans, Goldsworthy, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson (teller), and Wotton.

Pairs—Ayes—Messrs Bannon and Crafter. Noes—Messrs Chapman and Gunn.

Majority of 2 for the Ayes.

Clause thus passed.

Clause 11 passed.

Title passed.

Bill read a third time and passed.

FURTHER EDUCATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 November. Page 2049.)

The Hon. MICHAEL WILSON (Torrens): This Bill would have the support of most people in the community. It is an important measure in that it recognises certain principles and, for that reason, the Opposition will support it. At this juncture, I have to say that it is one of several Bills introduced by the Government this week and, therefore, the Opposition has not yet had a chance to discuss it in the Party room. That is a matter of great regret because the Bill is important, despite the fact that some people may say that it is of a rats and mice nature. It is important because it changes the name of the Department of Further Education to the Department of Technical and Further Education. It also introduces a legitimising of the fee charging structure of the Department. The most important change is the setting up of the TAFE Council, which was one of the Government's election promises. It is a very important initiative indeed.

The Hon. J.D. Wright interjecting:

The Hon. MICHAEL WILSON: Would you like to make the second reading speech, Jack?

The SPEAKER: Order! I ask the Deputy Premier and the honourable member for Peake to come to order and I ask the honourable member for Torrens to continue his remarks.

The Hon. MICHAEL WILSON: Of course, the TAFE Council has been set up for some time on an interim basis. I take this opportunity of wishing the Council well in its deliberations. It has a fairly onerous job. Not only does it advise the Minister but it also advises on internal accreditation and things of that nature as well, which is a very important function. It will mean a great deal of detailed work.

As I have said, the Opposition has not had a chance to discuss the Bill in the Party room. It may be that a minor amendment will be moved in another place, once the Opposition has discussed the Bill. Apart from that, I signal the Opposition's support for the Bill. I am very pleased that this year the Department of Technical and Further Education has received increased financial assistance, both from State and Federal sources. It has an enormously important role to play, especially when one considers the high unemployment situation in this country, in the area of school to work transition programmes. I take this opportunity to pay tribute to the Department of Technical and Further Education and its officers, as well as passing on the Opposition's best wishes to the new TAFE Council.

The Hon. LYNN ARNOLD (Minister of Education): I thank the Opposition for its support and consideration of this matter. We appreciate that it has not had the chance to give the measure detailed consideration in the Party room. I note the comments made by the shadow Minister, that there may be an amendment in another place. I suspect that that will not succeed. However, I certainly thank the Opposition for its support. My only other comment is directed to the member for Flinders and the Hon. Mario Feleppa in another place, both of whom have raised questions about representation on the TAFE Council. The member for Flinders asked about rural sector representation and the Hon. Mario Feleppa asked about ethnic representation. Those propositions are being taken into account. If the legislation is passed through both Houses, it certainly is the Government's intention to consider the suggestions. I have given that undertaking before and I repeat it on this occasion to reassure those members. We thank the Opposition for its support. We wish the Council well. It has worked very well until now. It has provided good advice to the Department and to members. We appreciate that. We believe that with that kind of start it should go on to be a great success.

Bill read a second time.

In Committee.

Clauses 1 to 9 passed.

Clause 10—'South Australian Council of Technical and Further Education'.

The Hon. MICHAEL WILSON: I signal some concern about new clause 10 (3) which provides:

> Not less than five members of the council shall be men and not less than five shall be women.

I place on record that there is no stronger advocate than myself for having women on boards. Indeed, I can envisage

a situation where one could have a majority of women on the council. That would not disturb me at all. I believe that there should be far more women on boards than is the case at the moment. I tried to do my bit by appointing the first woman to the State Transport Authority Board.

It was certainly in the Government's transport policy before the last election that another woman should be appointed to the State Transport Authority Board as a consumer representative. That would have occurred, if we had been returned to Government. I am not sure that this is a good way to go about increasing female representation on boards. I reserve judgment on the matter. I believe that this is really a question of positive discrimination rather than a question of affirmative action. I am not too sure that I understand the difference, anyway.

I am a great believer in the concept that if we believe there should be more women on the board, we should just put them on. I would be very happy for the Minister to get up and say that he intends to put five women or four women on the board, or gives his undertaking. That is all the assurance I would want. I am not sure it should be enshrined in legislation in this manner. I am just signalling that the Opposition will give consideration to that matter, amongst others in this Bill, before it is debated in another place. Does the Minister still intend to retain the advisory committee of TAFE, which I understand will report directly to the Director-General? Does the Minister still see a role for the advisory committee, as such, bearing in mind that the TAFE Council is there now as the umbrella body?

The Hon. LYNN ARNOLD: On the matter that five members of the council shall be men and at least five shall be women, I will undertake that because that has already happened. The interim council has been appointed. One puts this into legislation because at some future time there could be a Minister who is misogynist or misanthrope, and there could be no women or no men on the council. I strongly support the proposition that we should be trying to enshrine this in the legislation to ensure that that kind of absolutely inappropriate discrimination, determining of abilities by virtue of a person's sex, will not happen. We want the best people possible on this council but we firmly believe the people with capabilities are people of both sexes. The member has indicated he accepts that proposition, but we think that there have been in times gone by (and I am sure the member for Coles has herself said on other occasions), when people have made decisions on a person's capacities after a consideration of their sex rather than of their abilities. We just want to make sure that does not happen in this instance.

The Hon. Jennifer Adamson: For the last eight decades it was the case.

The Hon. LYNN ARNOLD: That is right. As to the other matter, the advisory committee that is referred to can be appointed if deemed necessary and then they shall advise on particular aspects of particular problems.

The Hon. Michael Wilson: Does that replace the old advisory committee?

The Hon. LYNN ARNOLD: Yes. Under the operations of the interim TAFE Council there has already been a situation where a small working party has been set up. It has made a report to the TAFE Council. That report has come to me and will in the coming months be taken into account in the determination of priorities within the Department of Technical and Further Education. That refers to the capacity for those sorts of committees to be established.

Mr BAKER: Will the Minister assure this Committee that, if in fact that provision which relates to at least five men and five women were taken out of the legislation by the Upper House, he would act within the spirit of what he has said already and ensure proper balance within that committee?

The Hon. LYNN ARNOLD: That is an entirely hypothetical question. We do not know what another place is going to do with this legislation. I put the proposition of what I have done with the interim TAFE Council. I think that speaks for itself. It is not a case of what I as Minister would do. I just put it to the Committee that the legislation is not supposed to cover what will happen now as much as what will happen in certain circumstances, trying to prevent or encourage certain things happening. In this instance it is trying to encourage representation of both men and women in certain proportions.

Before people start getting anxious, remember that the council has more than 10 members at the moment, and certainly it is proposed that, if it is passed by both Houses, there will continue to be more than 10 members. We have the minimum there so that in fact we can have a good working group trying to represent or advise from various aspects of the community. If we take it up to the maximum, that provides, if we have only five of one sex, only 25 per cent. In an all other things being equal situation one would argue that it should be 50 per cent, if sex is not a determinant at all, which it should not be.

Clause passed.

Remaining clauses (11 to 16) and title passed.

Bill read a third time and passed.

CLASSIFICATION OF PUBLICATIONS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

STATUTES AMENDMENT (CRIMINAL LAW CONSOLIDATION AND POLICE OFFENCES) BILL

Received from the Legislative Council and read a first time.

FILM CLASSIFICATION ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

PIPELINES AUTHORITY ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

Adjourned debate in Committee (resumed on motion).

(Continued from page 2253).

Clause 3—'General powers of Governor to adjust rights, etc.'

The CHAIRMAN: I point out to the Committee that there has been a typographical error in clause 3. The reference to subsection (3) should be to subsection (2).

Clause passed.

Clause 4—'Additional borrowing powers.'

The Hon. B.C. EASTICK: I move:

Page 1, lines 20 to 24—Leave out paragraphs *(a)* and *(b)*.

These are consequential amendments which would be required for the fulfilment of the major variation sought in the new clauses detailed on the schedule before members. Because it is consequential, I recognise that there will be a need for an element of tolerance, and I seek that from the Committee, to debate the purpose of the amendment. Earlier I indicated that there is an important principle associated with this measure, a principle so important that, if the Minister responsible for the carriage of the Bill were to listen, he might be able better to understand the purpose.

The Minister, in the companion Bill, the Local Government Finance Authority Bill, indicated that there was a need for an alteration to the Local Government Act so that what might be described as an impediment to a tight borrowing programme could be eliminated from the Local Government Act. At present the Local Government Act provides for a poll of ratepayers or electors in circumstances where there is community disquiet. It is freely agreed that the provision of the poll system is the safety valve applying to the community. It is acknowledged that in the city area, the percentage of votes which must be cast to disrupt the poll, which is actually the 'No' vote, is rarely achieved. However, it is a different matter in the country. There have been a number of relatively recent carriages of a ratepayer poll to overcome community disquiet.

In the companion Bill, and because of the new nature of the borrowing arrangement, it is clear that there is a need, as the Minister and his officers have explained. I accept from those responsible within the local government area for the ultimate authority activity that, if they are to have a composite borrowing over a number of councils, a disruption by one community would disrupt the whole of the borrowing programme, and that would be quite disastrous for the best interests of the intended method of approach by the new Authority. However, what the Government has done in this companion Bill, the Local Government Bill, is to write out completely—and it is the 'completely' part that causes me and my colleagues concern—the opportunity for a community to express a point of concern relative to a council's activities. It is acknowledged that, if the provisions were left in the Act, as I suggested in the first instance (that is, the total opposition of a package that is currently before us), then there could have been disruption to the Local Government Finance Authority's borrowing programme, and the impact would be across a large number of councils, albeit it might have been only one small council that initiated the action.

Having regard to the importance to the Authority of the removal of what we shall call the impediment of possible disruption by a ratepayers poll, the provision now suggested for the attention of the Committee is to maintain that safety valve for the community, but for the decision relative to a project to be taken within the the community at the initial planning stage, not at the borrowing stage. That recognises the regrettable impact that a council, once it had transacted its individual loan with the Authority, would have on the total council package deal associated with the Authority's borrowing and lending programmes.

In so doing, it was necessary to retain some of the benefits which currently accrue in local government, which refer to the words 'with the consent of the electors', and precisely what we are seeking to now do is to leave in with the first of these clauses the opportunity for 'with the consent of the electors' to remain, to cover the contingency of a purpose poll as opposed to a borrowings poll. With the new sophistication associated with local government activities it would not be difficult for a council, having made the decision that its works programme be undertaken on borrowing over a period of time, to initiate it six to 10 weeks before it might otherwise normally have been expected. By the action being taken to determine that the community is satisfied with the purpose and that there is then no opportunity for the community to interfere with a programme of borrowing, the activities of the Authority are safeguarded, and more specifically the safety valve benefit, which has always been in the Act, would be retained. I would be the first to indicate to the Committee that what has been suggested still leaves a rather messy Local Government Act. We all recognise that the Local Government Act is in need of major overhaul, and that that is on the way to being achieved. The Opposition does not believe that, in removing the impediment for the finance authority, the safety valve should be removed from the community. For the interim period, with least disruption to the Local Government Act, I would ask of the Minister that he accepts the principle that is being debated, that he would accept the series of amendments, all of which are consequential, and that he would uphold, as he has publicly stated he wishes to uphold, the rights of the individual.

If one takes the action that the Government is proposing with this Bill, the right of the individuals in the community to express dissatisfaction with their council is lost. The only place that people can take that action is in the poll associated with an election, whereas it has been part and parcel of the local government scene the whole way through that not only do they have that right of action at the poll but, if they are so disturbed, they may take the action at a point when the council is embarking upon a programme which the population believes is not in the best interests of the community. I mention the position that occurred at one of the councils in my own area, recently.

I refer to the *Northern Argus* of 25 May 1983 in which appears the result of a ratepayers' poll in respect of the raising of $65 000 for the provision of a computer. We are not disputing whether or not the computer would help. The method of presentation of the programme to the people was such that there was a great deal of concern. There was a 47 per cent overall poll. The final figures showed 1 213 against the intention, with only 53 accepting the action that the council was about to take. That is where the individual has the opportunity to put a stop to a programme which is not, as he sees it, in the best interests of his community.

That is the provision which the Government would seek to write out by the measures we are being asked to support tonight without amendment. I ask the Minister to accept the amendments, recognising the consequentiality of the first one that I proposed and the others that will follow. The base of the intent to retain the individual's right of appeal is in the next amendment that we will consider.

The Hon. T.H. HEMMINGS: I appreciate the member's concern about this matter, and I think that it should be placed on record that the Government was prepared to move that progress be reported so that the member could prepare amendments which he is moving tonight. I will concede that, under the existing Act, the proposed amendment does improve the conduct of the poll, and I give the member credit for that. However, the Government is not able to accept the proposed amendment. The Bill we are discussing tonight has the full support of the Local Government Association. If we are talking about the full support of the Local Government Association, the member for Light is saying that local government is going above the wishes of the community. I made the point earlier this afternoon that, if we are prepared to give local government that authority and power as the third tier of government we should be able to trust that, if it goes into any loan borrowing programmes, it will do it for the benefit of the community, not against the community. I believe that a poll on one form of finance (that is, raising a loan) is not an appropriate way to run community affairs.

The Government is intent on developing local government as an effective and democratic level of government and, accordingly, as all members are aware we have circulated within the community a draft Bill which will bring in major electoral reform. Secondly, today (this is most important, and I was pleased that the member for Light gave it his full support) we passed a Bill to establish the Local Government Finance Authority. Is the member for Light saying that local government somewhere out in the community is not using loan borrowing programmes for the benefit of the community?

The CHAIRMAN: Order! Would the honourable member for Victoria either go into the gallery or sit down.

The Hon. T.H. HEMMINGS: Thank you, Mr Chairman. If the member for Light is saying that there are local councils which use their loan borrowing programmes against the wishes of the community, surely that is a bad thing to say about local councils. Over the past five years or more local government through the Local Government Association has moved to improve its standing and reputation, and this Bill in effect gives local government the power to take away the loan poll procedures in line with the Local Government Finance Authority Bill which we passed earlier today to carry out good corporate management of its communities. I would have thought that the member for Light would support that line.

It has been my intention and it was the intention of my predecessor in the previous Government to improve the standing of local councils, and I think that we are doing that, with the full consultation and co-operation of the Local Government Association and local councils. I think that it is about time that, having passed the Local Government Finance Authority Bill today, we took the archaic loan poll provisions out of the Local Government Act, with the full consent, as I said earlier, of the Local Government Association, and made local government an effective third tier of government in this country.

The Hon. B.C. EASTICK: I had hoped that I was not hearing correctly some of the Minister's comments. I am prepared to stand up, as I have previously, and question the decision of the Local Government Association when I believe a point has not been thoroughly understood and canvassed by that organisation. The Minister gave a very clear indication in a previous Bill which was before this House earlier this year that it had the full support of the Local Government Association and, therefore, it should not be tampered with: it had been discussed and, therefore, it was all right. If memory serves me correctly, we effectively passed some seven or eight amendments to that Bill to improve it, with the subsequent appreciation of the Local Government Association and its members because they had not recognised the problems which others recognised for them. That is the first point.

Secondly, the undeniable support for the Local Government Finance Authority was always predicated on the base that this piece of legislation would not be supported by the Opposition because it took away from the ratepayer, the elector, a traditional role that he had had of being able to protest on occasions when he perceived that the local government authority was not doing its job correctly. The third part which concerns me in relation to the Minister's standing in the Chamber and delivering a reprimand to me for believing that local government was being admonished for questioning the decision that it had taken falls rather poorly, when the Minister's own activities in relation to the Aurora Hotel and the restaurant in Rundle Mall are considered.

The CHAIRMAN: Order! The Chair does not want to allow the debate to get into matters outside the clause.

The Hon. B.C. EASTICK: I appreciate that it would appear difficult to relate the two. I am sure that I could show that they are related. Here is a responsible local government body which made decisions which did not suit the attitude of the Minister, so he opened up about them: he commented about them. Here is the member for Light, representing the Opposition, not satisfied with the decision made by the Local Government Association in so far as it will remove a traditional role which the elector/ratepayer has had and which we on this side genuinely believe should remain.

We have sought to facilitate the passage of the Bill to achieve the result that the Minister requires (and I suggest that the amendments do that), at the same time retaining the right of the ratepayer/elector to react against his council if he believes that it has failed in its duty of communication and of approaching actions in a businesslike manner which is seen by the community to be correct.

This afternoon I referred to the not so long past activities of the Penola council, where machinery was in the shed before the period of time elapsed. That was done with the approval of the Minister. I am not saying that the Minister was in any way associated with an action that should not have taken place, but it happened. A group of ratepayers in that community saw fit to let their council know that they were not at all impressed about quite an expensive piece of machinery being purchased before ratepayers had been told of the council's intention to do so. The original piece of machinery was delivered long before the required notification period had concluded. It was a piece of machinery on which a considerable sum of money was owed. It was removed from the council's control, that is, taken to Adelaide and actually sold, before permission had been sought to raise the sum of money involved for the replacement machine.

Further, there have been problems with the Wirrabara council as well as other problems of which the Minister would be aware. If we accept this proposition, by a stroke of a pen the Minister will deny ratepayers the opportunity to bring into the open their concerns about such matters. I ask the Minister to reconsider the decision, because it is essential that the democratic right of the little man be upheld. The Minister claims that he stands up for these people and that is why I adverted to the situation in regard to the Aurora Hotel and the restaurant in Rundle Mall, matters that the Minister has raised previously. I can assure the Minister that the Opposition will oppose the passage of this measure as it stands.

The Hon. T.H. HEMMINGS: The member for Light referred to my involvement with the Rundle Mall situation and the Aurora Hotel. I think it only fair that I respond to those remarks.

The CHAIRMAN: Order! I have already more or less implied to the Committee that the member for Light was out of order in raising those matters. The Chair will not allow debate on matters outside the clause.

The Hon. T.H. HEMMINGS: Perhaps I will have to issue a press release. I reiterate that the Government is not prepared to accept the amendment. The Penola situation is a little more complex than that referred to by the member for Light. The machinery was delivered by the supplier and the council did not touch it until the process was completed. I am sure the member for Light knows that.

The Hon. B.C. EASTICK: The Opposition seeks to correct the premise that the Minister wants us to accept. The only requirement on a local government body now entering into a borrowing arrangement is that the details be recorded in the *Gazette*. How many ratepayers read the *Gazette*? They do not have access to the *Gazette*, although that would be their only means of finding out about a council's borrowing a sizable sum of money. The Minister even denied that it is the responsibility of a local government body to provide details in the local press that it is about to embark on a

borrowing programme. I suggest to the Minister that people represented by local government bodies should be provided with proper communication about what those bodies are doing. As it stands, the provision offers no protection to people. The Opposition will resist this with whatever means it has at its disposal to highlight the fact that people are being by-passed in the interest of the local government bodies and the Authority. The Opposition supports the concept of the Authority and the benefit that it will provide to local government bodies. However, we do not believe that people should be trodden on in the meantime.

The Committee divided on the amendment:

Ayes (21)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Eastick (teller), Evans, Goldsworthy, Gunn, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Noes (23)—Messrs Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings (teller), Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten and Wright.

Pair—Aye Mr Chapman. No—Mr Crafter.

Majority of 2 for the Noes.

Amendment thus negatived; clause passed.

Clause 5—'Repeal of sections 426, 427 and 429.'

The Hon. B.C. EASTICK: I indicate to the Committee my disappointment that we are not able to proceed with the remaining amendments, each being consequential upon the other. Further action having been withdrawn, I indicate that I wish to speak to clause 6.

Clause passed.

Clause 6—'Repeal of section 430 and substitution of new section.'

The Hon. B.C. EASTICK: I draw the Minister's attention to the fact that, in the repeal and rewrite of section 430 of the Act, the responsibility for a council to indicate to the community, through the columns of the local newspaper, its borrowing programme is written out. The only provision now required is that the information the council passes on when embarking upon a borrowing programme is notification in the *Gazette.*

As I pointed out previously, when canvassing my amendments, what ratepayer would normally see the *Gazette*? What chance is there of people in the community knowing what their council is doing in respect of a loan borrowing programme which can run into tens of thousands of dollars, when the only official notification required is an advertisement in the *Gazette*? I would like the Minister to explain to the Committee the reason for denying the community notification in their own newspaper.

The Hon. T.H. HEMMINGS: The member for Light and I seem to be in conflict. He is arguing that many councils are prepared to undertake extensive loan borrowing programmes which are not to the benefit of the community. Local government is responsible, and any borrowing undertaken will be for the benefit of the community. We are at loggerheads on that point: I do not think we are ever going to resolve that. I would have thought that under clause 6, which revises section 430, there must be an absolute majority of council.

The member for Light was a member of local government for many years, and so was I. I am sure that he and all other members opposite, even the Leader of the Opposition, who have spent some time on a local council, thought they were responsible members of the community and, if they undertook any loan borrowing programmes, they did so for the benefit of the community.

That is what this Bill is all about. It is consequential on the Local Government Finance Authority Bill passed earlier which gives council, as a corporate body, the power to undertake loans. Is the member for Light saying, for example, that if B.H.P. were going to undertake a multi-million dollar loan programme, it would be forced to ask its shareholders first? It would not. What we are trying to do is give local government the power to be a commercial business organisation, but the difference is that council is not giving out dividends to shareholders; it is providing community services to those people it represents.

The Hon. B.C. EASTICK: It is quite obvious that the Minister and I are going to stay at variance on the matter.

The Hon. J.D. Wright: Put it to the vote and see how we go.

The Hon. B.C. EASTICK: It is rather interesting to see the Deputy Premier wanting to gag the debate.

The CHAIRMAN: Order!

The Hon. B.C. EASTICK: The Deputy Premier is not very helpful.

The CHAIRMAN: The Chair suggests that it would be much more pleasant if we did not have any interjections.

The Hon. B.C. EASTICK: I have a great regard for local government and the part it plays. I also have a great regard for the people it represents, and I believe that the name of the game is communication. In the event that the local council's activities are not reported, because there is no press in the council, the first thing a number of people in the local community would know about a major borrowing programme which was going to impact upon their ratings for a number of years in the future would be after the event, because they would not see the notification in the *Gazette.* So far as B.H.P. and other major organisations are concerned, the Minister would justifiably have a look at the announcements they make by way of a press release when they are entering into major borrowing programmes and the information they give their shareholders, all of them in writing, at the time of an annual general meeting and other special occasions.

Clause passed.

Clauses 7 to 12 passed.

Clause 13—'Power to borrow money.'

The CHAIRMAN: I point out to the Committee an error in this clause, which should refer to section 87li. That has been rectified.

Clause passed.

Title passed.

The Hon. T.H. HEMMINGS (Minister of Local Government): I move:

That this Bill be now read a third time.

The Hon. B.C. EASTICK (Light): This legislation, because of the omissions or deletions it involves, does not protect people governed by the Local Government Act. The Minister knows the Opposition's attitude to that matter, and it will record that attitude by way of voting against the third reading.

The House divided on the third reading:

Ayes (23)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, M.J. Brown, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings (teller), Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (21)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Eastick (teller), Evans, Goldsworthy, Gunn, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Pair—Aye—Mr Crafter. No—Mr Chapman.

Majority of 2 for the Ayes.

Third reading thus carried.

SHOP TRADING HOURS ACT AMENDMENT BILL (No. 2)

The Hon. J.D. WRIGHT (Deputy Premier): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

Its purpose is to amend the present legislation relating to retail trading hours of red meat in order to allow red meat to be sold during late night shopping but at the same time without requiring employees in the industry to work extended hours. It is because this Bill achieves the twin objectives of introducing greater flexibility in the hours of trading without placing an onerous burden on employees in butcher shops that the Government has seen fit to adopt the basic thrust of the Bill introduced in the Upper House by the Hon. Ian Gilfillan as a private member's matter. The Hon. Mr Gilfillan's Bill was arrived at after extensive consultations with the various interested parties, including consumer associations, unions, employer bodies and the producers.

