HOUSE OF ASSEMBLY

Thursday 8 December 1983

The SPEAKER (Hon. T.M. McRae) took the Chair at 2 p.m. and read prayers.

EDUCATION ACT AMENDMENT BILL

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

That Standing Orders be so far suspended as to enable the sitting of the House to be continued during the conference with the Legislative Council on the Education Act Amendment Bill.

Motion carried.

PETITION: KENSINGTON GARDENS PRE-SCHOOL CENTRE

A petition signed by 195 residents of South Australia praying that the House urge the Government to provide extra funding for the provision of an aide at the Kensington Gardens Pre-School Centre was presented by the Hon. G.J. Crafter.

Petition received.

QUESTIONS

The SPEAKER: I direct that the following answers to questions without notice and a question asked in Estimates Committee B, as detailed in the schedule I now table, be distributed and printed in *Hansard:*

WEED SPRAYING

In reply to **Mr PLUNKETT** (27 October).

The Hon. G.F. KENEALLY: There is no objection to councils using 2,4-D or 2,4,5-T for the recommended purposes providing the proper precautions are taken in their use. Officers of the South Australian Health Commission continue to examine the world scientific literature for the latest information on all pesticides. There is insufficient evidence to support a ban of either 2,4-D or 2,4,5-T; this is taking into account the Swedish studies the honourable member mentioned and findings elsewhere. Any new evidence which comes to hand will be carefully evaluated, and any decisions made will be properly based on sound scientific evidence.

SALES CONTRACTS

In reply to **Mr EVANS** (17 November).

The Hon. G.J. CRAFTER: The High Court decision in *Deming No. 456 Pty Ltd v Brisbane Unit Development Corporation Pty Ltd,* handed down by the High Court on 16 November 1983, concerned the interpretation of section 49 of the Queensland Building Units and Group Titles Act (1980). The South Australian Real Property Act has no section equivalent to section 49 of the Queensland Act so no legislative action should be required in this State as a result of the decision.

EXTERNAL ACCOUNT AUDITS

In reply to **Mr MAYES** (8 November).

The Hon. G.J. CRAFTER: The matter of whether an independent body to review all external account audits of private and public companies should be set up was referred to the Attorney-General. The question asked arises from a report of the action of L.G. Abbott Holdings Limited in calling tenders for the position of auditor. The existing auditors were not the successful tenderer, and in consequence a resolution to remove them to allow for the appointment of the successful tenderer will be proposed at the next annual general meeting of that company.

The Attorney has advised me that neither the professional accounting bodies nor the National Companies and Securities Commission has made any pronouncement on tendering for audits. The practice raises many issues to which there is no ready answer. One of these issues is the possible trade practices implications which may arise from any ethical pronouncement by the professional bodies. The Attorney has assured me however that the matter rates of high importance, and will be raised within the context of the national scheme.

PHOTOGRAPHIC PRODUCTS

In reply to **Mr MAYES** (26 October).

The Hon. G.J. CRAFTER: The cameras and photographic material referred to are being sold by Diamond Photographics. This firm is importing goods direct from Japan and, as the cameras and other goods are not going through the accredited agents, there is no manufacturer's guarantee issued when they are sold at, I understand, considerably less then normal retail prices. However, the importers are issuing their own guarantee, which covers defective parts and workmanship for, usually, 12 months depending upon the type of goods involved.

It is not correct to say that the products are not covered against faulty workmanship. Any purchaser is protected by the statutory warranties provided by the Manufacturers Warranties Act, and the Consumer Transactions Act. The Department of Public and Consumer Affairs has received no complaints concerning Diamond Photographics.

MICROWAVE OVENS

In reply to **Mr HAMILTON** (16 November).

The Hon. G.J. CRAFTER: The Minister of Health has investigated the matter raised by the honourable member and has provided me with a report. Modern commercial microwave ovens are now well designed, and rarely result in microwave leakage in excess of the safety standards of 5 milliwatts per square centimetre at or beyond 5 centimetres from the actual surface of the oven, as recommended by the National Health and Medical Research Council. Indeed, no verifiable reports exist of injury or adverse effects on humans where exposure to a microwave field is less than 10 milliwatts per square centimetre.

In South Australia, microwave ovens are 'Proclaimed Articles' and are required by the Electricity Trust of South Australia to conform to specific Australian standards. Although ETSA does not have the expertise or facilities for testing, it does recognise the approvals and standards given by interstate electricity authorities, such as the State Electricity Commission in Victoria and the Sydney County Council in New South Wales who do test microwave ovens.

Should a microwave oven door or door frame be damaged, it is possible, although unlikely, for leakage to exceed safety

standards. Testing undertaken by the South Australian Health Commission over several years has failed to reveal significant leakages. Although cases of cataracts in humans exposed to high levels of radiofrequency and microwave energy have been reported, such reports have not been substantiated.

The drafting of regulations in Western Australia results from a survey conducted some years ago. The levels recorded in that survey for the four machines causing concern were not necessarily dangerous. In fact, two of the four machines were identified because the amount of leakage was high in comparison with other machines, although it was below the recognised safety standard. The Minister of Health believes the current safety requirements in South Australia are adequate.

EVIDENCE OF FUNDING
Estimates Committee B

In reply to the **Hon. TED CHAPMAN** (6 October).

The Hon. LYNN ARNOLD: The $22 million referred to by the honourable member is recorded within the Woods and Forests Department programme estimates under the programme provision of softwood to the wood processing industries. Refer page 47, volume 2, book 3. As this special borrowing approval from Loan Council will be exercised through the South Australian Finance Authority, it does not appear in the line Estimates. However, as an approved part of their borrowing programme for 1983-84, the funds will be made available to the Woods and Forests Department as required during the year.

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. J.C. Bannon)—

Pursuant to Statute—

Public Service Board of South Australia—Report, 1982-83.

By the Treasurer (Hon. J.C. Bannon)—

Pursuant to Statute—

1. South Australian Superannuation Board—Report, 1982-83.

By the Minister for Environment and Planning (Hon. D.J. Hopgood)—

By Command—

1. Planning Act Review Committee—Final Report, 1982-83.

By the Minister of Lands (Hon. D.J. Hopgood)—

Pursuant to Statute—

1. State Clothing Corporation—Report, 1982-83.

By the Minister of Education (Hon. L.M.F. Arnold)—

Pursuant to Statute—

1. Flinders University of South Australia—Report and Legislation, 1982.

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

Pursuant to Statute—

1. Parole Board of South Australia—Report, 1982-83.
2. South Australian Metropolitan Fire Service—Report, 1982-83.

By the Minister of Community Welfare (Hon. G.J. Crafter)—

Pursuant to Statute—

1. Commissioner of Statute Revision—Mental Health (Supplementary Provisions) Act, 1935—Alterations made.

MINISTERIAL STATEMENT: PLANNING ACT REVIEW COMMITTEE

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I seek leave to make a statement:

Leave granted.

The Hon. D.J. HOPGOOD: The statement is pertinent to the document I have just tabled. On 1 December 1982 the Government announced that it had decided to set up a review committee to oversee the implementation of the Planning Act, 1982, which commenced full operation on 4 November 1982. In particular, the committee was to determine what further amendments, if any, were required to ensure that any difficulties associated with the operation of the new Act were overcome.

The committee has completed its work, and I now wish to table the report of the committee's deliberations. The terms of reference of the committee and its membership are spelt out in the report. The committee first met in December last year. It advertised for public submissions and held discussions with a number of groups and individuals.

In March 1983 the committee advised the S.A. Planning Commission that a number of amendments should be made to the development control regulations to overcome immediate difficulties associated with the processing of 'minor' development applications. These amendments were gazetted by His Excellency the Governor on 30 June 1983. In recommending these amendments to the Commission, the committee emphasised that they were of an interim nature only, and that further refinement of the amendments might be the subject of recommendations in the committee's final report. Following evaluation of all formal submissions and discussions with interested individuals and organisations, the committee submitted an interim report to me on 13 May 1983.

The final report of the committee is arranged around the major themes discussed by the committee and raised in submissions, rather than reflecting the order in which the Act itself is arranged. The summary of recommendations, however, has been arranged to correspond with the layout of the Act for ease of reference. Each recommendation in the summary is followed by a reference to the chapter and section of this report from which it is derived.

Having had the benefit of being able to observe the new Planning Act in operation for some nine months, members of the committee are unanimous in their view that the Act is fundamentally sound. The committee believes the principal areas requiring amendment in both the Act and regulations thereunder, and in the Real Property Act and regulations under that Act, are those in which there is ambiguity, or at least the possibility of misinterpretation, or in which there is potential for further streamlining in the interests of time saving and administrative efficiency.

The committee's report recommends 63 amendments to the Planning Act; 41 amendments to the development control regulations under that Act; 20 amendments to the Real Property Act; and 21 amendments to the land division regulations under that Act. While the number of proposed amendments may appear to conflict with the view expressed by the committee that the Planning Act is fundamentally sound, it needs to be emphasised that the great majority of the recommended amendments relate to machinery or interpretation matters only. An analysis of the report's recommendations indicates that about 57 per cent relate to questions of interpretation or clarification, 35 per cent to machinery or streamlining issues, and only 8 per cent to matters of policy.

It is not my intention to canvass the major recommendations of the committee, as they are summarised in the

introduction of the report itself. However, I do intend to give the report the widest possible circulation and allow a reasonable period for public comment on the recommendations prior to the introduction of any amendments to the Act or to the regulations considered by the Government to be desirable. Accordingly, I am inviting public comment on the report up to 17 February 1984 with a view to introducing amending legislation during March 1984. Finally, I thank the committee for its dedication to this task. I now table the report, a copy of which has already been given to the Opposition.

PUBLIC ACCOUNTS COMMITTEE REPORT

Mr KLUNDER brought up the 30th report of the Public Accounts Committee, containing the Treasurer's minutes and other comments on the 19th, 20th, and 23rd reports; and the 32nd report of the committee, being the Annual Report of 1983.

Ordered that reports be printed.

MINISTERIAL STATEMENT: SANTOS

The Hon. R.G. PAYNE (Minister of Mines and Energy): I seek leave to make a statement.

Leave granted.

The Hon. R.G. PAYNE: On Tuesday afternoon, the Premier and I received Mr Alex Carmichael, Chairman of Santos, for discussions on the Petroleum Act Amendment Bill. Mr Carmichael offered to provide a letter stating that, if its passage were deferred for the purpose of enabling the consultation they have indicated they desire, the Cooper Basin producers would agree that any subsequent amendments to the Act in terms of this Bill could be applied retrospectively to the renewal of PEL 5 and PEL 6, which is due on 27 February 1984, as if the amendments have passed this month. This is with the clear understanding that the amendments will not affect the producers' specific rights under the various deeds and indentures, which have been entered into from time to time to facilitate the development of the State's on-shore hydrocarbon resources, something which had never been contemplated.

It has been further agreed that the terms of this letter, giving the Minister the right to vary the conditions of the renewal of PEL 5 and PEL 6 in terms of the amending Bill when it is subsequently passed by the Parliament, will be incorporated in the conditions of the renewal of PEL 5 and PEL 6.

A letter in these terms has been received from the Managing Director of Delhi Petroleum on behalf of the licensees of PEL 5 and PEL 6 and the Government will place Bill No. 65 on notice until the March sitting. This arrangement will provide the Cooper Basin producers with the opportunity they have sought for detailed consultation on the Bill and time to assess for themselves its actual implications, without prejudice to the Government's ability to ensure that all future licence renewals in this State are made in accordance with the updated Act envisaged at this time.

REPORTS

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

That all papers laid on except the following reports be printed:
Commissioner of Statute Revision,
Flinders University of South Australia,
Parole Board of South Australia,
Planning Act Review Committee (Final).

Motion carried.

QUESTION TIME

AMUSEMENT MACHINES

Mr OLSEN: Can the Premier say whether the Government is planning to apply a fee on all pinball and amusement centre machines operating in South Australia, and, if so, when will this new tax or charge be applied, and what revenue will the Government gain?

The Hon. J.C. BANNON: The Government does not have before it a proposal to do such a thing. Accordingly, I am not able to provide any further information at this time to the Leader.

PUBLIC SERVICE

Mr MAYES: Will the Premier advise the House whether the report of the Public Service Board, which he tabled earlier, makes any comment on the demands being placed on individual public servants during the period when staffing levels are being held steady while the demand on the public sector continues to grow?

The Hon. J.C. BANNON: I thank the member for Unley for his question. It raises matters which have been referred to in a number of Public Service Board reports and which, in fact, were reiterated in the report that has been tabled in this House in relation to the serious problems within the service that have occurred as a result of the pressures to cut back employment and the use of that very blunt weapon, that is, reduction by attrition, which does not respect the skills, needs, or efficiencies of the public sector—in fact, I think it is fair to say that a considerable wastage of Government funds occurred under the previous Government's process of attrition. The 1981-82 report of the Public Service Board contained the following comment:

> A cut in numbers continues. We have seen by experience that Governments find it difficult or impossible to eliminate whole programmes of service to a community which demands them, but inevitably the quality of certain aspects of the services provided will be threatened. For a while, quality at the delivery end can be maintained when support and backup services and relief staff are diminishing, but in the long run something has to give.

The 1982-83 report of the board makes specific reference to the demands on public servants and the services they provide. The board indicated its concern about the tendency in some quarters for people to be critical or derogatory of the efforts of public servants, and the following comment appears in the report:

> Over the past year the demands upon those serving the public have continued to intensify. In many instances public servants are being called upon to increase their personal efforts to maintain services. In most areas these responses have been substantial and often unacknowledged. The board is particularly concerned with the tendency in some quarters to be critical, even derogatory, of the efforts of public servants and even of the vocation of working in the Public Service itself. At a time when public scrutiny of the Public Service is at an all time high, cautiousness and balance in such criticism is necessary if we are to continue to attract people of high calibre and dedication to this State's service. The board believes this State has been and continues to be well served by its varied and highly competent Public Service.

My Government would agree with and echo those words of the board. All members of the House could do well to heed them. Because of the disastrous financial situation that the Government inherited, we have not been able to expand services as we would have wished and in response to the demands of the community. Our policy was that the Public Service would not increase above the levels existing in July

1982, and with the exception of the need to employ more persons in the Woods and Forests Department (as a direct result of the natural disasters we experienced) and to employ more teachers, as a conscious policy, we have kept to that policy. But, the board's report shows that the increase in the Public Service, as measured on the basis of full-time equivalent employees, is less than 1 per cent. It gives the lie to extraordinary statements from members of the Opposition in recent months about Government employment policy.

I again remind the House of the very real pressures on individual public servants who are attempting to serve the public. I impress upon all those who take that derogatory attitude that in fact nothing can be gained by it, and all it does is simply increase the pressures on those who serve the public. Every single member knows what those demands are. Indeed, it does not matter whether they come from this side or the other side of the House. We are faced with constant demands for increases in resources and services to the public in the community for long-felt needs, needs that can be demonstrated. Our capacity to respond, of course, is limited by financial constraints and by our ability to provide services in particular circumstances at particular times. But, I would suggest that the attitude of members opposite that in some way employment in the Public Service is wasteful or undesirable ought to be assessed against the demands that they themselves make on behalf of their constituents for such services. It is high time that a proper recognition was given to the role of those who are operating in these very constrained circumstances, the services they are giving, and the fact that our Public Service in South Australia is, I believe, second to none in this country.

AMUSEMENT MACHINES

The Hon. E.R. GOLDSWORTHY: Has the Minister of Recreation and Sport contacted the Amusement Machine Operators Association outlining a licensing system, which includes a tax in the form of a fee for each amusement machine on the market, and will that fee be between $20 and $50 for each machine? I am informed that the Minister has expressed the view that there is insufficient control of amusement machines, particularly where such machines could be used for gambling. I also understand that the Minister is on record as having said that the most appropriate method of providing for the interests of the public, manufacturers, and suppliers of amusement machines is by an introduction of a licensing system which embodies a fee for each machine on the market.

The Hon. J.W. SLATER: I have had discussions with a section of the Australian Amusement Machines Association. They first took place after an approach by the association in relation to a problem in South Australia with draw-poker machines. Subsequently, the regulations were changed to prohibit draw-poker machines as instruments of unlawful gambling. Parliament passed the regulations. I have had a number of discussions with certain sections of or representatives from that association. They have also told me that a problem exists not only in relation to amusement machines but also to the distribution and sale of tickets, such as instant bingo and beer machines. Apparently, some people are undercutting other people involved in what I might describe as legitimate supply of those machines. I am talking about persons who operate from the backyard, who print these tickets, and who undercut and undersell.

The approach made initially was from a section of the industry. It was not from the whole industry, but from some segment of it, with regard to the registration of amusement machines. No decision has been made. It is under consideration, initially at the request of part of that organisation. It is a very difficult problem to assess. In considering the registration of amusement machines, we are trying to protect those entrepreneurs who are South Australian based, and the public. Three times in the past two or three years the previous Minister took action in regard to a machine relating to in-line bingo, which was regarded as an instrument of unlawful gambling. The matter that we are addressing is in regard to the distribution of tickets at the point of sale.

Our Department has had some difficulty in regard to amusement machines. A new one has come on to the market in the past few months which we believe is illegal under the regulations; that is the dwarf poker machine. So, the problem in my view is that we are not proposing a revenue measure but rather registration of machines to protect the public and the entrepreneurs against what I describe as persons who are acting contrary to the spirit of the regulations in South Australia.

ADELAIDE BEACHFRONTS

Mr FERGUSON: Will the Chief Secretary inform the House whether he would consider utilising people involved in community service orders to clean Adelaide's beachfronts? Last weekend voluntary organisations in the Henley Beach and Grange area commenced cleaning beachfronts within the Henley Beach council area. It would not be untrue to say that following the diligent work of these people the beachfronts would be the cleanest in the whole metropolitan area. Congratulations are extended to those volunteers who gave of their time freely to provide this community service. One point of difficulty arises, however, and that is that the adjoining beaches so far have not been providing the same sort of community service; therefore, a strong wind will undo the good work already done by covering the Henley and Grange beachfronts with rubbish from adjoining areas. Perhaps people on community service orders can overcome this problem by cleaning adjoining beaches and providing the beach-loving public with clean beachfronts.

The Hon. G.F. KENEALLY: I thank the honourable member for his question, which I will refer to the body responsible for determining work performed under the community service order scheme. While I was in Tasmania about two or three years ago looking at the community service order scheme, one of the projects that I was taken to look at was the cleaning of beachfronts by a group of people involved in that scheme. As the honourable member knows, a committee has been established to determine the type of work suitable for community service orders and also to seek work for that scheme. One of the main factors to consider is that work performed under the community service order scheme should not take work away from an employed person; work shall not be provided in an area where money is available to employ someone to do it. The community service order committee includes representation from the Trades and Labor Council, whose role is to assist in finding and selecting work and to ensure that community service order people working under the scheme do not take jobs from people who are finding difficulty in obtaining work in a very poor work market.