The result of those extensive discussions, which involved the Government, was that the only option which appeared to overcome the problem of a long working week for the employees but which would allow red meat to be sold in competiton with other substitute products was to allow individual butcher shops to decide whether they would trade on a Saturday or a late shopping night (but not both). This would mean no extension of shopping hours for the individual butcher shop (thus overcoming the problem of long working hours for employees) but because some shops would trade on the Saturday and some on the late shopping night red meat would be available during both periods. Consumers would have to shop around for their red meat but it would mean they could purchase red meat at any time the substitute products were available. The current Bill has been drafted to give effect to these considerations.

The Hon. Mr Gilfillan's Bill was checked by the Department of Labour. The Department had some concerns as to whether supermarkets would be restricted in the same way as butcher shops. However, the Parliamentary Counsel have advised that section 16 of the Act restricts supermarkets in the sale of red meat to the hours that they could sell red meat in if they operated solely as a butcher shop. The Department also pointed out that some difficulties might be faced with policing the Act but this should be made easier by the requirement in the Bill to restrict changes in the election of a particular trading pattern to twice a year and the requirement that butcher shops display a notice giving the details of the particular trading pattern they have adopted.

Both points have been incorporated in the Bill. Whilst the Bill may not go far enough for some groups, it is an improvement on the existing position and will allow red meat to be sold in competition with substitute products on late shopping nights. It is a practical and positive proposal. I commend the Bill to the House.

Clause 1 is formal. Clause 2 provides that the amendments made by the Bill will come into force at the expiration of two months after the Bill receives the Royal Assent. This period will enable shopkeepers affected to prepare for the new system of closing times and enable them to benefit from the initial period of one month in which they will be free to experiment with closing times. Clause 3 inserts six subsections into section 13 of the principal Act. New subsection (4) prescribes alternative closing times for butcher shops. The effect of the alternatives is that a shopkeeper will have to chose between remaining open after 5.30 p.m. on one week night or opening on Saturday mornings. In country areas the shopkeeper will, in addition, be able to choose the week night in each week on which he may remain open after 5.30 p.m. Subsection (5) gives him this choice. Subsection (5a) gives a country butcher the choice of which week night he may remain open after 5.30 p.m. Subsection (5b) provides that once a choice has been made under either subsection (5) or (5a) a further choice may not be made for another six months.

The result will be that a shopkeeper must comply with the times chosen by him or his predecessor for at least six months from the time the choice was made. It should be remembered that these provisions specify the times at which shops must be closed. A shopkeeper is, of course, free to close his shop at any time before the prescribed closing time. New subsection (5c) delays the operation of subsection (5b) for one month after the amending act comes into operation. This will give butchers the opportunity to experiment with the alternative series of closing times before making a decision which will bind them for the next six months. New subsection (5d) requires a butcher to display in his shop the closing times that apply to the shop.

The Hon. E.R. GOLDSWORTHY secured the adjournment of the debate.

PRISONS ACT AMENDMENT BILL (No. 2)

Adjourned debate on the second reading.

(Continued from 29 November. Page 2052.)

The Hon. D.C. WOTTON (Murray): At the outset, I want to express my utter disgust at the way in which this legislation has been introduced. If ever there was a contempt of Parliament, we have seen it with this legislation. It has made the Parliamentary system in this State an absolute farce, and the Government needs to recognise that. Before I go into the detail, I want to indicate to the House something about the last two or three days in relation to the Bill's introduction.

On Saturday morning, after an attempt to contact me at my electorate office on Friday, the Chief Secretary contacted me at home to inform me that he intended that on Tuesday Standing Orders would be suspended so as to allow this Bill to be introduced. I appreciate what the Chief Secretary did to keep me informed, but he then went on to say that it was the Government's intention to debate the legislation on Wednesday. I asked at that point whether it would be possible for the Chief Secretary to give me a copy of the Bill or to indicate what was actually in the legislation.

Of course, the Chief Secretary told me that he was unable to say what was in the Bill and certainly could not give me a copy of it. It is easy to understand why when we look back, because of course that was on Saturday. The Bill was still to go before Cabinet on Monday and then to Caucus on Tuesday.

The Hon. G.F. Keneally: I told you.

The Hon. D.C. WOTTON: I know the Chief Secretary told me: that is why the Opposition could not get a copy of the legislation because at that stage it was still expected that we would debate the Bill on Wednesday.

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. WOTTON: I will get on to the media's involvement in all this a little later. On Tuesday morning, after I had arrived in this place, I contacted the Chief Secretary at his office and again asked for a copy of the Bill. He said he would see what he could do. I did not hear

any more about it. I phoned his office again Tuesday lunchtime and was told that it was not possible for me to get a copy of the Bill.

This is an incredible situation. The fact is that I was being told that I could not have a copy of the Bill. Whilst I was doing that the Chief Secretary was up in the second floor conference room telling the media all about it. I understand that the press conference went for well over an hour: that is how difficult the legislation is to explain to the media, and from what we have read and heard so far it is quite obvious that the media has not come to understand what it is all about, because it is very complex.

The people of this State recognise that, and I believe that, in recent times, the Government has also recognised that fact. A member of the media approached me and inquired about the briefing at the conference. At that stage I did not know anything about a briefing. I then received a phone call from the Chief Secretary indicating that he would like me to have a briefing. At that time there was really a lot of point in having a briefing! I did not have a copy of the Bill and I did not know what it involved. I had a fat lot of chance of attending a briefing, not knowing what the legislation was about and, therefore, not being able to ask questions. I actually received a copy of the Bill on Tuesday night.

Mr Gregory: Can you say something without repeating yourself all the time?

The Hon. D.C. WOTTON: The member for Florey can go back to sleep: he was just about to doze off.

The SPEAKER: Order! This is a pitiful and pathetic spectacle. I hope that all honourable members honour their Standing Orders.

The Hon. D.C. WOTTON: I actually received a copy of the Bill on Tuesday night, very shortly before it was introduced. That was different to what I had been told: I was told that the Bill would be introduced after lunch on Tuesday. I understand that it was not introduced at that time because the second reading speech was still being written on Tuesday afternoon. It was just not possible to introduce the Bill before that time. It was late Tuesday night when agreement was reached that the debate would take place today and not on Wednesday.

Members interjecting:

The SPEAKER: Order! I clearly call to order, first, the Chief Secretary and then the Leader of the Opposition. I make quite clear that I do not discriminate between the two. They both know from their years in this House what will result if they continue in the present vein.

The Hon. D.C. WOTTON: It is quite obvious that the Chief Secretary and the Government have bowed to pressure from prisoners and from small vocal minorities that want to have this legislation pushed through. The Chief Secretary has obviously been told to get the legislation though before the House gets up next week. If that does not occur, quite obviously there will be more trouble at Yatala. If the Chief Secretary, the Government or anybody else thinks that by changing the parole system, as a result of this legislation, it will improve all the problems at Yatala, I would suggest that they would have another think coming.

I ask the Chief Secretary to indicate whether he believes that this legislation will overcome the problems currently being experienced at Yatala, because that has certainly been suggested in media reports. Of course, we are all very much aware of the ongoing problems at Yatala, such as the lack of permanent management and the lack of programmes for prisoners. It is quite obvious that the prisoners themselves are bored stiff out there. There are very few programmes for prisoners at Yatala.

We understand that difficulties have arisen as a result of a lack of appropriate training. I understand that a very minor move is being made to correct that situation. I remind the House that when in Opposition the Labor Party had all the answers to the problems at Yatala and in other correctional institutions in this State. In fact, the Chief Secretary stood up in this place day after day criticising the then Chief Secretary for his lack of action and for taking inappropriate action. What have we seen since the present Chief Secretary came to office?

Mr Olsen: He might now see the reality of the situation that he did not see when in Opposition.

The SPEAKER: Order! The Leader has overlooked the warning that I gave him—I meant it.

The Hon. D.C. WOTTON: It is obvious that, if the Chief Secretary has a conscience, he is certainly not doing very much about it. He is certainly not doing anything to improve the current problems at Yatala. The Chief Secretary indicated previously that the passing of this legislation would overcome those problems. I ask the Chief Secretary to comment about that.

Prisoners at Yatala have indicated that they are unhappy and not satisfied with the legislation. They have indicated that they want some changes. They are concerned about retrospectivity and a number of other issues. I am not suggesting for one moment that the passage of this Bill will satisfy the prisoners. Obviously, the Government and the Chief Secretary are listening to a small group of hardened criminals who are laying down the law in regard to the running of our prisons. I believe that it should be the Government that runs the prisons. It is quite obvious that a small group of prisoners believes that it has the Chief Secretary under its little finger: it is issuing the instructions and the Chief Secretary is at its beck and call.

An honourable member: They have even set up their own A.L.P. branch.

The Hon. D.C. WOTTON: That is an interesting point. It was interesting to see in this morning's *Advertiser* that an A.L.P. branch is to be set up at Yatala. I presume that the Chief Secretary will be the patron, and there could be branch votes for the next preselection.

The SPEAKER: Order! This sort of reflection does nothing for the dignity of the debate, and is not relevant.

The Hon. D.C. WOTTON: I do not think that it hurts to bring to the notice of the House the fact that an A.L.P. branch has been set up at Yatala. I wonder whether it will prove to be the voice for activities at Yatala. I wonder how it will relate to the prisoners' representative committee. One could speculate for a long time over it.

I suggest that the current unrest in the prisons is in no way due to either defects in the parole system or defects with the board's administration of that system. The present parole system operated without complaint well before the current unrest, which is of relatively recent origin. We have been told on a number of occasions that in Victoria and New South Wales the parole system is running well. We are told that, apparently, superior parole systems are in force interstate. However, in reality we recognise that there are problems interstate, just as there are problems here in South Australia. The public criticism of the Parole Board and the prison system, along with the unrealistic prisoner expectations, is more likely the cause for the concern that is being expressed and the present unrest at Yatala.

This Bill is a very complex piece of legislation, and the second reading explanation seems quite ambiguous. I do not think that I am under-estimating the situation when I say that there are few people in the community, and probably very few in this House, who really understand the Bill and what the parole system is all about. There is a great deal of confusion. I have had very little time to contact people, but the people who contacted me prior to the introduction of the Bill (following the release of the discussion paper by the

Chief Secretary some months ago) asked to discuss the matter with me, and for me to provide answers to the questions that they might have with regard to the legislation after it had been tabled. I have had little opportunity to do that, but I assure the House that there is a great deal of confusion in the electorate generally regarding the legislation.

The discussion paper released by the Chief Secretary was contradictory in a number of areas, and I have already highlighted those areas of the Bill that seem to be contradictory. Earlier today I asked the Chief Secretary about the release of the discussion paper to lawyers in the Supreme Court. In reply, the Chief Secretary indicated that it referred to the discussion paper released generally. The President of the Law Society is reported in the *News* today as saying:

I can't work out whether the courts are setting the sentences, maximum and minimum, and someone has to sort out what happens in between.

Surely that backs up the fact that the discussion paper was poorly constructed and confusing. It is contradictory in a number of ways.

I have received copies of submissions that were forwarded to the Chief Secretary and the Government in response to the discussion paper. One came from the Australian Crime Prevention Council, a very vocal and responsible group concerned with the parole system. That group has served the community well. It is a lengthy submission, but it is important that it be placed in *Hansard*. It states:

We have been given to understand that the purpose of parole was to assist offenders to assume a law-abiding lifestyle outside of prison confinement whilst at the same time ensuring the protection of the community from further attacks. Because of their personal suffering at the hands of Worrell, and other offenders, our members have scrutinized the proposals to check whether that protection of the community has been improved, unsuccessfully.

The new proposals may have been designed to end the uncertainty of release dates for prisoners, but a major result will be the substantial reduction in time served by all prisoners. It is then no wonder that the proposals have met with the approval of the prisoners action group. This privilege, once it is introduced, will be difficult to withdraw should experience demonstrate its disadvantages.

It is all very well to say 'We will introduce it and see how it goes'. It will be difficult, having introduced that privilege, to withdraw it should experience demonstrate that it is not successful. The submission continues:

Offenders sentenced to less than 12 months imprisonment who constitute the greatest number of entries into prison will have their eligibility for release on remission increased from 33 per cent to 50 per cent, that is, on conviction they will qualify for complete discharge, subject to certain conditions, on serving one half of what their judge ordered. This lessening of custodial time not only makes the judge's determination of the appropriate sentence something of a farce, but it bluntly disregards the community's view consistently expressed in opinion polls that sentences should be longer.

For those who commit sufficiently grievous crimes against society that the judge orders sentences longer than 12 months, release on parole will be facilitated. Again this proposal is in direct conflict with public opinion polls which show that the community wishes parole to be harder to get.

The most recent study on prison sentences and public opinion appears to be that by John Ray of the University of New South Wales, which was published in the *Australian Quarterly*, summer, 1982. He discovered that length of sentences thought appropriate by his respondents was independent of demographic and personality variables of his subjects. To be punitive did not mean that the respondent was old, ill-educated, neurotic, male or working class. He concluded that people in general want far more severe sentences than the courts impose.

Parliamentarians are usually most sensitive to the state of public opinion, especially in the troublesome area of law and order, so that it is difficult to reconcile the present proposals with what the community demands. The Secretary of the Australian Government Workers Association in this State, Mr G.T. Young, has described the proposals as a 'pallative, short term wise'. That is an assessment which is shared by some of our members. The timing suggests that the proposals came about primarily as a result of the prisoner's discontent with the present system—a discontent which was demonstrated by riots and fires.

They wanted the S.A. arrangements for parole to fall more in line with those operating in Victoria and New South Wales. A quick reading suggests that this has been achieved in the new proposals.

As I said earlier, I will refer to that a little later on, because that is certainly not the case now.

Mr Mathwin: It hasn't stopped the riots.

The Hon. D.C. WOTTON: Of course it has not, and it will not. The submission continues:

Certainly if there is no other way to stop prison buildings from being destroyed by fire, concessions like these may be worth granting. The discussion paper, however, does not point out that notwithstanding the better parole conditions in the two Eastern States, both continue to have riots and prison fires.

The recent history of aircraft hijacking has shown the foolishness of a policy of appeasement, for surrender merely provides a temporary halt until the blackmailers think up fresh demands. The *Age* newspaper, 8 September 1983, reports the latest demands from the prisoners action group at Pentridge include free access to female convicts.

The discussion paper describes the proposals as 'a radical shift of policy'. Any assessment of them should therefore include consideration of all the more relevant aspects, not all of which are covered in the paper. One deficiency, as pointed out by the Anglican Archbishop, Dr K. Rayner, is the absence of discussion on the underlying philosophy of parole. Dr Rayner stressed the necessity for this to be clarified if prisoners and community are to have the same expectations.

Knowledge of this philosophy is important for it bears directly on whether parole should be continued as a practice. The concept of parole sprang from the idealistic belief that prison could reform its inmates. Parole was a final step in that process. The doctrine of rehabilitation is now almost universally recognised as unworkable, and there is increasing recognition of the social necessity of making the punishment fit the crime.

I could go on with the submission, because I believe that it is excellent. It clearly spells out the current situation. Let us consider the present situation and what has happened as part of the background. The present parole system was introduced in 1969 by a Liberal Government, with the full concurrence of Parliament. It has been said that the system reflects the acknowledged retributive, rehabilitative, preventative and deterrent aspects of prison sentences and is a system which permits individual treatment of individual cases at the post sentencing stage.

In 1981, again with the full concurrence of Parliament, the Liberal Government legislated to introduce compulsory fixing by the courts of non-parole periods and introduced a system of conditional release. Conditional release, as members would appreciate, is earned on a monthly basis. I will say more about that later. A prisoner released from prison under this system is liable to serve the unexpired balance of his sentence if he reoffends while on conditional release. It also means that a prisoner is virtually subject to the whole of his sentence of imprisonment. The sentence imposed by the courts will, therefore, in the words of the Mitchell Committee 'mean what they say to a greater extent than was the case previously'.

The Bill introduced by the Chief Secretary introduces a system of automatic release whereby the Parole Board is obliged to order that a prisoner whose non-parole period was fixed before this amendment comes into operation shall be released on the expiration of the non-parole period. Also, a prisoner whose non-parole period is fixed or extended after that commencement shall be released on parole upon the expiration of his non-parole period, which is reduced by any remission he may have earned during that period.

Prisoner support organisations, as I said earlier, have suggested that much of the unrest presently in our prisons results from a lack of certainty in the system. They have continued to say that. We have heard that over quite a considerable period of time. As I said earlier, publicised criticism of the present parole provisions and unrealistic

prisoner expectations, based on that publicity, I would suggest, are a more likely cause of prison unrest. I think that we should appreciate that certainty and flexibility do not go hand-in-hand. In order to achieve its aims, I believe that a parole system (which includes the rehabilitation of prisoners) must include a reward for good behaviour in prison, release from prison on compassionate grounds, and so on. Of necessity that system must be flexible. There have been many examples in the media of unrest in the prisons that has been blamed on the parole system and the Parole Board.

In April this year a former Yatala prisoner, Clifford Pickup, was quoted in the morning paper as saying that he was prepared to risk losing his recently-won parole to expose gross mismanagement of people's lives by the South Australian Parole Board. He said that the Board was the major reason for prisoner unrest at Yatala and that his own case exemplified complaints prisoners had of the Board, and he went into some detail. I refer to an editorial in the *Advertiser* on Friday 15 April, as follows:

> It may be that this feeling has been promoted—

and we are talking about the unrest at Yatala—

> to a great extent by false expectations following the introduction of a fixed non-parole period in each case. Some prisoners may have believed themselves entitled to a more or less automatic release on the expiration of their non-parole term. That is an unrealistic expectation, neither required by law nor supported by the practice of the Parole Board, which releases only about one-third immediately.
>
> The non-parole period requirement seems, in fact, only to have heightened the uncertainty surrounding the operation of the parole system.

Another article suggests that the Department itself was concerned about fixed non-parole periods and that uncertainty over release was causing anger among South Australian prisoners. It was said that the parole officers were copping a lot of flak from prisoners because they were refused parole at the end of their non-parole terms.

As I have said, we have seen numerous examples in the media which have gone into some detail indicating the unrest of prisoners. It has been suggested that that has come about as a result of the parole system and the Parole Board. Let us consider the allegations made by some of these people (along with some of the comments generated by the discussion paper), because there have been a number. Many people have been quite vocal about this matter.

As I said earlier, I believe that certainty and flexibility cannot possibly go hand-in-hand. The parole system, I would suggest in order to achieve its aims, which include the rehabilitation of prisoners and the reward for good prison behaviour, must of necessity be flexible. Parole board decisions are as predictable as are the decisions of sentencing judges. I guess that one of the major differences between the philosophy that we have on this side of the House and the policy that has been indicated by the Government is that we are still of the opinion that parole should be a privilege and not a right. Many concerns have been expressed. It has been said that under the present regulations prisoners have too long to wait between parole applications. The Parole Board can, of course, reduce that time if special circumstances pertain. The regulations can be (and are) flexibly applied by the Parole Board to meet individual needs. Any reduction of the time between parole applications would further overload the board with applications.

The criticism even of valour is no justification for automatic parole. It is said that significant numbers of prisoners do not make applications for fear of rejection and the associated trauma caused to their families and themselves. It was indicated, I understand, in a submission forwarded to the Chief Secretary from the Parole Board that there was no evidence of that happening. I would suggest that if anyone is going to be able to have evidence, they should. This allegation is quite inconsistent with the large increase in Parole Board business for the year ended 30 June 1983. I presume that most members of the House would have received a copy of the report of the Parole Board of South Australia for the year ended 30 June 1983.

Mr Mathwin: It is a pretty honest report; someone will probably get sacked for it.

The Hon. D.C. WOTTON: It is a very honest report, containing factual and excellent information. I was interested in the statistics that indicated that, despite public dissatisfaction expressed in relation to parole legislation, more prisoners sought consideration by the board than ever before during that 12 month period. Case load considerations increased by 31 per cent from the previous year. Yet, allegations are still being made that significant numbers of prisoners do not bother or are too frightened (or for some other reason) to make application for fear of rejection and the associated trauma. The graph at the back of the report indicates quite a dramatic increase in 1982 and 1983. I would suggest that that is probably the biggest jump since that which occurred between 1973 and 1975. It is a quite incredible increase.

Some people have maintained that there is no appeal mechanism in regard to decisions made by the board. Only recently I received a letter wherein this was stated. However, that is simply not so. The Prisons Act regulation 14 *(d)* overcomes the problem. The board does revise its decisions, and on occasion allows appeals. Statistics on this are available, and, as I have pointed out, the board publishes an annual report. Notwithstanding this perceived major criticism, proposed new section 77 provides that there will be no appeal. Of course, that was a matter of major concern when the discussion paper came out.

It was also said in the discussion paper that 'non-parole period' is viewed by some judges as being the period of sentence to be served in custody. It is maintained that the present section 67 inclines the board to reject that view of the non-parole period. That provides fuel for the argument that the sentencing process is being interfered with, and that prisoners are placed in a situation of double jeopardy. I suggest that this is a misconception, because the Parole board is required by the present legislation to heed sentencing remarks, and does so. Judges are not ignorant of the present parole system. It can be presumed that they know that release on parole is in the hands of the board and not the judge.

As I have suggested, parole is a privilege and not a right. There is no double jeopardy. A prisoner is to serve the sentence fixed by the judge. After the non-parole period has expired a prisoner may be granted the privilege of parole. The fact that that privilege may, in the public interest, be denied him does not further jeopardise him in any way. The granting of that privilege lies with the Parole Board, which has regard to changing circumstances and which receives ongoing information and progress reports that, naturally, are not available to the sentencing judge. The board assesses prison behaviour and prison progress, and the most up-to-date post release plans and other relevant matters. Again, such information is not available to the sentencing judge.

Surely, the board is better placed than is the sentencing judge to assess fitness of a person to be released on parole at the time of proposed release. Of course, automatic parole will deny this. Again, it is said that the board does not usually interview applicants and that the paucity of reasons given for the board's decisions leads to increased resentment and speculation. How many times have we read that? It is further said that much of this emotion is vented on parole officers and that the parole system appears capricious and mysterious. The board has made the point that if any

breakdown in communication has occurred, it is not the fault of the board. We know that by the leave of the board, the Department of Correctional Services has an observer present at meetings and is informed of the board's decisions. The Parole Board secretary informs the prisoner in writing of the board's decision, and although there is no obligation on the board to do so, short reasons are given.

I have outlined some of the accusations made against the prison system and the Parole Board. It is pleasing to note that on a couple of occasions the Chief Secretary has made quite clear that he did not blame the board for the unrest that has been caused.

Mr Mathwin: That is not what he said after the fire.

The Hon. D.C. WOTTON: He has come out and said that it is not the board's responsibility, but he has certainly come out and blamed the system. As my colleague the member for Glenelg has said, that, in turn, can represent a reflection on the board. I repeat: parole is a privilege, something that should be worked towards, and not necessarily a right. The Chief Secretary seems to smile every time I say that. I would like him to indicate why he does not believe that that is the case. That is obviously the case, and I would be interested to know why. I believe that to grant parole as a right will be to undermine the justification of the parole system altogether.

Let us look at what is happening interstate where we are told frequently that everything is all right. Some time ago we saw a press release from New South Wales which said that the New South Wales Government was considering radical alterations to the State's parole system that would cut the present prison population. We read that major recommendations proposed the abolition of the traditional parole system for offenders who were sentenced to three years or less. The recommendations were compiled by the Corrective Services Department and were being held for further discussions. The recommendations provided that offenders serving such offences at the time the new legislation took effect were to be automatically released, on licence, at the expiration of their non-parole period.

A little later on we saw another headline, which stated 'State drops early prison release after public outcry'. I was in Sydney at the time of this release. There certainly was a lot of concern expressed about automatic release at that time. The release states:

> The New South Wales Government's Policies and Priorities Committees will tomorrow examine proposals to stop the early release of prisoners. The Premier, Mr Wran, told a press conference yesterday new legislation would abolish parole for sentences of under three years and set down guidelines for closer adherence to non-parole periods set by judges in court.
>
> The Government is taking into consideration the concern of the public and the judges about the early release system. A few have breached the system and, as a result, the majority suffer. The system of early release as practised in recent months has ended for all practical purposes. The public was concerned and expected the Government to act. 'The Government has acted', Mr Wran said. Mr Wran described the Government's move to change the early release system as a progressive step. The Government had set out to examine the system a long time ago. It was concerned at the number of early releases and the public's reaction to them. Under the circumstances, Mr Wran went on to say, he did not think that the Government could stand by and do nothing.