So, I will take up with the committee the suggestion of the honourable member. If no money is available to councils to clean up the beaches, and if by cleaning up the beaches the detainees will not be depriving anyone else of a job, this scheme should have some merit. I will bring down a report for the honourable member.

AMUSEMENT MACHINES

Mr OLSEN: Will the Premier explain to the House the Government's position in regard to the application of a licence fee or tax per amusement machine in the State of South Australia? We have just had two contradictory responses given to questions asked by the Opposition in relation to this matter. The Premier stated:

> The Government does not have any proposition before it at the moment in relation to a tax or a licence fee on individual amusement machines in South Australia.

Yet, the Minister of Recreation and Sport, in response to a question, indicated that there was a matter before the Government at the moment and detailed in a letter of 24 October wherein he stated—

Members interjecting:

The SPEAKER: Order!

Mr OLSEN: It is just another of the new tax measures of this Government—No. 82, I think it is. The letter states:

> It is therefore considered that the most appropriate method of providing for the interests of the public and the manufacturer suppliers is by the introduction of a licensing system which embodies a fee for each machine on the market.

The letter is dated 24 October and is signed by the Minister of Recreation and Sport. Will the Premier clarify the position of the Government on the basis that he was clearly unaware of the actions of his Minister?

The Hon. J.C. BANNON: The position is quite easily clarified. The answer I gave was that no proposition is before the Government; that is, Cabinet or the Government has not formally considered any such proposition. The Minister has just explained certain discussions—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: —that he is having, and has cited the background to them. That sets the record straight quite clearly. The basis of the discussions is clearly understood: no more need be said.

S.P. BOOKMAKERS

The SPEAKER: The honourable member for Brighton.

Members interjecting:

The SPEAKER: Order! I hope the Deputy Leader and Deputy Premier will show some courtesy to the honourable member for Brighton, if not to the Chair. The honourable member for Brighton.

Mrs APPLEBY: Will the Minister of Recreation and Sport inform the House what steps are being taken to curb the multi-million dollar illegal activites of S.P. bookmakers in South Australia? Are existing penalties acting as a sufficient deterrent to S.P. bookmakers?

Members interjecting:

The Hon. J.W. SLATER: I am always surprised at the response we get when a question is asked in relation to recreation and sport. It causes the Opposition some degree of embarrassment.

Mr Mathwin: The answers give us a bit of a laugh.

The Hon. J.W. SLATER: Members opposite are entitled to that opinion, but they can at least extend to me the courtesy of listening to the reply without carrying on like a bunch of larrikins. The Opposition's record in recreation and sport was atrocious during its three years in Government.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. SLATER: I refer to the mess made of the aquatic centre and the waste of taxpayers' money in that project. The Public Works Committee has considered the aquatic centre, which will be commenced in April next and completed in October. Members opposite made a hash of that project, made fools of themselves and purchased a property on which to build it only the day before the election.

What happened regarding recreation and sport was tragic. Only last evening I was looking through the list of the projects we proposed prior to the election and almost every one of those projects is either completed or under way. We pulled the racing industry up off its knees. For three years it received no assistance at all from the present Opposition when it was in Government. Members of the Opposition should talk to people in the racing industry and those involved in the racing codes. We set up a Racing Industry Advisory Committee, which is working like a charm. Opposition members can snigger about recreation and sport as much as they like: when they lost Government they left nothing there. They did not even have the common sense to talk to members of the industry.

Members opposite neglected this portfolio as they neglected others. This Government has at least set up a Department in its own right. Under the previous Government recreation and sport was merely an addendum to the transport portfolio. The former Minister could not have cared less about recreation and sport and he proved it. Now, to get back to the question, which is an important one to the racing industry in this State, because it is estimated (and I am sure the member for Alexandra would know something about this) that between $100 million and $150 million a year is turned over by illegal bookmakers—

The Hon. TED CHAPMAN: I rise on a point of order, Mr Speaker. We have no reason to delay the proceedings of the House, but I do ask the Minister to withdraw the remark he made alleging me that I had some association with bookmaking.

Members interjecting:

The SPEAKER: Order! I have to ascertain what the honourable member is complaining about and what he considers the reflection to be. Not being a racing man, I could not quite follow whether it was being alleged that the honourable member for Alexandra was *(a)* a punter, *(b)* something to do with the racing industry, or *(c)* something to do with S.P. bookmaking. I would not have the faintest clue. Can the honourable member tell me how he is offended?

The Hon. TED CHAPMAN: Yes, Mr Speaker. With respect to your understanding that I might be a punter, you are right. With respect to your suggestion that I might be interested in the racing industry, I am. What I am concerned about and ask to be withdrawn is the remark that the Minister made which clearly implied that I have an association with S.P. bookmaking. It is in that context that I ask for his withdrawal, total and unqualified, and to get back to the question without such—

Members interjecting:

The SPEAKER: Order! We do not need to get excited about this. My judgment is that, not having anything to do with racing, not that I wish to impose my views on anyone else, I thought there was a possibility—

Members interjecting:

The SPEAKER: Order! I thought there was a possibility that a reasonable person reading the transcript outside, listening on the radio or viewing television might pick up the inference that the honourable member had something to do with S.P. bookmaking, which would be a criminal offence. I ask the Minister whether he is prepared to withdraw that remark without qualification.

Members interjecting:

The SPEAKER: Order! I do not need the assistance of several honourable members in the immediate vicinity of the member for Alexandra.

The Hon. J.W. SLATER: The comment I made was that 'the member for Alexandra would know something about this'. I was referring to the racing industry generally because I do know that he has a special interest in the racing industry.

Members interjecting:

The SPEAKER: Order! I will not tolerate this. I am asking the Minister of Recreation and Sport whether he is prepared to withdraw any remark that may suggest a reflection on the member for Alexandra. As far as I know the racing industry as such is not dishonourable—I am told that it is not—but I do know that S.P. bookmaking is a serious criminal matter. Is the honourable Minister, or is he not, prepared to withdraw any reflection that would suggest that the honourable member for Alexandra had anything to do with S.P. bookmaking?

The Hon. J.W. SLATER: Yes, Mr Speaker, I certainly withdraw that remark. Although it was made in a different context, I withdraw it if it is offensive.

The SPEAKER: Order! The honourable Minister.

The Hon. J.W. SLATER: To continue with the answer to the question, this is an important matter because it does have a serious effect on turnover from the legitimate forms of betting with the T.A.B. and bookmakers and on the racing industry in general. Therefore, if the turnover on illegal betting is anything between $100 million to $150 million a year, I believe that penalties need to be commensurate with the amount of money being denied the Government. The penalty at present in South Australia (it varies from State to State), under section 117 of the Racing Act, for the first offence is not more than $5 000 or three months imprisonment.

When one considers the amount of turnover involved, I do not think that the penalty is sufficient, and that matter is being addressed. For a second or subsequent offence, the penalty is not more than $10 000 or 12 months imprisonment. However, I am pleased to say that it appears that there has been a great activation by the police in regard to the apprehension of these people over the past six months. That is good, and the penalties imposed by the courts are more in line with what should have been the case over a period. Of course, we adjust the penalties in line with modern-day monetary considerations. I believe that the time is now opportune and that we must soon address ourselves to penalties existing under the Racing Act for illegal betting.

Only a few weeks ago there was a conference in Melbourne of Ministers whose portfolios cover racing: all Ministers were concerned about the extent of S.P. bookmaking in their own States, and they are taking action. One of the things we expressed unanimously was our concern to the Federal Minister for Communications (the Hon. Mr Duffy) in relation to Telecom, because most S.P. betting these days is done by telephone. We are asking the Federal Minister for assistance from Telecom in relation to law-enforcement agencies in each State, and I think that that is fair and reasonable: it is indeed an important matter.

Of course, one of the unfortunate things is that people do not really believe that S.P. bookmakers are doing anything criminal: it is the old Australian ethic. Unfortunately, we need to educate people as well as impose penalties. I think that it is a combination of circumstances where the public at large must be advised that to bet with an S.P. bookmaker is acting illegally, and that a provision on the Statute Book provides a penalty for such betting, although very seldom is the person concerned charged. I certainly believe that we ought to be considering in the very near future an increase in penalties imposed on illegal bookmakers.

PORT PIRIE COMMUNITY COLLEGE

The Hon. MICHAEL WILSON: Will the Minister of Education confirm whether the proposed amalgamation of the Yorke Peninsula, Northern and Clare Technical and Further Education Colleges is to take place and, if so, when; and whether the proposed amalgamation is the reason for the downgrade in priority for the redevelopment of the Port Pirie Community College? Some weeks ago the Minister circulated a report of the review committee which considered the proposed amalgamation to which I have just referred. That review committee was chaired by Mr Peter Fleming, from the Deparment of TAFE. The report was unusual in that it contained a minority report, which raised strenuous objections to the main recommendation of the report of the other four members of the committee, which was that there should be such an amalgamation, subject I might add to fairly stringent conditions. The Minister well knows, as do the members for Goyder, Light and I, of the grave expressions of concern that have flowed from the communities involved with those Technical and Further Education Colleges. It is a matter of great import to those communities as to whether that amalgamation takes place.

Further, in explanation of the second part of the question, I cite an article that appeared in the Port Pirie *Recorder* a few weeks ago, wherein the local sub-branch of the A.L.P. criticised the Minister and the Government quite strongly, accusing the Government of unnecessary delay in the redevelopment of the Port Pirie Community College arising from the proposed amalgamation of the three colleges I have mentioned.

The Hon. LYNN ARNOLD: First, I take it as being implicit in the honourable member's question that he is in fact thanking me for having tabled in this House the report on the amalgamation of the colleges. I point out to the honourable member that in tabling the report I am the first Minister of Education to have done such a thing, to allow public discussion about the amalgamation of colleges to be extended to members of Parliament. I did so to absolve the members for Goyder and the Leader of the Opposition. That was done deliberately to encourage responses so that the Government could ascertain the viewpoints of members about its amalgamation proposals. Of course, at the same time, the Brighton/O'Halloran Hill Colleges amalgamation proposal was tabled. Indeed, the Government waited for responses in regard to that. The responses we have received have been positive, expressing the viewpoint that that amalgamation is a good thing, and that amalgamation will proceed.

I cannot say that I have yet seen all the responses in regard to the northern colleges proposal, so I cannot say exactly what the Government will do about that matter. I presume by the fact that the member has asked the question today that he has already responded and indicated his views. I suppose that is also the case with the members to whom we extended the courtesy of forwarding a personal copy of the report. I will check that matter this afternoon. I will be eager to see the response made by the shadow Minister in this regard.

When the matter of an amalgamation of colleges is considered the views of those concerned deserve to be considered. The honourable member was quite correct in saying that there was a minority report on this occasion, which is why the Government has not been able to come to a decision on the matter as rapidly as it did in regard to the Brighton/O'Halloran Hill Colleges amalgamation, on which no-one dissented. Naturally, we must walk a lot more carefully on this occasion.

The honourable member then raised the issue of the Port Pirie Community College, and he talked about it as though

it had been reduced in priority. The facts are quite clear: it has not been reduced in priority. I have indicated to the Mayor of Port Pirie that in fact the next major redevelopment project to be undertaken by the Department of Technical and Further Education will be the Port Pirie College. Some other work must be finished. That work does not involve major redevelopment, but is work that has been in the pipeline for some time which will be undertaken as originally promised. There has been no variation in my undertaking given to the people of Port Pirie that the next major redevelopment will involve the Port Pirie College.

I wish that the honourable member had done some homework on what happened when the previous Government was in office. Had he asked a few questions about what happened at Port Pirie then, he would have found out just how equivocal the former Government was on this matter. If he had done so he would have found that the position was considerably different to that which obtains now. The honourable member mentioned a press report that alluded to statements made by a sub-branch of the Labor Party. I think it is a wellknown fact that members of the Port Pirie branch of the Labor Party take an active interest in all matters concerning Port Pirie. They did, in fact, make a report that was recorded in the paper. I have told them what the correct situation is: not what the rumours or allegations are but what the facts are. They are, as are the Mayor of Port Pirie and other people there, quite satisfied with the answer that I have given them.

AQUATIC RESERVES

Mr HAMILTON: Will the Minister of Education ask the Minister of Fisheries to advise the likely effects of an expansion of aquatic reserves in the South-East on recreational fishing and the commercial abalone industry?

The Hon. LYNN ARNOLD: I thank the honourable member for his question, because I have discussed this matter with the Minister of Fisheries in another place, who has been able to provide me with some information, as the honourable member indicated earlier his concern about this important topic. We are aware that the two groups mentioned by the honourable member have been somewhat vocal within the local area in their reactions to a proposal that six new aquatic reserves be established in the South-East. We should make clear that the proposal was not made by the Government but by a firm of private consultants for the Coast Protection Branch of the Department of Environment and Planning, and also for the Minister for Environment and Planning. The recommendations made by those consultants have simply been put before the public for comment, which we encourage.

Public comment is most welcome, although it must be understood that none of the recommendations made by that firm have been either adopted or rejected by the Government. If people will call on Government to be consultative, there should be consultation. Ideas have to be promoted in good faith with a view to attracting responses to help Government decide what it should do. At this early stage there is not necessarily any ownership of the views that have been suggested. Abalone divers, recreational fishermen, and other groups should take note that, where aquatic reserves exist, regulations vary between them and restrictions on fishing are not extensive. Total prohibition applies in only four of the State's 12 aquatic reserves, and covers only a small part of the total of 14 741 hectares of aquatic reserves in this State.

While I believe this answers the question from the honourable member from the point of view of fishing, I suggest that anyone who has an interest in this measure should obtain a copy of the consultants' report and, upon reading that report, make submissions direct to the Department of Environment and Planning. I also commend to honourable members an article that appeared in the June 1983 issue of the *South Australian Fishermen's Industry Council Journal* entitled 'South Australia's Aquatic Reserves', because that clearly spells out the particular issues that are important to aquatic reserves. The article, written by J.E. Johnson, a scientific officer of the Department of Fisheries, makes several points, the first of which is, that each reserve may require different management strategies depending on its defined function. There are four kinds of reserves—for scientific, conservation, education or recreation purposes, or any one reserve may cover more than one of those functions.

An important aspect is that there are different approaches applied to each reserve. The sorts of concern being expressed at the moment by certain groups about aquatic reserves do not indicate what will happen in future, because what has happened in the past shows that there is no total fishing prohibition in any of our present aquatic reserves.

MORPHETTVILLE PARK PRIMARY SCHOOL

Mr OSWALD: Will the Minister of Education reverse his decision not to become involved in policy decisions affecting the special small class at Morphettville Park Primary School? By so doing, will he clarify the powers of guidance officers as to their ability to make recommendations only or to compulsorily place children in special classes under the Education Department's administrative structure and guidelines, in order to bring to an end the unrest and conflict now existing between parents and staff at the school, on the one hand, and on the other the Central Southern Region, over reduction in staff in its special small class? The responsibility concerning reduction of staff and students at Morphettville Park cannot solely be placed on the desk of the local regional director due to the fact that guidance officers are the professionals who are advising the regional director on the needs of the region. Parents of children in the special class at the school have been advised that the class is to be reduced in both numbers and staff from the beginning of next year, and several families have been advised that they will have to move their children because of the planned reductions.

I have been advised by the Southern Region that the decision is professionally sound and is based on a lack of demand for students to be placed in the special class on the advice of the guidance officers in the region. However, members of staff and parents have put to me that they do not believe this to be the case. The unrest and conflict between parents and staff towards the southern regional office has also been put to me by a field officer of the Institute of Teachers, who advised me that the Regional Director of Education has stated that 'if there is a need, then the class will be maintained'. However, the institute alleges that unofficially the regional office has instructed the principal not to enrol certain children in the special small class for 1984.

The Institute of Teachers also alleges that during 1983 the Kindergarten Union State senior social worker has felt that there has been a block against children being placed in the school, and that a special education adviser to the Kindergarten Union has recommended that several children be placed at Morphettville during 1983, but there has been difficulty despite the early intervention strategy which has been used in the past. The institute has also put to me that the guidance officers are not making recommendations as per Education Department guidelines but rather telling parents that they will not be able to keep their children in the

special small class, and the institute and staff members claim that the school is being subjected to bureaucratic measures aimed at excluding non-central Southern Region residents, regardless of whether this is the most suitable and convenient school.

The institute has also put to me that the unrest has been put to the Minister, who has refused to become involved in what is clearly a policy decision concerning the powers of guidance officers under the education regulations, and also the provision of staff at the school while, on the other hand, the Regional Director of Education is alleged to have said that if the need exists the class will be maintained.

The institute has also put to me that the parents are threatening to turn up at the school with their children on day 1 next year regardless of the advice of the guidance officer, and the institute and staff of the school believe that the Minister must not duck his responsibility and would like to see that this matter is resolved before the end of the 1983 school year.

The Hon. LYNN ARNOLD: I am intrigued by the question raised by the honourable member, because he asserts in his own explanation that he understands that the Regional Director of the Central Southern Region has said that if there is a need the class will be maintained, and that is the answer to the question: if there is a need the class will be maintained. Several other points have been made in the question and explanation raised by the honourable member.

First, he implies that I should come out from behind the scenes and become personally involved, as if it is my obligation to become involved in the staffing of every classroom in the State. We have an Education Department for one good reason: it is supposed to be there to administer the education system. If anyone expects the Minister of Education of the day to take a personal and active interest in each classroom in the State, then what they are wanting is inequitable treatment of children within the State. It is not possible for one person, as opposed to a department whose job it is to make these administrative arrangements, to handle equitably these sort of issues.

When the honourable member raised this matter with me earlier (and he did me the courtesy of doing that and I appreciate it, because some parents whose children attend the school live in his electorate), I took this matter up with the Department and had a report provided to me. I have been kept briefed on this issue as lately as 2 December with the latest ongoing report on this matter, because it is an ongoing matter. So, far from choosing to take no interest in it, I have taken an active interest, but it is not the job of the Minister to personally determine where individual children should go in schools, because if that is what is expected, then, as there are 200 000 children, 700 schools, 18 000 teachers full and part-time in the system, one would have a system that is most unfairly distributed.

The other point I make is that the class at Morphettville Park is an assessment class from which students are expected to go to normal classes or special schools, depending on the assessment made. It is not the understanding of those in the Education Department that the class at Morphettville Park is one in which students are expected to stay: it is an assessment class from which they move on to other areas.

The member for Ascot Park has reminded me that he has also approached me about the matter. Interviews have been conducted with the families concerned as to what should happen to their children next year: whether they should stay in the school and in that class, or whether they should move to other schools, and such interviews are still taking place. I am receiving ongoing reports and expect to see further reports from the Central Southern Region on this matter. The situation at this stage seems to be that there will be only three to six students in that special class next year. Clearly, if there are only to be that number of students, two staff members are not justified. However, facts may change, depending on further information that comes to light after the interviews with parents still taking place. If that is the case, an appropriate number of staff will be made available to that class.