Later again, and only this week I understand, new legislation has been introduced into the Parliament in New South Wales, and I presume that the Chief Secretary would know about that. Again, unfortunately, I have not had the opportunity to acquire a copy of the Bill, but I have spoken to some of my colleagues in New South Wales, who have given me some information.

As I understand it, the provisions of the Bill indicate that no parole is issued under 36 months. They were reverting to a parole board of seven members, the membership of that board to include two judges, four community representatives, and a nominee of the Commissioner of Police. That is interesting. They have a nominee of the Commissioner of Police. This is a Labor Government in New South Wales. All prisoners who have been given specific non-parole periods will have their case considered. The Parole Board, we are told, under the legislation has absolute discretion. If parole is rejected there can be an appeal to the Court of Criminal Appeal, but only on the basis that the board's decision was founded on false or distorted information. The Parole Board must inform prisoners why parole was rejected. The new system will apply only to prisoners sentenced after the date of the introduction of the legislation and—this is interesting—a special standing committee is to be established in New South Wales to report to the Minister of Correctional Services and to the Attorney-General within 12 months on the success or otherwise of the scheme. A 'release on licence' board is to be established. The nine members will be chaired by a judge of the District Court, and it will have four community representatives, three representatives of the Department of Correctional Services and, again, a representative of the Commissioner of Police.

It is interesting to note that, in the setting up of that board, there is no provision for the Minister to exercise discretion or have any overriding powers, and the release on licence will be considered only on strong compassionate grounds or under extenuating circumstances. So, we can see where New South Wales appears to have changed direction quite dramatically. It has looked at an early release system. The public has reacted to that, and now there is to be a return to a system that I would suggest is more closely aligned to the system that we now have, so we see what is happening with another Labor Government in another State.

As I said earlier, one of the major problems that I have had in what I described earlier as a contempt of Parliament is that a number of people have asked me to contact them when the legislation was tabled so that they could find out how they could learn more about what the legislation is really all about. I know that the majority of the people feel uneasy about this legislation and are very uneasy about more leniency being given to prisoners generally.

The Bill repeals a provision for conditional release and in its place substitutes the new section dealing with remission of sentence. I have already spoken about that. We understand that a prisoner serving a non-parole period for a sentence of life imprisonment will be able to earn up to 15 days a month remission. Conditional release has not yet been brought into operation, so we have not had the opportunity to see how it would work. However, for reasons indicated earlier, I believe that this system should be able to continue to be supported in preference to the proposed remission of sentence provision, and I will say a little more about that later.

Two new clauses are introduced, as I understand it, at the request of the Parole Board. The first empowers the board to cancel warrants that have not been executed (and I understand there is good reason for that). The second provides the Governor and the board with power to vary or revoke the parole condition of a person who is serving a sentence of life imprisonment. I understand that incidents have arisen in recent times when the board has felt that it was necessary to vary or revoke a parole condition.

The Bill makes provision for a slightly differently composed Parole Board, with a Chairman and Deputy Chairman. It is proposed that the Bill, because, I presume, of the vast amount of extra work the board is going to have placed on it as a result of this legislation if it is passed, will enable the board to split in two. I have some real concerns about that. I cannot see the reason for setting out the requirements of a board if in fact it could mean that the board could be

halved to consider some of the very difficult decisions that will have to be made.

It concerns me that nothing is set out in the Bill that indicates any special qualifications for the Deputy Chairman. It is made clear that the Chairman will chair one of the split committees of three, and the Deputy Chairman will chair the other. The Deputy Chairman's position will be a very responsible one but the Bill does not refer to the qualifications that the Deputy Chairman would need. I suggest that the Deputy Chairman should have similar qualifications to the Chairman. The Bill states that at least one of the members of the Board must be a person of Aboriginal descent. It also provides that a prisoner or parolee will be entitled to have legal representation before the board in a cancellation proceedings or an application for discharge from parole.

I am concerned about both those matters. I do not want it to be seen in any way, shape or form that I am against Aborigines being represented, but I believe that to recognise people of Aboriginal descent as a special category of prisoner by obliged participation on the board is undesirable. I suggest that many different ethnic groups could in the future seek representation as a consequence. That is only a minor point. My major point is that, although the Aboriginal population in prisons is comparatively large, I understand that it is generally for minor offences and generally outside the activities of the Parole Board. Surely, more can be achieved for Aboriginal prisoners—and I totally appreciate that that needs to be the case—by Aboriginal parole officers than by compulsory participation on the board. In any case, from what I can see, there is nothing to stop the Government appointing a person of Aboriginal descent to the Parole Board under the current legislation if it really wanted to. I do not think for a moment that it is necessary to state that an Aboriginal needs to be put on that board.

I should have mentioned earlier, when I was talking about release, that I am led to believe (and the opportunity will be provided for the Chief Secretary to confirm this) that the legislation would mean that the new provisions would not apply to prisoners currently in institutions. I presume that this is why there is some discussion about the need for the Bill to be made retrospective. I am concerned that in the future we may have a situation where a person is committed for a 20-year non-parole period who could, in fact, serve out 12 1/2 or 13 years, or whatever the case may be. In other words, we are looking at the 15 days out of 30 boiling down to half the sentence being served. I do not believe that that is what the South Australian public wants.

I also refer to the present contribution of the Police Department in regard to the the Parole Board. I believe that the Police Department supplies important and relevant information that would otherwise not be available to the board. I can find no provision for this to continue, which concerns me. I will ask questions about that later. If due consideration is to be given to our responsibility and need to protect the South Australian public and to hold down, if possible, recidivism, it would seem to me that some of those who have offended, and who are now having a great deal to say about parole conditions probably would not be seen as appropriate candidates for early release, even if earlier supervised release from their present sentence was made available. Parole should represent conditional release from a prison which, in fact, separates an offender from the community and the outside world.

As a result of this incarceration, the prisoner is provided with very little opportunity to exercise responsibility. Therefore, I see effective parole as being a process which assists the prisoner in his return to normal society, while at the same time serving a period in the community under supervision, subject to restrictions and conditions designed, first, for the prisoner's rehabilitation and, secondly, for the defence of society. I, and the Opposition, have a number of grave concerns about this legislation. For that reason, we will move to amend it substantially during the Committee stages. I hope that the Chief Secretary and the Government will recognise that a large percentage, I believe the majority, of South Australians would support our amendments.

I hope that the Chief Secretary gives serious consideration to those amendments when they are brought forward. If the Chief Secretary and the Government are not prepared to accept the amendments, particularly the major ones, we will have to reconsider our position as to whether we support the Bill when it comes to the final vote at the third reading. At this stage, I support the second reading of the legislation to enable those amendments to be brought forward.

Mr MATHWIN (Glenelg): This Bill really, in effect, is about two sections of the community—the prisoners or committed offenders and the community itself and those in need of protection such as victims of crimes. It is all one way in favour of the convicted offender. It would put the community at risk. A press statement was released to con the public and the press, written, no doubt, by some enthusiastic amateur expert, and one can see that its contents were untrue. It did apparently con the *Advertiser*, and I was surprised to see that it was supported, in a way, by Des Colquhoun. The article is headed, 'Plan for courts to set parole', and reads, in part:

> South Australian courts will determine the amount of time a prisoner will spend in prison under proposed changes to the State's parole system.

The Chief Secretary reported as follows:

> We are merely ensuring that the trial judge or magistrate is the one who determines the length of time an offender spends in prison. The present system of parole appears to subject prisoners to double jeopardy.

If people want to read it that way, they can. The great majority of prisoners are not juveniles; they know all about the world, as they know about parole and prison. If the Chief Secretary is trying to tell me that the prisoners do not understand the sentence of the court when it is given, then he is more gullible than I thought he was. The report also says:

> The Bill would place with the courts the responsibility of determining the length of time a prisoner would serve.

It goes on to say:

> The Government believes that the courts and not the board should have that responsibility.

Why has the Minister not done that in this Bill, because in plain fact he has not done that? He has put the power of the time a prisoner serves in gaol with his Director of Correctional Services.

With all due respect to the Minister, I think, from my reading of it, that it is an effort to decrease the number of prisoners in the prisons. I think that is the basis of it. It is a sop to the convicted offenders. Maybe, as we saw in the *Advertiser* yesterday, it is also a sop to the A.L.P. branch of the prisoners at Yatala, because we see in a report of the *Advertiser* on Thursday that prisoners are trying to form a sub-branch of the A.L.P. in the Yatala Labor Prison.

The SPEAKER: Order! I have already called the attention of the House to the lack of necessity of degrading this debate. This is reminiscent of New South Wales, if we are going to carry on in this vein. I have drawn the attention of the House to the lack of necessity to refer to criminals becoming part of political organisations, whichever side of the House is involved.

Mr MATHWIN: I believe that the Government has put the financial aspects first in relation to this situation. Those of us who know anything about prisons and the system

know that it is a very expensive commodity. It costs money to catch the criminal. It costs money to try him. It costs money to protect him in the trial, and it costs money to house him. It puts the front line forces, the officers in the gaols, in a very difficult situation, because their job is very difficult indeed.

I believe that the increasing high cost of housing these people has been one of the aspects to which the Minister has given a great deal of priority. This Bill causes me great concern. Although I sensed a smile on the Minister's face when the previous speaker mentioned the quote which is often used, I will mention it, too. Parole must be regarded as a privilege. It is a privilege, not a right. It must be earned. Let us take the situation as it is now. Any sentence given out over three months must have a non-parole period attached to it. I believe that the community, the offender and all concerned, the public and the victim, understand what that means. Take, for instance, a sentence of three years with a one-year non-parole period. What the judge is saying is, 'What you have done deserves three years gaol, a loss of freedom for three years, but it is possible that you might serve less time. The very least time you must serve is one year.' That is what a non-parole period means. This Bill alters all that. If this Bill goes through how can we talk about a non-parole period, because it will not exist?

It takes it out of the hands of the court which has defined the minimum time that he must be in prison as one year, and puts it in the hands of somebody else. That is very wrong. It is a pity the Minister did not explain that situation in his press report because what he has done is not to give the court the opportunity to set the period, but he is allowing that to be changed and lessened, not by the court but by somebody else. That is quite wrong. The Department will determine how long he will stay in.

So, the sentence is determined by three different bodies: by the court, by the Parole Board and by the Director. Each one of those is a decision-maker, and that is wrong. The Bill gives automatic release and I believe that that is also wrong. It should not be automatic. I know that it is Labor Party policy, because the Parole Board Report says:

> In early 1983 the Chief Secretary, the Hon. G.F. Keneally, advised that he initiated a review of the South Australian parole legislation in accordance with parole operations in other Australian States. South Australian Labor Party policy was for automatic parole, release at the expiration of the non-parole period of sentence, and the reconstruction of the Parole Board operations in association with comprehensive rehabilitation and supervision programmes.

The Minister does not define what rehabilitation is, but that is their policy because the Minister has said so and it is in the report of the Parole Board. I understand the Minister has given that report of their policy to the judges and the like, but the Bill simply removes the police from playing any part at all. They have no role at all in this legislation. I would like to know what is the role of the Parole Board after this legislation, after they have divided into two parts.

That is a nice situation. There is a judge as the Chairman of the Parole Board, and there is no definition of the qualifications of the Deputy Chairman. So, there will be two Parole Boards, with a judge sitting as a Chairman on one with perhaps a layman on the other. Should there be a difference between the two boards, the parolees will have an excuse for becoming discontented with the system should they not receive the same consideration. The two officers will have to be very similar indeed. After the Parole Board has been divided into two, and the 80-odd people go to the Parole Board and have been processed, what will happen then? What will happen to the Parole Board after that? There are four objectives to be remembered in the administration of justice: reform, security, retribution and deterrent.

Parole was introduced following a period of retribution in the late 1960s and 1970; neither rehabilitation nor retribution proved to be a success. Anyone who has any knowledge of the parole system knows that there is no real success in its operation. Its objective is to try and win a few prisoners over if it is possible. I would like to quote from a publication titled *Parole: The Case for Change*, which, at page 7, states:

> *The rehabilitative ideal was at its most popular in the late 1960s and it was during this period that much legislation with an emphasis on rehabilitation was introduced. In recent years however the rehabilitative ideal, and its success and indeed its underlying philosophy, have been subject to considerable criticism particularly in academic circles.

At page 9 the article continues:

> The Parole Board in their reports have always been careful to emphasise that the granting of parole is to be viewed as a privilege rather than a right and it by no means implies early release to complete freedom. In its 1973 report the board states: 'Parole is not a right. It is an administrative modification, at the discretion of the Home Secretary—

because this publication is from the United Kingdom—

> of the manner in which the sentence set by the court is served. The individual concerned continues his sentence but in the community outside prison and subject to certain conditions'.

Mr Meier: Won't this Bill tend to make it a right rather than a privilege?

Mr MATHWIN: That appears to be what is happening with the Bill. Referring to page 2 the Minister's discussion paper 'Proposals for a New Parole System' states:

> The failure of the majority of institutions to reduce crime is contestable. Recidivism rates are notoriously high. Institutions do succeed in punishing, but they do not deter.

That is true, and neither does the reverse situation improve things. It continues:

> They change the committed offender, but the change is more likely to be negative than positive. It is no surprise that institutions have not been successful in reducing crime. The mystery is that they have not contributed even more to increasing crime.

At page 22 it continues:

> Such evidence as is available does not support the popular assumption that severe penalties diminish crime. Evaluative studies which have been carried out in this century do not provide any support for the idea that a return to the severe penological principles and practice of the past will provide more effective protection for the public.

Although in each case those definitions are quite different, they give the same result: it does no good. It might assist but there is no positive answer. There are more written words on the study of criminology and penology than on any other subject as far as I know. It has bred more experts, some of whose closest contact with the prison would have been the T.V. series *Porridge*. Great emphasis has been given to theory but unfortunately, like so many theories, it does little to alleviate the situation. The evidence remains that comparatively little progress has been made in understanding, predicting and changing a criminal. It is interesting to compare our situation with that in under-developed countries, which would shatter our hopes that education could make crime a thing of the past. It does not work that way. Any decisions based on economic constraint alone are hasty, ill-planned, ideological and questionable, and most disturbing to the morale of all involved, that is, the community, the offenders and the people who look after prisoners.

We all remember the fire at Yatala, and it cannot be blamed, nor can the trouble that has occurred at Yatala, on the parole system. I remember when the Chief Secretary was new to the job. He had previously thrashed the previous Chief Secretary for a number of years, quite unmercifully at times in this House, and quite shockingly. However, the Chief Secretary himself is now saddled with the problem. Within a few moments of his taking office we had a repetition of Guy Fawkes night at Yatala and the Chief Secretary,

clutching at anything, blamed the parole system. He put the blame anywhere but on himself. Now that he has had more experience he would know or should know that it was quite wrong of him to do so and that it was quite wrong of him to blame the previous Chief Secretary for that situation.

I wish to refer to a newsletter from the Victims of Crime, part of which was read out by my colleague the member for Murray. The newsletter states:

It is generally known that the Victims of Crime Service In South Australia emerged as a direct result of a breakdown in the parole supervision of a brutal sex offender, Christopher Robin Worrell. He and an associate, William James Miller, over a period of some months, systematically trapped seven young girls in Adelaide, deliberately murdered them, and then buried the bodies in shallow graves near Truro.

We all know that and I am sure that we all recall it with horror. The submission continues:

Worrell had been released on parole from Yatala after serving only 2½ years of a six-year sentence, and within seven weeks of his release the first girl disappeared. He died in a car accident a week after the last girl had disappeared. Our members sometimes wonder just how many young girls he would have murdered while under official supervision if he had not met his accidental death.

What consideration was given in that case to the protection of the public, in the release of that prisoner? The submission continues:

We have always been given to understand that the purpose of parole was to assist offenders to assume a law-abiding lifestyle outside of prison confinement whilst at the same time ensuring the protecton of the community from further attacks.

That is part of the job. The submission continues:

Because of their personal suffering at the hands of Worrell and other offenders, our members have scrutinised the proposals to check whether that protection of the community has been improved unsuccessfully.

Of course, they claim that they had no success in that area. The submission continues:

The new proposals may have been designed to end the uncertainty of release dates for prisoners, but a major result will be the substantial reduction in time served by all prisoners.

This will obviously be a Committee Bill, because of the lack of time one has to debate these matters (only 30 minutes each).

I mentioned the compositon of the Board and the fact that about three alternatives have been submitted. Will that qualification apply in relation to the Deputy Chairman? I hope so, because I believe that they must have the same standing: if they are not judges, they could well be legal practitioners with up to 10 years experience. I agree with the member for Murray in relation to people of Aboriginal descent being included. There are a number of Aborigines within the prison system, but most of them have been detained for minor offences and, therefore, the good that the Minister wants to do by referring to an Aborigine will not come into effect.

I believe that it would be bettter, if he wants it defined, to refer to an ethnic. There should be no other definition than that. It is possible that one could also nominate deputies for the members of the Board. It might be worth considering a wide definition, because that would allow deputy board members to be rotated to deal with prisoners from, say, the United Kingdon, Italy, Yugoslavia or elsewhere, using deputy board members who spoke that person's language. Clause 15 relates to automatic release and gives me a great deal of concern. I think that it will cause great problems. Clause 14 provides:

. . . shall not have regard to the behaviour of the prisoner while in prison.

If a prisoner cannot behave himself in prison, how the heck can he behave when he is outside? Surely to goodness one must consider that situation. I am also concerned about clause 15 (2) *(b)*, which provides:

. . . may be subject to any other condition fixed by the board or, in the case of a prisoner serving a sentence . . .

Will the condition be that the offender must stay away from his victim or a hotel, or that he must not cohabitate with other criminals? I am also concerned that a prisoner will be able to appear before the board with a legal adviser.

The offender has been through the courts, at which time he had his legal assistance: it has all been sorted out. If an offender is permitted to appear before the board with a legal adviser, that makes it quite different: it is no longer a board, and it is quite wrong. In that situation it becomes a tribunal. The offender had the advantage of legal assistance when he originally appeared in the court, to defend him or speak for him. In my book, it is quite wrong that he should have that assistance when he is dealing with the Board. It makes the board a tribunal, and that is not what it is all about. Part IVB, dealing with remission of sentence, provides:

. . . the Director shall, at the end of each month served in a prison by a prisoner . . . credit him with such number of days of remission, not exceeding 15 . . .

Fifteen days in a month is not a third, it is a half. The Minister said that is a third, and the Bill states that it is a third. Yet here we are talking about 15 days in a month—a half. I think that the Bill requires a bit of tidying up.

The DEPUTY SPEAKER: Order! The honourable member's time has expired.

Mr BAKER (Mitcham): The member for Murray gave some of the background associated with the introduction of this Bill. I make public my disgust at the actions of the Chief Secretary in relation to this matter. This Bill changes the whole sentencing procedure as constituted as far back as court sentencing has been part of the system. He has given us but a short time to consider the Bill. He has not had the grace to provide us with sufficient information, and much of the information that he has given us has been somewhat inconsistent with the context of the Bill. There are parts of the Bill that are just plain incompetent. Members on this side of the House have a great deal of concern about this Bill, because they are unaware of the Minister's intention, and he has not had the grace to explain it. He does not have the intelligence to understand that legislation drawn up in haste is bad legislation—and this is bad legislation. However, the Minister is not really interested in whether it is bad, good or indifferent. That fact concerns me.

While we were debating this issue the Minister saw fit to talk to his colleagues. Opposition members are suggesting that there are better ways of applying the principles that the Minister adheres to, although he will not listen. Although the Minister quite often attempts to be seen to be a reasonable person, unfortunately, on many occasions he fails to show true consideration to this Parliament. It appears that he is quite happy and content with the mess that will be created with the introduction of this Bill. I believe that, if we had been given more time and provided with a little more insight into the Bill, we could have done far more with it than is the Minister's intention tonight.

Some elements of this legislation will be cause for concern, either because the Minister is ignorant of their impact or because he has determined that the possible risk of impact is outweighed by the benefits provided. Perhaps I should explain to the Minister the system under which the Judiciary operates at the moment. That will then lead me to refer to what I understand to be flaws in the Bill. Since 1981 a judge has been required to set a non-parole period to apply after a three-month sentence of imprisonment. Under this Bill that period is now extended to one year. For the edification of the Minister, I point out that the non-parole period provided for under existing law in this State (and I would imagine in most Commonwealth countries) has two

principles. The first is that the non-parole period is inviolate. No prisoner can be let out during that period. The second principle is that, at the expiration of the non-parole period, the prisoner has no guarantee that he will be released from the system.

The Chief Secretary has explained to us that one of the problems with the system is that, at the end of the non-parole period when an application is put forward by a prisoner, many value judgments are made about whether the prisoner is a suitable citizen for release. That is exactly what the courts make a decision on. Two things are borne in mind: first the prisoner should not be allowed out before the end of the non-parole period, having regard to the type of crime that was committed; and, secondly, the parole system as it operates today has the provision to assess a prisoner's suitability for release into the community. Of course, the Chief Secretary very rarely pays attention to what is being said, so perhaps we are wasting our breath in making suggestions. The Chief Secretary should pay a little more attention and learn something.

One of the principles that devolves from that is that the measure before us tonight changes the whole process of responsibility. On the one hand, the Minister says it will go back to the court. To a certain extent it will. Value judgments will be made in the system about whether a person gets so many points, so many days, or whatever, credited to him by the system. The process of remission becomes the nub of the proposal. I have been given three differing interpretations about what remission entails in regard to a prisoner's entitlement. One interpretation is that a prisoner receives 15 days and that if he has not behaved or has incurred some black marks he will receive less than that. I have also heard that the remission system will provide a positive incentive in regard to a prisoner's contribution to the prison system. That means that, if a prisoner does something positive towards the system, he receives a point credit of somewhere between 0 and 15. Of course, if a prisoner puts out a bushfire or saves a life, he would probably get 15 points for the month.

If, for example, a prisoner happens to work diligently for a week, he may receive 10 days remission. Of course, in the middle, we have a mishmash of the two systems. We have had no explanation from the Chief Secretary about how the proposed system will operate. No guidelines have been set down. He has the ignorance to present a proposal to the House that will change the whole process of law. Some of the critical ingredients are whether there is an entitlement, whether it is going to be earned, what rights there are in the system and whether the courts will have to adjust sentences by a third in relation to what they would normally see as a non-parole system, to provide a safety mechanism.

The courts are going to read this legislation. Not only will they have to increase the term of the non-parole period, to provide some safety element, but also they will have to increase the non-parole period again, because they will probably believe that the prisoner can get out with that third remission. That is what the legislation states, but the Chief Secretary is not really interested. He is interested in keeping the lid on the prisons. He believes, by providing this little incentive, he will suddenly solve the prisons problem. It is simply not good enough. It displays a total lack of understanding of the law. We will take up some of these points in the Committee stages.

I am concerned that this Bill will provide for the immediate release of offenders who may present a grave risk to the community. The Chief Secretary may be willing to let the community take that risk. As the Chief Secretary would be aware, the system of fixing a non-parole period has been used for many years. Since 1981, all offenders sentenced to a period of imprisonment in excess of three months had to have a non-parole period. Prior to 1981 the courts used the non-parole period as a brake on the system. If the courts believed that the maximum sentence with a one-third remission for parole was insufficient, it would set a non-parole period. That meant that the prisoner stayed in the prison system a little longer than if he had served only one-third of his total sentence.

What we have in the system today is people on non-parole, who, by the time this legislation comes into operation, will have exceeded the non-parole period, because either, first, they have been assessed by the Parole Board, which has decided that they should not be released, and, secondly, there are prisoners who do not want to come under the parole system because they prefer to have their remissions and be released with no encumbrances at the end of their sentences.