I am not suggesting that the honourable member was making that assertion but, if anybody interprets it that way, I have full confidence in the way the matter is being handled by officers of the Education Department, whether they be guidance officers, or the Central Southern Regional Director. Any imputation that they are acting in a way to undermine the children or parents or be bloody-minded I totally refute. I am not saying that the honourable member said that, but I want to be clear that, from my monitoring of this exercise, the issue has been followed through. People should concentrate on what the Morphettville Park special class is supposed to be about and the fact that parent interviews are still taking place, as a result of which we will find what will happen with the number of students to be involved in 1984 and the number of staff we need to make available. We have no intention of understaffing that class. I give the assurance that it will be staffed adequately for the needs of students in that class.

REYNELLA EAST SCHOOLS

Ms LENEHAN: Does the Minister of Transport have any results of the Department of Transport's ongoing assessment of vehicular and pedestrian movements on Byards Road, Reynella, particularly with the provision of a school crossing on that road outside the primary and secondary school campus? I ask my question on behalf of the Reynella East primary and secondary school community, and have been personally approached by that community and also have had a petition presented to me containing more than 1 000 signatures. This is a matter of grave concern to the Reynella East school community, because of the number of accidents that have occurred outside the school and because of the growing number of students attending the school, which has only been established in the past few years.

The Hon. R.K. ABBOTT: The recent investigation found that justification exists for the installation of flashing lights on Byards Road to serve both the Reynella East primary and high schools. However, as Byards Road is under the care, control, and management of the Noarlunga council, that council will be responsible for the installation, subject to funding by the Education Department and with the approval of the Road Traffic Board. The Education Department and the council, including the school council, will be advised of this justification and, hopefully, lights will be installed soon.

ALBATROSS AIR CHARTER

The Hon. TED CHAPMAN: Will the Premier take whatever action is reasonably available to him to assist the Albatross Air Charter company to restore its air service between Kangaroo Island and mainland South Australia as a matter of urgency? The island-based Albatross Air Charter Co. has been conducting a regular daily air service between Kingscote and West Beach for some years. In busy tourist seasons that company, in strong competition with at least three other airlines, has increased its trips to several daily in response to and depending upon traffic demands. Today, I received a telex from Kangaroo Island advising of the situation of that company, a copy of which I understand has been sent to the Premier. The telex reads as follows:

ATT Mr TED CHAPMAN
Albatross Air Charters of Kangaroo Island have received a letter from Mr Massey delegate to the secretary, Department of Transport grounding their three aircraft for a minimum of twenty-eight days as of 2nd December—letter received on 6th. Following discussion with the owners the KITTA is deeply concerned that the disruption will create enormous financial problems for this company, particularly in view of the heavy traffic period for which they are denied the right to trade. We earnestly exhort you to endeavour to have this matter resolved as swiftly as possible. Not only for the company but also for the many users of this airline, both local and visitors. Yours faithfully, George. V.W.G. Murphy Chairman, KITTA.

I draw to the attention of the Premier specifically the content of that telex, and ask him to have regard to the remarks I have made about this problem.

The Hon. J.C. BANNON: I thank the member for Alexandra for drawing this matter to my attention, and I have received a copy of the telex he has just read. The grounding of the airline over this period could have fairly considerable consequences not only for the airline itself but also for the tourist trade at an important season of the year, so naturally the matter ought to be considered with some urgency. I intend to make contact with the Department of Transport through my officers to find out the background to it.

At this stage I have no information as to the reasons for the grounding. It seems from the contents of the telex that a fairly formal procedure has been gone through: the matter has been placed in writing, and obviously the Department of Transport through its delegates has the power to invoke such provisions and enforce them. There is nothing in the body of the telex to suggest the reason for this grounding. I am unable to comment on whether or not it is justified or whether circumstances can be rectified in some way that would allow the grounding order to be lifted. However, that has to be found out as a matter of urgency, so that the position is made quite clear before financial damage is done to the company and there is no interruption to the tourist traffic to Kangaroo Island.

TAPEROO BEACH

Mr PETERSON: As the Minister for Environment and Planning has now inspected the problem areas on Taperoo beach and is aware of the deplorable conditions in the swampy areas, along with the nuisance that it creates, and is also now aware of a possible remedy to the situation, will he give an undertaking to support and assist through his Department the reclamation of the foreshore? Conditions on the beach have been described many times in this House, and the need for action has been obvious but to date no solution could be found.

Recently, whilst discussing proposals for the North Haven harbor with the developers it became apparent to me that there would be extensive excavation required and that a site would have to be found on which to dump the excavated material. On 15 November I wrote to the Minister requesting that the possibility of this material being used to fill the low-lying areas of the Taperoo foreshore be investigated. Yesterday, the Minister and I met at the beach with representatives of the developers, Port Adelaide council, North Haven Trust, and the Coast Protection Board. As the Minister is now fully briefed on the problems and also on the potential solution that would incur little Government money, I request his full support for this proposal.

The Hon. D.J. HOPGOOD: As the honourable member has said, he and I did meet yesterday, along with some officers and representatives of local residents to inspect this matter. The honourable member could have organised better weather, I thought: I almost needed oilskins out there on that bleak landscape, as it was yesterday morning. I was grateful for the opportunity to be able to be fully briefed on this matter. The foreshore in the area has been receding for many years, one of the agencies almost certainly being the construction of Outer Harbor and the mound, and this matter seems to have been accelerated by the construction of the North Haven harbor. The effect of this has been to create an area that is a little difficult to categorise but the effects of which are obvious: odour of an unpleasant nature, many mosquitos, and difficult access to the beach for residents of the Taperoo area.

I have taken this matter up with my officers, and some discussions have already been held with the City of Port Adelaide, and I give an assurance that we will be able to proceed with some work almost immediately. It would seem that two things can be done: first, to alter the contours of the area by filling and covering some low-lying areas, which will take them out of this rather extraordinary category in which they are. I hasten not to call them marsh or swamp lands: I am not sure if a word has been invented to describe what is there. Some alteration of the contours without a net addition to the amount of solid fill that is there is an immediate step we can undertake, and as additional fill becomes available it will be taken to the area.

There are one or two projects which are mooted for the area in the reasonably short term and which I believe will create fill on spot that can be spread across the affected area at a reasonably minimal cost, but in the first instance it will be a matter of rearranging the contours to get rid of the more difficult areas. I give the honourable member an undertaking that that work will be commenced almost immediately.

WATER SUPPLY

Mr LEWIS: Can the Minister of Water Resources say how much of the $20 million that has been appropriated in the 1983 Federal Budget for the twin purposes of stimulating employment and arresting previous neglect of water supplies in country towns South Australia will receive? We all know that South Australia has 9.8 per cent or thereabouts of the national population, and it is a very dry State. Earlier this year the Federal Minister for Resources and Energy, the Hon. Peter Walsh, tabled a report in the Senate entitled 'Water 2000—A perspective on Australia's water resources to the year 2000'. At that time he made the following statement to the Senate:

The report draws attention to the general neglect of water supplies to country towns, many of which are quantitatively and qualitatively inadequate, the latter sometimes to the point of being a health hazard. The Government shares this concern. $20 000 000 has been appropriated in the 1983 Budget for the twin purposes of stimulating employment and arresting previous neglect of water supplies to country towns.

I seek leave to insert in *Hansard* without my reading it a purely statistical table of those country towns in South Australia that are said to have uneconomical and inadequate water supplies.

Leave granted.

DEFERRED SCHEME LIST

PRIORITY ORDER

Appendix D

Priority Order	Scheme	Capital Cost $	Revenue Return Year 1	Per Cent Return Year 1	Total Annual Cost $	Annual Def/ Service
1	Coffin Bay	1 186 000	64 760	5.46	211 000	480
2	Upper Sturt	327 000	9 060	2.77	50 800	670
3	Meadows	570 000	25 190	4.42	105 000	640
4	Greenhill Estate	650 000	32 500	5.00	131 000	490
5	Kingston South 1 (full)	578 000	31 040	5.37	121 000	200
6	Echunga	576 000	19 560	3.39	106 000	900
7	Kingston South 2	251 000	13 420	5.35	58 300	230
8	Port Parham	295 000	9 440	3.20	47 700	375
9	Emu Bay	482 000	6 700	1.39	74 000	650
10	Forreston	103 000	2 920	2.84	21 000	620
11	Hundred Moorowie	595 000	16 720	2.81	93 000	1 900
12	Mount Compass	285 000	10 460	3.67	59 000	890
13	Southend	545 000	18 860	3.46	116 000	710
14	Carpenter Rocks	270 000	7 570	2.80	58 000	680
15	American River (part)	1 831 000	29 250	1.60	291 000	1 360
16	Mundulla	393 000	10 340	2.63	76 600	730
17	Macclesfield	858 000	27 280	3.18	154 000	1 250
18	Watervale	1 270 000	40 380	3.18	229 000	1 860
19	Manoora-Waterloo	1 460 000	35 480	2.43	252 000	2 060
20	Cox Hill Road	362 000	3 540	.98	60 000	1 850
21	Upper Hermitage	247 000	3 060	1.24	46 000	1 850
22	American River (full)	4 013 000	31 600	.79	640 000	2 570
23	Notts Well	769 000	4 385	.57	116 000	3 200
24	Blanchetown	474 000	9 390	1.98	90 700	2 540
25	Callington-Strathalbyn (part)	3 574 000	48 600	1.36	545 000	4 910
26	Greenhills-Victor Harbor	251 000	4 035	1.61	58 500	2 700
27	Callington-Strathalbyn (full)	6 427 000	89 700	1.40	1 013 000	5 080
28	Keyneton	540 000	9 240	1.71	101 000	4 600
29	Kangarilla	985 000	10 440	1.06	172 000	5 700
30	Denial Bay	512 000	4 820	.94	81 000	6 750
31	Port Kenny/Venus Bay	5 545 000	99 800	1.80	963 000	6 600
32	Ceduna-Koonibba	3 344 000	35 900	1.07	537 000	7 420
33	Mangalo	11 615 000	95 100	.82	1 931 000	10 500
34	Hundred Hooper/Etrick	4 341 000	18 370	.42	700 000	13 800

Mr LEWIS: For a long time these people have waited for some consideration of their needs. They fit into the criteria referred to by Senator Walsh, and the Minister and his advisers throughout the Estimates Committees this year acknowledged that concern. Can the Minister say whether South Australia has any allocation and, if so, how much, from that $20 million?

The Hon. J.W. SLATER: The honourable member has asked how much of that $28 million appropriated in the Federal Budget will be for country towns supply in South Australia. I have not got those figures at my fingertips immediately. Certainly, I will bring down a detailed reply to his question. I am very much aware of the problems in regard to country towns and water supplies. If we are ever to be able to address ourselves to that problem throughout South Australia, certainly we need support as far as Federal money is concerned.

RECREATION AND SPORT PROMOTION

Mr GREGORY: Will the Minister of Recreation and Sport say what promotional activities are being undertaken by the Department of Recreation and Sport to assist in the advertising and public awareness of various community recreational and sporting activities programmes?

The Hon. J.W. SLATER: The Department of Recreation and Sport has a variety of programmes in regard to the promotion of community events. We do use the media quite extensively. The 'Life. Be In It.' programme works very closely with radio 5DN and SAS channel 10. One of those events recently was the Corporate Cup. We also have a 'phone-in' programme, where we ask people to telephone a certain number and talk to that wellknown 'Life. Be In It.' character, Norm.

Members interjecting:

The SPEAKER: Order! I hope that honourable members will show the Minister some courtesy.

The Hon. J.W. SLATER: I am pleased that we call him Norm because, as I said, he is readily identifiable in the community and, as a result of that, people can telephone and ask where and what community events are taking place at a particular time.

An honourable member: How many people have done that?

The Hon. J.W. SLATER: That is a good supplementary question.

The SPEAKER: Order! I hope that the Minister will not answer interjections.

The Hon. J.W. SLATER: More than 100 000 people this year have telephoned that number in South Australia, and that compares very favourably with other States, where on average it is about 20 000 to 30 000 more. Therefore, it proves the interest displayed in South Australia's programme of community events. Anyone who takes an interest in community sporting and recreational activities will notice how effectively the community has responded to those programmes, because the Department, along with private enterprise, radio stations, and the media, has assisted in advertising those programmes. The programmes are very successful, and I am pleased that the Department is involved.

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

The SPEAKER: Call on the business of the day.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (No. 4)

The Hon. J.D. WRIGHT (Minister of Labour) obtained leave and introduced a Bill for an Act to amend the Industrial Conciliation and Arbitration Act, 1972. Read a first time.

The Hon. J.D. WRIGHT: I move:

That this Bill be now read a second time.

The Bill is the result of one of the most intensive investigations ever undertaken of our State's industrial relations system. I am, of course, here referring to the review of the Industrial Conciliation and Arbitration Act undertaken by Industrial Magistrate, Frank Cawthorne. That review was set up by the previous Government in November 1980. The terms of reference of that inquiry were:

> To review the Industrial Conciliation and Arbitration Act, 1972-1979, and to report to the honourable Minister of Industrial Affairs on any requirement for legislative change to meet current and likely future developments in industrial relations.

The review turned out to be a massive exercise. As a lead up to his final report Mr Cawthorne released a discussion paper in February 1982 which ran to almost 600 pages. That gives some idea of the diversity and complexity of the issues reviewed and the depth of analysis involved. The discussion paper and final report are impressive documents, and Mr Cawthorne has won the acclaim of the industrial relations community for the practical commonsense approach he adopted to the difficult issues involved.

Whilst the previous Government commissioned the Cawthorne inquiry and had the final report available to it in April 1982, none of the recommendations contained in the report were incorporated in legislation and indeed if there had not been a change in Government, the final report and its many progressive recommendations would not have seen the light of day.

An honourable member: How do you know?

The Hon. J.D. WRIGHT: The Minister stole the document: ran away with it. What did he intend to do with it? This Government recognised the value of the work that had been done by Mr Cawthorne and on assuming office one of our first acts was to obtain a copy of the report, which in itself was no easy process, and then publish and circulate it for comment. In releasing the report, the Government promised that the recommendations contained in the report and any comments received from interested parties would be subject to full consultation and consideration by the Industrial Relations Advisory Council that the Government intended to establish after being returned to office. The Government has kept true to that promise and set up a statutory Industrial Relations Advisory Council as one of its earliest measures. Prior to its establishment under Statute, five meetings of the non-statutory council were held in early 1983 to discuss proposed industrial legislation, and to date there have been a total of nine meetings of the statutory IRAC and its forerunner.

Indeed, in its first six months, this Government held more meetings of IRAC than the Liberal Government held over its whole three-year term of office. The business community has responded positively to the Government's initiatives in this area, and the Bill now before this House reflects the policies of consultation that we have so successfully pursued. It is interesting to note that, when the IRAC Bill was first introduced, there was criticism about how IRAC would work and doubts were raised about its likely success. This Bill, I believe, should for ever silence those critics. IRAC in fact has worked.

The Bill is the outcome of many months of detailed consultation through IRAC. Of the 113 individual recommendations contained in the Cawthorne Report, 78 per cent have been accepted. A number of recommendations have not been picked up at this stage as they require further consideration, and these comprise 4 per cent of the whole. That leaves only 18 per cent of the recommendations that the Government has not, after consultation, seen fit to adopt. In such a complex and sensitive area as industrial relations, that speaks volumes about the overall excellence and practical good sense of the Cawthorne Report's findings.

Not only has the Government adopted the vast majority of recommendations contained in the report, but in addition those particular recommendations, which are incorporated in this Bill, have all been agreed to in principle by IRAC. By anyone's standards this must be considered a remarkable achievement. In such a thorny area as industrial relations, such a degree of consensus normally is considered impossible to achieve. The consensus that has been reached is an outstanding example of the benefits that the Government correctly predicted would flow from the formal consultative processes of IRAC.

Discussions on IRAC have been frank and forthright throughout. Emphasis has been placed on finding practical, workable solutions to the questions raised. Each side has shown a willingness to bend and listen to the other's point of view and I commend them for it. The members of IRAC are to be applauded for the spirit in which they approached the job at hand and the consensus which they achieved. Before I discuss the major amendments contained in this Bill, I want to say something about those matters that are not included in it.

Members should be aware that many issues were raised in the Cawthorne Report that are dear to Liberal philosophy, but were cast aside as impractical in the course of that inquiry. For example, the general subject of sanctions against unions was examined in depth. Mr Cawthorne (and I would advise members on the other side to listen to this, if they have not read the report or have not absorbed it) had this to say about the subject in his report:

> The battery of sanctions available against unions—

Mr Baker: Full of holes.

The Hon. J.D. WRIGHT: I will start again, for the benefit of the member for Mitcham:

> The battery of sanctions available against unions which supposedly 'don't play the game' and which have been included in the various arbitration Acts of Australia over the years have had no substantial impact on subsequent industrial action. In addition, sanctions are now widely seen as an impediment to good relations. It is thought that they will not assist in resolving the issue the subject of the dispute which gave rise to the industrial action, but on the contrary may well exacerbate the problem immediately at hand and leave a legacy of bitterness which long outlives the original dispute.

They are not my words, but the words of Industrial Magistrate Frank Cawthorne—very wise words indeed. In his report he further states that:

> The sooner the community stops deluding itself that changes in law of a penal nature are going to have a major effect on the level of industrial action, the better off the community will be.

Needless to say, the Bill before the House does not contain any such measures.

Mr Ashenden: Put the unions above the law.

The Hon. J.D. WRIGHT: The member for Todd is trying to suggest that Mr Cawthorne (the person chosen by the Liberal Party, by the then Minister of Industrial Affairs), placed unions above the law.

Mr Ashenden interjecting:

The Hon. J.D. WRIGHT: That is what the honourable member is trying to say.

Mr Ashenden: It is your Bill and not the former Minister's.

The Hon. J.D. WRIGHT: That represents a total vote of no confidence in the former Minister, who selected Mr Cawthorne.

Mr Ashenden interjecting:

The DEPUTY SPEAKER: Order!

The Hon. J.D. WRIGHT: Maybe the member for Todd should listen to the next point that I am about to raise. On the question of the right to strike and its legal restraint, the report points out:

> Strikes have always been a feature of Australian industrial relations—

Mr Ashenden: Especially demarcation disputes.

The DEPUTY SPEAKER: Order!

The Hon. J.D. WRIGHT: The report further states:

> It is clear that prohibitions on the right to strike have met with little or no success in Australia and the experience in the United Kingdom, Canada and the United States of America supports this line.

The idea of pre-strike ballots was looked at in the report and found wanting. Pre-strike ballots were found to be unenforceable and likely to delay the settlement of disputes rather than resolve them, were difficult if not impossible to implement, and were based on a wrong premise. As the report points out:

> The assumption which underlies the notion that pre-strike ballots will reduce industrial action, because often workers are less militant than their leaders and if given the opportunity of a secret vote, would vote against going on strike, is questionable, if not wrong.

Again, Mr Cawthorne:

> Similarly, the idea of a statutory cooling-off period as an aid in limiting industrial action was discarded as impractical as it worked on the assumption that the workers had not considered the matter carefully beforehand and were goaded on by their union officials.

Cawthorne explodes both these myths. On the latter he has this to say:

> The assumption that often militant union officials 'stir' contented workers into industrial action they do not really want is largely rooted in mythology.

Cawthorne summarised his views on the question of cooling-off periods as follows:

> I do not see that a statutory prescription requiring a cooling-off period prior to the instigation of industrial action is either warranted or would indeed have any discernible effect in terms of being obeyed or, even if this were so, in reducing the incidence of such action.

The thrust of Cawthorne's recommendations and this Bill is to avoid such legalistic measures to control the symptoms of industrial disagreement. Rather, the approach adopted in this Bill is to provide for measures which will facilitate the resolution of matters in dispute by getting to the root causes and seeking the amicable agreement of the parties.

Consistent with that basic approach, Cawthorne recommended some form of immunity in tort for unions and unionists engaged in industrial action. There are strong arguments for such a change, and Cawthorne lists these in his report. One of the most compelling of the reasons for removing tort actions is that such actions do nothing to assist in the resolution of dispute situations. If anything, they aggravate them and make the task of conflict resolution more difficult. As the report states:

> It can be strongly argued that the existence of the remedy in tort is inconsistent with the system of conciliation and arbitration which is specifically designed to assist in the resolution of industrial disputes.

This was an issue over which initially there was some disagreement amongst IRAC members, with the union members wanting the complete removal of tort actions and the employer members arguing for the retention of these common law actions. After considerable discussion, the practical compromise suggested by Frank Cawthorne was adopted.

That proposal, which is contained in the Bill, provides that no action in tort shall be taken against unions or unionists unless the Full Commission gives a certificate that the processes of conciliation and arbitration have been exhausted and that there is no prospect of an immediate cessation in the industrial action. This approach will ensure that industrial matters are dealt with and resolved within the system that has been constructed expressly for that purpose. If the arbitral machinery fails to work then the sanction of a common law action is still available to employers. The Government has full confidence, however, that very few, if any, matters will get to the stage where they cannot be resolved by the formal industrial relations machinery.

Whilst we are touching on the general question of restrictions on strike action, it should be pointed out that the Bill also seeks to delete Part X, Division II of the Act that deals with lock-outs and so-called illegal strikes. The Bill seeks to repeal these sections as they are not used in practice and in Cawthorne's words are 'patently unworkable'. The Commission will, however, retain some existing powers in this area to hand down orders in the face of industrial action, but any proceedings for the breach of an order in the Industrial Court can only be actioned by leave of the Full Commission. Such a changed approach is consistent with the view that industial action is not inhibited by pains and penalties but can only be properly resolved by the processes of conciliation and arbitration.

Another underlying theme in this Bill is the further encouragement of registered associations. Under the new proposed objects clause, which follows closely the objects clause in the Federal Conciliation and Arbitration Act, one of the chief aims of the Act will be, 'to encourage the organisation of representative associations of employers and employees and their registration under this Act'. Consistent with that objective, the Bill provides for a number of things. First, the Act has been amended to strengthen the power of the Commission to prescribe preference to unionists where it considers it is just and equitable to do so. Under the existing section 29 of the Act preference may be awarded by the Industrial Commission to members of registered associations of employees, all things being equal.

Of course, they rarely are, with the result that the South Australian provision has been described as the weakest of the preference provisions in Australian legislation. As Cawthorne points out:

> The effect of such a provision has been described as rendering an order for preference of not much practical effect and as providing the employer with an easy escape, for what other things have to be equal is indefinite, and what equality means and by whom it is to be judged is arguable.

The Bill picks up the exact wording of section 47 of the Federal Act, which deals with the questions of preference, and which dates back to 1947. The question of preference to unionists is one that always manages to generate a great deal of heat from conservative Parties. Cawthorne's comments are therefore once again worth quoting, where he says:

> What must be borne in mind when faced with the outrage of those who bridle at making any concessions whatsoever in favour of unions is that if an award of preference is made by the Commission, it is more likely to favour the moderate union with potential members in numerous widely scattered small work units, than it is to the militant and strong unions which will win *de facto* compulsory unionism in the field in any event.

As an added measure, the new preference provision will also allow the Commission to demark areas of employment in favour of a particular organisation and thus will enhance the Commission's ability to settle disputes over questions of contested membership.

Another provision in the Bill that will encourage the organisation of representative associations is a new section that will empower the Commission to award right of entry onto employer's premises to allow union officials to undertake their legitimate duties. This is another area where the

South Australian legislation lags behind the other States. The existing provision under the Act allows unions a right of entry to inspect time and wages books but does not recognise the right of a union to otherwise properly service its membership or indeed sign up new members. The provision contained in the Bill follows closely the draft clause recommended by Frank Cawthorne in his discussion paper. It should be pointed out that under this new provision right of entry is not automatic, but is subject to an award of the Commission and therefore would be subject to such conditions as the Commission considers proper under the circumstances. As part of the agreement with IRAC the Bill also provides for a new section that will ensure employees are not hindered in their duties by a union official where a right of entry is awarded.

The Bill also provides that in future non-registered employee associations will be unable to make new industrial agreements. However, those industrial agreements presently entered into by such associations will be allowed to continue indefinitely, but future variations will be subject to vetting by the Industrial Commission to ensure that they are in the public interest. Whilst such a change may be considered unduly restrictive by some, it should be pointed out that the South Australian jurisdiction is the only one in Australia that allows unregistered bodies to enter into industrial agreements.

To allow unregistered associations to do this runs counter to one of the basic objectives of the industrial relations system in Australia, which is the encouragement of registered associations. It also hinders the achievement of the industrial goal of a more co-ordinated and therefore more stable industrial relations system. Whilst there are strong arguments for excluding unregistered associations completely, given the long history of existing arrangements it has been considered appropriate to retain the *status quo* in so far as existing industrial agreements are concerned. In a similar vein, where an unregistered employee association files an award application, the Bill requires the Commission to be satisfied that the making of such an award is in the public interest.

Another theme contained in this Bill is the broadening of the general jurisdiction of the Industrial Commission so as to give the Commission more flexibility in dealing with dispute situations. Thus, the Bill contains a provision for the Industrial Commission to inquire into and report on any matter referred to it by the Minister. This power of inquiry is similar to that contained under the New South Wales Act and will allow the Commission to formally inquire into a whole range of issues that it might otherwise be precluded from so doing. Shopping hours and contract labour are two areas that could be the subject of such an inquiry. The recent and successful inquiry into shop trading hours by Justice Macken of the New South Wales Industrial Commission is an example of the effective use of such a power in the New South Wales jurisdiction.

The Bill also gives the Commission power to make general orders on matters within its jurisdiction. At the moment minimum standards for certain conditions of employment, such as sick leave and annual leave, are set down in the Act. It has been pointed out, however, that this is a somewhat cumbersome and inflexible way of dealing with what are quite often sensitive and complex issues. The power to hand down general orders should enhance the Commission's ability to deal flexibly with a given industrial situation and should, therefore, improve the working of the system. The Commission already exercises a similar power through the so-called test case approach where minimum standards are determined by the Full Commission, which then flow on into other areas on an award by award basis. The concept of a general order power is in fact by no means novel. The Western Australian and Queensland Acts give the arbitral tribunals in those States similar powers to make general orders. The Cawthorne Report makes the further point that the Commission would make such a general ruling only if it were satisfied that it was proper in all the circumstances to do so. In other words, there is unlikely to be a rash of such general orders should the power be granted to the Commission.

It is also proposed to widen the Commission's jurisdiction to allow it to regulate the area of contract labour. Any such regulation, however, will take place only after proper inquiry by the Industrial Commission. The approach to be adopted would, in fact, be similar to that operating in New South Wales. Under the Bill, the Minister, pursuant to the proposed general inquiry power, would direct the Commission to inquire into a particular industry. There would thus be no attempt to pre-empt the issues. Rather, the question of regulation would have to be determined on an examination of the merits, having regard to the needs and practices of each industry and allowing for all interested parties to make submissions to the inquiry. Once the Commission had reported, it would be up to the Minister to determine what action should be taken after that. In some cases the contract labour arrangements may be so close to normal contracts of service that only a fine line separates the two. In such cases a provision is contained in the Bill which would allow the Commission to recommend that such a category of contract labour be declared by regulation as employees for the purposes of the Act and covered accordingly. In other cases, award regulation might not be appropriate and separate legislative enactment may be necessary. The system proposed, therefore, contains a number of checks and balances.

Regulation of the contract labour area will not be automatic and may take place only if the Commission, after considering all the evidence, finds that it is in the public interest to do so. It should also be pointed out that IRAC will be closely consulted in this area both with regard to the original referral from the Minister to the Commission to inquire into a particular industry, and also with regard to the action to be taken in relation to the findings of such inquiries. The Bill also seeks to give the Industrial Commission power to award a date of operation earlier than the date of lodgement of an application to vary an award. This further power will be restricted to cases where there is an established nexus with a parent award, to national wage increases and to consent arrangements. This provision in the Bill will allow awards to reflect dates of operation which are prior to the date of application, but over which there should be little or no dispute.

The Bill proposes substantive changes in the area of unfair dismissal. This has been an area where practical reform has long been overdue. One of the defects with the present Act is that it provides for only one remedy, that of reinstatement in the same position. Problems then arise as a result of the power of reinstatement being a discretionary one. Under the current system there have been cases where the worker has successfully proved wrongful dismissal, but because the employer-employee relationship is so strained a continuance of that relationship is not practicable and the Industrial Court has accordingly not exercised its discretion. The employee is then left in a no-win situation.

I want to place on record, while I am dealing with this part of the Bill, that this matter was first referred to me back in 1975 or 1976 by the then Justice Bleby who had been faced with a case in which such circumstances arose. The applicant won easily on the point of merit, but the President at that time, in his wisdom, thought it was impracticable to replace that person in her employment. He recommended at that time that these provisions ought to be considered, which we have been a long time doing, with changes in Government, and so on. But, I wanted to place

on record Justice Bleby's attitude towards this piece of amending legislation.

The Bill seeks to correct the problem referred to earlier by providing for a range of remedies. The primary remedy should remain reinstatement in the same position. If that is not practicable, then an alternative remedy can be re-employment in some other suitable job, and if that is not available the tribunal will be able to award compensation to the wronged worker. There is substantial international precedent for this alternative remedy of monetary compensation. Article 10 of the new I.L.O. Convention on the termination of employment at the initiative of the employer reflects this position, and supports the payment of adequate compensation in cases where a tribunal hearing such matters considers a dismissal unjustified but is not prepared for various reasons to reinstate the worker.

When this matter of alternative remedies was raised, some employers expressed their concerns about a possible rush of actions being taken under the new provisions. The practical compromise worked out by IRAC was to agree to the recommendation contained in the Cawthorne Report that the tribunal concerned be given the discretion of awarding costs against frivolous or vexatious claims. To ensure that dismissed workers are not discouraged from making claims, however, it is proposed that there would first take place a pre-hearing conference where the issues could be canvassed in broad detail. If it then became apparent that a claim may be in the 'frivolous or vexatious' category, due warning could be given about possible costs being awarded if the claim were unsuccessful. In the ordinary case, of course, costs would not normally apply. The insertion of a provision for costs to be awarded, where proceedings have been instituted vexatiously or without proper cause, is seen as part of the re-employment package endorsed by IRAC. Another concern of some employers was that the alternative remedy of placement in another job may not be practicable, as a suitable job may not be available. This point has been addressed in the Bill and the tribunal in determining this matter must have regard to the practicality of that remedy which should include consideration of the availability of alternative work.

A further change proposed in the re-employment jurisdiction is to have Industrial Commissioners handle these matters in lieu of the Industrial Court. In his report Mr Cawthorne pointed out that there was a need for greater informality in re-employment proceedings and that currently many would-be applicants are dissuaded from commencing an action for reinstatement because of the formality of the Industrial Court jurisdiction. It is well recognised by industrial relations practitioners that industrial relations issues are much to the fore in dismissal matters and that many can be negotiated through to some sort of settlement. With these thoughts in mind, Mr Cawthorne recommended that the Industrial Commissioners could be used to act as conciliators to clarify the issues and attempt to get a negotiated settlement. If that process failed, the matter would then go before the Industrial Court in the normal way for a formal hearing of the issues.

In the Government's view, however, there is a danger that such an approach might add a further step to the hearing of dismissal matters and act to slow down their final resolution. Another concern the Government has with Mr Cawthorne's proposal is that intransigent employers would refuse to co-operate during the pre-hearing phase in the knowledge that the Industrial Commissioners had no power to hand down binding orders. The desirability of a more informal approach and possibly faster consideration of cases were factors in IRAC's support of the wrongful dismissal jurisdiction being wholly transferred to the Industrial Commission. It is felt that the Commissioners' skills in conciliation would be an additional factor that would make for the success of the proposed new arrangements. In New South Wales, Conciliation Commissioners have exercised this function for decades, and there is a high measure of support for the Commission's handling of such matters. Whilst on this question of wrongful dismissal, it should be noted that the Bill also strengthens the position of workers' safety representatives by providing that an employer shall not dismiss or injure in employment an employee by reason only of the fact that the employee is a workers' safety representative or a member of a safety committee appointed under the Industrial Safety, Health and Welfare Act.

A number of changes are proposed to the Act to overcome various legal problems that have arisen and to generally tighten up the Act's operation. Thus it is proposed that boards of reference be given power to make binding orders on matters referred to them. As they are presently empowered, boards of reference have served little useful purpose. This can be contrasted with the Federal system where they have been most successful. One of the areas in which it is proposed boards of reference should have binding powers is that of demotions. It is considered that the less formal machinery of boards of reference should provide an efficient way of handling such serious matters. The decisions of such boards will, of course, be subject to appeal.

Another area that has been remedied in this Bill to overcome existing problems relates to defects in proceedings. Under the Bill the Commission and Industrial Court will be empowered to rectify defects in proceedings that would otherwise, on a minor technicality, render those proceedings void.

The Bill also corrects the problem that has arisen with overlapping awards and industrial agreements. At the moment, the degree to which an industrial agreement prevails over an award is a somewhat grey area. The Bill remedies this problem by making it clear that an award of the Commission will have no effect on the parties to an industrial agreement, except to the extent mentioned in the agreement.

The Bill will also allow for the calling of voluntary and compulsory conferences in the conciliation committee jurisdiction. This will overcome a present anomaly whereby conferences can be called in all other areas under the Act but not in the area of a conciliation committee's jurisdiction.

The Bill remedies a problem that has arisen where a registered association seeks to amend its rules. Under the existing legislation the Registrar is powerless to bring an association's constitution rule into line in situations where the groups sought to be covered in the amended rules were more properly within the jurisdiction of other registered associations. The Registrar has been given more flexibility to make such changes and also to waive compliance with certain prescribed technical conditions for registration that would otherwise unfairly stop an organisation becoming registered. These changes should lead to an avoidance of the undue litigation of a most technical kind that has arisen in this general area in the past.

The Bill also corrects a problem faced by registered employer associations with members who are self-employed and who do not fit the category of 'employer' for purposes of registration under the Act. In addition, the special position of the U.T.L.C. has been recognised under the Bill to enable the U.T.L.C. to intervene in Commission hearings as a party in its own right. Whilst the two major employer organisations may be represented in Commission proceedings because they are registered pursuant to the Act, the U.T.L.C. is for purely technical reasons legally unable to become registered and thus does not have the same rights of appearance. The Bill remedies that problem and gives formal recognition to a situation that has applied on a *de facto* basis but which was open to objection.

I have so far canvassed what could be considered the major issues. In addition to those matters referred to, however, there are a large number of amendments that seek to improve the general functioning of the Industrial Court and Commission. The proposed machinery amendments contained in this Bill include a proposal for greater consultation with interested parties by the President in allocating industry assignments to tribunal personnel; provision for Acting Deputy Presidents; and Full Commission benches of more than three to be allowed where the parties consent, such as on State wage case hearings. Appeals from industrial magistrates will go to the Full Industrial Court consistent with the current position in relation to appeals from single judges handling similar matters. There will be changes in the procedures for aged, slow, infirm or inexperienced workers' certificates which will ensure that more appropriate authorities make the necessary decisions. Industrial awards are to be provided by the employer for perusal on request by the individual employee to overcome problems with the present system of employers displaying awards.

The President of the Industrial Commission is to be required to furnish a report to the Minister for presentation to Parliament on the activities of the Industrial Court and Commission so as to improve the accountability of those tribunals; the appointment of one Commissioner at a time is proposed in lieu of the current inflexible provision which requires two Commissioners to be appointed at a time; provision is to be made to enable the appointment of lay Deputy Presidents of the Commission, being persons of high standing in the community, so as to bring a broader range of expertise to the Commission consistent with the approach adopted under the Federal Conciliation and Arbitration Act. Penalties contained under the Act have also been increased by nominal amounts; however, it is foreshadowed that further consideration will be given to this complex question.

The Bill also proposes new provisions which will allow members of the South Australian Industrial Commission to confer with their Federal counterparts on matters of joint concern, as well as allowing proceedings in the Federal and State Commission to be dealt with together in joint sittings in appropriate cases. These provisions will complement the recent changes to the Federal Conciliation and Arbitration Act introduced by the Federal Minister for Employment and Industrial Relations. These changes should provide for improved co-ordination of the work of the Commonwealth and State tribunals, and are based on recommendations put forward by a Commonwealth/State working party. The changes will also assist in the implementation and operation of the Federal Labor Government's prices and incomes policy.

In summary, this Bill has resulted from one of the most in-depth reviews ever undertaken of an industrial relations system in Australia. It contains measures that will foster good industrial relations through an avoidance of pains and penalties provisions and the positive encouragement of the processes of conciliation and arbitration. In furtherance of that latter objective, the Bill contains provisions that will assist the organisation of registered associations by giving them improved rights and by restricting access to the Commission of unregistered associations. The jurisdiction of the Commission has been widened to enable the Commission to more flexibly meet emerging industrial issues such as the question of contract labour.

A number of legal anomalies that exist under the present Act will be remedied by this Bill, and the general Industrial Court and Commission framework will be improved and made more workable. Significant changes have been made to the re-employment jurisdiction by providing for alternative remedies in cases of wrongful dismissal. The Government believes that this Bill is a model of what good legislation is all about. It was arrived at after an in-depth independent inquiry. It has been considered in detail over many months by IRAC and faithfully mirrors the consensus of views reached by that body.