The Chief Secretary wants to release these people into society. That is stated in the Bill. The Chief Secretary will be questioned in the Committee stages, and he will have to name the people who are involved. Those people have been specifically excluded from the system as it stands today. You might smile, Mr Keneally—

The ACTING SPEAKER (Mr Whitten): The honourable member for Mitcham will conduct this debate properly. He will not refer to 'you' or 'Mr Keneally'. He will address the Chair.

Mr BAKER: The Minister, despite his smile, I hope shows some concern about his actions here tonight and in relation to what is proposed in this Bill. I hope that wisdom prevails and that the Minister will fix up the anomaly. I repeat the point as it is difficult to understand and this is a difficult Bill. There has been little time for members to consider it and to come to the nub of the problem in the time allowed has been difficult. Essentially, people in the system who have not been given a non-parole period will be assessed according to the terms of the new Act. That will be a matter of judgment for the Minister as to whether or not this new arrangement will provide some of the things that he believes will assist in the present system. Members on this side of the Chamber are opposed to it as there are basic flaws in the argument.

Let me return to the fundamental point I was trying to make earlier. Under this system, people who already have a non-parole period, if it expires before the Act comes into operation, will be released. Generally, these are the type of people we do not want on the streets of Adelaide. I am not saying that about them all; it is probably somewhat less than 10—I do not know. The Chief Secretary will be able to inform us, when we come to the Committee stages, how many people have passed their non-parole period.They may be manic depressants or people who present grave risks to the community. Under this proposition the Chief Secretary is quite willing for these people to come out of the system. Warnings have been given by members opposite that if we do not pass this legislation there might be another burnt-down gaol and that we, on this side, will be blamed.

An honourable member interjecting:

Mr BAKER: Some things have been alluded to by various members. I wonder whether the Chief Secretary is willing to publicly take responsibility for his actions if this part of the Bill is allowed to proceed as is. The press seems to be totally uninformed about the content of the Bill. I was amazed at the three or four editorials in the *Advertiser*, having never seen the Bill yet giving its blessing to the measure. They do not know what the Bill contains. A statement was made on the intent of the Bill, and apparently they thought it sounded like a good idea, did not bother to read the Bill, and did not want to understand it. But, someone has to understand that the anomaly being created

is serious. I hope that, despite my comments about the Minister he will see his way clear to redress the situation. Of course, there are a number of other anomalies, particularly the bad drafting of the Bill. As I said, legislation conceived in haste is inevitably bad legislation. This is bad legislation because the Chief Secretary has not had time to consider some of the matters contained therein.

I do not wish to repeat what the two earlier speakers said, but I believe it is important to discuss some aspects of the Bill so that, when we reach the Committee stages, the Chief Secretary will be adequately prepared to argue his case for the provisions under the Bill. The first matter I take up is the Minister's express intent to relieve himself of the existing board and constitute a new board. That ground will be covered in Committee. I believe that it is far better, if the system has a changeover period, that there is some continuity to use the expertise on the present board. The Minister did not indicate that the Parole Board is incompetent; in fact, he said on occasions that it does its job well. If it does, why should there not be a changeover period with the normal effluxion of time which brings new membership to the board?

He has not explained that. Racist overtones are contained in the Bill which refers to a person of Aboriginal descent. As the Minister would be well aware, whilst the Aboriginal population is a very large proportion of the total prison population, because of the many short-term offences, in terms of this legislation in number it is fairly insigificant when talking of parole, particularly relating to a one year period. We are not talking about a significant group in the parole system. Even if we were talking about a significant group, other areas deserve attention. Other expertise could be made available to the Board.

The problem of separate divisions has already been canvassed. This would create a heavy work load for the Parole Board. The problem of the Deputy Chairman's qualifications raises the question of whether the divisional boards will sit on contentious cases. Division of the Parole Board is not in the best interests of prisoners, the board or the correctional services system. It could well be that there would be occasions where divisions would not upset the parole process; for example, in non-difficult cases.

In principle, the Opposition is opposed to the measure because we have no explanation of its intent from the Minister. Certain things have been left out in drafting the Bill, and we have provided small amendments, which relate to such things as the word 'and' being left out of clause 13. Under that clause the Minister will give the Parole Board a horrific work load. He will sentence the board to reassess everyone who returns to the prison system. That is under section 42nf. The Minister does not understand what he has included in his Bill. Elsewhere in the Bill it is provided that people who re-enter the system will be interviewed and reported upon, which will make extra work.

What happens to those already in the system who have a specified non-parole period? I mentioned those whose non-parole period would expire by the time the new Act is introduced, but what about those whose non-parole period expires during the early months of its operation? Under the Act they are entitled to release as soon as their non-parole period is concluded. The order was made originally to provide for a minimum period of incarceration plus assessment at the end of it. Everyone in the system today who is in a non-parole situation obviously will benefit from the proposals. I am not sure whether the Minister wanted that. Positive discrimination will be shown towards those people who have caused the most damage in the system today. There must be reward for effort. The Minister will give reward for effort because he will let people out under a system which, when the original sentence was passed, provided no right to a non-parole period. Those prisoners have to be reassessed before the Act comes into operation.

I have covered the interpretation of the law which, prior to this Act, has always provided that a prisoner would not be released before two years. If he is not suitable for release he will be retained in the system. There is no provision for that, even though reference is made to a Crown appeal against the non-parole period.

So there are a number of areas that have not been explained very well. For instance, there is a suggestion that when prisoners were coming up for their assessment of non-parole, regard shall not be paid to their behaviour while in prison. On first interpretation that suggested if they had been totally naughty in the system it would be taken into account in the sentence procedures. It was just not explained. There are in fact other provisions to take care of some of the problems there, but it was not explained. It is a very complex issue, and the Chief Secretary is quite willing to let the thing pass unamended, and he was not willing to explain before he introduced this Bill at such short notice what some of these things are intended to do.

I have a small amendment on the English contained within the Act. Clause 19 repeals section 42nd which does cover the case where somebody obtains parole by unlawful means. It is possible to obtain parole by unlawful means. For example, if you have a record and that record is altered, then under the system you are automatically out if the days are up. That situation is not really catered for under the Bill. The Chief Secretary prefers that to go out.

Another area of concern which is not covered is in respect of the reference to the Police Commissioner. There is a real relevance to the reference to the Police Commissioner, because, as a person with some knowledge of the system would know, when a person is coming up for release there may well be an outstanding warrant, something that says, 'If you release this man we are going to have to catch up with him again'; but that provision has been taken from the Act. When the non-parole period comes to an end under this Act he is automatically released. In fact, if he has had good remissions in the process he has already been automatically released. That gives no indication to the Police Department or anybody else that this man is going to be out of the system.

I have spent some time with the Police Department, the Correctional Services Department, the Community Welfare Department, and the difficulty in executing warrants, even when the release date was well known, was enormous. A number of prisoners who had received their freedom had to be brought back because they faced another warrant. Now it is going to be worse under this situation, because at least when parole was being set it would be referred to the police. It is unfair to the prisoner, to the police and the whole system.

Perhaps it is the case that the Minister perceived that the reference to the Police Commissioner would bring up a whole deal of matter which they believed would count against the prisoner coming into the system, but he already has an automatic release. The Crown would appeal only if there was to be risk to life or limb if the man were released, so what harm is there in reference to the Police Commissioner? It is just a safety valve on the system. It amazes me that the Chief Secretary has so many problems grasping a few of the simple points.

He seems to have been carried away with the euphoria of a new piece of legislation for a new system that will suddenly solve some problems. It will not solve those problems; they are embedded in the system. I am sure that the Minister will have some little understanding of that. It is tackling the end rather than the beginning of the system. It

is the Minister's sop to a certain group of gentlemen who perhaps deserve some form of recrimination for some of their actions in the past year rather than a reward for their effort—and that is what these provisions provide reward for.

There is a complete misunderstanding of how the system today fits together. I cannot support this Bill in its current form. A number of amendments are being moved. I have one or two others which really tidy up the English and take out areas that are inconsistent. The Opposition is totally opposed to certain provisions in this Bill because, quite frankly, there has really been insufficient time for some of the ideas to filter through.

Mr OSWALD (Morphett): I would like to place on record some of my concerns about this measure. In doing so, I congratulate the member for Murray, who put the Opposition's position very clearly and at great length. Bearing in mind the hour, I will not go into it at so much depth, but I would like to record in *Hansard* some of the concerns as I see them.

The member for Murray initially referred to the presentation of the Bill by the Minister as a farce; I would have to concur in that. The way the Bill was brought in was absolutely ridiculous. For us on this side of the House to be expected to debate the Bill at such notice and address ourselves to conditions of parole, which involves the imprisonment of male and female offenders in the system, without the opportunity of spending the time on the Bill that the Minister has spent on it, is an insult to our intelligence and is reflected in the amount of time during which we have been able to address ourselves to the very important aspects in this legislation.

The decisions taken here tonight and in the other place will reflect very much on the lives of people in the prison system and, in particular, on any chances that we will have of rehabilitation of those who are capable of being rehabilitated. It would be worth while if I pointed out to the Minister the problem that has been put to us by various speakers. Also, the Minister in his second reading explanation makes this point: the problems at Yatala are not brought about only because prisoners say that they have this uncertainty about the release date and that this has been fermenting the riots and the unrest that we have had in the prisons for so much time now.

It is fair to say that the department of Correctional Services overall is a very well-run department. If one looks around the State, the Department of Correctional Services is not just Yatala Labour Prison. It is also Adelaide Gaol, Port Augusta Gaol, Port Lincoln Gaol, Mount Gambier, Cadell and the Women's Rehabilitation Centre. On the whole, they are well-run institutions.

The whole of the problem that seems to be descending on the Department of Correctional Services comes down to the problems associated with Yatala Labour Prison. This problem has to be addressed as a total package. It is a question of looking not just at parole, but at the whole package because, when we address ourselves to Yatala, the first thing that comes to my mind is not the uncertainty of parole: the first thing that comes to me from every level of administration that I talk to is that over the course of some time now there has been this complete lack of leadership and management within the prisons system.

That leads to a lack of discipline and control which, in turn, leads to other factors, and this results in morale at the bottom line being so depleted that one finds that there is unrest. Buildings have to be considered; they are archaic and there are moves afoot to replace them. There is the uncertainty as to the date of release of prisoners, and that is but one of many contributing factors that is causing great concern. There is also a lack of programmes for prisoners, a subject on which I have spoken at great length in this House. There is the industrial complex which is only now just beginning to operate. There is also a total lack of training for staff. I refer to career planning for staff prison officers who can enter the system and make a career for themselves, and feel that they are contributing. As I said earlier, the resultant bottom line is staff morale which will reflect through the whole prison system.

It is interesting to note a press release in March this year where prisoners staged a major sit in at Yatala. They listed some 14 demands, which I will quickly run through: 25 per cent wage increase; track suits and running shoes for all prisoners; daily issues of fruit juice and a cup of soup; fresh food twice a week; more movement within prisons; prisoners to be present at cell searches; generally improved menus; tennis courts, basketball courts and turf; an end to mail censorship; work release; faster parole; improved visiting rules and contact visits for S. and D. prisoners. Out of that list, faster parole appeared to be one small item among the 14 demands made by the prisoners. On that occasion the prisoners did not mention the aspect of new buildings, which I would have thought would be high on the list.

It is not a question of parole being the contributing cause of the problems at Yatala. It is a total package which has to be addressed covering everything from leadership, management and morale of the staff through the whole strata—new buildings, the industrial complex, programmes for training and, of course, the question that we are considering in this measure before us tonight.

I am concerned with clause 15 of the Bill. It is well known (and most members who have had an opportunity to read reports on probation, parole and alternative sentencing would know) that probation does not have any significant impact on the rates of recidivism: this is a fact of life. Members will be well advised to keep that in mind when addressing themselves to this issue. A non-parole period should be what it says: a non-parole period, and it is the period that has to pass before a prisoner is released. One section that the Government is about to delete from the Prisons Act Amendment Act, 1981, lists the matters that are to be taken into account before a prisoner will be considered by the Board for parole. If one goes through that list, one has to bear in mind that a prisoner can apply to the Parole Board after the non-parole period has expired and, provided that he meets one of the seven or eight requirements, he can then be released on parole.

It is interesting that in this Bill the requirements are almost identical. They have been changed in order and slightly reworded but they are virtually identical. I could almost accept that, as the requirements of parole under the old Act and under this Bill are virtually identical, at the end of the non-parole period a prisoner could automatically be put before the Board provided he behaved himself, and the Board would consider those factors, because the factors are the same as those existing in the 1981 legislation.

However, what I cannot accept is the additional remissions that are granted to discount the non-parole period. As I said, the non-parole period is set down by the court and is the period which I believe the prisoner should spend in detention. Then, provided that he has behaved himself and meets the new criteria, we can consider that prisoner for parole. It is just not on to ask the public to expect prisoners to further discount that non-parole period. Also, I do not think it is fair to ask judges (I have not had advice on this, it is a supposition on my part) to calculate to set higher non-parole periods because they know that the gaols will turn around and discount them again.

The point was made by an honourable member about calculating the non-parole period; it was stated that it would

be done not by the trial judge but by other officers involved such as the gaol superintendent, the departmental Director and the Parole Board. It is just not true to say that the trial judge will now set a non-parole period. I accept that an incentive must be built into the system for good behaviour and that the incentive can be built in while preserving non release up to the non-parole period. The public has a right to expect some form of retribution for the crime, and this Parliament should acknowledge that.

I will not develop other arguments because the member for Murray covered them at some length. I have said enough about automatic release with remissions, including the non-parole period to which I am opposed. I refer to the ability of the Board to reduce the non-parole period. That, too, must be addressed by Parliament because it is just not acceptable to the public of South Australia at the moment. I raise the question of the Aboriginal appointee on the Board, although it has been put well to the Government. The Government should consider the position. No Opposition member is opposed in principle to that appointment, and we do not want any aspersions cast that we are anti-Aboriginal. However, it is a fact of life that about 25 per cent of prisoners in gaol in South Australia are Aborigines, but most of those Aborigines are sentenced for less than 12 months and are not considered by the Board. Perhaps we should be looking in terms of an ethnic representative, and it does not necessarily have to be an Aboriginal.

Further, I am concerned, for the reasons advanced by the member for Murray, regarding the qualifications of the Deputy Chairman. Clause 10 *(a)* lists the various qualifications and indicates that the Deputy Chairman should certainly be a man of legal knowledge, or have a background in criminology or penology so that, when he chairs one of the divisions, he has the required knowledge to act as Chairman in that capacity.

One point that should be remembered is that once the Director has allocated the number of days remission in a case that remission (to coin an expression) is in the bank and cannot be taken away by the Superintendent or the Director of Correctional Services. Therefore, if a man earns his remission and starts tripping over the traces there is no way that that remission can be taken away from him. It is in the bank, so to speak, and I think that the Parliament and the Minister ought to consider the implications of that.

I am quite keen that the police do not lose their input, either directly or indirectly, to the Parole Board. I think that that is terribly important and is an aspect which we will be pursuing, certainly from this side of the House. I am also concerned about clause 5 (5), which states in part:

> Upon the commencement of the amending Act, all members of the board shall vacate their respective offices for the purpose of enabling new appointments. . .

I do not believe that that is necessary. I am not sure that it is not a slight on the existing Parole Board members. I believe that there are some very qualified personnel on the board and that, whilst the Government probably has its reasons for such a move, the provision should be deleted. I am sure that we will also be considering that.

I think that that summarises the points I want to place on record. Finally, I reiterate my concern that this Bill, which is of such importance to the whole package of measures which will have to be undertaken by the State in addressing our correctional services problems, is to be debated so quickly. It is quite unreasonable to expect the House to consider the complexities of this measure, address ourselves to them and debate them with the length and depth necessary in such a short time, bearing in mind the importance of this measure in the long term. Once it is on the Statute Book it is an enormous job amending and changing it, because it will be incorporated into the prison system, as I keep repeating because it is so terribly important. It is just one part of an overall package to eventually reorganise correctional services in this State. I conclude by saying that I certainly cannot support the measure for the reasons I have placed on record.

Mr RODDA (Victoria): It is a bit of a new experience to me to be in this environment again. It is nearly two years since I vacated the hallowed halls of the Ministry. I was intrigued and interested to hear the Minister's opening remarks when introducing this Bill and thinking back over our palmy days together in different roles. The Minister said that he was certain that all members of the House were aware of the Government's commitment to the reform of South Australian correctional services. He spoke about that commitment taking many forms, about the proposed $40 million invested in prison accommodation and facilities through expansion of alternative sentencing options, and of administrative and legislative change.

That is indeed commendable when one considers the history of incarceration in this State. I heard people in another place talking about the Adelaide Goal, which was built in 1840 (and it looks like it, too). Of course, whilst Yatala is a secure prison, it is aged. I think that it is fair to say that in days gone by Governments, of whatever brand, did not see a lot of votes in prisons and there was a tendency to forget about them provided the fellows were kept under lock and key.

Some of the sophisticates in these places today walk through walls and leave no trace to indicate how they got out. There are ways and means. However, credit should be given where credit is due, and the Minister should be commended for the action being taken to rebuild the prison at considerable cost. The Minister referred to an amount $40 million, about which I know only too well because of my membership of a certain committee.

Mr Lewis interjecting:

Mr RODDA: We will come to that in a moment. This Bill does not break new ground. The Minister referred to the new parole system being modelled largely on the Victorian system, which was introduced in 1974 by the then Hamer Government. It also incorporates the best features of other interstate models. Harking back to the palmy days the Minister was what when, I called my press officer (because never a day passed without Mr Keneally having something to say), I refer to *Hansard* of 17 February 1981 (page 2888) where the present Minister, who is in charge of the Bill, is recorded as saying the following in regard to the Prisons Act Amendment Bill, which I introduced:

> If members are expected to vote on that part of clause 3 relating to conditional release, it is not unreasonable for the Committee to be told exactly what the Government means by 'conditional release'. Also, it is not unreasonable for the Committee to be told what the Government hopes to achieve by implementing its policy of conditional release; nor is it unreasonable for the Government or the Minister to tell the Opposition where it is wrong in its attitudes and arguments regarding conditional release as opposed to the current system of remissions.
>
> The Opposition has put clearly what we belive to be the benefit of the remissions system. The Government is anxious to change that system. It ought to be able to tell the Committee why it is changing from remissions to conditional release. Yet, no matter how many times Opposition members ask the Minister that specific question, he either deliberately misunderstands or evades the question altogether. That is not, to my mind, the way in which Parliament should operate. As I said earlier, it is a contempt of the Committee system.

That is a relic from the past. The Bill was amended with regard to the remission system. The regulations have not yet been proclaimed. The approach to this matter has been very piecemeal. I do not take credit from the Government in relation to this matter. I commend the member for Murray for the way in which he has put the Opposition's

point of view. I do not want to reiterate what has been said, except to say that the Opposition is considering what the Minister wanted to do two years ago. Conditional release is being struck out, and there will be remission of sentence. That is the nub of the Bill.

In his second reading explanation the Minister referred to three main principles, the first being that the court will have the responsibility of determining the length of time a prisoner will serve in prison. Currently, some of the responsibility and power in this area is vested in the Parole Board, and many have argued (and the Government concurs with this view) that the Parole Board should not have this responsibility. The member for Murray put it in a nutshell when he said that the sentence imposed by a judge should run its course.

This is where we are at variance. This system is going to apply *carte blanche* to all sentences with few exceptions in a determined area. That is in the Bill and I acknowledge it. I hope it works for the sake of society. The Minister is aware of responsibilities in this area. We have heard about the 15-day proposition which is causing some concern in the community, particularly with some of the horrendous things going on currently. The Minister is not insensible to that. Some of these matters are before the courts and it would be improper for me to allude to them. People watch where they go in Adelaide at night and they are wise to do so.

If we are going to let out some of these people on a remission of sentence, the public will be at risk. There has to be some differentiation. I do not think that a remission of sentence will pick that up; the $40 million project is a practical way to segregate, although it will take a number of years to get to that stage. The hard-core prisoners must be segregated. Nothing has been said about those who look after these people. The Minister is not insensible to their wants. When Minister I lived close to those people. I have a copy of an article from the *Standard* given to me by my colleague Michael Wilson. It is dated 30 November and features the headline 'Yatala set to explode!', and it states:

> Situation is tense and hateful: prison officer violence threatens to erupt at Yatala Labor Prison, setting the stage for what could be a bloody Christmas.
>
> Strong rumors that gelignite bombs have been planted about the place and that the entire gaol may soon be set ablaze have sparked calls of immediate Government action to quell the prison's long-standing problems.
>
> Prison officers are seeking more disciplinary powers and continue to plead with the Government for an urgent bolster of staff numbers, which they claim are inadequate.

I know that that also poses difficulties for the Minister, as I have been through it. The article further states:

> 'The atmosphere in Yatala is very tense—very hateful,' one officer said this week. 'My life and the lives of my workmates are in jeopardy every day.'

I do not want to read the article at great length but point out the concern of the people who work in these institutions. They do a great job.

Three very good officers appeared before the Clarkson Royal Commission. I do not wish to chide the Commissioner, but I was surprised to see the conclusion reached on Bruce Townsend and two fellow officers: they had to face charges. Another man named Wilson was a difficult customer to handle. As Minister, I saw that fellow in action. He was quite uncontrollable. Prison officers work in difficult situations, and they have to be fairly vigorous in keeping prisoners under restraint, which is done for the protection of the public. The administering of the parole provisions is only part of the social task that the people involved must do in the interests of maintaining law and order. The gentleman to whom I referred would be in what could be classified as the difficult area. I am sure that the provisions in the Bill will not pass unnoticed the eyes of the Director, who has responsibility for administering the prisons.

It is indeed frightening when a responsible newspaper carries headlines such as those in the paper distributed in the northern suburbs, which is where Yatala prison is situated. I want to put on record my concern for the *carte blanche* remission of sentence provision which is provided for in this legislation. This is a matter dear to the Minister's heart, as he made plain two years ago. We had great haggles here for longer hours than those that we are currently experiencing. At that time I think about half a dozen Bills were involved. It has been a long haul dealing with this hot-bed of Ministerial responsibility which is now the present Minister's responsibility.

My colleague leading the debate for the Opposition has referred to the matters about which I have concern. I will be pleased to hear the Minister's response to what members of the Opposition have had to say. I underline the fact that there is great disquiet among the citizenry of South Australia in regard to this matter, which is a tinder box that the present Minister has inherited as his responsibility.

Mr PETERSON (Semaphore): Last night I referred to the fact that the community is given insufficient time to consider aspects of legislation introduced into this House. If they were able to do so, many of the fears expressed would be allayed.

Mr Lewis: Why is that?

Mr PETERSON: I believe that many people do not understand the things that we discuss here. Nevertheless, I support this legislation. I think it is a positive and progressive step in correctional services reform. I have visited Yatala Gaol on several occasions for the purpose of discussing matters with prisoners. I am sure that no member in the House would consider that to be a pleasant way in which to spend a portion of one's life—locked away in there. I am sure that any thinking person would not want to go back in there after being released.

Mr Mathwin: Some of them do.

Mr PETERSON: Some people go back there, whatever system is used. A while ago a member stated that the system of probation does not affect the percentage of recidivists, so the fear about this legislation is in regard to the creation of a greater number of prisoners going back to gaol.

Mr Oswald: It is 66 per cent at the moment.

Mr PETERSON: If it is 66 per cent, as the honourable member says, the legislation will not make it any better or worse, although if anything it will improve that figure.

Mr Mathwin interjecting:

Mr PETERSON: It may mean that the rehabilitation system is totally failing. I do not think this legislation will affect the position. Reference was made to the cost of keeping a person, whether male or female, in gaol. It is indicated in the Auditor-General's Report for last year that it costs $20 922 a year to keep a prisoner in the Adelaide Gaol, and $24 691 to keep a prisoner in a country gaol. It costs $41 915 a year to keep a female prisoner at the women's prison; it costs $29 356 to keep a male prisoner at Yatala; and at Cadell the cost is $20 000. The cost to the community, to keep people in prison, is great. Of course, some people need to be kept in prison, whatever the system.