The Bill is a most complex one. To enable full consideration of the Bill by all interested parties, it has been introduced in this session of Parliament. This should give ample time to employers, unions and the general public, as well as members, to raise any queries they may have with this major piece of legislation. I commend the Bill to the House, and 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 the short title. Clause 2 provides for the commencement of the measure. Clause 3 proposes the insertion of a new section 3 in the principal Act, providing for the prescription of the principal objects of the Act. Clause 4 provides for the amendment of section 6 of the Act, which deals with the various definitions required by the legislation. A recommendation of the Cawthorne Report was that the Act should enable the regulation of contract labour on an industry-by-industry basis. It is therefore proposed that the concept of 'employee' may be expanded to include persons engaged for remuneration in industry, if they are of a class declared by regulation to be a class to which the Act applies. Such regulations are to be made only upon recommendation of the Full Commission. A consequential amendment will be required to the definition of 'employer'. In addition, it is proposed to repeal Part X, Division II (lock outs and strikes) and so it is appropriate to delete the definitions of 'lock out' and 'strike'. Finally, it is proposed to clarify the status, authority and obligations of the Public Service Board in respect of Public Service employees (as originally proposed in 1979).

Clause 5 relates to section 9 of the principal Act, which deals with the appointment of the President and Deputy Presidents of the court. Presently, a person is not eligible for appointment to the court unless he is eligible for appointment as a judge of the Supreme Court. It is proposed that Deputy Presidents now be appointed from legal practitioners of not less than seven years standing, which is a similar qualification to that appearing in the Local and District Criminal Courts Act, 1926.

Clause 6 amends section 10 of the principal Act by striking out subsection (3), which provides for the appointment of acting Deputy Presidents of the court. Such a provision is now to be included in section 12. Clause 7 amends section 12 of the principal Act by inserting provisions dealing with the appointment of acting Deputy Presidents. Clause 8 proposes amendments to section 15 of the principal Act. It is proposed that applications under section 15 (1) *(e)* now be heard by the Commission, and so reference to the court hearing applications for re-employment must be deleted. Furthermore, proposed new section 15 (3) complies with a recommendation in the Cawthorne Report that the court be authorised to allow payment of judgment debts by instalment. Clause 9 provides for the amendment of section 17 of the principal Act. The various amendments relate to the operation of section 17 (1) *(l)*, and were recommended by the Cawthorne Report after consideration of a decision of the Supreme Court in 1975 in relation to a comparable provision in section 28 of the Act. The amendments would clarify the operation of the relevant paragraph and ensure that the court can properly correct errors, irregularities or defects in proceedings before it.

Clause 10 provides for the repeal of section 18 (3). This provision presently prevents a Deputy President from dealing with money claims not exceeding $1 000. However, it has been submitted that the restriction does not recognise that small claims may also be test cases. The repeal of the subsection would allow the President far greater flexibility in constituting the court under section 14. Clause 11 proposes amendments to section 22 of the Act, which concerns Presidential members of the Commission. The Cawthorne Report recommended that the Act allow for the appointment of suitable lay Deputy Presidents of the Commission, and proposed new subsection (3) implements that recommendation. In addition, in conformity with another recommendation, provision is made for the appointment of acting Deputy Presidents. Finally, proposed new subsection (6) prescribes the persons who are eligible for appointment under these proposals. Clause 12 relates to section 23 of the Act. As it is proposed that there be acting Deputy Presidents of the Commission, subsection (3) requires recasting in general terms to ensure that persons who cease to be Commissioners may nevertheless finish part-heard matters when their term of office expires. Subsection (5) is to be recast to provide what should be a slightly more practicable formula for the appointment of Commissioners.

Clause 13 provides for the amendment of section 24 of the Act. The Cawthorne Report recommends that the President should be able to constitute a bench of more than three members of the Commission in appropriate cases. The proposed amendment to subsection (2) will allow this. However, this is to be qualified by a proposed provision that the Full Commission shall not be constituted of more than three members except by consent of the parties to the relevant proceedings. Clause 14 proposes that new sections 25a and 25b be inserted in the Act. The Cawthorne Report recommends that the Full Commission be given powers to make general orders on any matter within its jurisdiction. The proposed new section 25a will implement that recommendation, to the extent of enabling the Full Commission to set minimum standards for the regulation of remuneration or conditions of employment. Organisations are not to be precluded from negotiating more favourable terms and conditions. An award pursuant to this section may only be made upon the application of the Minister, certain industry groups, or by a registered association with leave of the Full Commission. New section 25b relates to a recommendation that the Commission be given power to consider and report on any industrial or other matter referred to it by the Minister.

Clause 15 amends section 26 of the Act, primarily to allow a Presidential member or a Commissioner to direct a committee to mediate in an industrial matter, in addition to being able to act himself. Clause 16 amends section 27 of the Act. Proposed new subclause (1) would provide that the President may direct either a committee, a presidential member or a commissioner to call a compulsory conference in respect of any industrial matter, as well as acting himself if he so decides. Section 27 presently relates to conferences presided over by presidential members or commissioners. Other consequential amendments are proposed, and proposed new subclause (9a) allows the referral of matters to the Commission under subsection (9) to be done orally and without formality. Clause 17 proposes various amendments to clause 28 of the Bill. As previously noted in relation to clause 9 of the Bill, a Supreme Court decision has prompted the recasting of provisions in the Act relating to the correction of errors, defects or irregularities. Paragraphs *(a)* and *(b)* relate to this issue. Furthermore, the Cawthorne Report recommends that the cost of an expert's report provided under section 28 (1) *(k)* should be met from public funds in appropriate cases, and a new subsection (1a) is proposed in accordance with that recommendation.

Clause 18 proposes various amendments to section 29 of the principal Act. It is proposed that paragraph *(b)* of subsection (1) be recast in conjunction with other provisions relating to boards of reference. These other provisions are to be found in the new subsections replacing subsection (2). Proposed new subsection (2) requires boards of reference to notify parties to the award of the times and places at which they propose to sit, and any of their determinations. Proposed new subsection (3) provides that the powers of a board may include power to grant relief to employees who have been unfairly demoted. Subclause (2b) provides an appeal to the Full Commission. Subclause (2c) relates to the appointment of a chairman. Furthermore, other amendments within this clause implement a Cawthorne Report proposal that it be possible to authorise a union official, subject to such conditions as are appropriate, to enter premises to inspect records and work, and interview employees in relation to membership of their association. It may be noted that proposed subclause (2d) prescribes that an official should not act in such a manner as to hinder an employee in carrying out his duties of employment. Another part of this amendment implements the Cawthorne Report proposal that the Commission be given a discretion to direct that an award shall have effect from a day earlier than the day on which the relevant application was lodged.

Clause 19 proposes the insertion of a new section 29a in the Act, dealing with awards providing preference in employment to members of registered associations. Clause 20 proposes an amendment to qualify section 30 (1) *(b)* and *(c)* of the Act and is inserted upon a recommendation of the Cawthorne Report concerning proceedings by individuals or unregistered groups in respect of an award. Such proceedings may only be entertained if the Commission considers them to be in the public interest.

Clause 21 provides for the insertion of a new section 31 dealing with the issue of unfair dismissal. The proposal is that applications in relation to harsh, unjust or unreasonable dismissals be heard by the Commission constituted by a single Commissioner and that the remedy be either an order for re-employment or, if this is impracticable, an order that monetary compensation be paid. Re-employment will therefore be the primary remedy. To attempt to avoid employers delaying re-employment, or refusing to comply with an order of the court, proposed subsection (4) ensures that the employee remains entitled to remuneration until he is re-employed. Furthermore, the Cawthorne Report was keen to ensure that steps be taken to discourage any frivolous claims for unfair dismissal. Subclause (5) does that, and further subclause (6) directs that a conference be held between parties to an application for the purpose of considering resolution of the problem by conciliation and, if the matter is to proceed, for the purpose of ensuring that the parties are aware of the possible consequences of further proceeding upon the application.

Clause 22 provides for the amendment of section 34 to allow the United Trades and Labor Council to intervene in certain circumstances. Clause 23 relates to the assignment of Commissioners under section 40 (2) to a particular industry or group. It is proposed that assignments be for a period not exceeding two years and not occur without prior consultation with interest groups.

Clause 24 proposes the insertion of a new clause 40a to facilitate co-operation between industrial authorities. Clause 25 relates to the appointment of inspectors under section 49, and, in accordance with a Cawthorne Report recommendation, provides that an inspector shall produce his certificate of appointment when so required. Clause 26 proposes the amendment of section 50 of the Act to compel

inspectors to produce their certificates of appointment before searching premises, etc., and to provide for the removal of some records for examination and copying. Clause 27 proposes amendments to section 54 of the Act as part of the implementation of the Cawthorne Report that the Full Commission, and not the Minister, be given the responsibility for establishing and controlling conciliation committees.

Clause 28 effects consequential amendments on section 55 by virtue of the amendments to section 54. Clause 29 provides for the repeal of sections 56 and 57 and for the substitution of a new section 56. Again, this amendment results from a recommendation that committees be established by the Full Commission. The new provision would set out the various functions that are necessary for the constitution, control and dissolution of committees. Clause 30 provides consequential amendments to section 58 of the Act. In particular, paragraph *(a)* continues the policy that the Chairman of a committee should be a Commissioner (as presently provided in section 61 of the Act). Clause 31 proposes the introduction of a new section 59, upon the repeal of sections 59 to 68 (inclusive). As committees are now to be within the jurisdiction of the Full Commission, the provisions may be repealed to accord with this new approach. However, the new section will provide for one matter that should be dealt with in the Act, being the appointment of a Commissioner to act in place of the Chairman, if the Chairman is absent.

Clause 32 provides various amendments to that section of the Act dealing with the jurisdiction of committees. The various new provisions are similar to others appearing in relation to the powers of the Commission. Clause 33 proposes the introduction of a new section 69a, empowering a chairman of a committee, where he considers that mediation in an industrial matter may be appropriate, to direct that the committee convene a voluntary conference, or to convene one himself. Clause 34 provides various consequential amendments to section 76.

Clause 35 amends section 81 of the Act, which relates to annual leave. The amendments are as proposed in legislation previously introduced to the Parliament and are recommended by the Cawthorne Report to allow the determination by the Full Commission of all ancillary matters relating to annual leave. Clause 36 provides for the repeal of section 85 of the principal Act. The Cawthorne Report recommends that some rationalisation is needed between sections 85 and 153. The repeal of section 85 and complementary amendments to section 153 will provide that rationalisation. Clause 37 effects various amendments to section 88, concerning aged, slow, inexperienced or infirm workers. In accordance with a recommendation of the Cawthorne Report, the Commission is to have authority to grant a licence under this section. Furthermore, provision is made for the Commission to notify interested registered associations of an application under the section. As recommended, power to allow the Industrial Registrar to act in relation to an application is included. Finally, appeals would be dealt with in accordance with general principles.

Clause 38 is a proposed amendment to section 90. The effect is to permit the Minister to draw a distinction between various activities of a charitable organisation, when acting under this section. Clause 39 effects a recommendation of the Cawthorne Report that the Commission be given power to rescind an award on the ground that it is obsolete. Notice of proceedings under this section must be given in the *Gazette* and a newspaper. Clause 40 proposes amendments to the appeal provisions of section 93. The effect of the proposed amendment would be to allow the Full Commission to refer an order to another judge.

Clause 41 proposes an amendment to section 94 similar to those for section 93. Clause 42 is a proposed amendment to section 96, to provide that on an appeal from a decision of the Commission under section 31, the Full Commission should be constituted of a single judge. Clause 43 would effect an amendment to section 101 of the principal Act, which allows the reference of matters to the Full Commission. A proposed amendment is that the President should consult with interested parties before acting. Another amendment clarifies that part of a matter only may be referred. Clause 44 proposes a provision that would allow the Registrar to state a question of law for the opinion of the court, as constituted by a single judge. Clause 45 proposes the insertion of further subsections in section 106 of the Act. The effect of the subsections is to provide that unregistered associations of employees cannot enter into new agreements after the commencement of the amending Act.

Clause 46 provides for the inclusion of a provision to allow the Commission to approve industrial agreements. One point of particular note is the direction that the Commission should consider any relevant principles, guidelines or conditions arising by virtue of a declaration under section 146b. Clause 47 effects an amendment to section 109 to provide that registered associations (and employers) only may concur with an industrial agreement. Clause 48 proposes an amendment to section 110 to clarify the effect of industrial agreements. Clause 49 proposes the insertion of new subsections in section 115 of the principal Act. New subsection (2) provides for the inclusion of matters presently dealt with by cross-reference to section 114. New subsection (2a) dispels a possible argument about the effect of prescribing various classes under subsection (2). Subsection (2b) would effect a recommendation that registered associations of employers should not have to be exclusively composed of employers.

Clause 50 is principally concerned to effect an amendment to section 116 in order to implement the proposal that the Registrar, upon an application for registration by an association, have authority to amend the rules of an association to bring them into unformity with prescribed conditions, or to waive compliance with prescribed conditions. Clause 51 provides for the revamping of section 121 of the principal Act. Provision is included for the Registrar, where he considers it necessary so to do, to give notice of an application under the section and to inform interested registered associations. A date may then be fixed for hearing any objections. Clause 52 proposes the insertion of a new section 143a in the principal Act. The proposed section would, in accordance with a recommendation of the Cawthorne report, provide that no action in tort lies in respect of an industrial dispute, except as provided by this section. Subsection (2) provides for the continued existence of various actions that should not be barred in any event. Subsection (3) preserves a right in the Full Commission to allow, in special circumstances, an action in any event.

Clause 53 provides amendments to section 144, in accordance with a Cawthorne report recommendation. Proposed new section 144 (3) should ensure that all discrimination against the holders of certificates be unlawful. Proposed new section 144 (5) provides for the payment of amounts received by way of fees into the general revenue of the State (payment is presently made to the Adelaide Children's Hospital Inc.). Clause 54 provides for the inclusion of a new section relating to the preparation of an annual report, which is to be laid before both Houses of Parliament.

Clause 55 would amend section 146b by striking out subsection (4). Such a provision would be catered for by the proposed new section 108a. Clause 56 provides for the repeal of Division II of Part X, in conformity with a recommendation of the Cawthorne report. Clause 57 is the complementary provision to an earlier proposal that the operation of section 153 be rationalised to take into account section 85. Clause 58 provides for various amendments to

section 156 to introduce the concept of injury in employment to this provision. Clause 59 proposes the recasting of section 157 of the principal Act. Included is reference to persons acting under the Industrial Safety, Health and Welfare Act.

Clause 60 proposes a new provision, allowing for the award of compensation against a person who has committed an offence against section 156 and 157. Clause 61 would amend section 159, which relates to the records that employers should keep. Records relating to age should specify the date of birth of the employee; records relating to worked hours should include a record of meal and other breaks. Clause 62 proposes the insertion of a new subsection (2) in section 161 of the Act, which would compel employers to make available copies of awards for the perusal of employees. Clause 63 provides for the amendment of section 174 in two respects. Of particular note is the inclusion of a provision that no proceedings may be commenced in respect of an offence by virtue of the breach of an award or order of the commission without leave of the Full Commission. Clause 64 provides for the amendment of penalties by provisions contained in the schedule to the amending Act.

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

STOCK DISEASES ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendment:

Page 1—
After line 14—Insert new clause as follows:

1a. *'Commencement*—(1) This Act shall come into operation on a day to be fixed by proclamation.

(2) The Governor may, in a proclamation fixing a day for this Act to come into operation, suspend the operation of specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

The Hon. J.W. SLATER: I move:

That the Legislative Council's amendment be agreed to.

The amendment is satisfactory to the Government, and deals with the commencement of the Act to come into operation on a date to be fixed. I commend the amendment to the Committee.

The Hon. TED CHAPMAN: I have had consultations with the Minister and representatives of the Opposition from another place in relation to this subject. I am aware that an amendment was moved in the Legislative Council to a private member's Bill introduced in this place by the Opposition and supported by the Government. The amendment, whilst delaying the effective introduction of this measure, is accepted by the Opposition and I do not believe it is necessary to spell out the specific reasons for that. However, I am aware that the Minister of Agriculture is anticipating correspondence from the U.F. and S. following a meeting on 15 December, at which the U.F. and S. anticipates a reaffirmation of its policy in support of the move that we have taken in this instance: namely, to tighten up the Stock Diseases Act to require all property owners abutting a diseased property to be notified forthwith and to prevent infected livestock being traversed on public roadways on hoof without an inspector's certificate to do so.

It is not my intention to recanvass all details associated with that Bill: it is done. However, on behalf of the Opposition I am grateful for the support Government members in this House have given to private members' legislation. I am also grateful for the unanimous support for the principle that was given to this measure in the Legislative Council and, in recognising the reasons for the amendment, offer the Opposition's support in that direction also.

It is reasonable at this time to place on record my personal appreciation of the support I have had from the member for Victoria because, indeed, this legislation emanated from a matter that he, on behalf of his constituents, brought to the attention of this House in August of this year, and subsequently developed to the point where a private member's Bill was prepared, presented, and supported in both places. In that context I accept the amendments moved by our colleague, Mr Cameron, M.L.C., and supported by members in another place.

Motion carried.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1 (clause 2)—Leave out the clause.

No. 2. Page 2 (clause 4)—Leave out the clause and insert new clauses as follows:

4. Insertion of new section 163aa.—The following section is inserted immediately before section 163a of the principal Act:

163aa. Part to apply only to the Town Clerk of the City of Adelaide—As from the commencement of the Local Government Act Amendment Act (No. 2), 1983, this Part shall apply only to the Town Clerk of the Corporation of the City of Adelaide.

5. Insertion of new section 163jaa. The following section is inserted immediately before section 163ja of the principal Act:

163jaa. Part to apply only to officers of the City of Adelaide. As from the commencement of the Local Government Act Amendment Act (No. 2), 1983, this Part shall apply only to officers employed by The Corporation of the City of Adelaide.

The Hon. T.H. HEMMINGS: On behalf of the Government, I reluctantly move:

That the Legislative Council's amendments be agreed to.

The amendments passed in the Legislative Council bring all councils, except the Adelaide City Council, within the ambit of section 15 (1) *(e)* of the Industrial, Conciliation and Arbitration Act, giving all officers access to the courts should they consider that dismissal has been effected on grounds that are harsh, unjust, or unreasonable. This now makes jurisdiction quite clear and universal, and is in line with judicial comment about uncertainties surrounding the application of Part IXA since 1970, except for the Adelaide City Council.

In presenting the amendments, the Opposition and the Democrats have now placed all the Adelaide City Council white collar staff, defined as clerical, administrative, or professional officers, without redress of the courts should they be dismissed on grounds considered harsh, unjust, or unreasonable. Those officers not so defined will have no redress at all, unless the Adelaide City Council award is further amended. The Adelaide City Council has apparently convinced the Opposition and the Democrats that this is an advantage that it has as an employer and one which the Government Bill would remove.

I do not think that it is an advantage to the officers upon whom the burden of this amendment will fall. The Government believes all officers of all councils should have conferred upon them the same rights of appeal and review that are conferred upon the majority of employees in this State. Why the Adelaide City Council has to be different and fly in the face of judicial opinion, is beyond me.

Even in a hearing involving the council itself, the referee, His Honour Deputy President Stanley of the S.A. Industrial Court, in *Scrivanich v. Corporation of City of Adelaide* in December 1976 said:

It seems to me that whoever drafted the award assumed that all employees of the council had a right of redress under the Local Government Act, whereas when you look at the Local Government Act, they do not all have a right of redress under that Act. It is confined to certain particular officers.

Something has been made of the Government's apparent failure to consult with the council. The Government and I as Minister quite properly dealt with the representative bodies. I dealt with the Local Government Association and the M.O.A., but it seems that, in the case of the Adelaide City Council, the Government of the day has to deal with it. It deals with the Opposition and the Democrats but not with the Government.

The Adelaide City Council has direct representation on the Local Government Association Executive. That representative did not disagree when the association dealt with the repeal of Parts IXA and IXAA—never said a word! However, he then went back and told the Adelaide City Council that it should deal with the Opposition and the Democrats. Let us look at what has happened. The council consulted with the Hons Lance Milne and Murray Hill, but never chose to consult with me. It was only after they consulted with other people that they chose to write to me.

I wrote back and put in a quite proper way exactly what this Government was all about, what the Local Government Association was all about, and what the M.O.A. was all about. I recall when the present Lord Mayor was elected to office, she came to me and asked me to call her Wendy and not the Lord Mayor. I said that she could call me Terry, and I thought we were getting along quite well. She said that we should not get involved in public brawls and that we should consult with each other on all matters relating to the Adelaide City Council and the Government.

Now I find that she and her officers do not consult with me but with the Opposition. We are now being forced to accept an amendment, so that 125 councils can be protected. We will not oppose the amendment, but I give fair warning to the Adelaide City Council that it can now sit outside the industrial mainstream and explain to its officers as best as it can that some of them will have to rely on predismissal procedures yet to be concluded in the Municipal Officers Association, and that it will not be open to the courts to ensure that they can have harsh, unjust, or unreasonable dismissals reviewed.

It seems to me to be an unfortunate price to pay for simply allowing the Adelaide City Council to exercise its ego. The council seems to have been able to justify a special place for itself with the Opposition and the Democrats. Fortunately, I understand that the Opposition and the Democrats see this amendment as being a holding operation. They support the principle of the Bill, to quote the previous Minister in the Legislative Council. The Opposition and the Democrats have agreed to the general principal that industrial matters should be taken out of the Local Government Act, and it seems strange that my predecessor in the former Government wrote to the M.O.A. and said just that. That was quoted in another place, and I do not know how the previous Minister can live with his conscience, because either he did not know what he was signing, or when he signed it he did not believe what he was saying.

We support the amendment, but I give notice to this Chamber and to the other place that I will be seeking soon a meeting with all relevant parties to see whether a course of action can be agreed upon that will enable me to introduce a further amending Bill next year to take out this amendment, which I now regrettably accept.

The CHAIRMAN: Before calling the member for Light, I must say that I hope he will not enter into flattery.

The Hon. B.C. EASTICK: I am not going to enter into a contest, I freely admit that. I wonder whether the Chair is able to indicate how the clause is to be written into the Act, because the Minister has clearly indicated that it is agreed to reluctantly. Is there a variation in the manner in which it will appear in the Act, because it is agreed to reluctantly? It is an important question having regard to the manner in which the Minister is prepared to get in and out of bed with Mr Milne in respect of what he will support and what he will not support.

The Hon. T.H. Hemmings: Are you saying that I am gay?

The Hon. B.C. EASTICK: If the Minister wants to introduce that particular quality into the debate of the House, he will find himself debating with someone else. If the Minister is prepared to recognise the manner in which those words are frequently and commonly used in this House I will continue the debate, but if he wants to identify himself as something other than I believe him to be, that is entirely up to him. The position is—

The Hon. T.H. Hemmings interjecting:

The CHAIRMAN: Order! I hope the debate will deal with the amendments. Members on both sides have strayed away from the amendment.

The Hon. B.C. EASTICK: The Minister said that he made certain assumptions relative to the position of the former Minister. The former Minister freely identified his attitude to this issue and freely, as I read the report of the debate in another place a week ago, clarified the position that he was still of the opinion that the Adelaide City Council should not be at variance with other councils. They were points made in this House, yet subsequently I, as spokesperson on this matter in this House, was accused by the Minister of having been a direct representative of the Adelaide City Council.

I was most pleased that in relating with whom the Adelaide City Council had liaised with on this matter, the Hon. Mr Milne and the Hon. Mr Hill, the Minister did not include me, and I am glad that he has identified that what he said previously was a false premise. I looked at the matter in a positive sense, I trust, and I highlighted to this House the variants that existed in the awards. I took at face value the indication the Minister had given that the M.O.A. had advised him on the day we were last debating this issue that it was seeking a variation of its award to correct this situation in regard to the Adelaide City Council.

Indeed, I refer to matters that were revealed in another place relevant to an exchange of letters, particularly the letter from the Minister subsequent to the debate written on the 18th but sent on the 22nd. I know that it was written on the 18th because it stated 'in the debate yesterday' and yesterday turned out to be the 17th and therefore, it must have been written on the 18th, but the date on the letter was the 22nd. If we want to be nit-picking, as the Minister suggested last evening, we have got the situation properly tabled. Be that as it may, the position arises from a lack of consultation. I acknowledge the presence as advised to me of a representative of the Adelaide City Council at a meeting when this matter was discussed.

Mr Ferguson: What was he there for?

The Hon. B.C. EASTICK: They have a place on the executive of the Local Government Association, as of right. There seems to be some doubt as to whether all members of the committee were present at the time, as related to me subsequently by the Secretary-General of the Association, this matter was determined, or whether the matter was determined by a subcommittee and subsequently reported to the executive, but that is of no great consequence. The important thing I wanted to bring out was the need for consultation.

The Minister played loudly on the word 'consultation'. I am sure that not only the Adelaide City Council but also other councils and other bodies, not the least of which is the Local Government Association, would want to refer

back to the Minister his lack of consultation on some vital areas, one of which we concluded here last evening, presented in an entirely different form from the manner in which it was presented in May this year, the Statutes Amendment Bill, in relation to the Local Government Act and the Water Resources Act, when we saw the Bill enter this place without consultation with the major Party—

Mr Ferguson: This is the weakest argument you have put up so far.

The CHAIRMAN: Order!

The Hon. B.C. EASTICK: I do not view my contribution as being an argument. I am setting the record straight.

Mr Ferguson: You usually put up a good argument, but not so this afternoon.

The Hon. B.C. EASTICK: The member for Henley Beach does not have to react—

The CHAIRMAN: Order! The member for Henley Beach is out of order. The member for Light is out of order by taking notice of interjections.

The Hon. B.C. EASTICK: I go one step further in relation to this lack of consultation that pervades so much of the activity of the Ministry. I have identified a couple of the areas where the Minister has failed to relate to the people who will be impacted upon by the legislation. A letter from the General Secretary of the Local Government Association, dated 6 December, states:

> Full consultation will be needed on these matters and, indeed, it will be required by the amendments. It is essential if the objects of the Bill are to be achieved. The way in which local government has been ignored by you in the process of formulating and introducing these provisions which affect local government, does not set a good grounding for a sound relationship to develop between local government and the Commission.

The Hon. T.H. Hemmings: Which Bill are you talking about?

The CHAIRMAN: Order!

The Hon. B.C. EASTICK: Just bide your time. This letter, dated 6 December, giving a fair indication of how local government is concerned about the lack of consultation in the present Ministry or Government, relates not to this Bill.

The Hon. T.H. Hemmings: That's all we wanted: put it on the record.

The CHAIRMAN: Order!

The Hon. B.C. EASTICK: The honourable Minister need have no fear. If I had not wanted to put it on the record, I would not have read the last word 'Commission', which immediately takes it away from being this Bill. I am straying rather far, but I want to point out that there is and has been this lack of consultation. I believe that there has been a lack of consultation in respect of this measure in a positive and total sense. A Minister of the Crown taking sideswipes at the Lord Mayor, any other Mayor, any Chairman, or any other councillor who gives his services to the community freely, will not achieve anything for local government.

The Opposition accepts the proposition from the other place, because it has a majority opinion in that place on matters that still need to be resolved in total consultation and after various aspects of the awards are known. Until that matter is sorted out, it is wise that this precaution be taken, and it is on that basis that I support it on behalf of the Opposition.

Motion carried.

KLEMZIG PIONEER CEMETERY (VESTING) BILL

Adjourned debate on second reading.

(Continued from 7 December. Page 2479.)

The Hon. B.C. EASTICK (Light): The Opposition supports this Bill, which has been brought in at the behest of the Lutheran Church and after a great deal of consultation between the City of Enfield and the Lutheran Church. It is interesting to note that one of the instigators of this measure was the late Pastor August Kavel, who has given his name to the electorate of Kavel now occupied by the Deputy Leader of the Opposition. Indeed, the Deputy Leader had a significant part to play in bringing forward to the Attorney-General the various measures necessary to initiate this action. I speak on behalf of the Deputy Leader in saying that he is gratified that the necessary activities associated with resolving this matter have been expeditiously undertaken by the Government, and for that he is thankful, and I am sure that the Lutheran Church and other people involved will be happy.

I notice that it has been to a Select Committee, as all hybrid Bills must, and the opportunity existed for any person who had doubts as to the result to be achieved to say so, and there is no dissenting voice in relation to the action to be taken. It will lead to a much more positive future for the retention of the historic significance of this area, and that is to be lauded at a time when we are looking to our heritage. I praise the City of Enfield, which is prepared to accept the responsibility associated with the passage of this measure. We note that, because of clause 4 (associated with the financial aspect), it will be necessary for the Minister to move an amendment.

It is a fitting and proper one, and will cause no difficulty to the Opposition to accept. It is a proposition I suggest or suspect we will see more of in the not too distant future, not particularly with cemeteries or churches, but with other historic properties and areas in which the State has accepted an interest, and the local council or some other authoritative group has accepted the managerial responsibility.

If we can make certain of our heritage in this way, I believe that it is something with which Parliament would want to be associated. Whilst I am not suggesting for one moment that we find easy ways of achieving the end result, because by the time one sets up Select Committees and does all the other investigative work necessary, it is not an easy proposition. However, I say 'easy' in the sense that Parliament on all occasions would give favourable consideration to any such propositions, and assent be given in due course by the proper processes. I support the Bill on behalf of the Opposition.

Mr MEIER (Goyder): I, too, support the Bill. I do so both as a member of this House and as a member of the Lutheran Church. In fact, earlier this year I took up the matter with the Attorney-General in a letter dated 31 May, part of which states:

> The church has been endeavouring to get an Act of Parliament passed 'that would vest the church's pioneer cemetery property at Klemzig in the Enfield Corporation in perpetuity as 'The Klemzig Pioneer Cemetery' and would enable the corporation to develop the property as a place of restful beauty, with the guidance and co-operation of our church.

It further states:

> It is my understanding that the church is keen to begin the planning and beautifying programme as soon as possible so that the property will have been developed into an attractive place by the time of the State's and church's sesqui-centenary, when it is planned to hold a commemorative service and other historical functions there.

First, for that reason I compliment the Attorney-General for endeavouring to see that matters were dealt with as fast as possible, and certainly compliment the Select Committee of the Legislative Council which brought down a report in favour of the transfer. Item 4 of that report states:

> Your committee is satisfied from evidence received that the Bill is an appropriate measure, and recommends that it be passed without amendment.

Certainly, with Jubilee 150 coming up rapidly it will give the church, in association with the Enfield council, an opportunity to do whatever it can to present the place in the most aesthetically pleasing way. I am pleased that we are able to deal with it today before the three-month break. I will not go into the details of the Bill at this stage.

However, for people interested, I think that it is interesting to note the commencement preamble to the Bill that sets out a few details about the early settlers and, as the honourable member for Light mentioned, it is pleasing to see this type of undertaking occurring so that our history can be preserved. It is hoped that this might be the forerunner of other such undertakings.

The Hon. J.W. SLATER (Minister of Water Resources): I appreciate the comments made by the members for Light and Goyder. I have a special interest in this legislation for two reasons. First, the property is within the electorate of Gilles. I am familiar with it. It is unfortunate that this Bill was not with us some years ago, because the cemetery has now fallen into disrepair. Certainly, it can be restored, but the task has been made much more difficult because of the lack of attention given to this very historic place in the past. I know that both the Lutheran Church and the Enfield council have been requesting for some years that this matter be resolved. That is now happening, but it should have occurred some years ago.

My other special interest is that my ancestors who came to South Australia in the 1840s or thereabouts and who were of German extraction (although I am not sure whether they were members of the Lutheran Church), settled in this area of Adelaide, according to what I have been able to ascertain. They did not reside there for a long time. I believe that they transported themselves by bullock waggon to an area around Crystal Brook, a trip that in those days took about three weeks. Although they were of German extraction, my name does not appear to be German, of course; I think they might have anglicised it along the way.

The legislation is important in keeping and restoring our heritage in regard to the early pioneers. We hear quite a lot about preserving our heritage, and I believe that this sort of preservation of the very early history of South Australia is most important. I thank honourable members of the Opposition who spoke in support of this legislation.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. B.C. EASTICK: Has the Minister any indication of when the Act will be proclaimed? This is a common clause in Bills but as applied to this Bill it seems a little strange, unless there are still title or other similar activities to be entered into.

The Hon. J.W. SLATER: I do not have that information. As the honourable member has said, this is a common provision in legislation. I have no indication in my instructions as to when this legislation is likely to be proclaimed. However, I will endeavour to obtain that information which the honourable member has requested and advise him accordingly.

Clause passed.

Clause 3 passed.

Clause 4—'Vesting of the land in the council.'

The Hon. J.W. SLATER: I move:

To insert clause 4.

It will be seen that the clause is in erased type, as it relates to a monetary aspect of the Bill, and as such it could not be initiated in the other place.

The Hon. B.C. EASTICK: I support the amendment. New subclause (3) highlights an issue that has been discussed in this place on a previous occasion, namely, that relating to the consideration by those involved in the retention or the saving of the original title, if it is of historical significance, so that it can become part of the permanent record on the site. A ruling was given at an earlier time in this Parliament relative to that matter, and it has been pointed out that there are some problems associated with it.

However, I believe that even if it is only a facsimile of the original title that would be adequate. I would like to think that the historic document will in some way be available so that it can be kept in perpetuity by the organisation that will be responsible for this memorial trust. I believe that that would be an action consistent with the Government's thinking, and with the thinking of all members of this place, even though it is recognised that sometimes there are legal difficulties associated with the retention of a piece of paper that has ceased to have legal input. Some action of that nature would be welcome.

The Hon. J.W. SLATER: The Lands Titles Office does keep original documents in perpetuity. I think the member for Light was also suggesting that perhaps a photocopy or a facsimile of the original title, which is of historic significance, could be made available to those who are interested in having it. That is a matter that could warrant consideration. I do not know whether it could be displayed at any particular place: certainly it could not be displayed on the property, unless on occasions of special significance. For instance, that could be done on the occasion of the State's 150th anniversary in 1986, at which time it might be appropriate to display that title together with other historical material relating to the property's history. Certainly, I would support that being done.

Clause inserted.

Clause 5, preamble and title passed.

Bill read a third time and passed.

LEGAL SERVICES COMMISSION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 September. Page 907.)

The Hon. B.C. EASTICK (Light): I rise to address this issue pending the arrival of the member for Mount Gambier, who will be the Opposition's lead speaker. Therefore, that limits me to 30 minutes. However, I trust that very little of that time will be required by my involvement. It is noted that the measure has come to us from another place, having arrived quite early in the session. In fact, the adjournment was taken by my colleague on 21 September. My colleague, the Hon. Mr Griffin, gave the matter a great deal of consideration, because it falls into his area of expertise. I am sure that the member for Mount Gambier is now able to address the subject.

The Hon. H. ALLISON (Mount Gambier): This Bill, which has been on the Notice Paper for some considerable time, appears to have been overlooked. It is of no great concern to the Opposition. We have no hesitation in supporting the legislation. In fact, it aims to do three things. First, members of the Commission and members who are legal practitioners, are currently expressly not allowed to give legal assistance. This Bill provides for a disclosure of interests of a commissioner who is legally qualified and who has been asked to give legal assistance. This enables him to accept any assignments.

The second condition which the Bill seeks to alter relates to a possible appeal against refusal to grant legal aid. Presently, that has to be heard by five members of the Com-

mission. That is now reduced to three members constituting a quorum. Its third provision, the secrecy provision of the prinicpal Act, is now amended to permit disclosure by production of documents and communication of information to any persons authorised by law to request such disclosure or inspection, whereas previously those persons who were legally authorised to request disclosures were barred from having access to any information by virtue of the secrecy provisions contained in the principal Act. There is nothing contentious in the legislation, and the Opposition has no hesitation in supporting the Bill.

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

The Hon. J.W. SLATER (Minister of Water Resources): I move:

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

Leave granted.

[*Sitting suspended from 4.37 to 8.30 p.m.*]

EDUCATION ACT AMENDMENT BILL

At 8.30 p.m. the following recommendations of the conference were reported to the House:

As to Amendments Nos 1 and 2:

That the Legislative Council do not further insist on these amendments but make the following amendments in lieu thereof:

Clause 4, page 1—

Line 24, after 'amended' insert '—

(a)'

After line 26, insert paragraph as follows:

and

(b) by inserting after subsection (2) the following subsections:

(3) A person who is either an officer of the Department or employed as a teacher in, or in the administration of, a Government or a non-government school is ineligible for appointment as the Chairman of the Board.

(4) Before the Minister nominates a person for appointment as the Chairman of the Board, he shall consult with the Advisory Committee on non-government schools in South Australia, in relation to the proposed appointment.

Clause 5, page 1—

Line 27, after 'amended' insert '—

(a)'

After line 28 insert paragraph as follows:

and

(b) by striking out subsection (5) and substituting the following subsection:

(5) Each member of the Board who is present at a meeting of the Board (including the person presiding at the meeting) shall be entitled to one vote on any question arising for the decision of the Board at that meeting and, in the event of an equality of votes, no casting vote shall be exercised.

And that the House of Assembly agree thereto.