However, there are people in the prison system who could be rehabilitated so that they can resume their place in society. I doubt that the current legislation will alter the cost to the community of keeping prisoners. That would need an overall revision of the system of rehabilitation and the method of dealing with offenders. It has been said that this legislation may reduce the number of prisoners, but we would still have to bear the cost of maintaining prisons. I

doubt that this legislation will reduce the cost of maintaining correctional services in this State.

The Parole Board has made widely varying decisions causing great dissension amongst prisoners. I am aware of that fact as a result of personal discussion with prisoners. I know of one prisoner in Yatala Labour Prison who committed a murder about six years ago. At that time he also attempted to take his own life, and in doing so maimed himself badly. He is now blind and has to be fed with a syringe. He cannot be rehabilitated in prison because there is no mechanism to provide for that. He cannot receive parole under the present system and, until this legislation is passed (or until he has served his sentence), he is destined to remain a vegetable. I doubt whether anyone would believe that a person who is absolutely no threat to the community should remain in prison. However, he is doomed to stay there. Some provision has to be made for people like that.

Under this legislation that man can apply to the court for a non-parole period to be imposed on his original sentence—he would then be considered for parole. The present inconsistent system means that prisoners are totally at the whim of the Parole Board. I have heard of people who have committed a similar crime being released after three years. Their records may have been different, but let us not lose sight of the fact that this man constitutes no threat to the community. As far as I know, he had committed no offence prior to the murder. His record in prison has been impeccable. Until one talks with these prisoners and senses the emotion about parole, one cannot comprehend it. Many of the riots, fires, and so on are brought about for this reason. If this man is not catered for under this legislation, I will ask the Chief Secretary why that is so. I think that the *Advertiser* editorial of today was a good one. It states:

> Penal reform in an enlightened society must mean more rehabilitation than retribution.

One must give people the chance to prove that they are on the way towards being rehabilitated. They accept that they have been put in prison because they have committed a crime: they serve their sentence, rehabilitate themselves and then start a new life. Of course, I do not doubt that some people will be returned to prison.

Mr Mathwin interjecting:

Mr PETERSON: I will come back to that in a minute. The decision is not with the court at the moment; it is with the Parole Board.

Mr Mathwin: It will not be under this Bill, either.

Mr PETERSON: I was going to read the editorial; I will not read it, but I will deal with the point raised by the member for Glenelg. As I understand this legislation—and I stand to be corrected—the judges will impose a sentence. We all have faith in the judges and in the court system, I hope because, if not, we might as well all go home now; there would be no point in discussing this legislation. Do we have faith in our court system? I do. Of course, they make their blues, but it is as good a system as any in the world. We all believe in the court system and we believe that our judges are reasonable in their approach to imposing sentences and handling the courts. The sentence imposed by the courts can be regarded as the time that one spends in prison, or the penalty that one pays. The sentencing is solely a job for an expert. Nobody has disputed that. Surely, we must consider that the judges and the court system that we have is an expert system.

Mr Mathwin: I said that; I explained that.

Mr PETERSON: If we accept that, surely it can be expected that the judges, when imposing a sentence on a person who has broken the law, will take into consideration the new provisions of this Bill and will impose a sentence that will cater for that. If the judge considers that a law breaker should serve certain number of years, surely he will set that as the non-parole period. They are not dills; they apply the law reasonably and properly. They will adjust the sentences, because they will realise that, if they do not do that, offenders will not serve the sentences deemed appropriate. I cannot see where that is unfair; it is right.

All the evidence is presented to a judge in a court of law. The lawyers present their submissions and the case is considered by a learned judge. The judge takes into account all of the factors of the crime and the threat to society when he imposes sentence. The judge will also give consideration to the non-parole period to be served.

I am sure that honourable members will agree that sentences will now be longer if a non-parole period is imposed. In fact, I believe that the system will work better; it will be more equitable to the man or the woman who is placed in our prisons. They will know what they will serve; they will know that if they play up they will not get any remissions and that if they do not show any rehabilitative tendencies they will serve the full sentence imposed on them. Even if they are released after that non-parole period, they are still at risk; they still have to serve out the time of the total sentence on the parole.

With all the considerations that I have put forward and that have been put forward by other members, we must remember that no system will ever be perfect and that no legislation ever passed by this House is perfect. This is a definite improvement on the current legislation. It will help the Department of Correctional Services by providing it with a far more controlled environment in that people will know what to expect from the system. I believe that the Bill should be supported by all members.

The Hon. G.F. KENEALLY (Chief Secretary): I thank all those members who have participated in the debate, which has been a very good one. I do not share many of the views that have been expressed, but I certainly do not deny the sincerity of their expression. It is true that there seems to be a fundamental difference in the approach to parole as between members of the Opposition and members of the Government.

On the other hand, it is also true that there is a commitment to parole shared by all members of the House. It is for this reason that I was surprised that some speakers rested very largely on a paper put out by the Australian Crime Prevention Council. The good body that it is, it is opposed to parole. It does not support the system we are introducing, nor did it support the system that the previous Government introduced. It is opposed to parole. It wants the Judiciary to establish a sentence where an offender serves the total of the sentence and comes out with no parole at all. Its comments are not relevant to the debate we are having tonight.

The Hon. D.C. Wotton interjecting:

The Hon. G.F. KENEALLY: I am quite happy to cover some of the comments it has made and respond to them. I have noted the criticisms expressed by the honourable gentleman opposite to my period as Minister. I can say that, after three years in office, at the end of this first period in office as Chief Secretary, I would be happy to be judged on my performance; nevertheless, because of the political system I will suffer some criticism in the meantime.

There has been comment made that this is a very complex piece of legislation and that people were not given much of an opportunity to understand it. In August, knowing that it was complex and controversial legislation, I did what few Ministers ever do: I issued a discussion paper on the point. People in South Australia who had an interest in parole could consider what the Government had in mind so that they would be able to comment on it. We received a variety of comment, and the Government in a sense has driven

down the middle of the comment received and come up with an amalgam of a number of views expressed, nevertheless, generally in line with the discussion paper concept.

Mr Baker interjecting:

The SPEAKER: Order! All honourable members were heard in silence. I hope that the Chief Secretary will be heard in silence in his reply. The honourable Chief Secretary.

The Hon. G.F. KENEALLY: The general concepts of the discussion paper have been realised in the legislation before us, and in appreciating all of those comments that honourable members have made, that was why the discussion paper was issued so early. Some comments were made and at least one was reinforced a number of times by members opposite, to which I think I should respond. This is not an early release scheme. The courts will decide, as they always have and always should, the length of time a prisoner can be expected to stay in prison, so long as it is within the capacity of the courts to decide that. The system we have takes away from the court the responsibility of ensuring the length of time that a person stays in prison.

How does the system apply at the moment? A person goes to court and receives a nine-year head sentence and a three-year non-parole period. The prisoner has to serve three years before he can go to the Parole Board to find out how long he will have to stay in prison. He has already served three years in a totally unsettled state in one of our institutions. He has no idea how long he will be there. He does not know when he gets to the Parole Board—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. G.F. KENEALLY: —what the additional length of time will be. He knows that, if he applies at the end of three years and his application is rejected, he has to serve a further quarter of the head sentence before he can apply again. A quarter of the head sentence is two years and 2½ months. So, then he would have served five years and 2½ months before he can apply again, and he could be out on full remission in six years. So, there is no point in applying for parole after three years (if one has to serve a quarter of the head sentence before applying again) when a quarter of that head sentence has been fulfilled and he is almost due for remission. That is why we have in the prisons so many people who do not apply for parole, and the Parole Board does not know that.

Unless a prisoner applies for parole the Parole Board does not know that person is in the system. How can anyone in the Parole Board say whether people are applying or not applying if they have no notification of the application? That is one of the real problems with the current system. A prisoner does not know how long he will be in the system, and he is totally unsettled. We believe that there should be absolute certainty and we are providing for the court to say, after due consideration of the crime and all the circumstances surrounding it—including the antecedents of the prisoner, etc.—that he will spend so many years in prison before he can be paroled.

The court will know that if there is a remission on that non-parole period, and if the prisoner shows a positive attitude towards his prison life, attempts to rehabilitate himself, and works and behaves well, he is eligible for a third remission. It is up to the prisoner whether or not he earns that remission, and that is the best administrative and discipline tool that any system can have. The people who will be applying that system of remission are the people who work within the institution.

They will fill out daily a report saying that the prisoner has done something good or bad, and after a month in prison it will be assessed by the administration, which will say that the prisoner has shown a positive attitude, and over the month he has behaved well and has done this and that that is good and has done this and that that is bad. Over the total month they will say that the prisoner's behaviour in the system this month qualifies him for, say, eight days remission. He is eligible for 15 but he can get none. It depends on the prisoner himself. His position is assessed daily and, once he receives a remission, it goes in the bank, as the member for Morphett said, although it can be taken away from him by the courts but not by administrative action. Of course, any administrative action is subject to the criticism of the Ombudsman. A tight system is inherent in the Bill. It does not provide for leniency. In fact, it tightens up the system greatly and provides a tool to ensure discipline.

At the moment we do not have that, but this legislation will provide that tool, which is why the prison officers are enthusiastic about it: it will enable them to take control of the institutions in South Australia; currently they do not have that capacity. This legislation will allow them to do that because there is incentive for prisoners to behave. If they do not, it will ensure that they will stay longer. Prisoners do not have to be presented before a magistrate or the court, but they will stay there because of their own actions.

It has been stated that parole is a privilege and not a right. I do not want to use either of those words, but I would like to give the House an example of how the Opposition approaches parole compared with how the Government approaches it. The Opposition required the courts to set a non-parole period for every sentence above three months. It immediately built within the prisoner an expectation of parole, not necessarily at the time he applied, but still an expectation of parole. That had to be applied to all sentences. This Government has provided that the courts, if they believe a crime is so heinous or that the antecedent behaviour of the prisoner is such that he would not benefit from parole, not set a parole period at all but to tell the convicted person that he will spend all his term in prison. We do not believe that parole is a right, because we are providing for prisoners not to get parole.

The Opposition believes that parole is a right because it provided for a non-parole period which builds within prisoners an expectation of parole. In addition, we have provided that any prisoner who serves 12 months or less is not eligible for parole. How can it be suggested that the Government believes that parole is a right? On two clear occasions we have provided that parole will not be available to the offender, and I have noted that the Opposition is going to oppose both those proposals. The Opposition is saying that one cannot provide for the court the capacity to set a sentence that does not allow for parole because the nature of the crime is such that the person ought to spend the whole time of his sentence inside. They do not like that. The Opposition does not like, I notice, the court having the capacity to set from 12 months down to no parole at all, because parole for such a short period is ineffective (we will get to that later). They do not like that either. They want people to have parole.

We are providing the courts with the right to say, 'No, you will not get parole because you are not entitled to it.' For some reason, members of the Opposition do not like that. What about the system itself? Here we are providing for the courts to set a period in the full knowledge that there will be the potential to earn remission, a period which will ensure that, if a person behaves at the absolute maximum and earns all the remission that is available to him, he will get out at a certain time. The court knows the minimum times that it believes a person should stay in prison, and that will be the non-parole period less maximum remission. It is up to the prisoner whether he wants to be released at the minimum time for which the court believes he should stay in prison, or whether he wants to stay in prison the

maximum time, plus any earned penalty that the prisoner will accrue while in prison.

Because that remission is available on a sentence of which the court is well aware when it brings down its judgment, it provides the authorities with the capacity to manage the prison and requires prisoners to behave themselves. The prisoners are aware of this. I get feedback, as does everyone else, and the prisoners know that this will most certainly mean that the non-parole periods will be greater than they are now. Therefore, how can anyone say that this is an early relief scheme, when the prisoners themselves and anyone who has thought about it know that the courts will be setting longer non-parole periods if that is their wish? That is the decision, and I will not reflect on the court's decision or influence it one way or the other. The courts will determine the length of time.

Mr Mathwin: How it can be a non-parole period when you can lessen it?

The SPEAKER: Order!

The Hon. G.F. KENEALLY: It is within that non-parole period that the capacity is provided for the management of prisons. The courts can deliver a nine-year sentence and set a non-parole period of eight years, 8½ years, or 18 months. The courts will determine how long someone stays in there. It will not be the Government; it will not be this legislation; it will not be the Director; and it will not be the people within the system who determine what are the maximum and minimum lengths of time that a prisoner will stay in prison: it will be the court, and that is the way it should be.

At present there is no certainty at all within the system, and we are providing that certainty. I think that it has worked well elsewhere and it will work well here. In response to the member for Murray, I have never said that the problems in the prisons are as a result of the parole system, and it would be foolish to say so. There are many problems within our system, and I believe that the parole system is one of them. I have never been critical of the Parole Board; in fact, I have defended it wherever I have been and anyone who has heard me publicly knows that. The Parole Board has a very difficult Act to administer, and it administers it accurately. It is not its fault: the Board has been given the job by the Government, and it is doing it. I believe that members of the Board will administer new parole legislation as effectively as they are administering the present legislation.

There is no criticism of the Parole Board or its members. For those who want to know why there is a provision to disband the Parole Board and re-elect a new one, the fact that we have changed the criteria to allow for a judge to be the Chairman of the Parole Board requires the Parole Board to be abolished and re-elected. If for no other reason, the fact that we have asked a judge, a District Court judge, a person who has had legal knowledge or someone with knowledge in some other discipline means that the Parole Board has to be abolished and re-elected. There is nothing sinister about that. I know that members opposite would like to read something sinister into it, because it is good political—

Members interjecting:

The SPEAKER: Order! I ask the member for Glenelg to remember that he was heard in courteous silence, as were other honourable members.

The Hon. G.F. KENEALLY: Another matter that was drawn to my attention was the situation in New South Wales. The aspect of the New South Wales system that fell into disregard (and I think that is the kindest word I could use) was release on licence. There is no such system in South Australia, and I do not intend to introduce it. We will depend on the system we have and on the Parole Board. It was the release on licence concept of which the member for Murray was critical: we do not have that system here, nor do we intend to introduce it. That concept has resulted in the major changes to the Parole Act in New South Wales.

In that State at least 90 per cent of people under the current provision are released at the completion of their non-parole period. The New South Wales Government is currently providing for remission on a non-parole period, and that is exactly what we are doing. I think it was the member for Mitcham who expressed some concern, and the member for Glenelg might also have expressed concern, but there is no retrospectivity in this Bill. The Bill does not provide an opportunity for people who have already been sentenced to benefit, and that is why the prisoners are terribly upset.

Members interjecting:

The SPEAKER: Order!

The Hon. G.F. KENEALLY: I am prepared to discuss the matter.

Members interjecting:

The SPEAKER: Order! I have stressed that all Opposition members were heard in courteous silence.

The Hon. G.F. KENEALLY: I am certainly prepared to consider that matter, because the New South Wales Bill, which did not provide for the possibility of remission on an existing non-parole period, has caused concern. Currently the New South Wales Government is contemplating amending the Act to allow for remission on the existing non-parole period. If that does not happen, about 5 000 prisoners in New South Wales will be released at a certain time without being subject to any administrative pressure to behave. The same applies here. I am prepared to consider the matter.

When the system was changed in Victoria in 1974, the Victorian colleagues of members opposite provided remission on existing non-parole periods, so there is certainly a precedent for that action. I am prepared to consider the issue. This Bill does not provide for such remission. I would be prepared to discuss the matters raised by the member for Mitcham.

This is a Committee Bill—I concede that—and I expect that in Committee we will canvass many issues. The reason why the Bill has been brought forward has nothing to do with occurrences inside or outside the prison this year, as I said on television—and I repeat it. I understand that this issue has been discussed widely in the penal system. The Government intended to change the parole system. I was critical of that system when in Opposition, and the member for Victoria has pointed out that what I am saying today is no different from what I was saying two years ago. It is very clear. My position on this issue has been very clear for a couple of years.

I pointed out quite clearly to those people in our institutions that there is no point in their thinking that they have the Government on the run. It was alleged that this measure is a sop to prisoners and that a small clique of prisoners is calling the shots and determining legislation. That is what the member for Murray said, but almost immediately afterwards he said that none of the prisoners or their organisations are happy with what I am doing. On the one hand, the honourable member says, 'You are copping out to the prisoners', but on the other hand he says—

The Hon. D.C. Wotton: It was the member for Glenelg.

The Hon. G.F. KENEALLY: The terminology might be a bit different, but that was the gist of what the honourable member said. You said that what I was doing did not meet with the favour of prisoners.

The SPEAKER: Order! The Minister must refer to members by their district.

The Hon. G.F. KENEALLY: Thank you, Sir. Other members said the opposite. There is certainly a problem in the argument put forward by members opposite. This is good

legislation, and it has proven to be very worthwhile elsewhere. It is not radical, innovative legislation in the Australian sense, and it is not even Labor Party legislation. Similar legislation was introduced by the Party to which members opposite belong in 1974, and it has worked well.

We are basing this legislation on that principle. I think we will probably get to the system of conditional releases in Committee where we can deal with it better than we can now. In 1979 the Labor Party was going to introduce legislation that included conditional releases. I had no great problem with conditional release. The system has some merit. I have discussed it with many people in the system: administrators, prisoners, prison officers and so on, who say that it will not work and have given a number of good reasons why that is so. That legislation has not been proclaimed in South Australia and that is fortuitous. I once thought that it was a good system. However, I have looked at that system over a period of four years and believe that the system we are now introducing is better. However, that is not a reflection on conditional release.

For members who are not familiar with the system, it was determined by Justice Mitchell and involved a tripartite sentencing policy. Under that policy one third of a sentence was spent in prison, one third on parole and the remaining third on conditional release with no parole supervision. This is the system that honourable members opposite are seeking to reintroduce, and is much more lenient than the system we are proposing. We are proposing that a prisoner who gets a head sentence of nine years will be either in prison or on parole for the full length of that period. Honourable members opposite want to take at least a third of that head sentence away from the system so far as supervision is concerned.

They tell me and my Party that we are soft on prisoners and are copping out to the prisoners, that this is an early release scheme and a sop, yet the very system that they are seeking to introduce provides less supervision and earlier release because it is on the basis of a third, a third, a third. We are providing for the courts not to set parole at all. That should please the member for Kavel, although I know he will not vote for the measure. I would have thought that that action would be right up the honourable member's alley. However, I bet that he does not vote for it. We will discuss the matter further in Committee. I thank honourable members for their contribution. There has been a degree of misunderstanding about this matter that we may be able to clear up during the Committee stages of the Bill. It is a good measure and deserves the support of the House.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Arrangements'.

The Hon. D.C. WOTTON: This clause could be taken as a test case for the provision of conditional release because the clause removes the headings from Part IVB. The Opposition opposes the clause for the reasons the Minister has just described. We firmly believe that there should continue to be a system of conditional release. It is not my intention to go into great detail about this matter at this stage because the Minister has made it quite clear that he understands what it is about. I indicated during the second reading debate the reasons why we want this provision retained.

The two main points are that, first, conditional release must be earned on a monthly basis, and secondly, a prisoner released from prison on a conditional release will still be liable to serve the unexpired balance of his sentence if he offends while on conditional release. That is a principle that the Opposition has supported for some time. We introduced legislation, but it was not proclaimed. As I said earlier, I believe that is rather unfortunate. The Minister suggested that that is fortuitous, although I do not agree with that, because I think it would have been good to see that system in operation and the benefits arising from that system. The Opposition certainly opposes clause 3.

The Hon. G.F. KENEALLY: I appreciate the honourable member's comments. We are not so much in dispute about whether or not conditional release is good or otherwise. I am not arguing that it is a bad system: all I am saying is that the system that the Government is introducing is better. I have worked closely with these systems for a long time. Although Justice Mitchell recommended this idea in 1972, no other jurisdiction has picked it up. We are the only ones who have looked at it seriously. Of course, we were involved with looking at it with Justice Mitchell, and I have been considering it ever since. On all the advice given to me, the Government decided that the system is one of the best suited in ensuring that we are able to manage our prisons (I think everyone would agree that that is an important factor), and to provide the people who work within our prisons and the authorities, etc., a management tool that they need. I do not intend to be critical of the system. It would be false for me to do so, because, as I said, we were involved in the early development work. However, in my view the proposed system is better. The Government agrees with me. For that reason the Government disagrees with the opposition to clause 3 expressed by members opposite. The Government intends to abolish conditional release and replace it with remission sentencing.

The Hon. D.C. WOTTON: The Chief Secretary has indicated that he has talked to many people who have suggested that conditional release is not a satisfactory system and that that is why the Government is introducing remission sentencing. The Opposition feels very strongly about this matter. I have discussed it with numerous people both in this State and in other States. I have also had the opportunity to discuss it with people in New Zealand as well. I regret that the Government feels that it is unable to continue with conditional release and that it intends to swing to remission sentencing.

Clause passed.

Clause 4—'Interpretation.'

The Hon. D.C. WOTTON: This clause contains a consequential amendment. The Opposition is opposed to it.

Mr BAKER: Will the Chief Secretary say whether the Government intends to insert a new definition of 'non-parole'? This is germane to the whole concept of the Act, as the Minister would understand. The non-parole period has traditionally been regarded as inviolate, and that is the way in which it has operated for many years. I thought of an alternative term: the theoretical fixed period of incarceration. That reflects exactly what the Minister is doing with this Bill. Did the Minister consider an alternative to the non-parole wording? It now involves another form of abuse regarding the law. There has been attempted manslaughter, which is a breach of the criminal law. The word 'prurient' has been inserted in the Statutes in terms of abuse of children; and now there is non-parole, which in fact is not non-parole any more. We understand that a person can be released prior to the expiration of the non-parole period.

The Hon. G.F. KENEALLY: No, I have not considered determining a new definition of 'non-parole'. If it has been good enough for the Hamer Government since 1974, it is good enough for me, and it should be good enough for the member for Mitcham.

Clause passed.

Clause 5—'Repeal of section 6aa and substitution of new section.'

The Hon. D.C. WOTTON: This clause repeals section 6aa of the principal Act and substitutes the Parole Board as constituted under the Act immediately prior to the commencement of the amending legislation. We are opposed to

that. Subclause (5), which was referred to during the second reading debate, provides:

> Upon the commencement of the amending Act, all members of the board shall vacate their respective offices for the purpose of enabling new appointments to those offices to be made but, notwithstanding that vacation of office, those persons shall continue as members of the Parole Board for so long as is necessary to enable it to complete its business under this section.

As I said in the second reading debate, I fail to see why that is necessary. It looks as though it is almost a vote of no confidence in the current board. With the new directions being taken in this legislation the Minister will perhaps recognise the difficulty concerning some people in proceeding with the new system, but I think that at least he should have the courtesy to provide an opportunity for those people to continue. I believe the present board has done an excellent job, and its recently released report would reinforce my statement.

If there are to be changes, I cannot see why they do not take place gradually. If the Minister wishes, he could make changes when a person's time on the board expires, rather than spelling it out in the Bill in this way. The Opposition opposes this clause. I ask the Minister to explain exactly why it is in the Bill.

The Hon. G.F. KENEALLY: The honourable member has been around the place a long time and has been a Minister. He would know that once one changes the constitutional criteria for any member of any board one has to declare the whole board vacant and re-elect a new board. Clause 5 is nothing more than a machinery provision. It allows for transition between the old and new systems so that applications under the old system can be dealt with. There will be no confusion with applications under the old board as to which of the two—the existing or the amended Act—will apply. This is not a vote of no confidence in the Parole Board: it is possible that the whole board could be re-elected.

It is possible that it will be changed, however. Indeed, it will be changed, because at least one of the members now has to be of Aboriginal descent. We would seek to have on the Parole Board a person from the Supreme Court (if not from the Supreme Court, from the District Court). If we are to have those two people appointed who are not currently members, we have to change the nature of the Parole Board. We have constraints as to the numbers of people whom we can reappoint, but there is no reason for people to believe that it is a vote of no confidence, or for individual members of the Parole Board to think that their rights to continue, if they wish to, will not be considered: they will be.