As to Amendment No. 5:

That the Legislative Council do not further insist on the amendment but make the following amendment in lieu thereof:

Clause 12, page 4, lines 9 to 17—

Leave out paragraphs *(a)*, *(b)* and *(c)* and insert the following paragraphs:

(a) by striking out from subsection (1) the passage 'a person or persons' and substituting the passage 'a panel of not less than three persons';

(b) by striking out from subsection (1) the passage 'a person so authorised' and substituting the passage 'the members of the panel';

(c) by striking out from subsection (1) the passage 'in his authority' and substituting the passage 'in their authority';

(d) by inserting after subsection (1) the following subsection:

(1a) A panel referred to in subsection (1) must include—

(a) an officer of the Department or of the teaching service;

(b) a person employed as a teacher in, or in the administration of, a non-government school;

and

(c) the Registrar of the Board.;

and

(e) by striking out from subsection (2) the passage 'an authorised person' and substituting the passage 'the members of a panel.

And that the House of Assembly agree thereto.

PRISONS ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council with the following amendments:

No. 1. Page 6, line 35 (clause 14)—After 'prisoner' insert 'after the commencement of the Prisons Act Amendment Act (No. 2), 1983'.

No. 2. Page 6, lines 38 to 43 (clause 14)—Leave out subsections (4b) and (4c).

No. 3. Page 7 (clause 15)—After line 24 insert new paragraph as follows:

(aa) in the case of a prisoner whose non-parole period expired before the commencement of the Prisons Act Amendment Act (No. 2), 1983—as soon as practicable after that commencement;.

No. 4. Page 7, lines 27 and 28 (clause 15)—Leave out '—When that non-parole period expires' and insert 'but had not expired before the commencement of the Prisons Act Amendment Act (No. 2), 1983—when the period he has served in prison during the non-parole period and the total number of days of remission credited to him after that commencement together equal the non-parole period'.

No. 5. Page 7, lines 31 and 32 (clause 15)—Leave out 'that amending Act' and insert 'the Prisons Act Amendment Act (No. 2), 1983'.

No. 6. Page 7, line 34 (clause 15)—After 'that period' insert ', but after that commencement,'.

No. 7. Page 8, line 49 (clause 16)—After 'recommended by' insert 'the board and approved by'.

No. 8. Page 9, lines 39 to 40 (clause 21)—Leave out 'sentenced to such imprisonment after the commencement of the Prisons Act Amendment Act (No. 2), 1983,'.

No. 9. Page 10, line 29 (clause 26)—After 'fixed' insert ', whether before or'.

No. 10. Page 11, line 20 (clause 26)—After 'prisoner' insert ', other than a prisoner to whom subsection (7) applies,'.

No. 11. Page 11 (clause 26)—After line 25 insert new subsection as follows:

(7) Notwithstanding any other provision of this Act—

(a) a prisoner returned to prison upon cancellation of parole pursuant to section 42nf (whether before or after the commencement of the Prisons Act Amendment Act (No. 2), 1983);

or

(b) a prisoner returned to prison upon cancellation of parole pursuant to section 42ne before that commencement, in respect of whom a non-parole period has not been fixed 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 remission credited to him after cancellation and the period he has served in prison after cancellation together equal the total period of imprisonment that he was, upon that cancellation, liable to serve.

Consideration in Committee.

The Hon. G.F. KENEALLY: I move:

That the Legislative Council's amendments be agreed to.

Mr BAKER: I should not allow this opportunity to pass because I believe that the Bill in its present form is a disgrace. Normally at this time of the year we end on a high note and go away content with Christmas and the festivities that will ensue. I cannot allow this Bill to be passed as it stands. I place on record for the benefit of the Chief Secretary that it is my intention at the beginning of Parliament next year to ask the Chief Secretary to provide names, offences and sentences of all persons on non-parole within the system and who will be released under this Act.

I inform the Chief Secretary of this quite clearly so that he can gather the data before we resume. It is also my intention to go through the cause list for the Supreme Court and the District Criminal Court every month, and if any names appear on that cause list of people who have been released under this Act, then I believe that the Chief Secretary will have something to answer for.

This Bill has some very promising aspects, but I cannot condone the release of dangerous criminals into the community. It is all very well for the Chief Secretary to do so; he may well have decided that this is the trade-off situation, that this is the way that he could get over the problems in the prisons, because a very large number of people who are causing strife at Yatala today will fall into the category of automatic release. It will be a shame if this Bill passes the Parliament in its current form. Indeed, it is disgraceful that the Chief Secretary should support the measure in its current form.

Mr Hamilton interjecting:

Mr BAKER: The member for Albert Park mentioned today's *News*. If he had read in the *News* the article on prisons and parole, he would have understood my concern and, I hope, that of all South Australians in this regard. It is not good enough for this Parliament by the stroke of a pen to release from prison those prisoners who would not normally have been allowed into the community. Normally they would not have been released, because they had failed to get approval of the Parole Board or were considered to be a danger to the community. If I produce a cause list in six months time containing the names of reoffenders, I wonder who will be considered culpable and responsible for that.

Mr Hamilton: If you do so.

Mr BAKER: I know I will.

The CHAIRMAN: Order! The Chair will not allow a full scale debate to occur: we are simply dealing with amendments.

Mr BAKER: We are dealing with amendments that are inadequate in regard to making this Bill complete. We on this side oppose the Bill, because it has a number of flaws, which have not been removed. We oppose the Bill, because it has not been properly thought through. One of the main areas of contention concerns the provision allowing for automatic release upon the expiry of a non-parole period. I remind the Chief Secretary of his reference to the courts: the courts provide for a non-parole period under the existing sentencing procedures. There is no right given whatsoever for a person to be released after that period.

Under this provision a person is now given that right, and those people whose non-parole period has expired cannot be brought before the court. However, everyone else can be brought before the court: the Crown can appeal against such people being released into the community, but that does not apply to those coming under this provision, some of whom will have contributed in a large way to some of the problems existing in the prisons today. I want to put on record my disgust at the actions of the Chief Secretary. I know that within six months he will have to explain to this Parliament why in fact he allowed these people to go out to bash, rob and commit other crimes, perhaps even murder. It will be up to the Chief Secretary at that stage to answer to the Parliament for his actions here today.

Mr MATHWIN: I oppose the amendments. I am most disappointed that the Chief Secretary has seen fit to make such a drastic departure from what he told this Parliament—promised this Parliament—and had published in the papers previously. People serving a non-parole period under the present law will continue to be recognised as serving a non-parole period, whereas under the new system as explained by the Minister those people who have not been given a non-parole period will be able to apply to the courts for one.

The Minister's explanation of the changes in the existing system was that present prisoners' non-parole periods would remain the same. He said that because of the changes to be made under the new Act the court would take into consideration the possibility of a reduction of that non-parole period by his department, which would be able to release people at the rate of 15 days per month off their non-parole period.

He also said that under the new system the courts would know that prisoners would be released earlier than the non-parole period and, therefore, it would be automatic that that non-parole period would then be allowed as a reward for prisoners who obeyed instructions and behaved themselves while in prison. That was the Minister's explanation. Then, he accepted these amendments which make the situation quite different from that presently operating.

I draw attention to one case, because it is probably one of the worst on record to date: it relates to a person convicted for a capital offence who was given an 18-year non-parole period. That is prisoner McBride. He thought that that was too much. He thought that it was unfair so he went to court on appeal and was given a 20-year non-parole period.

The Hon. G.F. Keneally: The Crown appealed.

Mr MATHWIN: I am sorry, I apologise to the Minister. The Crown appealed, and the non-parole period was increased. Under these amendments a prisoner convicted of a capital offence will now be able to be released into the community at the rate of 15 days per month off his sentence, which will be in 13 years time. Does the Minister think that that is right? Does he think he is supporting promises, made in this Chamber, in the newspapers and through the media, to protect the people of this State? Does he think the new parole system is a great scheme? The Minister said that the situation was covered because cases involving prisoners being released earlier on a non-parole period would have been taken into account by the court. I remind the Chief Secretary of the press release published in the *Advertiser* which stated, in part:

> 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 Government believes that the courts should always determine the minimum and maximum length of time the prisoner (an offender) might spend in prison.

Of course, the Minister explained this when he introduced the Bill. However, regarding the amendments (which are shocking, in my opinion, and will make such a drastic change to the whole situation), the Minister is saying that if those people were given a non-parole period lawfully they would receive the benefit of a reduced sentence. The Minister made a great play of trying to convince members that that is not already covered by the non-parole period. He said that under the new legislation it would mean that the court would take into consideration the fact that these people could have a reduction of 15 days a month on their non-parole period.

Surely, it is not Labor Party policy today to accept such a situation. I am sincere in my views, and we have had a very good debate on this Bill, but I understand that the amendments were made in the Upper House by the Democrats. I may be wrong, but I am very upset that the Minister has accepted such drastic changes to the agreed understanding of what would apply. I pointed out the worst recent case on the books relating to McBride. I find it most offensive that the Minister has seen fit, without explanation, to accept all the amendments, without further explanation.

It is very late; *Hansard* has done a marvellous job, and everybody is tired because of the last few days. They have been very hard pressed. However, I think that we still

deserve some further explanation from the Government on why its members were so quick to alter the arrangement that was made and why the Minister altered his word on this serious matter. I shall be more than surprised if the Minister does not realise just how serious and wrong this retrospective legislation is. It is hard for any of us to take. The amendments are quite wrong, and I oppose them.

The Hon. G.F. KENEALLY: I will answer both honourable members because they have addressed themselves to different issues. First, the member for Mitcham pointed out that he believed that by introducing and passing this legislation he expected that the Parliament will be responsible for letting all sorts of people out of prison sooner than they would otherwise be released. The legislation does no more than implement the will of the courts in establishing a sentence and setting a non-parole period. Clearly not only the defendant but the community is considered, and that is the earliest date that that person can be allowed to leave the prison with safety, or otherwise the court would not make that decision.

The court is not in the business of setting a non-parole period for a prisoner if it believes that the prisoner may not or should not be allowed out of prison at that date. If the court felt that the prisoner was a dangerous person and a risk to the community, it would set a longer non-parole period: it is as simple as that. We are doing no more in this legislation than enabling the courts to make those decisions. For the honourable member to suggest otherwise is a clear misunderstanding of the legislation.

The member for Glenelg raises an entirely different matter altogether. He has addressed himself to a rather major change in the legislation as a result of amendments moved in another place by, as he rightly says, the Hon. Mr Gilfillan, who has introduced into our legislation the same provisions that applied when the non-parole period and remissions on non-parole period were introduced in the Victorian Parliament in 1973 and when it was decided by that Parliament that those remissions should be available along with the non-parole period that already existed. The conviction and the penalties already set by the courts were eligible for remission from a time to be established after the passing of the Bill. The same thing happened in New South Wales. I do not know whether Mr Gilfillan pointed that out, but he introduced similar legislation here.

I am fully aware of this problem and it was also addressed by the Hon. Mr Griffin. As I understand it, the reason for doing this is that, if we do not allow those people currently in the prisons with non-parole periods to earn remissions (which would mean the 780 people in the prisons at present), then we really do not have a management tool for those currently in prison. One of the prime intentions of this legislation was to ensure that the authorities had a management tool over the prisoners. The Hon. Mr Gilfillan in moving these amendments has provided for that, and we have accepted his amendments.

So far as the honourable member addressed himself to Mr McBride, I should point out to him that there are two protections within the legislation. New subsection (2b) in clause 14 *(f)* 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.

So, there clearly is a protection for the Crown to take the necessary action in relation to those prisoners whose sentences the authorities believe might be reviewed under the provisions of the new Act.

Secondly, I should point out to the honourable member that no life prisoner in South Australia can be released unless it is done through the Governor in Executive Council. That is the added protection. Mr McBride will not be released unless the Cabinet of the day recommends to His Excellency the Governor that he be released, and they can determine whether Mr McBride is released at 15, 20, 25, 30, 35 or 40 years. The decision rests with the Government of the day, as it does now. There is no life prisoner now who is released from prison in South Australia unless that prisoner is released by the Government making a recommendation to the Governor-in-Council.

That protection prevails. The Government appealed to the court to have McBride's non-parole period extended from 18 years to 20 years. I am not likely to be bringing in legislation that ensures that he will get out in 13½ years. Nevertheless, that decision will rest with a Government in many years time, certainly a Government that most of us will not be a part of. The point is that there are protections within the Act to cover the examples that the member for Glenelg mentioned.

Because the member for Glenelg pointed out that I did not explain the amendments, amendment No. 2 takes out new subsections (4b) and (4c) in clause 14. That would have given prisoners an additional appeal against a non-parole period. In retrospect, that is not a sensible thing to do. Once they are sentenced they already have the first right of appeal. The original Bill was giving them a second right of appeal. We have agreed that that is not a sensible thing to do, so we have taken that second right of appeal away. All it would have achieved is to block up the courts, because there was no reason for them not to appeal, so that provision has been deleted from the Bill.

Amendment No. 7 merely fixes up a drafting error. I turn now to amendments Nos 8, 10 and 11. People who were on parole and are returned to prison because they have again offended are eligible (in the continuation of the sentence that they ought to have served if they had not been placed on parole—in the continuation of that sentence which they have to complete if brought back into the prison) for the same sort of remission currently provided for other prisoners.

It really is just bringing these people into line with every other prisoner in the institution, so that is not a dramatic or drastic change. The real change is the one to which the member for Glenelg referred. I pointed out to him that there are good management reasons for it and, if we do not have it, then we really do not have a disciplinary tool to use in relation to the overwhelming majority of people in the prisons. I just repeat the point that a precedent has been set by the Victorian and New South Wales Governments when they introduced similar legislation. They allowed it to provide for those non-parole periods already established. There is no retrospectivity in the sense that good or any behaviour prior to the date this Bill is due to be proclaimed will be taken into account in determining remission. We will declare a date that the Act is to come into operation and then all prisoners will be eligible for remission from that date onwards, but nothing prior to that date.

Mr BAKER: Obviously, the Minister requires a few debating as well as a few legal skills. He has already pointed out to us the case of McBride. He has already pointed out that the Crown can go to the court and say, 'Look, we cannot let that man out. He must stay in gaol.' For those people whose non-parole periods have expired, there is no court of appeal.

The Minister also mentioned a number of other things, particularly in relation to non-parole and the minimum time a person could spend in prison. Under the existing procedures, it is the minimum time a person can spend in gaol; beyond that time it is up to the gaol system as to whether he is released or not. There is no automatic right; there should be no automatic right unless there is some provision

inserted which will allow the courts or the Government to prevent a person being released into the community. The new provision will apply to all those people who are sentenced after this Act comes into operation.

As the Minister admits, the courts will set additional sentences to take account of the remission period which will come off parole. There will effectively be an increase in the time people serve in gaol, but for those people who have been sentenced prior to this Act coming into operation, this is a disgrace. Those people will be released from prison without the Crown having the right of appeal. They will be released at a time when they should in fact be there, because a significant number of these people have failed to meet the conditions set down by the Parole Board. They have failed to demonstrate to the Parole Board that they are citizens who are worthy of being returned to the community.

The Minister is failing in his responsibility. He is not going to stop the problems in the prisons. He is putting out a sop, which everyone else will expect. A particular section of the prison population will be released into the community, but I believe they should remain in prison until they have served their full sentence less the remissions that they have gained under the existing system.

I believe that what we are doing here tonight will reverberate throughout South Australia. I believe that a number of people will suffer because of this measure here tonight. I have asked the Chief Secretary to reconsider, but he will not do so. I will proceed with my intention to ensure that all prisoners in these circumstances are named and I would hope that the Chief Secretary will instruct his office accordingly, to prepare a list of names, offences and the sentences that those people have been given. The Chief Secretary has performed appallingly, not only within this House, but in relation to the community of South Australia.

Mr MATHWIN: In relation to the explanation given by the Minister, in relation to prisoners sentenced for a capital offence, I accept that there is the right in the Act for the Government or the Minister to take some steps in delaying a prisoner's release.

I suppose that I was citing the worst case. However, there are a number of people who are recidivists and who are armed robbers, and have been proven to be. They are the bad people within society, and society and the community ought to be protected from them. It would appear from what the Minister said (and I did not realise this) that there were 750 cases of prisoners who had not been given non-parole periods. I thought that that was the number, generally speaking. Because of the number which would be put before the Board, the Board would be split in two to deal with them: that is what I understood. I did not realise that there are 750 cases of people on non-parole sentences who would be covered under the new law. That is certainly very revealing as far as I am concerned. That amounts to 750 people in prison for the minimum non-parole period.

Those persons are supposed to stay there under the present law as it is, and I did not realise that those 750 cases would come under this clause. I thought that we were talking about perhaps a dozen or so, or maybe 100, but certainly not 750. That makes it even more serious in my book. In fact, it makes it very alarming indeed. Obviously the Minister missed the point that I was making because I said that, as far as I was concerned, the Government of the day would release a number of people in gaol who had not been given a non-parole period. They have won the point on that: I submit that quite fairly and squarely. However, we now are in the situation where we have people in gaol who were given the minimum non-parole period under the present system. Accepting this amendment, the Minister has changed all that.

He is now going to say, 'The courts have given you a minimum amount of time in gaol, but we are going to reduce that by 15 days per month,' and that is alarming to say the least. I gathered that one of the reasons given by the Minister was that it would cause more unrest in the prisons. After all, we are not dealing with children or amateurs. Generally speaking, the prisoners in gaol are heavy recidivists, armed robbers, arsonists and the like. They are no amateurs: they know the rules of the game and they would know damned well that they were given a fixed non-parole period when they were put in prison.

However, they come under the umbrella of this legislation, which we had to accept in this House previously on the understanding that the only people who would be dealt with according to this legislation would be those sentenced on the day that the Bill was proclaimed and those who were not given the minimum non-parole period. Now we will be lumbered with about 750 cases legally in prison and they will now be released anything from 15 days per month earlier at a time. Of course, as we know, the Democrats are in bed with the Labor Party: strange bedfellows indeed, but that is the situation.

Mr Evans interjecting:

Mr MATHWIN: If they are, I feel very sorry for the Labor Party. Nevertheless, each to his own, I suppose. This is a serious situation. The position is alarming now that it has been revealed that up to 750 cases could come under consideration under this new legislation. The Minister read part of the amendment, but the complete amendment is as follows:

Page 7, lines 27 and 28 (clause 15) '—Leave out—when that non-parole period expires' and insert 'but had not expired before the commencement of the Prisons Act Amendment Act (No. 2), 1983—when the period he has served in prison during the non-parole period and the total number of days of remission credited to him after that commencement together equal the non-parole period'.

That is how it will happen and, no matter how much the Chief Secretary tries, he will not stop that position coming about. I hope that the press will pick it up and let the public know how wrong the position is and how well conned they were in the first instance by the Minister's press release, which was put out when the Bill was introduced. There is no doubt that it was a con and, by accepting these amendments, the Minister has worsened the situation considerably. The change is dangerous, morally wrong and alarming, and this is what the Minister has accepted.