Mr MATHWIN: I take it that the Minister said that he is quite happy with the Parole Board personnel as they are, but, first, he has to sack the Chairman. The Chairman will be the first to go; he has to go. Which other member of the present board will the Minister sack? If he is going to make room under his Bill for a member from the Aboriginal community he has to sack one of the others. Will it be Mrs Wallace, who has been on the board for years? The Minister says in the Bill that the board needs a woman. Who is the other person? We know that the Chairman is in the gun. Who is the second one? The Minister cannot say on the one hand that he is quite happy with and has all possible confidence in the board and, on the other hand, that he will sack two members. Who will go?

The Hon. G.F. KENEALLY: It is a good try. The honourable member knows that it is foolish to speculate on the appointments to a board of this nature. What is more, it is not fair for him to do so because it casts doubt on the existing board. The honourable member is trying to build up a case that the existing Chairman will be sacked. He said that the Chairman will be sacked. If the honourable member looks at the existing legislation he will see that the Chairman can be a Supreme Court or District Court judge or a person who has wide experience in legal or penal activity (I am going on memory), or any other related science. I do not know why the honourable member says that the Chairman of the Parole Board ought to be sacked. He is certainly able to be reappointed under the provisions of the Bill. Whether he is or not will be a decision that I will make if this legislation goes through the Parliament in its current form. That will be the time for me to talk to members of the Parole Board; then we can discuss what the constitution of the new Parole Board will be.

We have constraints, as I said earlier, to have a person of Aboriginal descent, and certainly I will seek to have a member of the Judiciary on the board. It is clear: anyone who reads the legislation ought to be able to understand that. It does not mean that anyone will be sacked; the Government has the right to appoint two additional people. We have the right to appoint the people when we wish. I will not speculate as to who will or will not stay on the Parole Board. The honourable member or his colleagues can do so if they wish, but in doing so they will not do the individual reputations of those people any good at all.

Mr MATHWIN: I do not wish to pursue this to the disadvantage of people, but the Minister is not really making much sense there. First, in answering questions he originally said that he wanted a judge there. That is borne out by the recommendations that were sent out in the discussion paper (the green book) for people to look at. The only qualification there for the Chairman was that the Chairman be a judge or magistrate.

The Hon. G.F Keneally: It is not in here.

Mr MATHWIN: Therefore, the Minister has had second thoughts on that, and he might be having a bit of strife. He might not have the volunteers that he wanted from the Judiciary, and I would not blame them for that.

The Hon. D.C. Wotton: Perhaps the Chief Justice has had a bit to say.

Mr MATHWIN: He might have twisted the Minister's arm up his back. It is no good the Minister's saying that I am reflecting on the board; it is quite wrong for him to say that. If the Minister appoints two and the Government appoints an additional two persons to the board that is already in existence, there will be a membership of eight on that board, which does not match up with the legislation.

The Hon. D.C. WOTTON: Will the Minister indicate what the situation is? I presume that the board will consist of six members.

The Hon. G.F. Keneally interjecting:

The Hon. D.C. WOTTON: The Minister, from what he said earlier, appeared to indicate that there would be eight members.

The Hon. G.F. KENEALLY: I do not know that I should have to do this. I have just suggested that honourable members read the legislation. Of the six people who may be appointed to the board, two are to be appointed by the Government, which means that they will be appointed on the recommendation of the Minister.

The Hon. D.C. Wotton: That is not what you said before.

The Hon. G.F. KENEALLY: Yes, it is. I said that two people can be nominees of the Minister. The member is picking up the people who will be put off the board.

The Hon. D. C. Wotton: No, I am not.

The Hon. G.F. KENEALLY: The honourable member did not, but the member for Glenelg did. I point out to the member for Glenelg that there is more than one way to skin a cat. There is more than one opportunity for a person to be appointed to the board. A person could be appointed because he is legally eminent, or because he is one of the Government's nominees.

Clause passed.

New clause 5a—'The Standing Committee.'

The Hon. D.C. WOTTON: I move:

Page 2, after clause 5—Insert new clause as follows:

5a. The following secion is inserted in Part I of the principal Act after section 6aa:

6aab. (1) There shall be a committee known as the 'Standing Committee'.

(2) The Standing Committee shall consist of eight members appointed by the Governor, of whom—

(a) one (the Chairman) shall be a Judge of the Supreme Court;

(b) one shall be a person nominated by the Minister;

(c) one shall be a person nominated by the Attorney-General;

(d) one shall be a person nominated by the Leader of the Opposition in the House of Assembly;

(e) one shall be nominated by the Offenders Aid and Rehabilitation Services of S.A. Incorporated;

(f) one shall be a person nominated by the Victims of Crime Service;

(g) one shall be a person nominated by an organization of prisoners, being an organisation that, in the opinion of the Minister, represents the interests of prisoners, and

(h) one shall be a person nominated by the Prison Officers Association.

(3) If a person is not nominated by a body for the purposes of subsection (1) within thirty days after the receipt by that body of a written request from the Minister to do so, the Governor may appoint a person nominated by the Minister to be a member of the Standing Committee and that person shall be deemed to have been duly appointed upon the nomination of that body.

(4) The members of the Standing Committee shall hold office for such term, and upon such conditions, as the Governor may determine.

(5) The function of the Standing Committee is to review the operation and administration of this Act, as amended by the Prisons Act Amendment Act (No. 2), 1983, in respect of the first year of operation of the amendments affected by that amending Act.

(6) The Standing Committee shall, not later than eighteen months after the commencement of the Prisons Act Amendment Act (No. 2), 1983, submit a written report to the Minister and to the Attorney-General on the results of the review carried out under subsection (5).

(7) The Minister shall, as soon as practicable after receiving the report of the Standing Committee, cause a copy of the report to be laid before each House of Parliament.

It is vitally important that such a committee be established to review the effectiveness or otherwise of this legislation. The New South Wales Labor Government has provided for such a Standing Committee to be established with regard to the legislation that it currently has before the House. I believe that it is a good move. It would be necessary for that standing committee to disband at the end of the first 18 months so it is not an ongoing thing, but at least it would provide an opportunity for both Houses of Parliament to be able to know the effectiveness of the legislation. I hope that the Chief Secretary will see the sense in the appointment of such a committee.

The Hon. G.F. KENEALLY: The Government will not accept the amendment. Before I give the honourable member a couple of reasons why we cannot accept it, I point out that under paragraph *(h)* he says that one shall be a person nominated by the Prison Officers Association. There are two prison officers associations and I would not like the job of selecting which one the honourable member wants represented on the committee. There is the P.S.A. and the A.G.W.A.

The Hon. D.C. Wotton: It's a very small matter.

The Hon. G.F. KENEALLY: The honourable member should talk to his colleagues and they will tell him that it is no small matter. The amendment taken from the New South Wales Act was introduced to monitor the 'release on licence' programme and not to monitor remission or parole. I have been discussing this matter with Mr Anderson, the New South Wales Minister. The 'release on licence' system came into great disrepute in about the last 12 months in New South Wales and is a system that we do not have in South Australia. I certainly do not have any intention of introducing it.

It is certainly fraught with dangers and I want to avoid them as best I am able. Further, the honourable member's Party did not feel inclined to introduce such a committee to investigate its own amendments to the Parole Act, yet it wants to set up a committee to investigate our amendments to the Parole Act. I do not believe that that is necessary. Parliament has a role. If this system is not working correctly the honourable member and his colleagues can point that out: they can introduce private members' Bills and they can move to amend the Act, and they can also move any number of motions to highlight the fact that the system is not working. That is the best way of doing it.

I do not believe that the amendments need this sort of committee reviewing them. If that was the case, I would send the committee to Victoria straight away to review the system that has existed for 10 years and come back and report and then disband it. One does not have to look at the system which is working effectively in Victoria. Why set up a committee to investigate a system that has been proven to be successful elsewhere?

The Hon. D.C. WOTTON: The Minister has expressed a very short-sighted attitude.

The Hon. Michael Wilson: You are surprised!

The Hon. D.C. WOTTON: I am not surprised that the amendment has not been accepted. I am surprised that the Minister has not recognised that this is substantial legislation. We have the new remission of sentence, a new board, a much greater work load for the board to the extent that the Minister has talked about splitting the board down to three per division, and we are talking about automatic release. There are many unknowns in this legislation. It is indeed shortsighted for the Minister to say such a committee is not needed.

I recognise the difference in regard to New South Wales, which might be taking a slightly different direction, but I believe strongly that, with the changes provided in the legislation and as there are few people who understand it, especially with the present confusion of the general public, if the Bill does pass in its present form (I hope it will not) I am sure the Government will find that there will be many problems associated with it. For that reason I urge the Minister to support the amendment.

The Hon. G.F. KENEALLY: One other matter that I should have pointed out to the honourable member would have perhaps obviated his need to speak again on the Bill. His own Party provided a mechanism to do the very thing he wants to set up: it set up the Correctional Services Advisory Committee whose role it is to report on the operations of the Correctional Services Act.

The Hon. D.C. Wotton interjecting:

The Hon. G.F. KENEALLY: Come on. I think that is a rather inane comment. I happen to be very close to members of the Correctional Services Advisory Committee and the sorts of recommendations that they are making. I know, also, of Departmental calls upon the office resources. The Correctional Services Advisory Committee has the responsibility to look at the working of the Act, and it would be competent for the Correctional Services Advisory Committee to consider the very thing that the honourable gentleman suggests. It is a committee that was established by the previous Government by legislation and certainly supported by us because we intended to do the same thing. It can do this job, so the work that the honourable member wants done will be done, and can be done. I do not see the need for establishing another committee over and above the one his own Party established.

Mr BAKER: I wish to recanvass two issues and take up the points which have just been raised. This is a fundamental change. We have been told that it is the Victorian legislation upon which our legislation is modelled. In a previous speech, the Minister told us that he had taken the good parts of the Victorian legislation, so we do not know what parts he has taken. I am not aware of the provisions in the Victorian legislation: they have not been provided to us. It may be that it is fundamentally different to the model that we have here. It may well be that I have not caught up with some of the better parts of the system, and that we have not embraced the Victorian legislation.

I do not know whether there is any evidence to suggest that the Victorian legislation is the model legislation in Australia. We have no evidence before this House about that matter. Some people did not even receive a copy of the parole paper. When the Bill was coming before the Parliament, I would have thought that every member of Parliament who had an interest in the matter would have received such a copy. There are a few things in the Victorian legislation that I do not really want to see adopted. We are talking about a fundamental change in the process of the law. Is the Minister willing to encase in this Bill that the Correctional Services Advisory Committee will review the operations of this Act after 12 months and report fully to Parliament?

The Minister of Education said during a previous debate that there will be five men and five women; that shows the intent of the Government. He cannot have his cake and eat it too. Is the Minister willing to encase a provision for some form of review after 12 months? It is not good enough to merely say, 'Rely on us: we will do it.'

The Hon. G.F. KENEALLY: The Correctional Services Advisory Committee can investigate any matter within the Act and within the Department of Correctional Services of its own volition. It can also investigate matters at the request of the Minister, and it can then choose to make its decisions on that. I do not, and cannot, instruct it as to what it should do. I have no objection to the Correctional Services Advisory Committee doing the very sort of research that the member for Murray believes would be essential in this Act. In fact, I would be delighted, for the benefit of members' to suggest to them that they might consider, after this Act has been in operation for 18 months or so, looking at the way it is working so that they can report back to the Parliament on it. Also, the Correctional Services Advisory Committee reports to Parliament in its annual report.

Mr Baker: Is that a commitment to this Committee?

The Hon. G.F. KENEALLY: I am happy to make that commitment.

New clause negatived.

Clause 6—'Regulations.'

The Hon. D.C. WOTTON: We oppose this clause. It deletes the regulation-making power relating to remission of sentence. I had quite a bit to say about this during the second reading debate and indicated to the House that we would oppose the clause.

Clause passed.

Clauses 7 to 9 passed.

Clause 10—'The Parole Board of South Australia.'

The Hon. D.C. WOTTON: I move:

Page 3, lines 21 to 37—Leave out all words in these lines.

This clause includes the provision that at least one member of the board must be of Aboriginal descent. It also relates to the appointment of a Deputy Chairman. I believe that to recognise people of Aboriginal descent as a special category, and for there to be an obligation of participation by such a person on the board, is undesirable. As a consequence, other ethnic groups could seek representation. I refer particularly to the current situation. It would be much better to appoint Aboriginal parole officers. I have given this matter quite a bit of thought, and I believe that that would be much more advantageous for Aboriginal prisoners rather than providing that an Aboriginal compulsorily participates on the board. Under the present legislation, there is nothing to stop the Government from appointing to the board a person of Aboriginal descent.

I have grave concerns about the appointment of the Deputy Chairman, because there is no requirement in regard to qualifications. It may be that the Parole Board will be able to divide. In that situation it is essential, because of the responsibility on the Deputy Chairman to chair one of the divisions of the board, that we know what qualifications are required.

The Hon. G.F. KENEALLY: In 1980 members of this House argued about amendments to parole legislation. At that time it was stated that one of the members of the board should be of Aboriginal descent. The same provision was argued in 1981. Before the election, and subsequently, I gave a commitment in a number of forums (and the honourable member has been present at at least two of those forums) that a person of Aboriginal descent would be appointed to the Parole Board. We have made our position clear over a number of years. Because of the nature of the criminal justice system in South Australia and the number of people of Aboriginal descent who go to prison, it is very important that those people have one of their number on the Parole Board. I do not propose to take the matter any further. It is one of our fundamental beliefs. We could argue all night, but it would not change the view of the Opposition or the Government. I have made my point.

Regarding the qualifications of the Deputy Chairman, currently the Parole Board is made up of six members, and the Chairman must be widely experienced in the legal field. The parent Act provides that, if the Chairman is present, he must chair the Parole Board. However, if he is not present, any member can assume the role of Acting Chairman. For a large part of this year, Mrs Flo Wallace has been the Acting Chairman of the Parole Board. There is nothing in the parent Act (introduced by the previous Government) that requires the deputy to the current Chairman of the Parole Board to have any particular qualifications.

The members who chair the Parole Board in the absence of the senior Q.C. can do so without having any basic qualifications. There is no requirement that the Deputy Chairman or the relieving Chairman must be a Q.C. This Bill is in line with that provision. Members of the Parole Board would have wide skills—there is no doubt about that. If the Chairman is to be a judge, it is very likely that some members will be people with quite considerable legal experience. So, there are no worries about not having a competent person as Deputy, but I do not believe, with all those skills available to us, that we should dictate that a certain person should be the Deputy. There is no need for us to be demanding certain qualities for the person to be appointed Deputy Chairman.

Mr BAKER: I am surprised by the Minister's answer because the next clause of the Bill states that the board is to be separated and divided. While it might be all very well for the board to be constituted with five people, we are talking about a division of responsibility. They are all culpably liable for their decision and should be seen to have the same force of law as a fully constituted board. That creates a dilemma because, as the Minister well knows, section 42c of the principal Act creates the division and requires the fundamental mixing of expertise to obtain a situation where, in one case, we are relying on five or six people but, in this case, we are relying on three people for decision making. There is a fundamental flaw and a problem.

The Minister should consider that. Perhaps he should put it in the legislation because it is not written in there. He may have a good explanation of why he will rely on three people to make decisions and take pot luck about the skills involved, particularly as three people is a number far lower on the decision-making scale than is five or six.

The second question was in relation to losing the psychologists and firming up on the psychiatrist under the legislation. I understand from discussions that the Minister has been pleased with the psychiatric expertise on the board. In the macro sense a psychologist would have provided something towards understanding what is happening with people in the prison system rather than a psychiatrist, which is a microscience. If the Government decided to retain its psychiatrist it may be that a future Government would like a psychologist instead and take an over-view rather than a limited view of the system. I cannot understand the change because, if we have a psychiatrist that we want to retain, that is all very well. However, it is stupid to change the flexibility.

The Minister has mentioned the intransigence on the position of Aborigines and the Government, with its ideals of tokenism, pursuing that issue. We have seen that the flag must be flown. The Minister may have in mind someone of high-class expertise. There may be a number of people in that situation who can add to the board, but why encase it in the Act? There is nothing fundamental about one's colour, race or creed that should be encased in the Act. It has racist overtones. The same applies with one man and one woman because, by encasing it, we have differentiated. Why not show the example and do it rather than encase it in the law? I ask the Minister to respond.

Mr MATHWIN: As the Minister does not see fit to answer the member for Mitcham, I refer the Minister to the fact that he has not answered questions asked by a number of members about an Aboriginal appointment. As was pointed out by the member for Murray, and certainly by me, there are many Aboriginal people in the prison system. The Minister is not even listening to me.

The CHAIRMAN: Order!

Mr MATHWIN: I want an answer to my question but I will not get it while the Minister is conducting a private committee meeting with one of his colleagues.

The CHAIRMAN: Order! We have been through this already. The member for Glenelg knows very well that it is up to the Minister whether or not he answers a question.

Mr MATHWIN: The Minister made the point that there are many Aborigines within the prison system. Many of them are on short-term sentences, under 12 months, and as such those people will not come before the board. The Minister's original idea, which he expressed when he was on this side of the House and on other occasions, at seminars and so on, is no longer valid because the situation has now changed. It is often those belonging to other ethnic groups who commit more serious offences than do Aborigines. Therefore, to cover those ethnic groups provision should be made for their representation. Perhaps a suitable person could be appointed as a deputy member of the board. Such a person could provide assistance with language difficulties. The Minister did not answer matters raised in regard to the number of Aborigines within the system, and I wonder whether he could refer to that matter.

The Hon. G.F. KENEALLY: First, the matter of appointing deputies from some of the ethnic groups is an option that is available to the Minister. It is a valid suggestion which I have considered. Secondly, I point out to the honourable member that the Labor Party went to the election with a widely canvassed policy that the Government would have a person of Aboriginal descent on the Parole Board. That commitment was given to the Aboriginal community. The Government is honouring that commitment. No good purpose can be served by continuing to debate it. It is Government policy.

Mr LEWIS: I have referred to the principal Act and to the amending Bill. Referring to the reference at line 24 to a person of 'Aboriginal descent', where is the definition for that?

The Hon. G.F. KENEALLY: I do not know that this is a matter of great moment. I am quite happy with the way it is spelt out. If the honourable gentleman is concerned about it, I do not understand. I have confidence in the people who draw up these Bills, and I am quite happy with the way it is spelt out and presented in the Bill.

Mr Lewis: I know it is 1.40 a.m.

The CHAIRMAN: Order! 1.40 a.m. is not mentioned in this clause, either.

Mr LEWIS: I am trying to find a reasonable explanation for the Minister's indifference to my question. Perhaps he did not hear me. I asked him where is the definition of the word 'Aboriginal'.

The Hon. G.F. KENEALLY: The honourable member is saying that in the early part of the definitions there is nothing for 'Aboriginal'.

Mr Lewis: That is right.

The Hon. G.F. KENEALLY: I am surprised that in Australia a person of the competence and intelligence of the member for Mallee would require 'Aboriginal' to be defined in the Act so that he can understand what an Aboriginal is. I know what one is. Everyone I know would understand that. I do not think that it needs to be defined. I do not know that it is a great point about which we should be hung up. If the honourable member wants to move something, I guess that we will oppose it, because I am content with the word 'Aboriginal' as it is.

Mr LEWIS: I am a little disappointed with what the Minister has said. He has made a fool of himself or his colleague, the Minister of Community Welfare, with whom I debated this point at some length last night. He thought it was absolutely crucial to have the definition of 'Aboriginal' or 'Aborigine' included in the definitions in the Maralinga Act. I pointed out to him that the way in which it was defined in the Act was ambiguous. It did not satisfy what I am sure most of us mean.

Mr Groom interjecting:

Mr LEWIS: He made the point—and I would thank the member for Hartley not to interject out of his place—that that definition was adequate, even though I explained to him that it was not explicit and could be taken to mean a person other than somebody whose ancestors were born and lived in this country prior to European settlement, or words to that effect. I think it has been crucial to define it in every other Act, wherever we have used the word, term, noun or adjective, even though in other Acts it is spelt with a lower case 'a'. I am astonished that it is considered not to be necessary in this instance. Clearly, not to define it is to include a nonsense—specifically, a nothing. Whereas the Minister and every one of us here might believe that it is intended to mean one of the people whose ancestors were born and lived in this country prior to the arrival of Europeans, it could in fact mean somebody who has no blood or no genes whatever from that race but who is a white initiate at this point of time or at some future point of time.

There are such people who are said to be Aborigine or Aboriginal (whether the noun or the adjective is immaterial) by virtue of the fact that they have been initiated, even though racially they have no genes from that source. I wonder whether it is that sort of person whom this Minister or, God forbid, one of his colleagues from the Labor Party as Chief Secretary at some time in the future would intend

to appoint to this post. We all know of the current Marxist tendencies of those people who fit that category, and their views of it.

But let us not detract from the moot point to which I draw the Committee's attention, which is that as the clause stands at present it specifies a nonsense by virtue of the fact that elsewhere I was assured by a man of legal training —the Minister of Community Welfare — that a definition was essential. Being essential, it was taken from an Act that had been passed in another Parliament. I find it astonishing that the Minister can simply say that in this Bill it is not essential.

Mr BAKER: I still have two questions unanswered: one relates to the psychologist and the other was (because of the subsequent section we must deal with them section by section, and this is where the composition of the board is defined) why there has not been a provision in there for the deputy chairmanship to coincide with the splitting of the Board in the following section. I would appreciate it if those two questions could be answered.

The Hon. G.F. KENEALLY: On the second question, we have put in a number of criteria for the sorts of people who ought to be on the board and whom we hope to attract. If we cannot attract those we cannot appoint one as Deputy Chairman; so we need the flexibility to appoint the best person of those whom we are able to attract to the Parole Board or who are currently there. The person will be appointed by the Government, whether we write it into the legislation or do it administratively; so I do not really see the problem. We cannot tell honourable members about the skills of the deputy at the moment because we do not yet know what the total skills of the people on the board will be. When we are aware of that, we will be able to appoint the Deputy Chairman.

In regard to the psychologist, we have psychologists working with us in the Department to give us all the psychological input that we need. The judgment made was that we would have a psychiatrist on the board rather than a psychologist. The honourable member might think that it should be a psychologist rather than a psychiatrist; we might think that it should be a psychiatrist rather than a psychologist. It will be a subjective argument. He will stand by his view and we will stand by ours. We will have a psychiatrist.

Mr MATHWIN: Is it the Minister's intention to put any member of the Department of Correctional Services on this board?

The Hon. G.F. KENEALLY: No.

Amendment negatived; clause passed.

Clause 11—'Proceedings of the Board.'

The Hon. D.C. WOTTON: I oppose this clause, which relates again to the board and indicates that, if the Chairman thinks that it is necessary or desirable for the purposes of expediting the determination of proceedings before the board, the board may sit in separate divisions. The Chairman and Deputy Chairman, or any other two members of the board may constitute a division of the board. The board should not be split. Why prescribe various qualifications for the six members of the board when any three of those members can make a decision? The remaining subclauses deal with the working of the new board. The Opposition feels strongly about this matter. If decisions are to be made they should be made by the full board. I recognise that because of the extra load developments caused by other provisions in the Bill there will be difficulties, but I would prefer to see the board work harder so that there is consistency rather than there being a situation where any three of the six board members can make the same determination as a full board. The Opposition feels strongly about this.

The CHAIRMAN: I point out to the honourable Minister that the honourable member for Murray is simply opposing the Bill; there is no amendment.

The Hon. G.F. KENEALLY: I support the clause. There are six members rather than the five there were until the draft Bill in 1979. It was the then Government's intention to appoint a six-member board and split it into two subcommittees. This is not something that is new, as the honourable member has suggested, because he believes that there will be a hump in the work load, or something like that. There will be additional responsibilities for the Parole Board, and it will be the decision of the Chairman as to whether or not the board establishes two committees. The clause provides that where there is unanimous agreement it can make a decision, but that where there is no unanimity (for instance, if either of the subcommittees disagrees), then the matter has to go back to the full board for a decision: that is a very necessary protection.

Almost a week before the Parole Board sits it is given the background, brief and file on each applicant coming before it. It is easy for a member to say, 'I have some concerns. When you come to consider so-and-so I feel that that application should be dealt with by the full board.' The protections are there. If the Chairman feels, for whatever reason, that the board should split into two subcommittees that will be his decision. However, if he feels, as the honourable member believes, that it should never happen, it will never happen. The Chairman is provided with that facility. The concern expressed that decisions will be made which will be opposed by a member of the Parole Board not on the subcommittee considering the matter is not real because there are protections built into the system to ensure that all applications are seen by all members of the Parole Board.

The Committee divided on the clause:

Ayes (23)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally (teller), and Klunder, Ms Lenehan, Messrs. McRae, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (20)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Eastick, Evans, Goldsworthy, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton (teller).

Pair—Aye—Mr Crafter. No—Mr Chapman.

Majority of 3 for the Ayes.

Clause thus passed.

Clause 12 passed.

Clause 13—'Reports on certain prisoners.'

The Hon. D.C. WOTTON: Although I had an amendment on file, as it is consequential, I will not proceed with it.

Mr BAKER: I move:

Page 5—

Line 5—Before 'every' insert 'and'.

Lines 7 and 8—Leave out 'and every prisoner returned to prison pursuant to section 42nf'.

This is one of the nonsensical clauses that perhaps the Minister can fix up. First, we need to insert the word 'and' before the word 'every' in line 5, otherwise the provision does not make any sense and we lose it altogether if the English language is adhered to.

I did have some concern about the content of this clause, because it causes a massive overload on the Parole Board. However, I have been assured that the first part of the amendment, which means that there will be an annual review of every person serving a term of more than one year in respect of whom a non-parole period has not been fixed, will take some time to come into being and so we will not have a flood of people who will have a chance to apply. The second part of the amendment is already covered under another clause. It is a difficult concept, but the

amendment ensures that, if someone has at some stage lost his parole and has returned to the system for whatever reason (it may be another 20-year sentence), he has to be reviewed each year, which is nonsensical.

Basically, as the prisoner comes back into the system he will be interviewed and reported on under another amendment. Therefore, if the Parole Board adhered to this dictate it would be reassessing some people whom there is no need to reassess, so the first amendment is really an English amendment. The second amendment says that the existing provision really does not help the Parold Board.

The Hon. G.F. KENEALLY: We accept the amendment.

Amendment carried: clause as amended passed.

Clause 14—'Court shall fix or extend non-parole periods.'

The Hon. D.C. WOTTON: I move:

Pages 5 and 6—Leave out paragraphs *(a)* to (i).

Page 6—

Line 39—Leave out 'and'.

Lines 46 to 48—Leave out all words in these lines.

Page 7, lines 1 to 15—Leave out paragraph *(c)*.

Section 42i requires the court to fix non-parole periods for all persons sentenced to life imprisonment or a term exceeding three months. The amendment extends the three months to 12 months, and allows those in prison now to apply to the court for a non-parole period. The Opposition believes that the provision in which there is no parole period should remain the responsibility of the Parole Board. It also gives the Crown the right to apply to the court to extend the non-parole period. The court does not have regard to the behaviour or likely behaviour of the prisoner when released on bail. The court must not extend the parole period unless it is satisfied that it is necessary to do so for the protection of another person. Our amendment changes that procedure.

The Hon. G.F. KENEALLY: The Opposition does not believe that the period for not setting a parole period should be extended from three months to 12 months. We believe that it ought to be extended. First, parole is supposed to serve a rehabilitative function and in very short parole periods, which any period would be, if the head sentence was 12 months or less, it would be ineffective in rehabilitative terms for the parole officers to work with the parolee. There is legislation before the New South Wales Parliament now to extend that period to three years. It will not issue any parole on any sentence less than three years because it believes that for parole to be effective it has to be long term and is better imposed on long-term offenders.

Another problem is that many of the Department's resources are tied up in looking after people whom the officers see three or four times before the parole finishes. We have extended the period from three months to 12 months, where a person is not able to attach a non-parole period to the sentence. We believe that that is a very sensible provision and we certainly want to maintain that. In relation to the second point raised by the honourable member, in the case of a person who has not been allotted a non-parole period because he appeared before the court before 1981, if he applies to the court for a non-parole period to be attached the legislation provides that the court shall consider only the factors that applied at the time that the original head sentence was imposed. That is the only relevant circumstance that it can consider when it is determining whether or not a non-parole period should attach to the original head sentence. It should take into consideration only the criteria that applied at the time of the original head sentence.

We believe that in setting a non-parole period retrospectively (if you wish) it would be unfair to take into consideration any subsequent events, because anything that happened subsequently will be dealt with under the law and regulations in any case. Therefore, the court, in relation to a prisoner who does not have a non-parole period and who applies for one, can take into account only those matters that it took account when the prisoner was sentenced. That would be fair, because otherwise there would be double jeopardy.

Amendments negatived.

The Hon. G.F. KENEALLY: I move:

Page 5,—after line 24—I insert new paragraph as follows:

(da) by striking out from subsection (2) the passage 'subject to subsection (4), fix a period during which the person shall not be released on parole, or' and substituting the passage 'unless it thinks there is special reason for not doing so, and subject to subsection (4), fix a period during which the person shall not be released on parole, or shall'.

This is consistent with the amendment to subclause (1), which gives the sentencing court the discretion in special circumstances not to fix a non-parole period, thus ensuring that a prisoner will serve the whole of his sentence less remission in prison. The amendment gives the same power to a court that is imposing a further sentence on a prisoner or a parolee. For example, a short-term prisoner who does not have a non-parole period might commit a serious offence while in prison, for which he is sentenced to a long term of imprisonment. The court may in such a case decide that the prisoner should not be released on parole.

The Hon. D.C. WOTTON: We support the amendment.

Amendment carried.

Mr MATHWIN: Do remissions apply in regard to new subsection (2a) *(c)*? I am referring to cases before August 1981.

The Hon. G.F. KENEALLY: If a person does not have a non-parole period and takes the opportunity to go back to the court and apply for one, the court will apply a non-parole period upon which remissions are available from that date forward. But, of course, the court will, when determining the non-parole period, take into account the fact that there is a remission factor, so the non-parole part of the sentence will reflect that remission factor. It is possible that a lot of people in our prisons who do not have a non-parole period might decide to hang in a little while, rather than going back to the court to have a non-parole period set.

Mr MATHWIN: If a prisoner cannot behave in prison, what will happen when he is released? Surely his behaviour in prison indicates whether he can lead a law-abiding life in the community?

The Hon. G.F. KENEALLY: I explained that point to the member for Murray. Where a prisoner applies for the establishment of a non-parole period, the court should look at all the circumstances that applied at the time the sentence was imposed, because they are the conditions on which the sentence was set and they should be the conditions on which a non-parole period is set. To take account of actions subsequent to the original trial is to try the prisoner for his actions prior to the trial and subsequent to the original trial, and that is double jeopardy.

However, when there are Crown appeals to change a non-parole period, the Crown has the right when the matter goes to court to say that, in extending the non-parole period, the court should give—only for the sake of protecting society—some consideration for the behaviour of the person within the prison. If the honourable member checks, he will see that. But, when the person himself applies, the cut-off point should be at the original trial and the non-parole period should be attached to the head sentence established at the original trial. I hope that the honourable member gets the point now.

Mr BAKER: This is one of the most important points in the Bill. If the Bill is to come into operation, the people already in the system will have some rights and privileges. A fundamental problem exists in that those people who

have been given a non-parole period have been given it on the basis that there is a minimum sentence to be served and not a right to get out of the end of the sentence. If they are still in the system, it is for two main reasons: first, they have not applied. The Minister has made reference to why they may not have applied—they may be waiting for the remission to take effect. Secondly, some people may have finished their non-parole periods but have been kept in the system because of behavioural problems.

If the Minister wants serious consideration of this Bill in the Upper House, I suggest that he take on board the suggestion that those people who have been granted non-parole have to go back to the courts for a reassessment, because it was given on a separate basis. The Minister knows that and also knows that, under provisions of clause 15 which inserts new clause 42k, we will be releasing a number of people into the community because they have exceeded the non-parole period, whereas they would otherwise not be allowed into the community.

The Hon. G.F. KENEALLY: The non-parole period was set by a learned judge in the courts who set the head sentence and the non-parole period. The fact that a person is there longer is because other people have decided to impose an additional sentence; if prisoners have misbehaved to such a degree that they have seriously breached regulations, they will still be in prison because they will attract an additional sentence. I do not know the number of people who have completed a non-parole period and will be eligible for release under this legislation. If members opposite are going to make decisions based on the number of people who will benefit or otherwise, they are not looking at the value of the legislation but rather at numbers. The honourable member is trying to bring a red herring into the debate.

The important point is whether or not the legislation is right. If it is right, the number of people to whom it attaches is secondary; if we are going to approach it the other way (looking at the number of people to whom it attaches and basing decisions on that), we are not looking at the legislation fairly. Those people who had a non-parole period attached by the court and who are still in the system will be looked at within the resources available within the Department if this legislation goes through for release on parole. I believe the honourable member has now got the point.

Mr BAKER: That is disgraceful and pathetic. It is an abdication of responsibility.

Members interjecting:

Mr BAKER: Don't say 'ah' to me.

The CHAIRMAN: Order!

Mr BAKER: Within the system there are a number of people who will have exceeded their non-parole period by the time this procedure comes into force. What happens to the manic depressive, a person with a behavioural problem who has not incurred the wrath of an institution? What happens to people who have not committed an offence under the system, thus bringing forward their non-parole period? Such people may be there because they cannot survive, or because they will affect people, outside the system. If the Minister can not come to grips with this simple point, he is making a farce of this. He is saying it is a different principle, that this is a red herring. It is a different principle because the sentencing procedures in operation have changed. The Minister knows that. It was never a right that a prisoner should be released on parole at the end of the specified time. We are changing those procedures. In regard to a manic depressive or someone who may not have incurred the wrath of the system, the Crown has a right to apply for an extension of the non-parole period or in fact it can take off the non-parole period. But I am referring to those people in the system who will automatically be released into society. If the Minister does not give a clear undertaking in this regard I shall be placing on notice for this House a request for the names of those people released who subsequently offend. This is a responsibility of the Minister with which he must come to grips.

The Hon. G.F. KENEALLY: The first point is that under the system a manic depressive who is released will at least have the services of the Department and the care and protection of it for a length of time. If someone is a manic depressive and is released from a psychiatric hospital, what happens to those people? They do not have any support once they come out. The honourable member should be concerned about them, too. Secondly, the proposed new subsection (2b) states:

> The Crown may apply to the sentencing court for an order extending a non-parole period fixed in respect of the sentence, or sentences, of a prisoner, whether so fixed before or after the commencement of the Prisons Act Amendment Act (No. 2), 1983.

Under that provision the Crown has a right to go back to the court in relation to prisoners for whom it feels that a non-parole period might be inappropriate. The protection that the honourable member is looking for is provided for.

Mr BAKER: I have received a legal interpretation about the fact that judgment cannot be made once a person has finished his non-parole period. If the Minister can give me an assurance that everyone will be assessed under that procedure that he referred to, then I will be quite happy to accept his word. In regard to the legal interpretation to which I referred, I ask that the Minister check with the Parliamentary Draftsman about that. If he can assure the House that that provision will apply then I will not insist on further assurances.

Clause as amended passed.

Clause 15—'Board shall order release of a prisoner upon parole.'

The Hon. D.C. WOTTON: The Opposition opposes this clause. It provides for automatic release on parole. During the second reading debate I had a fair bit to say about this matter, and I do not intend to go over it again, other than to say that this provision will create inflexibility. Flexibility is the essence of any parole system which seeks to meet individual requirements. I hope that that is what we still have in mind as far as the parole system is concerned. It will lead to the fixing of longer non-parole periods by the courts which will defeat one of the purposes. It is unlikely to reduce the prison population because sentences will be longer. Alternative punishments to imprisonment have to be looked at, as we have said on a number of occasions. The Opposition opposes this clause very strongly. Throughout the debate the Opposition has indicated that it opposes automatic release. I hope that the Minister recognises the Opposition's sincerity in this matter.

The Hon. G.F. KENEALLY: I do recognise that sincerity. I have canvassed this matter in my second reading explanation and in a preceding clause, so I do not need to repeat it now. The Government will certainly support the clause.

Mr MATHWIN: I ask the Minister what is being referred to in subsection (2) *(b)* of proposed new section 42k. Is it a condition to stay away from a victim, keep out of a hotel or not to associate with other criminals? New subsection (4) refers to 'fixing or recommending conditions'. New subsection (2)*(b)* refers to 'condition', yet new subsection (4) refers to 'conditions'. Is it the intention behind new subsection (2)*(b)* that only one condition be named?

The Hon. G.F. KENEALLY: I do not want to enter into a legal debate with the honourable member because I do not think it would be fruitful for either of us. I have taken advice, and I understand that it is plural. It does not mean only one condition, as the honourable member feared. It could mean any number of conditions.

Mr MATHWIN: New subsection (3)*(a)* refers to a period of not less than three years nor more than 10 years. Does this mean that a prisoner can be on parole for up to 10 years?

The Hon. G.F. KENEALLY: That is the current provision for any life sentence prisoner who is released by the Governor-in-Council. A life prisoner can have set for him or her a parole period of not less than three and not more than 10 years.

The Committee divided on the clause:

Ayes (23)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally (teller), and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (20)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Eastick, Evans, Goldsworthy, Gunn, Ingerson, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton (teller).

Pair—Aye—Mr Crafter. No—Mr Chapman.

Majority of 3 for the Ayes.

Clause thus passed.

Clause 16—'Duration of parole and subsequent expiry of sentence in relation to prisoners serving life sentences.'

Mr BAKER : I move:

Page 8, lines 43 to 45—

Leave out all words in the clause after 'amended' in line 43 and insert 'by striking out from subsection (1) the passage 'the period fixed by' and substituting the passage 'the period recommended by'.

When I read the original legislation I understood that the period was recommended by the Board and approved by the Governor. Clause 16 appears to be inconsistent with the original legislation. I think that it should be 'the period recommended by' rather than 'the period fixed by' because it is the result of a previous amendment.

The Hon. G.F. KENEALLY: Is the honourable member point out a drafting error?

Mr BAKER: Yes.

The Hon. G.F. KENEALLY: I will accept that.

Amendment carried; clause as amended passed.

Clause 17 passed.

Clause 18—'Prisoner on parole (other than life prisoner) may apply for discharge from parole.'

The Hon. D.C. WOTTON: We oppose this clause and believe that the old section 42nc of the principal Act should be retained.

Clause passed.

Clause 19—'Repeal of section 42nd.'

The Hon. D.C. WOTTON: We disagree with this clause and oppose it. I will not go into the matter in detail at this stage.

Mr BAKER: Section 42nd provides that, if parole is obtained by unlawful means—and there are still some unlawful means of obtaining parole—there are some provisions to deal with that, along with some other little items. Has the Minister considered by taking out section 42nd, which also takes out other things consequential on and consistent with other changes he has made to the Act, whether there is an intention to take out the 'unlawful means'?

The Hon. G.F. KENEALLY: I am not sure of the point the honourable member makes but I feel content with the clause as it is. If there is a point to be made, perhaps the honourable member can make it to me afterwards and we can consider it, because there will be another opportunity. I do not see the need to change or agree with the suggestion.

Clause passed.

Clause 20—'Cancellation of parole for breach of condition.'

The Hon. D.C. WOTTON: I believe that the original section 42ne of the principal Act should remain.

Clause passed.

Clause 21—'Cancellation is automatic.'

The Hon. D.C. WOTTON: I move:

Page 9, lines 38 to 43—Leave out all words in these lines.

Amendment negatived; clause passed.

Clause 22 passed.

Clause 23—'Proceedings before the board.'

The Hon. D.C. WOTTON: We disagree with clause 23, because it gives prisoners and parolees the right to be represented by a legal practitioner in any proceedings before the board for cancellation of parole or for discharge of parole. I can see this as being a great expense. I have spoken to quite a few people about this clause, and I do not think it is necessary. Where there is a divided committee of three on the board and a prisoner who has legal representation, it could make it extremely difficult for the rest of the board. We disagree with this clause.

The Hon. G.F. KENEALLY: I would not imagine that the Chairman of the board would allow the board to divide into two subcommittees of three members to deal with the individual revoking of a parole order. The revoking of the parole order means that a parolee will be taken back into prison and will have to serve an additional sentence in prison. We believe that, in those circumstances, the parolee ought to be represented. There will be additional expense and work for the board. We believe that, when a prisoner has his parole revoked and will have to go back to prison, to provide him with legal representation in those circumstances is natural justice.

Mr MATHWIN: I object, for quite different reasons. It makes it a court within a court. The prisoner already has been represented by a legal practitioner. There is no oath taken before the board: it will be a matter of welfare. It turns the Parole Board into a tribunal. I mentioned some of these matters in my speech. Obviously, the Minister cannot remember everything but I thought that he might have mentioned this. It is quite wrong because of those points: it turns the Parole Board into a tribunal, it is a court within a court, and there is no oath taken. I do not see the point.

Mr BAKER: I will not further canvass the issue which has already been well covered, but the Minister has given an unsatisfactory answer which raises other issues about legal practitioners. Under the existing system the Police Commissioner is advised when a prisoner is due for parole or when his application will be considered so that if he is released there will not be encumbrances on him, such as further warrants. That is for the protection of the prisoner as much as for anyone else. There is not supposed to be an antagonistic situation. It is not desirable for a prisoner to get out of gaol when his non-parole period has expired and find that he is faced with outstanding warrants. It has happened; I know of cases where prisoners have been released and the police have had to rush after them because of further court procedures. That is not fair to prisoners. By providing an amendment to inform the Commissioner, we are asking him to ensure that there are no further warrants and that the prisoner does not have a free grasp at liberty. I have not moved an amendment, but I raise this matter with the Minister.

The Hon. G.F. KENEALLY: As Minister responsible for police I have total confidence in the police. If the police have a warrant—

The Hon. D.C. Wotton: They do not have total confidence in you.

The Hon. G.F. KENEALLY: Yes, they do. If a person is in prison and the police are holding a warrant for him, the

police will know and will check when that person is to be released. They will be present when the person is released. It is not necessary for the Department to contact the police and advise them when every person leaves prison. When a person leaves prison with no further action hanging over their head the police will not be interested. If the police have a warrant to be served, they would be interested and would check when the person to be issued with the warrant is to be released. They would be sure to be present because they would already have contacted the Department and asked to be notified.

Mr BAKER: I can give many examples because for a period I worked at Adelaide Gaol. We had three prisoners in the space of a week who were released and it was decided that they should be brought back because of warrants outstanding. Some warrants were from interstate and some were lost because people did not understand what was in the system. Such an amendment could be useful and would provide a safeguard for prisoners. It could help prisoners.

Mr MATHWIN: I pursue the matter which I raised earlier and to which the Minister did not respond. I presume his silence reflects his agreement with me. This change turns the Parole Board into a tribunal. The prisoner has been before the court, and so this is a court within a court. No oath is taken. Why does the Minister want this situation to continue? I raised this matter in the second reading debate when the Minister did not comment and I have raised it subsequently, and I presume his silence reflects his agreement with me.

The Hon. G.F. KENEALLY: The Parole Board can be described as a *quasi* judicial body. It is able to perform judicial functions, and whether one calls it a tribunal or a board does not make much difference. The honourable member should be aware that when a prisoner's conditions of parole are set he is not represented at all at that time. When he goes out into the community he is not represented. We have provided for representation only when that person is likely to be brought back into the system. If he has a parole breach by decision of the board and is going back inside for three months, we believe the prisoner ought to have legal representation to plead his case before the board, which is very competent. If we are able to we will have a judge of the Supreme or District Court as Chairman, or even a person with considerable legal expertise. The legality of the situation will be well protected.

Clause passed.

Clause 24—'Repeal of section 42ni.'

The Hon. D.C. WOTTON: This clause repeals a section that is redundant as a result of the new system of parole. The Opposition opposes the new system and, therefore, opposes the clause.

Mr MATHWIN: I mentioned this matter in my remarks on the Bill. I refer to new section 42ra (2), which provides:

> Subject to subsection (3), the Director shall, at the end of each month served in prison by a prisoner to whom this section applies, consider the behaviour of the prisoner during that month and may, if he is of the opinion that the prisoner has been on good behaviour—

An honourable member: Wrong clause!

The CHAIRMAN: Order! The honourable member is even confusing the Chair. The Committee is dealing with clause 24, which is a repeal clause.

Mr MATHWIN: I am sorry, Sir. I was trying to get it over quickly.

Clause passed.

Clause 25—'Regulations.'

The Hon. D.C. WOTTON: The Opposition opposes this clause, which is consequential.

Clause passed.

Clause 26—'Repeal of Part IVB and substitution of new Part.'

The Hon. D.C. WOTTON: This again relates to conditional release. The Minister has made the position quite clear. The Opposition totally disagrees with what he said, but he will obviously not move. I can only reiterate that the Opposition opposes this clause. I wish to move an amendment.

The CHAIRMAN: Order! To clarify the position the honourable member must oppose the clause before he can move his amendment.

The Hon. D.C. WOTTON: I did that, Mr Chairman.

Clause passed.

The Hon. D.C. WOTTON: I move the amendment standing in my name.

The CHAIRMAN: There is a bit of confusion. The Chair points out that, if the member for Murray now moves to insert a new clause 26a, that clause must stand in its own right. It cannot be linked with clause 26 as it is now. It must stand on its own.

Mr MATHWIN: I rise on a point of order.

The CHAIRMAN: Order! The member for Glenelg may take a point of order later. The Chair is endeavouring to explain the situation for the benefit of the member for Murray. The Chair does not want the member for Murray to think that it is trying to gag him. The member for Murray has opposed clause 26 as it stood, and he wishes to insert new clause 26a. That new clause must stand in its own right. I hope that the Chair has explained the situation. If the honourable member wants to proceed, so be it.

New clause 26a—'Repeal of s. 42rb and substitution of new section.'

The Hon. D.C. WOTTON: I move to insert the following new clause:

> Section 42rb of the principal Act is repealed and the following section is substituted:
>
> 42rb. (1) Subject to subsection (2) the Director shall, at the end of each month served in prison by a prisoner to whom this part applies, consider the behaviour of the prisoner during that month and may, if he is of the opinion that the prisoner has been of good behaviour, credit him with such number of days of conditional release, not exceeding ten, as he considers appropriate.
>
> (2) The Director shall not, in considering the behaviour of a prisoner for the purposes of subsection (1) take into account unsatisfactory behaviour in respect of which the prisoner is likely to be dealt with under any other provision of this Act or any other Act or law.
>
> (3) Where the Director makes a decision under this section to credit, or not to credit, a prisoner with any days of conditional release, he shall notify the prisoner in writing of that decision and of his reasons for the decision.
>
> (4) Where, at the end of a month served in a prison by a prisoner, it appears that the prisoner, if he were to be credited with 10 days of conditional release at the end of the next month, would be entitled to be released from prison before the expiration of the that next month, the Director shall thereupon credit the prisoner with 10 days of conditional release.
>
> (5) Notwithstanding any other provision of this Act, a prisoner shall (unless released earlier under any other provision of this Act or any other Act or law) be released from prison when the total number of days of conditional release credited to him and the period he has served in prison together equal the term, or terms, of imprisonment to which he was sentenced.

Mr MATHWIN: On a point of order, I wish to refer to clause 26. I spoke previously to the wrong clause. I made a mistake, and I was told that I would have to wait.

The CHAIRMAN: Order! The Chair will not be made responsible because the member for Glenelg mistook the situation. Clause 26 has been put and carried.

Mr MATHWIN: In that case, I point out that I was on my feet, and you, Mr Chairman, took no notice of me because your attention was directed to the member for Murray.

The CHAIRMAN: Order! There is no point of order. The Chair has explained the position. The member for Murray has moved in his own right new clause 26a.

Mr BAKER: I rise on a point of order. You, Sir, told the member for Murray that he would have to oppose the clause. At that stage my colleague was on his feet. I also want to discuss clause 26 and I ask that that clause be reconsidered, because it was not considered in that light.

The CHAIRMAN: Order! The Chair does not want to be dogmatic at this hour. I would be prepared to reconsider clause 26. However, it is up to honourable members to see that they have their right. The Chair is not responsible.