The Committee divided on the motion:

Ayes (20)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Crafter, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally (teller), Klunder, McRae, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (16)—Mrs Adamson, Messrs Allison, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, Evans, Goldsworthy, Lewis, Mathwin (teller), Meier, Olsen, Oswald, and Wilson.

Pairs—Ayes—Messrs Bannon, Duncan, and Ferguson, and Ms Lenehan. Noes—Messrs P.B. Arnold, Ashenden, Ingerson, and Wotton.

Majority of 4 for the Ayes.

Motion thus carried.

TRUSTEE ACT AMENDMENT BILL

The Legislative Council intimated that it had agreed to the House of Assembly's amendments.

REAL PROPERTY ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council without amendment.

STATE LOTTERIES ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

EDUCATION ACT AMENDMENT BILL

Consideration in Committee of the recommendations of the conference.

The Hon. LYNN ARNOLD: I move:

That the recommendations of the conference be agreed to.

The conference of managers of both Houses met for some time today and approved variations of the proposals that originally came before this House concerning the composition of the board and the inspection process. First, concerning the composition of the board, it is now proposed, as was originally proposed in the Bill, that there be an equality of members between the non-government sector and those that are Ministerial appointees. The significant variations are these: first, three of the Ministerial appointees are to be made without fetter, but the fourth is an appointment where the Minister is required to consult with the Advisory Committee on Non-Government Schools and, in addition, that person who is thereby appointed will become the Chairperson and that such person should be neither from the Education Department nor from the non-government school sector.

The other variation is that there should be no casting vote or power granted to the Chairperson so that on no occasion shall there be a possibility that either one group or the other, if one wants to look at it in that kind of confrontation sort of way, would have a majority over the other. The other variation concerns the inspection process. The Bill brought into this House provided that the inspection process consist of a person from the Education Department, a person from the non-government school sector and that neither of those shall be a member of the board itself.

However, the indication given in the closing of the second reading debate was that the Registrar could participate by going along with an inspection panel, but not contributing to the panel's report. The conference proposed an amendment so that an inspection panel consists of at least three persons: the Registrar of the Non-Government Schools Registration Board, a person from the Education Department (on the nomination of the Board), and a person from the non-government schools sector (on the nomination of the Board). In each case, the nominee must be approved by the Minister.

A significant variation is that, first, there are at least three members of the inspection panel and, indeed, there can be more; secondly, a member of the board can still be a member of the inspection panel, if the board so chooses. Those provisions came about as a result of the conference of managers. The managers from the House of Assembly included the member for Mawson, the member for Newland, the member for Bragg, and the member for Torrens—I thank them all—and myself. I also thank the managers from another place, including the Minister of Agriculture (Hon. F.T. Blevins), and the Hons J.C. Burdett, Anne Levy, R.I. Lucas, and C.M. Hill.

The Government is happy to accept the compromise arrived at by the conference. The matter at issue with regard to the membership of the Non-Government Schools Registration Board was the policy situation between the non-government schools sector and the Ministerial appointees. In relation to the inspection panels, although there has been a significant backdown by the Government in terms of its decision to allow board members to be members of the inspection panels, there is now a legislative prescription to the effect that an Education Department nominee is included on the inspection panels. That has been a fact of life in relation to inspection panels ever since the board was established. However, it is now legislatively prescribed.

I thank the conference managers for their work. It is quite clear to me that the Government has emerged from this episode without blemish. The Government put propositions to the community and the non-government schools sector that have varied significantly in relation to this issue ever since July of this year. By taking into account the views expressed to us by the non-government schools sector, we have modified our position significantly. That fact needs to be recorded, especially in light of certain statements to the effect that the Government has been attempting to act in a jackboot manner. Nothing could be further from the truth. The Government has indicated its willingness to express its views and modify them accordingly. The substance of the Bill with the amendments proposed by the Non-Government Schools Registration Board itself are accepted without amendment.

The point in relation to a reviewing process every five years has been accepted, basically without amendment. The concept that a fee should be paid has been accepted with a variation to the amount of the fee to be paid. It is up to the Committee to accept the recommendations of the conference so that the Bill can take effect and the board can continue the work that it has been doing since it was first established.

The Hon. MICHAEL WILSON: I am rather sorry that the Minister made his last few remarks, because I was prepared to be very conciliatory and very complimentary to everyone involved with the conference. However, by regurgitating the substance of the second reading debate he has made it difficult for me. I was only going to speak for a couple of minutes to the effect that the Opposition supported the motion—I was then going to sit down. I am sure that the Committee would be upset that the Minister has goaded me into this situation, especially as we approach Christmas. Despite the Minister's closing remarks, the Opposition supports the motion. I, too, pay a compliment to the way the conference worked: it was quite interesting. Certainly, the member for Bragg, who was attending his first deadlock conference, would have found it very interesting, not to say puzzling, at times. It was a good conference, and we did reach a compromise. I am not sure that the compromise was quite the victory for the Minister that he may have wanted us to believe, although I will give him credit for saying that on the second amendment (the one dealing with the inspection panels), the Government did back down.

The Hon. Lynn Arnold interjecting:

The Hon. MICHAEL WILSON: 'Significant' was the word. The Minister should not interrupt me when I am paying him a tribute for telling the truth. If we want to allocate a points score, as the Hon. Anne Levy did in another place, I guess for those forces who were opposing the Government's amendments, as against those requested by the Non-Government Schools Registration Board, we could put it at one and a half out of two, but that is fairly pedantic and carping.

The Minister has admitted that there was a significant backdown on the question of inspection panels, which can be exactly the same as they are now. The Minister is quite correct. It has now been enshrined in legislation and certain

requirements, as far as nominees from each sector, have been laid down. That is right and proper and is an improvement on the parent Act. We should not lose sight of the fact that the inspection panels can continue as they are at the moment. I know that my very good friend from Davenport has mentioned to me over the past few days that that is of very great concern with certain non-government schools in his area.

The Hon. D.C. Brown: You should have been at the Seymour speech night last night. I have been to two in the past two weeks, and—

The CHAIRMAN: Order! The member for Davenport has neither the recommendation nor the floor.

The Hon. MICHAEL WILSON: I was trying to save the member for Davenport's having to get up and speak to this motion. He can now carry the message back to the Principal of Seymour and others as to the stand taken by the Opposition on these amendments which have come to the fore.

The Hon. D.C. Brown: And the excellent job being done by the shadow Minister.

The CHAIRMAN: Order!

The Hon. MICHAEL WILSON: As we get to the end of the session there is occasion for levity, which does not go amiss from time to time. On the question of the nominations to the board, the Opposition in this place was not completely successful with the amendments I moved. There was a modification and the conference accepted and recommended that the Government should have its way with an extra nominee to the board. Certainly, as a counter proposal (and the Government accepted this) there were to be certain restrictions.

The Hon. Lynn Arnold interjecting:

The Hon. MICHAEL WILSON: The Minister is being very kind tonight. He has said that it is reasonable. There are to be certain restrictions on the additional nominee in that the Chairman should be nominated now as an independent Chairman by the Minister. That would leave the Minister with the power to have the present Chairman, Mr Dudley Harris, retain that office if it is the wish of the Minister and Mr Harris. Mr Dudley Harris is highly respected by all sections of the education community.

A further provision is that the Chairman will no longer have two votes but only one and, therefore, if a contentious matter did come before the board and there was a four/four vote (a tied vote), the matter would lapse and the *status quo* would prevail. Knowing the complement of the present members of the board, I am sure that consultation and reason will prevail and decisions for the benefit of students in the non-government sector will result.

All in all, having extended my remarks for a little longer than I meant to, I think it is a very satisfactory result. Certainly, the Opposition is extremely pleased that it took the strong stand that it did on the legislation, and I repeat that the bulk of the legislation—that asked for by the Registration Board itself—is very important. In the debate on this matter that has tended to be lost sight of because of the more controversial nature of the Minister's own amendments.

The Hon. Lynn Arnold: And the review process—

The Hon. MICHAEL WILSON: And, indeed, the review process has been reviewed by everyone.

The Hon. Lynn Arnold interjecting:

The Hon. MICHAEL WILSON: The Minister has had his speech; let me finish mine. I have had enough trouble with the member for Davenport, let alone the Minister.

The CHAIRMAN: Order! The Chair is having trouble with the member for Torrens.

The Hon. MICHAEL WILSON: The importance of those amendments requested by the board should not be lost sight of. They will give the board the power and flexibility to do its job as officers of the Minister and as an arm of the Government, having a very responsible position in assessing whether non-government schools should be registered, and then further, under the new legislation, in reviewing all non-government schools every five years. The Opposition supports the motion.

Motion carried.

ADJOURNMENT

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

That the House at its rising adjourn until Tuesday 20 March 1984 at 2 p.m.

In so doing, I will make the comments that are usually made at this time of the year, and quite rightly at the closure of the very long session that we have had—a very trying session for almost everyone, with long hours, and much hard work being done generally very capably by the officers and staff of the House, without whom this Parliament could not function. I refer to the Clerks at the table and all the officers, the Attendants (as they are now named, rather than 'messengers'), the Library and research staff and the *Hansard* reporting staff.

I give particular thanks to *Hansard* for bearing with us on many occasions when we have been sitting extremely late. I do not attach any blame to anybody for these very late sittings; they are a part of the lifestyle of this place—I wish that they were not. I know that *Hansard* in particular has been under a great deal of duress in trying to formulate rosters. I thank *Hansard;* indeed, I thank all staff, but I know that *Hansard* has had special difficulties, particularly in giving people sufficient time off to enable them to report Parliamentary and Select Committees the next morning. I realise that they have had tremendous difficulties.

Refreshment and dining-room staff perform a magnificent service to this Parliament. Everyone in this House would have to join with me in congratulating the Supervisor and all staff who attend to our every-day wants and moods, whatever we may be in, very willingly, obligingly, and extremely well. The caretakers look after us well and make a very great contribution to the support staff of this House. In case I have missed anyone, I extend my remarks to everyone associated with the House. On behalf of the Premier, who cannot be here tonight, and members of the Government I wish everyone associated with the staff a very happy Christmas and a prosperous and peaceful new year. I hope that everyone can now enjoy life a little more than they have been able to enjoy it in the past few weeks.

As I said earlier, it has been one of the most trying sessions that I have been associated with in this House. Fortunately, we have had the staff to help us through. Tempers become frayed on occasions; I know that toll is taken on almost every member in this House. I do not want to pursue that matter any further, but just mention that something probably needs to be done in the new year or later in respect of the late sittings of the House. I expect that some time next year the Hon. Mr Sumner's Select Committee will be able to report.

I think that all of us, and the staff of this House, would welcome some changes to the sitting arrangements so that we can all enjoy a normal life. Once again, I wish everyone a very happy Christmas: I include the Opposition members, because I do not know whether I have mentioned them yet or not. I hope all members go away, have a happy Christmas with their families, and return to this House on 20 March fit and well so that we are able to deal with the legislation introduced at that time.

Mr OLSEN (Leader of the Opposition): I place on record the Opposition's appreciation of the work done by all members of the staff of Parliament House over the past year. The efforts of all staff within the precincts of Parliament House in supplying support services have been very much appreciated. There is no doubt that it has been a very busy Parliamentary year, particularly in recent days, with many all-night sittings. It must be remembered that not only members must endure those circumstances, but also the staff who service the Parliament.

I will place on record, indeed it would be remiss of me not to do so, the different groups within Parliament House precincts who help keep the House functioning, both on sitting days and at other times. The Deputy Premier has referred to a number of groups of people and I endorse his remarks in that regard in thanking all Parliament House staff and those who assist with the procedures of the Parliament.

I thank the officers at the table for their advice and asistance throughout the year. Likewise, I thank the *Hansard* staff and add my commendation for a job exceedingly well done when we have sat here in the early hours of the morning. The *Hansard* staff has been mentioned by the Deputy Premier and they sit through those hours with us to record the proceedings of Parliament.

The Hon. Michael Wilson: They don't have a chance to snooze.

Mr OLSEN: They do not have a chance to sleep through the proceedings, as one or two members have been known to do. I thank them very much for their assistance. I thank the Library staff, catering staff, maintenance staff, the caretaker and the girls who operate the switchboards (who we do not usually see because they are behind the scenes closeted behind the switchboard) who all provide a very valuable service to us.

The Hon. Michael Wilson: As we don't see the cooks.

Mr OLSEN: We do not see the cooks. I thank also Parliamentary Counsel who, it is fair to say, have over the past fortnight had a very difficult task to undertake in preparing a whole series of amendments to complicated and detailed legislation as a great bulk of legislation has come before the Parliament during that time. For the tolerant understanding and the way in which the Parliamentary Counsel have responded to our needs, I say thank you very much.

The Hon. Michael Wilson: Superb job!

Mr OLSEN: Indeed, it is a superb job, as the member for Torrens quite rightly indicates, and their efforts should be well recognised by members of this House. I say thank you to the police officers who sit with us into the early hours of the morning, protecting us—from what I am not quite sure. We thank them for their tolerance, as indeed we thank other people in this House who sit here to the wee hours of the morning wondering why we are sitting here. We thank them for their assistance and support.

I thank the secretarial staff who contribute to the smooth running of the House with a great deal of dedication and courtesy. To all those people who provide services for us, I say, thank you very much. To the Opposition officers placed within this building (but for a brief period of time at least) I would like to extend a special thank you. By virtue of the fact that their officers are here in Parliament House, they are called upon to assist us above and beyond the duties extended by officers assisting other members of Parliament. We make constant demands on them and constant use of the facilities within Parliament House. I thank them very much for the way they have assisted the Opposition in that regard.

There is a group of people who are not here and who do not operate within the precincts of Parliament House; I refer to the electorate secretaries whose work and support make it possible for us as members of Parliament to be away from our electorate offices and our constituencies to do our work in the Parliament. They keep our offices functioning while we are not in attendance, and I for one certainly appreciate the work that has been done by them over the past 12 months, as I have had very little opportunity to be at my electorate office. I am sure all members would support me in thanking our electorate secretaries for the work they have done.

Mr Trainer: Plus the electors we represent.

Mr OLSEN: Christmas time is a time of goodwill, even to the member for Ascot Park. I would like to extend to members of the Government as well as members of the Liberal Party, and, of course, I include in that the members for Flinders and Semaphore and their families, best wishes for Christmas. May it be a very joyous time, a time of peace and goodwill for families. Quite often members of Parliament are taken away from their families and their home environment, and obviously Christmas is a time when people can get together with their family units once again. I hope that the Christmas period is a very valuable and enjoyable one for all members and their families and I wish them a happy 1984.

Mr BLACKER (Flinders): I take this opportunity of adding my greetings to those already so ably expressed by the Deputy Premier and the Leader of the Opposition, and I join with them in adding my thanks to all the members of the staff for their work and to others who have assisted throughout the year. As I have said before, as an individual in Parliament I sometimes have to call on members of the staff for advice a little more often than maybe others do. For that reason I thank each and every one of those people who has helped me out. Without being repetitious and referring to the names of all the people and the classifications of people whom I would like to mention, I simply say thank you very much to everyone for the services that they have provided so far this year. I take this opportunity to extend the compliments of the season to all members of the staff. I trust that we will all continue on 20 March with a very worthwhile session.

Mr PETERSON (Semaphore): It has all been said, I suppose, but on the last day of session for this year I too offer my support to all the kind words that have been expressed. As I have said before, it is a pity that we do not remember these sentiments during the year at times when there is animosity and we get a bit aggro with each other. However, that is all forgotten at Christmas time. I add my thanks to everyone who works in this place, whether they sit in this Chamber or perform all the services here. One of the saddest things, especially for those of us with young families, is that they grow up and we do not see them. We forget that the staff have the same problem. We are all out night after night. I thank the staff for their efforts. To all members in this House, whatever their politics or whatever side they sit on, I wish them all and their families the very best at Christmas. I hope that the new year will be most fruitful and satisfying to everyone. Let us hope that the direction of the legislation in which the good Lord guides us in our decisions is fruitful for the State.

The Hon. D.C. Wotton: Let us hope that Taperoo beach is cleaned up.

Mr PETERSON: I was not going to mention Taperoo Beach, but it has now been four years, and I think I was as close as I have ever been to getting it fixed. I am confident that 1984 is Taperoo year; but I digress. I offer my best wishes to everybody here, and to their families. I hope that Christmas is happy for you all. To all the staff, please accept

my thanks for your assistance. I thank everyone who helped me through the year on both sides of the House and the staff. Let us hope next year is a good year for South Australia.

Mr BECKER (Hanson): I endorse the remarks of the previous speakers. In adding my thanks to the staff, I would like to especially single out the staff of the Public Accounts Committee. I commend them for the hard work and the loyalty that they have given the Parliament during the past 12 months. I also take this opportunity to place on record my appreciation and that of Opposition and Government members for the very loyal and dedicated service of Mr Brian Wood, Secretary of that committee. He was the first Secretary of the committee, having established it and served just over 10 years in that capacity. He is now to be transferred to the Public Service Board.

In the 10 years he has served to establish the committee and work for the Parliament, I do not believe that anyone could have given such enthusiastic assistance and support to the various Chairmen or served the members of Parliament with such extreme loyalty. There is no doubt that he may very well have paid for that. I hope that that is not so. I hope that in his transferring back to the Public Service Board the skills that he has developed as Secretary of the Public Accounts Committee will be of great benefit to the Public Service of this State. I quite agree with what the Premier said today: we have a very good Public Service. Unfortunately, we will have a bit of an ailing Public Service if we are not careful, so persons of the capacity of Brian Wood will be of wonderful benefit to the State.

The SPEAKER: To the various groups who assist in the running of this very complex organisation, I extend my heartfelt thanks. To those in the catering division, there can be no doubt there has been an enormous improvement and there will be a continued improvement over the time to come; likewise in the caretaking (or, as it will come to be known, building attending) section; and likewise also to the table officers. To the attendants and, finally, Parliamentary Counsel (who are not called upon for a great time of the year but when they are called upon they are required to work with a peculiar intensity and pressure which I fully understand as a brother in their profession) my very sincere thanks on behalf of the Parliament—not on my behalf, because I am not putting forward any legislation.

So I support the remarks of the honourable Deputy Premier and the Leader. I would like to extend to all members and staff and their families my wishes for a merry Christmas and a happy and healthy New Year. To the staff of the Joint House Committee, my very sincere thanks for their hard work, and to the members of the Joint House Committee, my very sincere thanks for their hard work and their burden in putting up with me during the past year. I wish everyone peace, the true spirit of communication, so that all may prosper during the coming year.

Motion carried.

At 9.48 p.m. the House adjourned until Tuesday 20 March 1984 at 2 p.m.