Clause 26—'Repeal of Part IVB and substitution of new Part'—reconsidered.

Mr MATHWIN: Thank you for your consideration, Mr Chairman. I appreciate that. I was in an awkward position. The Minister has referred a number of times to a total of one-third remission, yet 15 days in one month is a half, not a third. Will the Minister clarify the situation?

The Hon. G.F. KENEALLY: As I explained, if a prisoner serves 15 days in prison and has 15 days remission, that is half, but if a person serves 30 days in prison and gets 15 days remission, that is a third. So, if a prisoner serves six years in gaol and if there is a remission of half, that would be three years, so six years plus three years is nine. That is one-third. It is not one-half as the honourable member has said. A prisoner must serve one month before he gets 15 days remission, and 30 plus 15 is 45—that is a third. If a person served 15 days and got 15 days remission that would be one-half. Working on six years, if a prisoner serves six years in prison and gets 15 days remission every month that would be three years.

A prisoner has to serve six years before getting three years remission of sentence. It is a nine year head sentence. Although 15 days a month looks like half, it is a third because a prisoner has to serve a month before qualifying for the 15 days remission.

Mr BAKER: I seek guidance from the Minister. I was given the impression originally that there was to be a credit system involved and that, if there was bad behaviour, a prisoner would lose days from the 15 days remission. That is a punitive system and not a reward system. It has since been explained to me that, under the proposed system, there will be a range of values. What sort of range is the Minister referring to? How does a prisoner achieve the 15 points and what does the Minister imagine would be the average number of days that a prisoner will gain for good, ordinary, average behaviour.

The Hon. G.F. KENEALLY: A lack of bad behaviour in itself will not warrant maximum remission. A prisoner will have to indicate a positive attitude towards prison and need to be helpful, good in his work, efforts for education, rehabilitation etc. Commencing at the start of each month a record will be kept of every prisoner. The actions of a prisoner will be recorded by prison officers, who will have to give a copy of every notation they make to that prisoner so that he knows if he is scoring negative points. On the other hand, if he does good things he scores positive points. At the end of the month that report for the month is given to the Chief Correctional Officer or Administrator of the prisons who will then, in conjunction with the Director of the Department, decide whether the prisoner's behaviour warrants two, five, seven, ten or 15 days remission.

Prisoners will not get a statutory entitlement of 15 days remission per month and then have days deducted under a punitive system. This will be an earned remission system which will be determined at the end of the month. Therefore, there will be encouragement every day for prisoners to behave and to show a positive attitude. It will be up to the prisoner whether or not he does this. For a prisoner to earn maximum remission for every month of the year for every year of a sentence would be difficult; one would hope he would, but he would have to be a model prisoner to do so. That is what we are aspiring to, and this is the system by which we have to encourage people to be model prisoners who will then benefit. If a person falls short of being a model prisoner he will stay in prison longer.

The CHAIRMAN: I wish to clarify the situation with the member for Murray. I have sought advice about this matter and the member cannot move his amendment unless clause 26 is defeated. I cannot therefore accept the member's amendment. I may have confused the honourable member and I am sorry. If clause 26 is passed, it repeals and substitutes.

Mr BAKER: If that was the intention of the law in this situation it should have been worded so as to make a positive contribution to good behaviour.

The Hon. G.F. KENEALLY: We will be sending out departmental instructions for setting up the systems.

Clause 26 passed.

Clause 27 and title passed.

The Hon. G.F. KENEALLY (Chief Secretary): I move:

That this Bill be now read a third time.

The Hon. D.C. WOTTON (Murray): I want to briefly express my concern that this Bill has reached the third reading in its present form. I believe that we will see considerable problems arising as a result of the operation of this legislation. I believe it was quite wrong of the Government to push through this Bill in the way that it has allowing very little time for the Opposition and the people of South Australia to learn a little more about this legislation before it passed through this place. It is a disgrace that such a complex and significant piece of legislation such as this should be dealt with at 3 o'clock on a Friday morning. I reiterate that I have great concern about the Bill as it comes to the third reading in its present form.

The House divided on the third reading:

Ayes (23)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, M.J. Brown, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally (teller), and Klunder, Ms Lenehan, Messrs Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (21)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Eastick, Evans, Goldsworthy, Gunn, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton (teller).

Pair—Aye—Mr Crafter. No—Mr Chapman.

Majority of 2 for the Ayes.

Third reading thus carried.

PETROLEUM ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 November. Page 2053.)

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): The Opposition opposes this Bill for a number of reasons. It was pointed out earlier that the Government's time table this week is entirely unsatisfactory. This Bill is a case in point. A number of measures were introduced in the House on Tuesday without notice. This Bill makes a very significant amendment to the Petroleum Act. It was introduced; there was no consultation whatsoever, certainly not with the Opposition nor with industry.

I was at a function yesterday (and one tends to lose track of time in this unreal world of legislation by exhaustion) at which were present people from two of the major companies involved in the Cooper Basin who had no idea of what was in this Bill. The Minister's secretary, I understand, came

out with a press statement handed to him earlier that day. This was the day the Bill was to be debated. They had not seen it. At the function at 11.30 a.m. I handed them the Bill. They went away to scurry around and find out what it was all about.

The only time the Liberal Party had for considering this whole range of Bills was an hour before the House was due to sit on that day. The major Bill that has just been dealt with — the Prisons Act Amendment Bill — had to be discussed at that meeting, at which this Bill was also supposed to be discussed. There had been no response from any of the companies. The Government is suggesting that this is a rational way to deal with legislation and for the democratic process to proceed.

This is a completely unsatisfactory way for the Parliament to proceed. So, even if the people concerned had been able to get information in relation to the Bill I would have been inclined to recommend to the Liberal Party that we oppose it simply because of the way that the Government was handling business. Anyway, the inquiries I have now made indicate that there is good reason for opposing the Bill other than that it was a quite unsatisfactory way with which to deal with the Parliament.

The companies had not been approached by this Government, which made this big song and dance about consensus and consultation. They were coming to see the Minister, as I understand it, at 2 p.m. in terms of today's sitting. The House was in session, and Question Time was completed. The Bill was on today's Notice Paper for consideration and the Minister had not even seen the companies. They were due to see him at 9 a.m., but I suppose he slept in because he had had a late night. We had had a Liberal Party meeting to discuss the Bill, and the companies had not even seen the Minister.

What sort of way is that to run this place? The Deputy Premier used to come to me when we were in Government and say, 'Look, we have not had time for Caucus to discuss this.' Our Liberal Party meeting had had time to discuss it and the Government had not even been to the companies about it. This is an absolute farce. I want to put on record what the companies came up with after we had our meeting and decided what we would do. It confirms what I thought about the Bill after I had read it through. I could see that there were some quite Draconian measures.

I read an article in the *Australian* newspaper this morning (if we talk about 'this morning' being at the commencement of today's Parliamentary sitting) which indicated that even from the press statement the Minister had given to one of the companies it was far from happy with what was shown in the Bill. The Santos General Manager said, according to the *Australian,* that the Bill worried them; it looked as though the Government was providing further disincentives to exploration work. If ever the Government should be providing incentives in this State it is right now.

We have just been through the thrash of this land rights legislation, which every mining and petroleum company in Australia is saying is an enormous disincentive to exploration work. Here we have a Bill which was described, even from the press release (which we know has the normal governmental gloss on it) and before the companies had even got anywhere near the Bill, as a positive disincentive to exploration in Australia—just what we do not need! The article in the *Australian* is headed 'South Australian exploration Act changes "adverse" '. It states:

> Proposed amendments to the South Australian Petroleum Act would be a disincentive to future oil and gas exploration—

said Dr John McKee of Santos, and so it goes on. I was asked to comment, completely in the dark, by the reporter. We had not seen the Bill before it came in; we had not had a chance to talk to the companies. They had not seen the Bill. My comment which is reported there was that the Bill provided a disincentive in South Australia, and I would recommend to the Liberal Party that we do not support it. I will put on record what the company said in a letter to me:

> On perusal the Bill to amend the Petroleum Act now before Parliament is much more far-reaching and has many more serious implications than we first envisaged on reading the press release.

This is all they got. On the day the Bill was to be debated, all the companies involved had received was a press release. The letter continued:

> It in fact represents a major change in the relationship between the State and the exploration oriented resource industry. The following are the more serious aspects:
>
> 1. Section 18 (3a): Enables the Minister in effect at his total discretion to determine the area for excision at relinquishment (that is this could be a prospective area). The concept is totally unacceptable and must be resisted, removing as it does one of the recognised explorationist's rights of decision. The conseuences to investor confidence level must be severe.
>
>   Note: The Minister or his Department is obviously wishing to change the areas that Santos and Delhi have indicated. . .
>
> 2. Section 27 (1a): This section removes the statutory right to the grant of a production licence. It now rests on a Ministerial determination of what is sufficient to warrant production. This is a fundamental change and would have far-reaching consequences in the industry's confidence to explore, and its ability to raise exploration finance. It, too, is totally unacceptable.

Of course, I have not had a chance to test the validity of these statements, but I have no reason to disbelieve them. The letter later continues:

> 3. New section 28: The Minister is taking the right to determine the size of a field.

I must admit that I read through the Bill and thought that this was strange. Here was the Minister going to determine the size of the exploration licence in terms of the size of the field. The Minister must think that he is a genius. It is an enormously difficult job to determine the exact location of the field when one is issuing a production licence.

There is a court battle still ensuing between Delhi and SAOG in relation to the delineation of a field. Here is the Minister who in his judgment will say, 'This is the size of the field and this is where the production licence will be.' I thought that was a strange provision to be in the Bill. The letter continues:

> This is often impossible to determine at the time of initial production.

And it then mentions the fact that I have just mentioned, that litigation is still proceeding. It continues:

> The Minister could override the technical judgment of the operator.
>
> Here again the damage to investor confidence is very real as there is the prospect of other production licences now being granted in close contiguous areas that should on normal technical rationale form part of the initial production area. More importantly, under the powers now being sought by the Minister, such areas could be determined by him for relinquishment. This is a frightening prospect.
>
> The existing 260 square kilometres is more than a sufficient safeguard to the State.
>
> Again financing ability would be severely affected on the proposed Ministerial discretion basis.
>
> 4. There are several other points important in themselves.
>
>   *(a)* There is the assumption that the explorer can identify a five year programme and expenditure in advance. This is obviously impossible as later years' work depends on prior works results.

In the first year of exploration activity one does not have much idea of what will turn up. Depending on the results of that effort, the next year's results will be determined and, resulting from that effort, one then plans ahead. To suggest that a five-year programme can be delineated when a pro-

duction licence is issued is obviously quite fallacious. It continues:

> *(b)* There is the deletion of the power to defer expenditure to a subsequent year.
>
> Note there is no *force majeure* in the Act (for example, flooding could prevent a work programme being completed).
>
> The Minister is taking rights to vary statutory conditions.
>
> Once again this can only erode exploration and investor confidence.
>
> *(c)* The Minister can vary or revoke conditions attaching to a licence during a previous term. This is unacceptable as it enables the Minister to place Draconian conditions on the old licence holder which he could then relax for the new licence holder. This is a most dangerous situation.
>
> 5. This Bill was introduced without any consultation with industry whatsoever.

So much for the Government's consensus and consultation. The Deputy Premier received a pat on the shoulder at the Employers Federation luncheon one day this week because of the great consultation that he was involved in. He had better train some of his Ministers. He seems to behave in a more civilised way in his responsibilities.

The Bill was introduced without any consultation. In fact, I told the Deputy Premier so. I told him that I thought his Minister was being negligent, and that he was creating problems for the Government. The letter continues:

> It represents far-reaching changes and removes statutory rights.
>
> It must not proceed without prior debate and careful analysis of the consequences to future exploration investment in this State.
>
> 6. If the State departments have concerns they are welcome to sit down and discuss these with those companies that have already invested $2 billion in the petroleum resources of this State under the existing conditions—of which $1.5 billion remains borrowed. Changes to these conditions while such international funds are involved can only prejudice the ability of the industry to raise funds for future investment in the State.
>
> 7. The proposed amendments, if intended to apply to the existing licensees in the Cooper Basin, could breach the terms of covenants solemnly entered into by the Minister and the State and in reliance upon which both the licensees and the international lending community have invested funds of the magnitude referred to above.

This is serious. It continues:

> Existing rights must be protected against *ad hoc* 'changes of rules' in the interests of the licensees, their lenders and future investor confidence in the development of South Australia's natural resources.

That is signed by the principal of the company. The other principal of a company I contacted came back a little more quickly with his comments. They reflect many of the concerns that I have outlined and he made these general comments:

> In no State except in South Australia is there a Government instrumentality competing openly with private enterprise in the exploration and production of hydrocarbons—

he is referring to South Australian Oil and Gas—

> The immense discretionary powers included in this Bill makes it possible for the incumbent Minister to discriminate in favour of its own instrumentality. Private enterprise objects strongly to this. Discretionary powers relate to:
>
> - conditions of renewal of exploration licences.
> - areas to be excised before renewal.
> - granting of production licences.
>
> The timing of the introduction of this Bill seems to indicate an adverse attitude to the Cooper Basin producers and will make our lenders for the liquids project very apprehensive. Our financial commitments are already extremely high and further imposts by Government are seen as unhelpful, unfriendly and unwarranted. South Australia is building up a reputation with private enterprise of being against development of wealth and potential growth. Recent examples are: Maralinga Land Rights Bill—

I have already referred to this—

> no exploration will occur until the matter of upfront payment before exploration is removed. The money will be invested outside South Australia.

That is a fact of life. The Government chooses not to believe it. The comments continue:

> The Honeymoon matter. Encouragement by a previous Government is reversed and a production licence not granted.
>
> The Petroleum Act amendment.
>
> Roxby Downs.

These are the specific comments:

> Clause 2—timing to become effective: Action taken in past assumes known conditions continue. Hence varying relinquishments now could disadvantage us.
>
> Clause 5—five-year programme of exploration cannot be satisfactorily laid down.

Some of this is repeating what the other principal had to say, and that is not surprising. The comments continue:

> Future years programmes are affected by earlier year results. What degree of detail envisaged?
>
> Clause 6—licences are granted subject to Ministerial discretion. Does this put SAOG/PASA in more favourable position?
>
> Clause 8—deletes power to defer expenditure to subsequent year. No *force majeure*—for example, floods across area. Will Government treat private enterprise no less favourably than SAOG/PASA?
>
> Clause 9—requires five-year programme to be submitted with renewal application. If the Minister wishes he can offer terms and conditions unacceptable to one party. Area to be excised is at Minister's discretion.

I will not read it all—

> What delay in granting renewal? Why not a maximum period of 2 months?
>
> Clause 10—heavy increase in expenditure commitments. Why is the Government trying to slug us when we are already so heavily committed?
>
> Clause 12—double licence fees.
>
> Clause 13—removes statutory right to grant of PPL.
>
> Clause 14—how can Minister determine area of the field?

I could say plenty more but I will not. There may be good reason for the Government wanting to squeeze hell out of these companies and that is the impression one gains from the way in which this legislation has been introduced without any consultation—certainly not with us. We are used to that sort of treatment but, for a Government which I believe is hard pressed and which should be doing its damndest to encourage development of mineral wealth in this State, I would have thought that this was about the worst way in which a Government could approach its relationships and dealings with companies which have literally spent billions of dollars in South Australia. I have heard arguments from people elsewhere who want a piece of the action in exploration and production areas. I have heard those arguments.

I was not absolutely sure of their validity because, once petroleum has been found, everyone wants to get into the action. You have to have deep pockets to do anything in Australia, which is an extremely expensive country in which it costs more to drill wells than it does in Texas. Australia is an enormously expensive country in which to do anything. We are talking about people who have to have major resources at their command, and these companies do. In the main it is borrowed money—two-thirds is borrowed. Companies have to put together financial packages, particularly for the liquids schemes, involving 15 or 20 banks around the world.

It is suggested in these replies to my inquiries that it puts at risk those borrowing arrangements. If that is not so, then there are some gross misrepresentations in those replies: I do not believe that there are. However, to bring in a Bill cold, without our even having seen the Bill on the day it is to be debated, defies imagination, to my mind, unless the Government for some reason (which it has not explained to me or the House) has deliberately got out a sledgehammer to give these companies a king-sized whack over the head.

I do not know what the Minister will have to say in reply. It is a ridiculous hour to be debating cold a major piece of legislation with 30 clauses. However, I make quite clear that the Opposition certainly is opposed to this Bill on the information that it has been able to gather.

The SPEAKER: If the Minister speaks he closes the debate.

The Hon. R.G. PAYNE (Minister of Mines and Energy): I thank the previous speaker for the brevity he displayed at this late hour in the morning. I suggest also that his contribution was somewhat more restrained than that which occurs on occasions, and I thank him for that. First, I deal with the question of lack of consultation and by way of connotation in respect of that matter I remind the former Minister that, when he was Minister in 1981, he brought into the House some amendments which related to requiring increased reporting, the submitting of more detail, and so on, from licence holders.

The Hon. E.R. Goldsworthy: There were numerous meetings in my office with oil and gas companies.

The Hon. R.G. PAYNE: I was about to refer to the very fact that consultation is being urged. My understanding of what took place then was that after a year of consultation there were still many areas on which no agreement had been reached, and the Minister then brought legislation into the House. So much for the process of consultation! To pretend that the companies concerned had no idea that something of this nature might well be appearing completely begs the issue, and the former Minister is in the best position in this House to know that. The day-to-day operation of the Petroleum Act and the oil and gas industries is a matter of co-operation, negotiation, and a damn lot of contact for licensing and other requirements to be policed. A great deal of interchange goes on all the time. The Deputy Leader said, for example, that we are placing further imposts on the industry. I inform the Deputy Leader—

The Hon. E.R. Goldsworthy: Inform the companies: I am quoting the companies.

The Hon. R.G. PAYNE: I believe that I can speak only to the members of this House at this stage. I point out that yesterday (as it now is) I met with two principals from Santos and Delhi, who are the authors of the information put before the House by the Deputy Leader, and who stated unequivocally to me that the increased expenditure requirements, the increased charges in relation to licence applications and renewals, and so on, are justified and they do not object to those imposts.

The Hon. E.R. Goldsworthy: That's not new. They told me that too.

The Hon. R.G. PAYNE: All right. I was under the impression that the Deputy Leader had concluded his remarks in this matter. It was significant that he omitted to quote part of the document. He said that that part was not really relevant and went on to the next point. He referred first to section 18 (3) *(a)*.

The Hon. E.R. Goldsworthy: All I left out was the names.

The ACTING SPEAKER (Mr Whitten): Order!

The Hon. R.G. PAYNE: I do not believe that there was any impropriety in that respect. What the Deputy Leader did not quote related to a concern felt by the principals that there might well be a move by me, as the Minister, to try to introduce requirements that would have an effect on the current relinquishment plan in respect to P.L.s 5 and 6.

The Hon. E.R. Goldsworthy: What am I supposed to have left out?

The Hon. R.G. PAYNE: I understand that that part was not given to the House.

The Hon. E.R. Goldsworthy: Read it out.

The Hon. R.G. PAYNE: It states:

The Minister or his Department is obviously wishing to change the areas that the two companies concerned had indicated on 25 November that they would relinquish on P.L.s 5 and 6 in February 1984.

The Hon. E.R. Goldsworthy: I did not quote that, because it was embarrassing—

The Hon. R.G. PAYNE: I do not believe that it is embarrassing. There was a misunderstanding. I had to assure the two principals that the plan in relation to that matter would be recommended to me for approval. The honourable member, as he was a Minister, would know how that system works. He is quite correct in suggesting that there has been some misunderstanding. There is a time problem, as he knows. On 27 February next year P.L.s 5 and 6 must be renewed. If some changes must be made, that is when it will be done—when the renewal of the licence is up for negotiation. That is what the whole process is about.

The Hon. E.R. Goldsworthy: You didn't want the sledgehammer.

The ACTING SPEAKER: Order! This is not a question and answer session.

The Hon. R.G. PAYNE: There was no sledgehammer. At the time of renewal, there is the question of acceptance by the person who lodges the renewal, and there is obviously ongoing negotiation and discussion, just as in regard to an original application. There is no sledgehammer. The matters raised by the Deputy Leader, admittedly, as he says in the information provided to him, do not bear the sorts of tags that he puts on them. The kinds of changes being proposed are quite reasonable in the circumstances. Is the former Minister saying that to require, in relation to an excision (that is, a relinquishment) at the time of renewal, that the area or areas to be excised and the area to be retained must be of such a size and shape that future exploration of both areas will not, in the opinion of the Minister, be discouraged? Is it a Draconian provision to require that the relinquished area is of such a size and shape that it will be available to other persons if necessary for further exploration work? Have we reached that scene in South Australia already that we do not need further exploration for both oil and gas, for example?

That is the proposition that has been put forward if that type of criticism is levelled. Some of the amendments that are part of the Bill are already in force in the industry in Western Australia and in Queensland. There is nothing revolutionary being dragged up here and brought before us. The amendments in general are sensible and directed to the proper operation of the industry as a whole, bearing in mind the State's interest. Certainly the explorers who put up their money have their rights, but so does the State. Here we are putting forward only acceptable, sensible practices. As I have demonstrated, there certainly will be discussions and negotiations if and when these amendments become part of the Petroleum Act.

I accept that the former Minister was not sitting in an office issuing Draconian requirements. It is a matter of negotiation when leases are issued or renewed, and the honourable member well knows that. A fair examination of the amendments indicates that there is not the flavour associated with them that has been suggested.

The Hon. E.R. Goldsworthy: So the companies are exaggerating?

The Hon. R.G. PAYNE: I believe that the companies have misunderstood the position in relation to South Australian Oil and Gas in the suggestion that favouritism could apply. The provisions of the Petroleum Act apply to both the private and public sectors. Had the former Minister looked at the parent Act, he would have seen that section 12 enjoins the Minister from behaving in a capricious manner in any of these matters. Section 42, dealing with leases and

licences, contains a further enjoinment against the Minister's operating in a capricious manner. The very tenor of the Act illustrates the fairness inherent in the provisions and states that the Minister must behave in a fair way. I suggest that any further discussion on the matter would be fruitless and would only delay progress tonight. Therefore, I urge members who have done me the courtesy of listening to my remarks to support the Bill.

The House divided on the second reading:

Ayes (23)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, M.J. Brown, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Payne (teller), Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (21)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Eastick, Evans, Goldsworthy (teller), Gunn, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Pair—Aye—Mr Crafter. No—Mr Chapman.

Majority 2 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 to 5 passed.

Clause 6—'Licence in respect of separate areas.'

The Hon. E.R. GOLDSWORTHY: I seek comment from the Minister on the contention by the companies on what he is doing. The proposed amendments, if intended to apply to the existing licensees in the Cooper Basin, could breach the terms of convenants solemnly entered into by the Minister and the State and in reliance upon which both the licensees and the international lending community have invested funds. It is the point I raised earlier. Does the Minister believe that that is a false assertion?

The Hon. R.G. PAYNE: Yes, it is a false assertion, with no disrespect to the people who made it. The amendments we are considering do not apply to the Cooper Basin section.

Clause passed.

Clauses 7 to 16 passed.

Clause 17—'Surrender of licence.'

The Hon. R.G. PAYNE: I move:

Page 5, line 12—After the word 'granted' insert 'or, if the application is made in one year of the term of the licence but is granted in the following year, the surrender shall be deemed to have taken effect, if the Minister so directs, at the end of the year in which the application was made'.

The amendment seeks to make fairer and clearer the surrendering provisions contained in the clause. It could be that, if literally interpreted as it now stands, someone wishing to surrender could be penalised by being carried over into the subsequent year and thus being required to have commitments, and so on, that they would have to meet in relation to expenditure for a longer period than could fairly be intended. The amendment will provide in effect that the surrender will take place in terms of the year during which it was submitted.

Amendment carried; clause as amended passed.

Remaining clauses (18 to 20) and title passed.

Bill read a third time and passed.

ADJOURNMENT

At 3.45 a.m. the House adjourned until Tuesday 6 December at 2 p.m.